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#### CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION:	Page
Adjustments, etc.:	
Ford Motor Co. and Ferguson, Harry, Inc. ....	7406
McGrath, H. J., Co. ....	7406
Nolde and Horst Co. ....	7406
Northwestern Steel and Wire Co. ....	7416
Old Fort Provision Co. ....	7416
Oliver Iron and Steel Corp. (4 documents) .....	7415, 7416
Smith, Kline and French Laboratories, Inc. ....	7407
Staple Cigar Co. ....	7407
Alcohol, ethyl (RPS 28, Ams. 2 and 3) .....	7401, 7402
Canned fruits and berries (MPR 197, Am. 1) .....	7403
Cement (MPR 224) .....	7396
Cocoa beans and cocoa butter (RPS 51, Am. 2) .....	7404
Commodities and services:	
Cotton ginning (MPR 211, Am. 1) .....	7406
Footwear (Sup. Reg. 14, Am. 23) .....	7401
Hosiery, sales of used silk or nylon (Sup. Reg. 14, Am. 25) .....	7400
Defense-rental areas:	
Accommodations other than hotels and rooming houses (Am. 3) .....	7404
Hotels and rooming houses:	
MRR 40A, Am. 2 .....	7399
MRR 44A, Am. 1 .....	7405
Gasoline rationing (Order 5A, Am. 10) .....	7399
Puerto Rico (Order 5B, Am. 4) .....	7400
Rayor. yarn and staple fiber (MPR 167, Am. 2) .....	7403

#### CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued.	Page
Sugar rationing (Order 3, Am. 12) .....	7406
Typewriter rationing (Order 4, Am. 5) .....	7405
SECURITIES AND EXCHANGE COMMISSION:	
Broadway and 58th Street Corp., et al., hearing .....	7416
Engineers Public Service Co., et al., divestiture required .....	7417
Wright, Charles C., et al., expulsion from national securities exchanges .....	7418
WAR PRODUCTION BOARD:	
Cryolite (M-198) .....	7394
Electronic equipment (L-183) ..	7396
Lighting fixtures, blackout and dimout (L-168) .....	7394
Tools, hand; simplification (L-157):	
Axes, etc. (Schedule II) .....	7386
Saws, manually-operated, etc. (Schedule III) .....	7389
Tractors, track-laying, etc. (L-53-b, Interpretation 1) ..	7385
Turbo-blowers (L-163, Am. 1) ..	7394

Chairman of the War Manpower Commission more effectively to carry out the responsibility vested in him by Executive Order No. 9139,<sup>1</sup> dated April 18, 1942, of assuring the most effective mobilization and utilization of the national manpower, it is hereby ordered as follows:

1. The following agencies, functions, duties, and powers are transferred to the War Manpower Commission in the Office for Emergency Management of the Executive Office of the President and shall be administered under the supervision and direction of the Chairman of the Commission:

(a) The United States Employment Service and all functions, duties, and powers of the Social Security Board in the Federal Security Agency relating to employment service.

(b) The National Youth Administration in the Federal Security Agency, and its functions, duties, and powers.

(c) The Apprenticeship Training Service in the Office of the Federal Security Administrator, and its functions, duties, and powers, including those relating to the program to encourage apprentice training in national defense industries.

(d) The Training Within Industry Service in the Office of the Federal Security Administrator, and its functions, duties, and powers.

The Apprenticeship Training Service and the National Youth Administration shall be preserved as organizational entities within the War Manpower Commission.

2. The following functions, duties, and powers are transferred to the Chairman of the War Manpower Commission:

<sup>1</sup> 7 F.R. 2919.

(a) All functions, duties, and powers of the Federal Security Administrator relating to the administration of any agency or function transferred by paragraph 1 of this order.

(b) All functions, duties, and powers of the Federal Security Administrator relating to the following matters administered by the Office of Education: loans to students in technical and professional fields (national defense); education and training, defense workers (national defense); and visual aids for war training (national defense).

3. All records and property (including office equipment, contracts, agreements, and leased office space) used primarily in the administration of any agency, function, duty, or power transferred by this order, and all personnel used primarily in the administration of such agencies, functions, duties, and powers (including officers whose chief duties relate to such administration) are transferred to the War Manpower Commission for use in the administration of the agencies, functions, duties, and powers transferred by this order. So much of the unexpended balances of appropriations, allocations, or other funds available for the use of any agency in the exercise of any function, duty, or power transferred by this order or for the use of the head of any agency in the exercise of any function, duty, or power so transferred, as the Director of the Bureau of the Budget shall determine, shall be transferred to the War Manpower Commission, for use in connection with the exercise of functions, duties, and powers so transferred. In determining the amounts to be transferred, the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer.

4. In order to maintain, to the maximum extent consistent with the effective prosecution of the war, the essential coordination and integration of public employment service and unemployment compensation functions, and to avoid any necessity for establishing duplicate public employment office facilities, the Chairman of the War Manpower Commission is directed to provide for making available to agencies charged with the administration of unemployment compensation laws, such services, information, and facilities by the United States Employment Service and its public employment offices as the Chairman of the War Manpower Commission finds will not be inconsistent with the effective prosecution of the war and as the Social Security Board finds necessary for the proper and efficient administration of such unemployment compensation laws.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

September 17, 1942.

[F. R. Doc. 42-9275; Filed, September 18, 1942; 12:08 p. m.]

**Regulations**

**TITLE 7—AGRICULTURE**

**Chapter III—Bureau of Entomology and Plant Quarantine**

[B. E. P. Q. 499, Supp. No. 7]

**PART 301—DOMESTIC QUARANTINE NOTICES**

**JAPANESE BEETLE ADMINISTRATIVE INSTRUCTIONS MODIFIED**

*Introductory note.* Experiments with methyl bromide dissolved in water and applied to specified soil areas have resulted in the development of new methods for treating the soil of areas free from plants and of individual items of nursery stock in field rows. The application of this treatment in meeting the requirements of the Japanese beetle quarantine must be conducted under the supervision of an inspector of the Division of Japanese Beetle Control, 266 Glenwood Avenue, Bloomfield, N. J., and in accordance with detailed instructions furnished by him.

Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by §§ 301.48-6 and 301.48-7, Chapter III, Title 7, Code of Federal Regulations [regulations 6 and 7 of the rules and regulations supplemental to Notice of Quarantine No. 48], paragraphs (k) and (m) of § 301.48b [circular B. E. P. Q. 499, issued June 9, 1939], as amended, are hereby further amended effective September 18, 1942, by the addition of the following subparagraphs:

§ 301.48b *Administrative instructions to inspectors on the treatment of nursery products, fruits, vegetables, and soil, for the Japanese beetle.* \* \* \*

**TREATMENT OF SOIL IN ABSENCE OF PLANTS**

(k) *Soil in and around coldframes, plunging beds, and heeling-in areas.* \* \* \*

(6) *Methyl bromide solution—(i) Season.* The treatment can be applied at any time when conditions are suitable between October 1 and May 15.

(ii) *Equipment.* Equipment includes a gastight drum, complete with spigot and hose, methyl bromide applicator, collars when necessary, and measuring cans. Such equipment must be inspected, tested, and approved by an inspector of the Department before use.

(iii) *Preparation of solution.* The solution must be prepared in accordance with the directions of the inspector.

(iv) *Condition and type of soil.* Soil of any type may be treated provided the surface can be pulverized sufficiently to absorb the solution. To prepare a well pulverized surface, areas to be treated must be leveled and thereafter cultivated to loosen the soil to a depth of at least 1 inch. The treatment must not be applied during rain. The surface of wet soil should be tilled, allowed to dry for at least 24 hours, and then pulverized preparatory to treatment.

(v) *Dosage and application.* The dosage shall be at the rate of 3 gallons of solution per 1 square yard. The strength of the solution shall be based

on the minimum soil temperature within the top 6 inches as follows:

Minimum soil temperature in top 6 inches (°F.):	Percentage concentration by volume of methyl bromide
47 to 56, inclusive.....	0.150
57 to 67, inclusive.....	0.100
68, and over.....	0.050

The surface must be divided by strings or marks in the soil into units of approximately 1 square yard. The solution is to be applied uniformly in a crisscross pattern to the soil surface from the spout of a sprinkling can or other vessel with a similar spout, held no more than 6 inches above the soil surface.

(vi) *Safety zone.* In addition to the area desired to be certified, a strip 3 feet wide must be treated around the entire coldframe, plunging bed, or heeling-in ground. No plants will be certified from this strip. In the case of coldframes, etc. extending into the ground to a depth of 12 inches or more, no safety zone is required.

(vii) *Marking.* In the case of coldframes, etc. having fixed boundaries, proper designations will be made on them by the inspector. In all other cases the nurserymen shall furnish suitable stakes, at least 4 inches square and 30 inches long, to be placed at the boundaries of the certified plots and marked by the inspector.

(viii) *Period of treatment.* The area must remain undisturbed for a period of 48 hours after treatment.

(ix) *Alternative treatment.* If 1-square-yard collars are used in treating frames, plunging beds, and heeling-in areas, the dosages and methods of procedure listed below for treatment of soil about the roots of plants may be used.

**TREATMENT OF SOIL ABOUT THE ROOTS OF PLANTS**

(m) *Treatment of plants before digging.* \* \* \*

(3) *Methyl bromide solution, collar treatment—(i) Season.* The treatment can be applied at any time when conditions are suitable between October 1 and May 15.

(ii) *Equipment.* The equipment required is the same as that under "Treatment of Soil in Absence of Plants" (subparagraph (6) of paragraph (k)) except that collars are necessary.

(iii) *Preparation of solution.* The required solution must be prepared in accordance with the directions of the inspector.

(iv) *Dosage, solution, concentration, and soil temperatures.* The dosage is at the constant rate of 3 gallons per square yard. The percentage concentration of methyl bromide in solution, by volume, is dependent upon the minimum soil temperature within the top 6 inches, as follows:

Minimum soil temperature in top 6 inches (°F.):	Percentage concentration of methyl bromide
47 to 51, inclusive.....	0.100
52 to 56, inclusive.....	0.075
57 to 62, inclusive.....	0.050
63 to 67, inclusive.....	0.040
68 to 72, inclusive.....	0.025
73 and over.....	0.015

(v) *Condition and type of soil.* There are no limitations so long as there is no standing water on the area to be treated and all of the solution enters the soil within 30 minutes after application.

(vi) *Preparation of collar areas.* The area must be free from weeds and debris and must be practically level. Leveling can be expedited by filling in and subsequent tamping to produce a uniformly packed subsurface for the application. The entire surface of the collar about the plant treated must be loosened to a depth of 1 inch. The collar should be set so that the solution will not break out beneath or through it.

(vii) *Safety area.* The collar must be of sufficient size so that a safety margin of soil of at least 2 inches all around remains when the treated nursery stock unit is dug for balling.

(viii) *Withdrawal and application of solution.* The solution is to be withdrawn from the preparation-drum through a hose extending to the bottom of the dosage-measuring vessel. It must be poured from the open top of the vessel onto the collar area quickly and without unnecessary splashing. Immediately thereafter the soil within the collar must be smoothed off without splashing so that the entire surface is uniformly submerged.

(ix) *Use period.* If the drum is tightly sealed between dosage withdrawals, the solution may be used at any time within 24 hours after preparation. While in storage between treatments within this period the drum must be shaded.

(x) *Treatment period.* The plants must be dug not less than 20 hours or more than 48 hours after treatment.

(xi) *Plant reactions.* The Department's records on plant reactions to the treatment are limited. Such information as is available will be supplied on request to the Division of Japanese Beetle Control. All interested nurserymen are advised to run test lots of their own stock for observation. So far as possible, the Department will cooperate in this testing on written request to the Division of Japanese Beetle Control, 266 Glenwood Avenue, Bloomfield, N. J.

(xii) *Precautions.* Directions as to precautions may be obtained from the above Division and should be observed.

(Sec. 8, 39 Stat. 1165, 44 Stat. 250; 7 U. S. C. 161).

Done at Washington, this 14th day of September 1942.

[SEAL] P. N. ANNAND,  
Chief.

[F. R. Doc. 42-9263; Filed, September 18, 1942; 11:42 a. m.]

[B. E. P. Q. 499—Supp. No. 1, Sixth Revision]

**PART 301—DOMESTIC QUARANTINE NOTICES**

**JAPANESE BEETLE ADMINISTRATIVE INSTRUCTIONS MODIFIED**

*Introductory note.* Two new schedules for methyl bromide fumigation of potted or bare-rooted plants are provided in this revision of supplement No. 1. These two treating schedules, at lower temperatures than have heretofore been

authorized, are Nos. 8 and 9 in the table under subdivision (1). The instructions as to fumigation of packaged plants are carried forward in this revision of the supplement.

§ 301.48b *Administrative instructions to inspectors on the treatment of nursery products, fruits, vegetables, and soil, for the Japanese beetle; treatment authorized.* Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by § 301.48-6, Chapter III, Title 7, Code of Federal Regulations [regulation 6 of the rules and regulations supplemental to Notice of Quarantine No. 48], paragraph (1) (5) of § 301.48b [on page 13 of the mimeographed edition of circular B.E.P.Q. 499, issued June 9, 1939] is hereby further modified effective September 18, 1942, to read as follows:

TREATMENT OF SOIL ABOUT THE ROOTS OF PLANTS

(1) *Treatment of plants after digging.* \* \* \*

(5) *Methyl bromide fumigation—Equipment.* An approved fumigation chamber equipped with vaporizing, air-circulating, and ventilating systems must be provided.

*Application.* After the chamber is loaded, the methyl bromide must be vaporized within it. The air within the chamber must be kept in circulation during the period of fumigation. At the completion of the treatment, the chamber must be well ventilated before it is entered and the plants removed. The ventilating system should also be in continuous operation during the entire period of removal of the fumigated articles.

(i) *Fumigation of plants, with or without soil—(a) Temperatures, periods of treatment, and dosages.* The temperature of the soil (with bare root stock, the root spaces) and of the air for each type of treatment must remain throughout the entire period of treatment at the minimum specified in the following table, or higher:

Temperature at least	Period of treatment	Dosage (methyl bromide per 1,000 cubic feet)	
		Hours	Pounds
1. 73° F.....	2½	2½	1½
2. 67° F.....	2½	2	2
3. 63° F.....	2½	2½	2½
4. 60° F.....	3	2½	2½
5. 57° F.....	3½	2½	2½
6. 54° F.....	4	2½	2½
7. 50° F.....	4½	2½	2½
8. 46° F.....	4	3	3
9. 43° F.....	4½	3	3

The dosage shall be for each 1,000 cubic feet including the space occupied by the load.

(b) *Preparation of plants.* The treatment is to be applied to plants with bare roots or in 14-inch pots or smaller, or in soil balls not larger than 14 inches in diameter nor thicker than 14 inches when not spherical. The soil should not be

puddled or saturated and must be in a condition which in the judgment of the inspector is suitable for fumigation. The plants should be stacked on racks or separated so that the gas can have access to both top and bottom surfaces of pots or soil balls. While not essential that the balls be completely separated from each other they should not be jammed tightly together.

(c) *Packaged plants.* Boxed or wrapped plants in packages not more than 14 inches in diameter may be fumigated at any one of the above nine temperatures, periods of treatment, and schedules. In order that the fumigant may have access to the roots and soil masses about the roots, the wrapping shall not be tightly closed.

(d) *Varieties of plants.* The list of plants, including greenhouse, perennial, and nursery-stock types treated experimentally, is subject to continual expansion and, moreover, is too great to include in these instructions.

The schedule for the fumigation of strawberry plants as specified in subparagraph (5) (ii) of paragraph (1) of § 301.48b [page 14 of the mimeographed edition of circular B. E. P. Q. 499] remains the same as heretofore.

(Sec. 8, 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161.)

This supplement supersedes Supplement No. 1—revised effective April 23, 1942.

Done at Washington, D. C., this 16th day of September 1942.

[SEAL] P. N. ANNAND,  
Chief.

[F. R. Doc. 42-9264; Filed, September 18, 1942; 11:42 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1620]

PART 330—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 10

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in

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

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

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 330.4 Price groups—Supplement R

Price group No.	Producer	Mine	Mine Index No.	Freight origin group	Shipping Point	Railroad
5	Stump, C. C.....	New Superior Coal Co.....	1202	133	Harrisburg, Ill.....	NYC.

<sup>1</sup> The f. o. b. mine prices for Mine Index No. 1202, shall be the same as the prices provided for the mines in Price Group 5, Minimum Price Schedule for District No. 10 for All Shipments Except Truck and shall be subject to the same adjustments in f. o. b. mine prices for differences in freight rates as are therein provided for other mines in Freight Origin Group 133 having the same freight rates as Mine Index No. 1202; and on shipments for railroad locomotive fuel, the f. o. b. mine prices for Mine Index No. 1202 shall be: Mine Run—\$2.25, Screenings—\$1.70 per ton f. o. b. cars Harrisburg, Illinois.

<sup>2</sup> Shipping Point Marion, Ill., Freight Origin Group 142 is no longer applicable.

NOTE: Relief granted in Docket A-1079 is hereby terminated.

[F. R. Doc. 42-9211; Filed, September 17, 1942; 11:45 a. m.]

the matter of the petition of the New Superior Coal Co. for the establishment of price classifications and minimum prices for the coals of its New Superior Coal Co. Mine in District No. 10.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of its New Superior Coal Co. mine (Mine Index No. 1202) in District No. 10 for rail shipment; and

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

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

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

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 330.4 (Price groups) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

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

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

Dated: September 10, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[Docket No. A-1481, Part II]

**PART 333—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 13**

**J. A. GARRETT—SUPREME BLACK CREEK COAL  
CO.**

Findings of fact, conclusions of law, and memorandum opinion and order in the matter of the petition of District Board No. 13 for the revision of price classifications and minimum prices for the coals of the Happy Hollow Mine (Mine Index No. 326) of J. A. Garrett and for the establishment of price classifications and minimum prices for coals of the Cross Roads Mine (Mine Index No. 171) of Supreme Black Creek Coal Company, Inc., for all shipments except truck.

This proceeding was instituted upon an original petition filed with the Bituminous Coal Division on June 1, 1942, by District Board No. 13, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests the establishment of price classifications and minimum prices of the coals produced at Mine Index No. 171 and a revision of the classification and minimum prices of the coals produced at Mine Index No. 326.

On July 6, 1942, 7 F. R. 5697, the Acting Director issued an order separating from Docket No. A-1481 and designating as Docket No. A-1481 Part II, that portion of the docket relating to Mine Index Nos. 326 and 171. Temporary price classifications and minimum prices were established for Mine Index No. 171 by Order of the Acting Director under date of July 6, 1942, 7 F. R. 5697. Pursuant to an order and after due notice to interested parties, a hearing in this matter was held on August 4, 1942, before Edward J. Hayes, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. Interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The petitioner, District Board No. 13, appeared. Preparation and filing of a report by the Examiner was waived and the record was thereupon submitted to the undersigned.

**1. The Happy Hollow Mine.** The petitioner requests the reduction in minimum prices for the Happy Hollow Mine (Mine Index No. 326). This mine was included in the original truck price schedule as Happy Hollow Coal Company, A. C. Higginbotham, Mary Lee Seam, and priced accordingly. It was later taken over by the partnership of Garrett and Whitten and application was made for rail prices. An analysis submitted showed 7 per cent ash content and B. t. u. content of about 14,200. It was on the basis of this analysis that prices were established in Docket No. A-894, 6 F. R. 3472, for the coals of this mine.

In April 1942, the producer, claiming that he was unable successfully to market his coals at the established prices, furnished a more complete analysis of the mine run coal produced at the mine. This showed an ash content of some 15

to 20 per cent. N. E. Cross, Secretary of District Board No. 13, testified that coal with such high ash content is similar to the Mary Lee Seam coals, the poorest quality coal in the district, and price should be correlated with Mine Index Nos. 46 and 47 producing similar coal in this area. Based on the uncontroverted evidence of record I find that a reduction of the prices previously established for the coals of the Happy Hollow Mine is proper in order to reflect the market value of this coal and its relationship to other coals in the district.

**2. Cross Roads Mine.** When rail prices were first considered for the Cross Roads Mine, Mine Index No. 171, L. B. Baird, the producer, requested shipping points at Natural Bridge, Alabama, and Eldridge, Alabama, 6 and 8½ miles, respectively, from the mine, and these shipping points were assigned in Docket No. A-1049, Part II by an order issued March 17, 1942, 7 F. R. 2343. The present owner, the Supreme Black Creek Coal Company, Inc., now requests one shipping point, Natural Bridge, Alabama, on the Southern Railroad and asks that price classifications and minimum prices for Size Groups Nos. 7, 19, 20, 21, 22 and 26 for all shipments except truck from Natural Bridge, Alabama, be established, that

those size group classifications and prices previously granted be applicable only when shipped from Natural Bridge, Alabama, and that Eldridge, Alabama, no longer be a shipping point for the Cross Roads Mine. N. E. Cross, Secretary of District Board No. 13, testified that the present owner has never used the Eldridge shipping point and recommended that it no longer apply to this mine. Since the producer and district board agree that this mine have assigned only one shipping point, there is no objection to deleting from the schedule Eldridge as a permissible shipping point for this mine.

On the basis of the uncontroverted evidence I find that the establishment of effective price classifications and minimum prices requested are proper and will effectuate the purposes of section 4 II (a) and (b) of the Act and will comply with all the standards thereof.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date of this order, § 333.6 (General prices) is amended by adding thereto Supplement R which supplement is hereinafter set forth and hereby made a part hereof.

Dated: September 11, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

NOTE: The material contained in this Supplement R is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333. Minimum Price Schedule for District No. 13 and supplements thereto.

**§ 333.6 General prices—Supplement R**

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
326	JEFFERSON COUNTY, ALA.				
	Garrett, J. A. ....	Happy Hollow 1.....	1	Mary Lee.....	50
171	WINSTON COUNTY, ALA.				
	Supreme Black Creek Coal Co., Inc....	Cross Road 2.....	1	Black Creek.....	111

<sup>1</sup> Shipping point: Coalburg, Ala.; Railroad: So. Ry. This mine shall have in Size Groups 1 and 2, on each respective price table, the same prices as are listed in these respective size groups for Mine Index No. 46 (Gloss-Sheffield Steel & Iron Company, Lewisburg Mine, Price Schedule No. 1); and this mine shall have in Size Groups 7, 13, 22, and 23, on each such table, prices which are 10 cents less than those respectively listed in Size Groups 6, 12, 17, and 18, for said Mine Index No. 46. (These prices supersede those granted to this mine in Docket No. A-894, and the prices granted to this mine in Docket No. A-894 are hereby terminated.)

<sup>2</sup> Shipping Point: Natural Bridge, Ala.; Railroad: So. Ry. This mine shall have in Size Groups 7 and 22, on each respective price table, prices which are 10 cents less than those respectively listed in Size Groups 6 and 17, for Mine Index No. 14 (Galloway Coal Company, Hope Mine, Price Schedule No. 1); and in Size Groups 19, 20, and 21, on each such table, the same price as is listed hereon in Size Group 19, for said Mine Index No. 14; and in Size Group 26, on each such table, the same price as is listed thereon in that size group for said Mine Index No. 14.

<sup>3</sup> Denotes restriction to one shipping point and change in Freight Origin Group. Size Group classifications and prices as heretofore granted shall hereafter be applicable only when shipped from Natural Bridge, Ala. Shipping Point at Eldridge, Ala., shall no longer be applicable.

[F. R. Doc. 42-9213; Filed, September 17, 1942; 11:44 a. m.]

[Docket No. A-1609]

**PART 339—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 19**

**HOLLY NO. 1 MINE**

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 19 for the establishment of price classifications and minimum prices for the Holly No. 1 Mine.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party,

requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Holly No. 1 Mine, Mine Index No. 239, of code member George W. Bell in Subdistrict 6 in District No. 19 for shipments by both rail and truck; and

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

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

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

*It is ordered,* That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 339.4 (*Code member price index*) is amended by adding thereto Supplement R, and § 339.21 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

*It is further ordered,* That pleadings in opposition to the original petition in the above-entitled matter and applica-

tions to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

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

Dated: September 12, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 339, Minimum Price Schedule for District No. 19, and supplements thereto.

The following price classification and minimum prices shall be inserted in Minimum Price Schedule for District No. 19:

§ 339.4 *Code member price index*—Supplement R

Insert the following listing in proper alphabetical order:

Producer	Mine	Mine index No.	County	Shipping point	Sub-district price group	Railroad	F. O. G. No.	Prices	
								Rail	Truck
Bell, Geo. R. (Bell Coal Co.)	Holly No. 1.	239	Fremont	Riverton..	6	C. & N. W..	40	\$339.5	\$339.21

NOTE: The coals of the above listed Holly No. 1 Mine (Mine Index No. 239) of Geo. W. Bell shall take the minimum f. o. b. mine prices in cents per net ton for shipment by rail transportation into Market Areas shown under Subdistrict No. 6, §339.5, of the Schedule of Effective Minimum Prices for District No. 19, as amended

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

Insert the following code member name, mine name and county under Subdistrict No. 6, and the following prices:

TRUCK SHIPMENTS

Code member, mine name	County	Size groups												
		1	2	3	4	5	6	7	8	9	10	12	14	15
SUBDISTRICT NO. 6														
Bell, Geo. W. (Bell Coal Co.) Holly No. 1 Mine.	Fremont..	325	325	325	300	275	275	275	250	150	150	195	125	115

[F. R. Doc. 42-9212; Filed, September 17, 1942; 11:44 a. m.]

[Docket No. A-1533]

PART 335—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 15

ORDER GRANTING RELIEF  
*Correction*

The date of the document appearing on page 6931 of the issue for September 2, 1942, should read "August 22, 1942," instead of "August 2, 1942."

TITLE 32—NATIONAL DEFENSE  
Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control  
[Amendment No. XXXVIII]

PART 802 — GENERAL LICENSES

PART 804 — INDIVIDUAL LICENSES

MISCELLANEOUS AMENDMENTS

Section 802.13 *Ship and plane stores, supplies and equipment* is hereby amended to read as follows:

17 F.R. 7167.

§ 802.13 *Ship and plane stores, supplies and equipment.* (a) General licenses are hereby issued permitting exportation on freight or passenger vessels operating under the control of countries designated by numbers 1 through 3, 5, 6, 8 through 81, 88 through 91, 96 and 99 in §802.2 (a), or on vessels owned by or chartered to the United States Maritime Commission or the War Shipping Administration, of the following items:

(1) Bunker fuel, ordinary ship stores, sea stores, and supplies, exclusive of zinc plates, for use or consumption on board such vessels during the outgoing voyage and any immediate return voyage scheduled;

(2) Equipment and spare parts intended for permanent use on such vessels when necessary for their proper operation.

(b) General licenses are hereby issued permitting exportation on vessels other than those covered by paragraph (a) only of food stores for the outgoing and any immediate return voyage scheduled. Such food stores shall not be in excess of

6.85 lbs. per man, per day, which amount shall be distributed among individual food items in accordance with the list set forth below. An excess tolerance of .15 lbs. per man per day, may be allowed by the Collectors of Customs where, due to packaging, items of food stores cannot be split up. Additional food stores, not in excess of the amount allowable for 20% of the number of days required for the outgoing and return voyage, may be authorized for exportation by the Collectors of Customs where necessary for the ship's safety and "in port operations". In no event may the food stores included within groups B, C and I of the list set forth below exceed the individual amounts specified for such groups. However, the food stores included within groups A, D, E, F, G and H may exceed the amounts specified for such groups, *Provided*, That the aggregate of food stores included in both groups A and E does not exceed 4.00 lbs. per man, per day, and *Provided further*, That the aggregate of all food stores included in all groups does not exceed 6.85 lbs. per man, per day. The operators of vessels shall furnish to the Collectors of Customs requisitions based upon the information set forth in said list, and shall furnish the following additional information: name of vessel; nationality; name of agent; approximate number of days required for the outgoing and return voyage; the vessel's possible itinerary; and the number of crew and passengers. The list referred to above is as follows:

ITEM AND ALLOWANCE AUTHORIZED PER MAN,  
PER DAY

Group A:

- Meats { fresh.
- dried.
- canned (not to exceed .06 lbs.)
- Poultry and game.
- Fish { fresh.
- dried.
- canned (not to exceed .06 lbs.)
- Cheese
- Butter
- Eggs (8 to a lb.)
- Milk { fresh.
- canned.
- Cream { fresh.
- canned.
- Total for Group A 3.00 lbs.

Group B:

- Sugar.
- Total for Group B .20 lbs.

Group C:

- Potatoes.
- Total for Group C 1.00 lbs.

Group D:

- Vegetables { fresh.
- dried.
- canned.
- Fruit { fresh.
- dried.
- canned.
- Total for Group D .75 lbs.

Group E:

- Flour.
- Cereals.
- Bread.
- Biscuits.
- Crackers.
- Total for Group E 1.00 lbs.

Group F:

- Cocoa.
- Coffee.
- Tea.
- Total for Group F .25 lbs.

Group G:

- Beverages.
- Total for Group G .15 lbs.

**Group H:**

Other Groceries.

Total for Group H .50 lbs.

**Group I:**Tobacco<sup>1</sup>Cigarettes.<sup>1</sup>

Total per man, per day 6.85 lbs.

<sup>1</sup> Two (2) packs of cigarettes per man, per day, or the equivalent of four ounces of tobacco per man, per day.

(c) General licenses are hereby issued permitting exportation in planes departing from the United States of fuel, ordinary plane stores and supplies for use or consumption during the outgoing trip of such planes and any immediate return trip scheduled, and of equipment and spare parts when necessary for the proper operation of such planes.

Section 804.7 Special provisions concerning applications to export certain commodities,<sup>1</sup> is hereby amended in the following particulars:

1. Paragraph (j) *Bunker fuel* is amended to read as follows:

(j) *Bunker fuel*. All applications for licenses to export bunker fuel on vessels other than those covered by § 802.13 (a) of this subchapter must have the following information attached:

- (1) Name of ship and nationality.
- (2) Type of fuel.
- (3) Gross tonnage.
- (4) Net tonnage.
- (5) Deadweight tonnage.
- (6) Bunker capacity.
- (7) Permanent bunkers.
- (8) Average speed.
- (9) Type of engine.
- (10) Indicated horsepower at average speed.
- (11) Average daily consumption of coal (or oil) at sea.
- (12) Average daily consumption of coal (or oil) in port.

2. The following new paragraph is added:

(n) *Engine room, deck and cabin stores*. (1) All applications for licenses to export engine room, deck and cabin stores on vessels other than those covered by § 802.13 (a) of this subchapter must have attached thereto three copies of a list of the required stores. Two additional copies of such list must be submitted to the Collector of Customs in the

port where such stores are to be laden immediately upon arrival of the vessel.

(2) Where additional engine room, deck and cabin stores are required by such vessels after an application for a license has been filed with the Export Control Branch, requests for authority to export such stores must be submitted to the Collector of Customs in the port where the stores are to be laden. Such requests will be transmitted to the Export Control Branch by teletype or wire and the Collector of Customs will receive notification directly from the Export Control Branch by teletype or wire of the approval or rejection of such requests. In cases where exportation of such additional stores is authorized by teletype or wire, the applicant must thereafter submit to the Export Control Branch a license application in the prescribed form with a sheet attached to the duplicate copy marked "Approved by teletype or wire", and stating the date of such approval.

Section 804.10 Repair parts for certain vessels<sup>1</sup> is hereby amended to read as follows:

§ 804.10 *Repair parts for certain vessels*. Individual licenses for the exportation of repair parts for vessels other than those covered by § 802.13 (a) of this subchapter are conditioned upon the observance of the following requirements.

(a) Repairs to the vessel must be made prior to the departure of the vessel at the port where the repair parts are taken on board.

(b) Parts which are replaced by said repair parts may not be exported on the vessel, but must be discharged onto the pier at the port of installation.

Part 804, Individual Licenses, is further amended by adding the following new section:

§ 804.12 *Drums for oil, gas, liquids and solids*. Individual licenses for the exportation of all drums for oil, gas, liquids and solids, whether filled or unfilled, are subject to the condition that, if the drums are exported on vessels other than those covered by § 802.13 (a) of this subchapter, the drums must be stowed under deck.

This amendment shall become effective September 25, 1942.

(Sec. 6, 54 Stat. 714, Public Law 75, 77th Cong., Public Law 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F. R. 4951).

Dated September 16, 1942.

F. R. KERR,  
Chief, Export Control Branch,  
Office of Exports.

[F. R. Doc. 42-9252; Filed, September 18, 1942;  
11:31 a. m.]

**Chapter IX—War Production Board****Subchapter B—Director General for Operations****PART 1107—TRACK-LAYING TRACTORS AND AUXILIARY EQUIPMENT**

[Interpretation 1 of Supplementary Limitation Order L-53-b]

The following official interpretation is hereby issued with respect to § 1107.3, Supplementary Limitation Order L-53-b<sup>1</sup> dated July 7, 1942.

Supplementary Order L-53-b provides in paragraph (d) (1) that:

No producer shall sell or deliver repair parts to any person except to:

(i) The Army, Navy or Maritime Commission,

(ii) An authorized distributor or dealer of repair parts located within the continental limits of the United States or Canada,

(iii) Any person for export outside the continental limits of the United States or Canada.

These provisions do not prohibit a producer from shipping track-laying tractor parts directly to a consumer on behalf of a distributor or dealer who is authorized by the order to make delivery to such consumer. Shipment of track-laying tractor parts shall not be made to a consumer by a producer except when requested by a distributor or dealer who has obtained a certificate as required in Supplementary Limitation Order L-53-b paragraph (e) (1) and such request shall not be made by a distributor or dealer in violation of Supplementary Limitation Order L-53-b paragraph (e) subparagraphs (2) and (3). Shipment so made by a producer to a consumer at the request of a dealer or distributor must be considered as a delivery by the producer to the distributor or dealer and by the

<sup>1</sup> 7 F.R. 6931.

<sup>1</sup> 7 F.R. 5745.

<sup>1</sup> 7 F.R. 5174.

distributor or dealer to the consumer in conformance with Supplementary Limitation Order L-53-b paragraph (d) subparagraph (2) and (3) and paragraph (e) subparagraphs (2) and (3).

Issued this 18th day of September 1942.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 42-9257; Filed, September 18, 1942; 11:36 a. m.]

PART 1293—HAND TOOLS SIMPLIFICATION

[Schedule II to Limitation Order L-157]

FORGED AXES, FORGED HATCHETS, FORGED BROAD AXES, FORGED ADZES AND FORGED LIGHT HAMMERS

§ 1293.3 Schedule II to Limitation Order L-157—(a) Definitions. For the purpose of this schedule:

(1) "Producer" means any person who manufactures forges or otherwise fabricates forged axes, forged hatchets, forged broad axes, forged adzes and forged light hammers.

(2) "Forged light hammer" means a forged hammer weighing less than 4 pounds. (Handles not included in weight.)

(3) "Put into process" means the act by which a person first changes the form of material from that form in which it was received by him.

(b) Simplified practices. Pursuant to Limitation Order L-157, the kinds, grades, styles, sizes, weights and provisions set forth in the Appendices A, B and C hereto, are hereby established for the manufacture of forged axes, forged hatchets, forged broad axes, forged adzes and forged light hammers.

(c) Effective date of simplified practices. From and after 60 days subsequent to the date of issuance of this schedule, no producer shall manufacture a forged axe, forged hatchet, forged broad axe, forged adze or forged light hammer which fails to conform with the kind, grade, style, size, weight and provisions established by paragraph (b) of this schedule and set forth in Appendices A, B and C. From and after 45 days subsequent to the date of issuance of this schedule, no producer shall put into process any ferrous metal to make a forged axe, forged hatchet, forged broad axe, forged adze or forged light hammer which fails to conform with the kind, grade, style, size, weight and provisions established by paragraph (b) of this schedule and set forth in Appendices A, B and C.

A producer may at any time sell and deliver a forged axe, forged hatchet,

<sup>1</sup> 7 F.R. 5557, 5558, 6046.

forged broad axe, forged adze or forged light hammer in his possession which was manufactured prior to the expiration of 60 days from the date of issuance of this schedule.

(d) Application to manufacture exceptions. Application by a producer to manufacture a forged axe, forged hatchet, forged broad axe, forged adze or forged light hammer not in accordance with the specifications as set forth in Appendices A, B and C of this schedule shall be made in writing to the War Production Board, Building Materials Branch, Washington, D. C., Ref: L-157. The Director General for Operations may thereupon take such action as he deems appropriate.

(e) Records covering inventories and work in process. Upon the expiration of 60 days from the date of issuance of this schedule each producer shall compile and retain in his files:

(1) An inventory of his stock of forged axes, forged hatchets, forged broad axes, forged adzes, and forged light hammers not conforming to the kinds, grades, styles, sizes and weights as set forth in Appendices A, B and C of this schedule, and on hand as of said date.

(2) A record of all types of forged axes, forged hatchets, forged broad axes, forged adzes and forged light hammers in process of manufacture as of said date.

Such inventory and record shall be kept readily available and open to audit and inspection by duly authorized representatives of the War Production Board.

(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 18th day of September 1942.

ERNEST KANZLER,

Director General for Operations.

APPENDIX A TO SCHEDULE II—LIMITATION ORDER L-157

FORGED AXES

1. Patterns, bit styles, grades and sizes shall be as specified in the following tables 1, 2 and 3.

2. (a) A plain bit shall be a bit in which the transverse surface is continuous.

(b) A bevel bit shall be a bit in which the sides are beveled transversely.

3. (a) A Grade 1 axe shall have:

(i) The bit or bits and striking face ground and polished, and the remainder of the axe unground and coated with a rust-proofing material in accordance with the manufacturer's standard practice; or,

(ii) The striking face ground and polished and the remainder of the axe rough polished

and coated with a rust-proofing material in accordance with the manufacturer's standard practice; or,

(iii) The entire axe ground and polished.

(b) A Grade 2 axe shall have:

(i) The striking face ground and polished, and the bit or bits ground and polished for a distance not to exceed 2 1/4" from the cutting edge, and the remainder of the axe left in the forge finish and coated with a rust-proofing material in accordance with the manufacturer's standard practice; or,

(ii) The striking face ground and polished and the remainder of the axe left in the forge finish and coated with a rust-proofing material in accordance with the manufacturer's standard practice.

4. In cases where a substitute name is shown in the listing of pattern names in tables 1 and 2, the name listed first shall be the name of the pattern, but a producer or a distributor may use one of the listed substitute names for the pattern, providing such listing does not indicate it as a different pattern. The substitute names may not be used for patterns other than as listed in tables 1 and 2.

5. A manufacturing tolerance of 3 ounces plus or minus shall be permitted in the sizes as listed but they may only be cataloged and listed in the sizes as shown in the tables.

6. No alloy steel shall be used in the manufacture of any forged axes.

TABLE 1—SINGLE-BIT AXES

Pattern and style of bit	Grade	Size (weight of head in pounds)
Cedar (wid. bit).....plain..	1.....	2 1/2.
Connecticut.....plain..	1, 2...	3, 3 1/2, 4.
Dayton (also known as Yankee, Maine) { plain..	1, 2...	3, 3 1/2, 4, 4 1/2, 5, 6.
{ bevel..	1.....	3, 3 1/2, 4, 4 1/2, 5, 6.
{ plain..	1.....	8.
Half-wedge.....plain..	1, 2...	3, 3 1/2.
Jersey (also known as Baltimore-Jersey, Carolina-Jersey) { plain..	1, 2...	2 1/2, 3, 3 1/2, 4, 4 1/2, 5.
{ bevel..	1.....	2 1/2, 3, 3 1/2, 4, 4 1/2, 5.
Kentucky (also known as Southern Kentucky) { plain..	1, 2...	3, 3 1/2, 4, 4 1/2, 5, 5 1/2, 6.
{ bevel..	1.....	3, 3 1/2, 4, 4 1/2, 5.
Michigan.....plain..	1, 2...	3, 3 1/2, 4, 4 1/2.
{ bevel..	1.....	3, 3 1/2, 4, 4 1/2.
Rafting (also known as Mauling. Construction) plain..	1.....	4, 5.

Dock Axes—Any 4, 4 1/2, or 5 pound plain bit grade 1 axe as listed above, with hardened head.

TABLE 2—DOUBLE-BIT AXES

Pattern and style of bit	Grade	Size (weight of head in pounds)
Cedar (also known as Cruiser).....plain..	1.....	2 1/2.
Falling.....plain..	1.....	3 1/2, 4, 4 1/2, 5.
Reversible (also known as Half Peeling).....plain..	1, 2...	3, 3 1/2, 4, 4 1/2.
Half-Wedge.....plain..	1, 2...	3, 3 1/2.
Michigan (also known as Crown) { plain..	1, 2...	2 1/2, 3, 3 1/2, 4, 4 1/2.
{ bevel..	1.....	2 1/2, 3, 3 1/2, 4, 4 1/2.
Swamping.....plain..	1.....	3 1/2, 4, 4 1/2.
Western (also known as Pennsylvania) { plain..	1, 2...	3, 3 1/2, 4, 4 1/2, 5.
{ bevel..	1.....	3, 3 1/2, 4, 4 1/2, 5.
Humbolt (also known as Redwood).....plain..	1.....	3 1/2, 4, 4 1/2.



TABLE 3—MISCELLANEOUS AXES

Pattern and style of bit	Grade	Size (weight of head in pounds)
Light Weight Axe.....plain..	1, 2...	2¼ (varying handle lengths).
Hudson Bay.....plain.....	1.....	2.
Camp.....plain.....	1.....	1¾.
Hunters'.....plain.....	1.....	1¾, 1¾.
Belt Axe (with slot).....plain..	1.....	1¾.
Intrrenching.....		(to be made in accordance with Army specifications).
Firemen's.....plain.....	1.....	2¾, 4½, 6, 8.
Pulaski (Forestry).....plain.....	1.....	3¾.

APPENDIX B TO SCHEDULE II—LIMITATION ORDER L-157

FORGED HATCHETS, BROAD AXES AND ADZES

1. Grades, patterns, kinds and sizes shall be as specified in the following tables 1, 2 and 3.
2. Grades and patterns as specified shall conform to a manufacturer's grades and patterns as now manufactured, but not more than one type of hatchet, broad axe or adze of the grade, pattern, kind and size as listed shall be manufactured.
3. Sizes shall conform to a manufacturer's established practice in manufacturing size numbers as listed. Where sizes are specified as the weight of the head in ounces a tolerance of 1 ounce plus or minus shall be permitted. Where sizes are specified in pounds, a tolerance of 2 ounces plus or minus shall be permitted.
4. No alloy steel shall be used in the manufacture of any forged hatchets, forged broad axes and forged adzes.
5. Handles in first grade standard pattern hatchets, special pattern hatchets and broad axes shall be of selected quality hickory, sanded and polished. Handles in second grade and third grade hatchets shall be of suitable hardwood, sanded only. Lacquering, staining or painting of hatchet and broad axe handles is optional.

TABLE 1—FORGED HATCHETS

Pattern, grade, etc.	Kind	Size No.
<b>STANDARD PATTERNS</b>		
First Grade, Smooth Black or Painted, with Polished Bits.	Half.....	1, 2.
First Grade, Smooth Black or Painted, with Polished Bits.	Shingling..	2.
First Grade, Smooth Black or Painted, with Polished Bits.	Lath.....	2.
First Grade, Smooth Black or Painted, with Polished Bits.	Flooring..	1, 2.
First Grade, Smooth Black or Painted, with Polished Bits.	Claw.....	2.
First Grade, Smooth Black or Painted, with Polished Bits.	Broad.....	1, 2, 3.
Second Grade, Smooth Black.....	Half.....	1, 2.
Second Grade, Smooth Black.....	Shingling..	2.
Second Grade, Smooth Black.....	Lath.....	2.
Second Grade, Smooth Black.....	Claw.....	2.
Second Grade, Smooth Black, Single Bevel.	Broad.....	1, 2, 3.
Third Grade, Forge Finish.....	Half.....	2.
Third Grade, Forge Finish.....	Shingling..	2.
Third Grade, Forge Finish, Single Bevel.	Broad.....	1, 2, 3.
<b>SPECIAL PATTERNS</b>		
Octagon Head, Heavy Blade, Smooth Black or Polished.	Half.....	2.
Octagon or Round Head, Thin Blade, Smooth Black or Polished.	Half.....	1, 2.
Haines Pattern, Polished.....	Half.....	1.
Haines Pattern, Polished.....	Shingling..	1.
Haines Pattern, Polished.....	Lath.....	1.
Underhill Lath, Polished.....	Chicago, 9 rows. <sup>1</sup>	
Underhill Lath, Polished.....	California, 12 rows. <sup>1</sup>	
Underhill Shinglers, Polished or Smooth Black.	Expert Shinglers 16 ounces (with gauge). <sup>1</sup>	
Underhill Fruit Box, Polished or Painted, Oval Head.	Coast Pattern, 12 rows. <sup>1</sup>	

See footnotes at end of table.

TABLE 1—FORGED HATCHETS—Con.

Pattern, grade, etc.	Kind	Size No.
Underhill Fruit Box, Polished or Painted, Oval Head.	Coast Pattern, 16 rows. <sup>1</sup>	
Produce, Smooth Black or Painted.	12 ounces. <sup>1</sup>	
Packers, Smooth Black or Painted.	No. 3, (20 ounces). <sup>1</sup>	
Barreling, Smooth Black or Painted.	No. 2, (14 ounces). <sup>1</sup>	
Car or Rig Builders, Smooth Black or Painted.	No. 2, (Plain or Milled Heads).	
Lineman, Black.....	3 pounds and 4 pounds. <sup>1</sup>	
Marketing Hatchet, Polished or Painted.	(Made to Special Order).	

<sup>1</sup> Milled cuts on face.  
<sup>2</sup> Weights are for heads only.

TABLE 2—FORGED BROAD AXES

Pattern	Size (Inches)
Pennsylvania, Black or Painted.....	11, 12.
Canada, Black or Painted.....	12.
Pennsylvania, <sup>1</sup> Black or Painted.....	6.
Canada, <sup>1</sup> Black or Painted.....	6.

<sup>1</sup> May only be manufactured to fulfill a specific purchase order of the Army, Navy, Maritime Commission or War Shipping Administration.

TABLE 3—FORGED ADZES

Pattern	Size (Inches)
Carpenters, Half Head, Black or Painted.	3½, 4, 4½.
Carpenters, Full Head, Black or Painted.	4.
Ship Carpenters, Plain, Black or Painted.	4, 4½.
Ship Carpenters, Lipped, Black or Painted.	4½, 5.
Mine Track, Black or Painted, 3½ Pound.	3 (Eye #3).
Railroad, Full Head, Forge Finish.....	5.
Railroad, Full Head, Black or Painted.....	4 by 9 Blade (A. R. E. A. design, 6 lb.).

APPENDIX C TO SCHEDULE II—LIMITATION ORDER L-157

FORGED LIGHT HAMMERS

1. Kinds, grades, styles, weights or sizes of forged light hammers shall be as specified in the following tables 1 and 2, but not more than one type of hammer of the same kind, grade, style and weight (or size) shall be manufactured.
2. Fancy pattern indicates a hammer having an octagonal or hexagonal neck or poll, or neck and poll.
3. Enameled indicates an application of color to the surface with a paint product or by chemical treatment.
4. Nail and ripping hammers, first grade:
  - (a) Fancy pattern shall be:
    - (i) Ground smooth and full polished; or,
    - (ii) Ground smooth and polished, with enameled neck.

TABLE 1

Kind	Grade	Style	Weight	
			Ounces	Pounds
Nail	First	Fancy.....	13, 16, 20.....	
		Bell.....	7, 13, 16, 20.....	
		Plain.....	13, 16, 20, 24, 28.....	
	Second	Fancy.....	16.....	
		Bell.....	7, 13, 16, 20.....	
		Plain.....	13, 16, 20.....	
Ripping	First	Bell.....	16.....	
		Bell.....	16 or 18, 20.....	
		Plain.....	16, 20.....	
Blacksmiths	Second	Bell.....	16.....	
		Bell.....	16.....	
		Cross Pein.....	1½, 2, 2½, 3, 1½, 2, 2½, 3.	

- (b) Bell pattern shall be:
    - (i) Ground smooth and full polished; or,
    - (ii) Ground smooth and polished with enameled neck; or,
    - (iii) Ground smooth and enameled throughout except face which shall be polished.
  - (c) Plain pattern shall be:
    - (i) Ground smooth and full polished; or,
    - (ii) Ground smooth and enameled throughout except face which shall be polished.
  - (d) Milling is permissible on faces in 16 ounce, 20 ounce and 28 ounce sizes.
  - (e) All patterns may be black under the claws.
5. Nail and ripping hammers, second grade:
    - (a) Fancy and bell patterns shall be:
      - (i) Ground and polished with enameled neck; or,
      - (ii) Ground and enameled throughout except face which shall be polished.
    - (b) Plain pattern shall be:
      - (i) Ground and enameled throughout except face which shall be polished; or,
      - (ii) Full polished.
    - (c) All patterns shall be black under the claws.
  6. Nail and ripping hammers, third grade:
    - (a) Bell pattern shall be:
      - (i) Rough black throughout and may be sand tumbled. Face only to be polished.
  7. Machinists ball pein, straight pein and cross pein hammers:
    - (a) First grade shall be:
      - (i) Ground smooth and full polished; or,
      - (ii) Ground smooth with face, poll and pein polished and body enameled.
    - (b) Second grade shall be:
      - (i) Ground with face and pein polished and body enameled. Polished poll is optional.
    - (c) Third grade shall be:
      - (i) Rough black throughout except face and pein polished.
  8. Finish of first grade hammers not specifically mentioned above shall conform to the manufacturer's standard practice but not more than one type of finish shall be adopted for each kind of forged light hammer.
  9. Second grade hammers not specified above shall be finished black throughout except face and pein polished.
  10. Polishing of all second and third grade hammers to be not finer than 120 emery.
  11. Weights indicated are for heads only.
  12. No alloy steel shall be used in the manufacture of forged light hammers except machinists hammers. Alloy steels, as permitted at time of manufacture by the Iron and Steel Branch of the War Production Board, may be used in the manufacture of machinists hammers.
  13. Handles in first grade hammers shall be of selected quality hickory, sanded and polished. Handles in second grade and third grade hammers shall be of hickory or suitable hardwood, sanded only. Lacquering, staining or painting of hammer handles is optional.

TABLE 1

Kind	Grade	Style	Weight	
			Ounces	Pounds
Bricklayers	First	Adze Eye	24, 32	
	Second	Adze Eye	24, 32	
Coopers	First	Plain Eye	24	1½.
	Second	Plain Eye	24	3, 4.
Engineers	First	Nantucket Regular		1½, 2, 2½, 3.
	Second	Cross Pein		1½, 2, 2½, 3.
Farriers	First	Double Face		2½, 3.
	Second	Double Face		2½, 3.
	First	Octagon Poll, Driving	7, 10	
		Rd. Poll, Curved Claw Driving	7, 10	
Machinists	First	Rd. Poll, Straight Claw Driving	12	
		Turning		2¼.
		Fitting		2¼.
		Sharpening		2¼.
		Ball Pein	2, 4, 6, 8, 12	1, 1½, 1½, 2, 2½.
Riveting	Second	Ball Pein	4, 6, 8, 12	1, 1½, 1½, 2, 2½.
	Third	Ball Pein Forge Finish	12	1, 1½, 1½, 2.
	First	Straight Pein		1½, 2.
Tinners	First	Cross Pein		1½, 2.
	First	Plain Eye	4, 7, 9, 12, 15, 18.	
Body Workers	First	Riveting	8, 12, 16.	
	First	Paneing or Setting	12, 16.	
	First	Raising	28.	
	First	Bumping	9, 14.	
Body Workers	First	Bumping, Bullet Pein	7.	
	First	Dinging	10, 13.	
	First	Point Dinging	13.	
	First	Long Pick Dinging	15.	
	First	Offset Dinging	10.	
	First	Fender Bumper		1½.
	First	Roughing Out		3½.

  

Kind	Style	Length of head (inches)
Tack	Plain Eye, Magnetic	3½, 4, 4½, 5.
	Plain Eye, Non-Magnetic	3½.
	Adze Eye, Magnetic	5¼.

TABLE 2—SPECIAL PURPOSE HAMMERS

Kind	Weight	
	Ounces	Pounds
Bill Posters, Magnetic	5, 8	
Boiler Inspectors	9	
Cobblers	14	
Electricians	16, 20	
Flooring		2.
Hand Drilling or Stone Cutters, 4" Head		3 (Eye #2 or #4).
Pattern Makers	5	
Prospecting Hammer	28	
Prospecting Pick	16, 24	
Saw Setters	8	
Scaling Hammer		1.
Scutch		1½, 2½.
Tile Setters	3	
Trimmers, 5½" Head	7	
Upholsterers, 5½" Magnetic Head	7	
Boilermakers, Double Face <sup>1</sup>		2, 3.

<sup>1</sup> May only be manufactured to fulfill a specific purchase order of the Army, Navy, Maritime Commission or War Shipping Administration.

[F. R. Doc. 42-9256; Filed, September 18, 1942; 11:36 a. m.]

PART 1293—HAND TOOLS SIMPLIFICATION  
[Schedule III to Limitation Order L-157]

MANUALLY-OPERATED WOOD AND SPECIAL  
PURPOSE SAWS

§ 1293.4 *Schedule III to Limitation Order L-157*—(a) *Definitions*. For the purposes of this schedule:

(1) "Producer" means any person who manufactures, stamps or otherwise fabricates manually-operated wood and special purpose saws.

(2) "Manually-operated wood and special purpose saws" means the following saws:

- (i) Handsaws, crosscut and rip.
- (ii) Mitre, cabinet, and back saws.
- (iii) Compass and keyhole saws and nests of saws.
- (iv) Special purpose handsaws of the kinds listed in Table 4.
- (v) Pruning saws.
- (vi) Butcher saws.
- (vii) Buck, cordwood and pulpwood saws.
- (viii) Crosscut saws, two-man.
- (ix) Crosscut saws, one-man.
- (x) Ice saws.

(b) *Simplified practices*. Pursuant to Limitation Order No. L-157, the production and distribution of manually-operated wood and special purpose saws shall be limited to the types, grades, sizes and number of models set forth in Appendix A of this schedule.

(c) *Effective date of simplified practices*. On and after thirty days subsequent to the issuance of this schedule, no producer shall put in process any steel for the purpose of manufacturing a manually-operated wood or special purpose saw other than a manually-operated wood or special purpose saw conforming to the sizes, specifications and standards as established by paragraph (b) and Appendix A of this schedule. On and after ninety days subsequent to the issuance of the schedule, no producer shall manufacture, assemble or fabricate any manually-operated wood or special purpose saw not conforming to the sizes, specifications and standards established in paragraph (b) and Appendix A of the schedule, except with the express permission of the Director General for Operations. All saws fabricated prior to ninety days from the date of issuance of this order may be shipped without special permission.

(d) *Records covering material, work in process, etc.* Each producer of manually-operated wood and special purpose saws shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(P.D. Reg. 1, as amended, 6 F.R. 6630; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 18th day of September 1942.

ERNEST KANZLER,  
Director General for Operations.

<sup>1</sup> 7 F.R. 5557, 5558, 6046.

APPENDIX A TO SCHEDULE III—LIMITATION  
ORDER No. L-157

EXPLANATIONS AND LIMITATIONS

(1) "Model" as used in the following Tables 1, 2, 3, 4, 5, 6, 7, 9, and 10 shall designate one combination of saw details. Such details as are not specified may be selected by the manufacturer, provided that the different combinations of details for a given kind and grade of saw do not exceed the number of models to which such saw is limited.

(2) "Gages" as referred to in the following Tables are Birmingham or Stubs' wire gages, and are subject to commercial tolerances.

(3) "Length & Width of Blades" as referred to in the following Tables 1, 2, 3, 4, 5, 6, 7a, 8, 9, and 10 are subject to commercial tolerances, except where minima and maxima are specified.

(4) *Elimination of all Alloy Steel*. No producer shall use any alloy steels in the manufacture of any manually operated wood or special purpose saw except (a) upon approval of the Director General for Operations of a written application for the use of such alloy steel, or (b) such alloy steels as may be in the possession of a producer on the 18th day of September 1942.

TABLE 1.—HANDSAWS

Grade and kind	Blade dimensions					Number of points per inch	
	Length <sup>1</sup>	Width				Cross cut saws	Rip saws
		Point		Butt			
		Min.	Max.	Min.	Max.		
	In.	In.	In.	In.	In.		
A Grade: <sup>2</sup>							
Regular style, skew back:							
One model in each length.....	20	1 5/8	1 7/8	5	5 3/4	10	-----
	22	1 5/8	1 7/8	5 5/8	5 7/8	8, 10	-----
	24	1 3/4	2	6	6 3/4	8, 10	-----
	26	2	2 3/8	6	7	7, 8, 10, 11	5 1/2
Narrow or ship-point style, skew or straight back:							
Three 26-in. models.....	26	1 1/2	1 3/4	6	6 1/2	7, 8, 10, 11	5 1/2
One 24-in. model.....	24	1 3/4	1 1/2	5	5 1/2	8, 10	-----
B Grade: <sup>2</sup>							
Narrow or ship-point style, skew or straight back:							
Two 26-in. models.....	26	1 1/2	1 3/4	6 1/4	6 3/4	8, 10	5 1/2
One 20-in. model.....	20	1 1/4	1 1/2	5	5 1/4	10	-----
C Grade: <sup>2</sup>							
Narrow or ship-point style, skew or straight back:							
Two 26-in. models.....	26	1 1/2	1 3/4	6 1/4	6 1/2	8	5 1/2
One 20-in. model.....	20	1 1/4	1 1/2	5	5 1/4	10	-----

<sup>1</sup> Plus or minus 1/2 inch.

<sup>2</sup> For the purposes of this schedule grades are defined as shown in the section immediately following entitled *grades of handsaws*.

GRADES OF HANDSAWS

**A-Grade.** Blades shall be of best quality selected saw steel, free from dirt, segregation, and inclusions. The steel shall be cross rolled and show a fine fracture grain. The carbon content shall be not less than 0.80, or more than 0.95 percent; phosphorus and sulphur not more than 0.035 percent, and silicon not less than 0.15 percent. The blade shall be tempered to a Rockwell hardness of not less than C48 or more than C52.

The blade shall be true and full taper ground, i. e., uniform in thickness along the entire length of the cutting edge, tapered in thickness from the tooth edge to the back and along the back from the handle to the point. This taper is to be uniform and not less than 4 gages. The thickness of the cutting edge shall be not less than 0.032 in. or more than 0.042 in., and the thickness of the back at the handle not less than the cutting edge.

The teeth of cross cut saws shall be bevel filed, and the teeth of rip saws, filed straight through. The teeth shall be set, but the set shall not extend more than one-half the depth of the tooth.

Handles shall be of suitable hardwood, properly seasoned, and free from cracks, checks, and other defects, and shall be given a protective coating to aid in preventing warping, swelling, or shrinkage. Handles shall be fastened to blades with not more than 5 steel screws.

The blade of each saw shall be permanently branded to permit its identification.

**B-Grade.** Blades shall be of standard quality steel free from dirt and inclusions, and shall show a fine fracture grain. The carbon content shall be not less than 0.70, or more than 0.95 percent, phosphorus and sulphur not more than 0.040 percent, and silicon not less than 0.15 percent. The blade shall be

tempered to a Rockwell hardness of not less than C46, or more than C48.

The blade shall be taper ground, uniform in thickness along the entire length of the cutting edge, tapered in thickness from the tooth edge to the back and along the back from the handle to the point. This taper is to be uniform and not less than 2 or more than 3 gages. The back at the handle shall not be thinner than the cutting edge.

The teeth of both cross-cut and rip saws to be filed and set, but the set shall not extend more than one-half the depth of the tooth.

The handle shall be of seasoned hardwood, free from cracks, checks, or other defects, shall be given a protective coating to aid in preventing warping, swelling, and shrinkage, and shall be fastened to the blade with not more than 4 steel screws.

The blade of each saw shall be permanently branded to permit its identification.

**C-Grade.** Blades shall be of suitable quality steel, with carbon content of not less than 0.70 percent, and free from injurious surface imperfections. The blade shall be tempered to a Rockwell hardness of not less than C42 or more than C45.

The blade shall be flat ground to the same gage throughout.

The teeth shall be filed and set, but the set shall not extend more than one-half the depth of the tooth.

The handle shall be of any suitable, seasoned hardwood, protected by a coat of varnish or other suitable material, and shall be fastened to the blade with not more than 4 steel screws or tubular rivets.

The blade of each saw shall be permanently branded to permit its identification.

**Private brands.** The blades of all handsaws manufactured for distribution under private brands shall have the qualities speci-

filed above, and shall be permanently branded to permit their identification. The handles of such saws may vary in design from the manufacturers' standard, provided that no manufacturer shall make, for any saw distributed under private brands, more than 3 different designs of handles in addition to his standard handles.

TABLE 2—MITRE, CABINET, AND BACK SAWS

Kind	Blade dimensions				Points per inch	
	Length <sup>1</sup>	Thickness		Width <sup>1</sup>		
		Min.	Max.	Min.		Max.
MITRE BOX SAW						
Flat-ground blade, hardwood handle attached by not more than 3 steel screws:	In.	In.	In.	In.	In.	
One grade, one model.....	26	0.040	0.043	4	4	
	28	.040	.043	5	5	
	30	.040	.043	6	6	
CABINET SAW						
Flat-ground blade, one edge toothed for ripping, the other for cross cutting, hardwood handle attached with not more than 2 steel screws:	12			3 1/4	3 1/2	
One grade, one model.....					Optional.	
BACK SAWS						
Grade 1.—Heavy back, flat-ground blade, hardwood handle attached with not more than 3 steel screws:		Gage				
One model.....	12	22		2 7/8	3	
	16	21		3 1/2	3 3/4	
	12	22		2 3/4	2 7/8	
Grade 2.—Flat-ground blade, hardwood handle, one model.....	10	22		2	2 1/4	

<sup>1</sup> Distance from underside of back to cutting edge.

<sup>2</sup> Plus or minus 1/2 inch.

TABLE 3—COMPASS, KEYHOLE, AND NESTS OF SAWS

Kind	Blade		Points per inch
	Length <sup>1</sup>	Kind	
COMPASS SAWS			
Grade 1:	In.		
Standard model: Full polished blade, teeth filed and set, hardwood handle with either open- or pistol-style grip (one only), carving optional.	12	Taper ground.	8
Adjustable model: Full polished blade, teeth filed and set, blade position adjustable, suitable hardwood handle.	12	do.....	8
Plumber's model: Heavy blade, reversible hardwood handle:			
For wood cutting, teeth filed and set.....	12	do.....	9
For metal cutting.....	12	do.....	12
Grade 2:			
Standard model: Hardwood handle with either open- or pistol-type grip (one only).	12	Flat ground...	8
KEYHOLE SAWS			
Grade 1:			
Standard model: Blade tapered to sharp point, teeth filed and set, hardwood handle with either open- or pistol-type grip (one only), carving optional.	10	Taper ground.	10
Grade 2:			
Standard model: Blade tapered, hardwood handle.....	10	Flat ground...	10
NESTS OF SAWS			
Standard combination (one grade only):			
One hardwood handle and 3 blades to fit as follows:			
One keyhole blade.....	10	do.....	10
One compass blade.....	12	do.....	8
One pruning blade.....	16	do.....	8
Nail-cutting combination (one grade only):			
Same as standard combination, but with nail-cutting blade substituted for pruning blade, as follows:			
One nail cutting blade (one only).....	16 or 18	do.....	12 or 15

<sup>1</sup> Plus or minus 1/2 inch.

TABLE 4—SPECIAL PURPOSE SAWS

Kind	Blade specification		
	Length	Width	Points per inch
Coping saws:			
Grade 1.—Cold rolled steel frame $\frac{3}{8}$ " x $\frac{3}{16}$ " with hardwood handle, and threaded blade stretcher adjustable by turning handle (one model).....	In. 6 $\frac{5}{8}$	In. 1 $\frac{1}{8}$	18
Grade 2.—Wire rod frame $\frac{1}{4}$ " diameter for loop-end blade, hardwood handle with plug to prevent turning (one model).....	6	1 $\frac{1}{16}$	18
Cable saw.....			
Doeking saw, with wood handle only.....			
Plumber's saw.....			
Flooring or fireman's saw.....			
Pattern maker's saw.....			
Stair builder's saw.....			
Dehorning saw.....	(?)	(?)	(?)
Plasterer's saw.....			
Toolbox saw.....			
Bead saw.....			
Veneer saw.....			
Kitchen saw.....			
Pork packer's saw.....			
Web saw, felloe.....	{ 14	{ $\frac{1}{4}$	{ 8
	{ 14	{ $\frac{1}{2}$	{ 6
Mine saw, with wood handle only.....	(?)	(?)	(?)
Dovetail saw (1 model in each length).....	{ 8	{ 1 $\frac{3}{8}$	{ 15 $\frac{1}{2}$ to 17
	{ 10	{ 1 $\frac{5}{8}$	{ 15 $\frac{1}{2}$ to 17

<sup>1</sup> Approximately.  
<sup>2</sup> One model, one size only.  
<sup>3</sup> Two models, each in two lengths and one tooth style.

TABLE 5—PRUNING SAWS

Description <sup>1</sup>	Blade size		
	Length	Width	
		Point <sup>2</sup>	Butt <sup>3</sup>
1. Curved, tapered blade with hardwood lacquered handle, 7 or 8 points per in. <sup>4</sup> to cut on draw stroke, one model in each of two teeth types.....	In. 14	In. $\frac{1}{4}$	In. 1 $\frac{1}{2}$
2. Curved, tapered blade with long lacquered hardwood handle, 5 $\frac{1}{2}$ points per in. to cut on draw stroke.....	14	$\frac{5}{8}$	2 $\frac{1}{4}$
3. Folding pattern, with curved, tapered blade and lacquered hardwood folding handle, 6 or 6 $\frac{1}{2}$ points per in. <sup>4</sup> to cut on draw stroke.....	12	$\frac{3}{16}$	1 $\frac{1}{16}$
4. Folding pattern, with curved, tapered blade and lacquered folding hardwood handle, 8 points per in. to cut on draw stroke.....	12	$\frac{1}{2}$	1 $\frac{3}{8}$
5. Slightly curved and tapered blade with large hardwood lacquered handle: 8 points per in. on convex edge, 6 on concave edge, latter to cut on draw stroke.....	18	1 $\frac{3}{8}$	3 $\frac{3}{8}$
6. Straight, tapered, high tempered blade with large hardwood handle; 8 points per in. on one edge, lightning-type teeth on the other, teeth filed and set.....	18	$\frac{3}{4}$	2 $\frac{3}{4}$
7. Same as No. 6, except blade to be of standard saw steel.....	18	$\frac{3}{4}$	2 $\frac{3}{4}$
8. Standard type, tapered skew back blade, with hardwood handle, having a large hole for gloved hand, 7 points per in.....	20	1 $\frac{1}{8}$	5
9. Same as No. 8, but with large tittle or champion type teeth.....	24	1 $\frac{1}{2}$	5 $\frac{3}{4}$
10. Same as No. 8, but with 6 points per in., bevel filed and set.....	26	1 $\frac{1}{4}$	6
11. Flat steel frame tapered to a narrow point, and arranged to hold blade taut at 4 different angles, hardwood handle, 8 points per in.....	14	$\frac{1}{2}$	$\frac{1}{2}$
12. Saw and shear combination, with malleable iron socket and hook, socket 1 to 1 $\frac{1}{4}$ in. in diameter, shear to cut up to $\frac{3}{4}$ in. in diameter, blade 8 points per in.....	<sup>5</sup> 10 $\frac{3}{4}$	(?)	(?)
13. Curved, tapered blade, with malleable iron socket for pole, arranged for adjustment of angle of saw blade with bolt and wing nut, 8 points per in. to cut on draw stroke.....	<sup>7</sup> 15	$\frac{3}{4}$	2 $\frac{1}{4}$
14 <sup>6</sup> Curved, tapered walnut-pruning blade, with teeth in butt to hold adjustment in sprocket of pruning saw socket, heavy stamped socket with hook and wing nut and bolt, 6 points per in.....	20	1 $\frac{1}{8}$	3 $\frac{3}{8}$

<sup>1</sup> Each number to be made in one grade and one model only, except No. 1, which may be made in two styles of teeth.  
<sup>2</sup> Tolerance: Plus or minus  $\frac{1}{16}$  inch.  
<sup>3</sup> Tolerance: Plus or minus  $\frac{1}{4}$  inch.  
<sup>4</sup> One or the other, not both.  
<sup>5</sup> Plus or minus  $\frac{1}{4}$  inch.  
<sup>6</sup> Optional.  
<sup>7</sup> Plus or minus 1 inch.

TABLE 6—BUTCHER SAWS

Kind	Frame		Blade <sup>1</sup>		
	Size	Depth from frame to tooth edge	Nominal length <sup>2</sup>	Width	Points per inch
<b>BUTCHER SAWS</b>					
Type 1: Hot rolled, flat steel frame, with winged nut or trigger for tightening the blade, one winged-nut model and one trigger model in each length, one grade only.	In. 3/4 or 1 x 3/4	In. 5	In. 24	In. 3/4 or 5/8	11.
Type 2: Cold rolled, flat steel frame, with square or round edges and winged nut or trigger for tightening the blade, one winged-nut model and one trigger model in each length, one grade only.	3/4 or 1 x 3/4	5	26	3/4 or 5/8	11.
Same, with unguarded handle, one model, one grade.....	3/4 x 1/2	4 1/2 or 5	18	3/4 or 5/8	11.
	3/4 x 3/4	4 1/2 or 5	22	3/4 or 5/8	11.
	3/4 x 3/4	4 1/2 or 5	24	3/4 or 5/8	11.
	3/4 x 1 1/4	4 1/2 or 5	14	3/4 or 5/8	11.
<b>BEEF SPLITTER SAW</b>					
Flat steel frame, with square edges, eye-type fastener at front end and tension bolt on rear, hardwood handle secured with not more than 4 steel screws, one model.	1 1/2 x 3/4	5 1/4	30	1 3/4	8 or 9.

<sup>1</sup> Blades similar to the above, but of different lengths needed to fit saw frames already in use may also be made.

<sup>2</sup> Length from center to center of holes or pins; tolerance plus or minus 1/4 inch.

<sup>3</sup> Approximately.

<sup>4</sup> Plus or minus 1/4 inch.

TABLE 7—WOOD (BUCK) SAWS, AND PULPWOOD SAWS

Kind	Frame			Blades <sup>1</sup>
	Size	Braeing	Rod	
<b>WOOD (BUCK) SAWS</b>				
Grade 1: Special selected hardwood frame, with lacquered finish, one model.	In. 30	Double brace, single or double riveted, hardwood.	22 in.	1 to 6.
Grade 2: Standard selected hardwood frame, with sanded finish, one model.	30	Single straight or double brace.	22 in.	1 to 6.
<b>PULPWOOD SAW</b>				
High carbon tubular steel frame tempered for strength, with suitable blade fastening and lacquered finish:				
One non-adjustable model.....	30			7 and 8.
One adjustable model.....	39			9 to 14.

<sup>1</sup> See table 7a.

TABLE 7A—BLADES FOR WOOD (BUCK) SAWS AND PULPWOOD SAWS

No.	Grade	Style	Length	Width	Teeth
1	High carbon steel, thin back, bright finish.	Straight...	In. 30	In. 1 3/4	Tuttle or champion.
2		..do.....	30	1 3/4	4 1/2 or 5 plain teeth per in.—filed and set.
3		Breasted..	30	1 3/4	Tuttle or champion.
4		..do.....	30	1 3/4	4 1/2 or 5 plain teeth per in.—filed and set.
5	Carbon steel, flat-ground, bright finish.	Straight...	30	1 3/4	Tuttle or champion.
6		..do.....	30	1 1/2	4 1/2 or 5 plain teeth per in.—filed and set.
7	High carbon, taper ground.....	..do.....	30	1 or 1 1/8	Skip tooth pattern.
8	..do.....	..do.....	30	1 or 1 1/8	4 cutting and 1 raker.
9	..do.....	..do.....	39	1 or 1 1/8	Skip tooth pattern.
10	..do.....	..do.....	39	1 or 1 1/8	4 cutting and 1 raker.
11	..do.....	..do.....	42	1 or 1 1/8	Skip tooth pattern.
12	..do.....	..do.....	42	1 or 1 1/8	4 cutting and 1 raker.
13	..do.....	..do.....	48	1 or 1 1/8	Skip tooth pattern.
14	..do.....	..do.....	48	1 or 1 1/8	4 cutting and 1 raker.

TABLE 8—TWO-MAN CROSS-CUT SAWS

Class	Kind	Length	Maximum width		Gage at cutting edge	Number of different saws to be made in each length of each class <sup>1</sup>			
			Feet	Inches					
1	Eastern, narrow	5 1/2	4 1/2	4 3/4	14 or 15	2			
			5	4 3/4	do	2			
			5 1/2	4 3/4	do	2			
			6	5	do	2			
			5	5 3/4	do	4			
			2	Eastern, medium	5 1/2	6	6	do	4
						6	6 1/4	do	4
						6 1/2	6 1/4	do	4
						5 1/2	5 1/2	13 or 14	2
						6	6	do	2
						6 1/2	6	do	2
			3	Western, falling	7 1/2	6 1/2	6 1/4	do	2
7	6 3/4	do				2			
7 1/2	6 3/4	do				2			
8	6 3/4	do				2			
10	6 3/4	do				2			
4	Wide gullet lance tooth	5 1/2	6	6	14 or 15	2			
			6	6 1/4	do	2			
			6 1/2	6 1/4	do	2			
5	Parallel pattern	5 1/2	5	3 3/4	do	4			
			6	3 3/4	do	4			
			5	5 3/4	do	4			
6	Eastern, medium	5 1/2	6	6	do	4			
			6	6 1/4	do	4			
			6 1/2	6 1/4	do	4			
			7	6 3/4	13 or 14	4			
			5	6 1/2	14 or 15	4			
			5 1/2	6 3/4	do	4			
7	Eastern, wide	5 1/2	6	7 1/4	do	4			
			5	6 1/2	13 or 14	2			
			6	7 1/4	do	2			
			6 1/2	7 1/4	do	2			
			7	7 1/4	do	2			
8	Western bucking	6 1/2	6	7 1/4	do	2			
			7	7 3/4	do	2			

<sup>1</sup> The figures in this column designate the maximum different combinations of characteristics in which a given class and length of saw may be made by a single manufacturer, subject to the qualifications given below. The characteristics referred to are (1) grade, (2) type of teeth, (3) amount of taper (including flat ground as zero taper), (4) gage of cutting edge, (5) width, and (6) breast.

In other words, any variation in any one of the above characteristics as between two saws of the same class and length would make them different saws. They might, of course, differ in all those characteristics.

Saws of classes 2, 5, and 7 are permitted to be made in two types of teeth, and saws of class 6, in three types of teeth. If a manufacturer elects to make them in only one type of teeth, he shall not make more than two different saws in each length in these classes. Thus, no saw shall be made in more than two different grades.

Saws of the same class and length and type of tooth, but of different grade or gage, may vary slightly in width, provided the total different saws of a given class and length does not exceed the figure given in column 6.

TABLE 9—ONE-MAN CROSS-CUT SAWS

Grade and kind	Length	Gage at cutting edge	Number of gages taper	Maximum blade dimensions	
				Point	Butt
				In.	In.
Grade 1: Tapered straight- or skew-back blade, with hardwood handle attached with not more than 3 steel screws, and supplementary handle, one model in each of 2 tooth designs in each length	3	16	2 to 3	2 7/8	7 5/8
	3 1/2	16	2 to 3		
	4	15 or 16	2 to 3		
	4 1/2	15 or 16	2 to 3		
Grade 2: Same as grade 1, but of lower grade steel and flat ground blade, one model in each of 2 tooth designs in each length	3	16		2 1/2	7 5/8
	3 1/2	16			
	4	16			
	4 1/2	16			

TABLE 10—ICE SAWS

Kind	Length	Width	Gage
HAND ICE SAW			
Straight-back, flat-ground blade, with hardwood handle, plain teeth, one grade, one model	In. 26	5 1/4 In.	14
POND ICE SAW			
Straight back, flat-ground blade, with hole in butt for tiller handle, teeth optional, one grade, one model	60	{ 5 at point 7 at butt }	11

## PART 2021—CRYOLITE

[General Preference Order M-198]

The fulfillment of requirements for the defense of the United States and the need for adequate reserves occasioned by the uncertainty of future shipments from abroad, have created a shortage in the supply of cryolite for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense, *It is hereby ordered, That:*

§ 2021.1 *General Preference Order M-198*—(a) *Definitions.* For the purposes of this order:

(1) "Cryolite" means the natural ore of sodium aluminum fluoride, any product refined from this ore, and also all forms of synthetic cryolite.

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(3) "Producer" means a refiner of natural cryolite or a producer of synthetic cryolite.

(4) "Director" means the Director General for Operations of the War Production Board.

(b) *Limitation on receipt and use of cryolite.* After the effective date of this order, no person shall receive any cryolite, except for use as insecticide, or use any cryolite, except as insecticide, unless such receipt or use, or both, is specifically authorized by the Director.

(c) *Limitation on delivery of cryolite.* After the effective date of this order, no producer shall deliver any cryolite to any person unless such delivery shall have been authorized by the Director. After the effective date of this order, no person, other than a producer, shall deliver any cryolite to any person unless such delivery shall have been authorized by the Director or unless the cryolite is to be used as insecticide.

(d) *Application for authorization to receive, use, or deliver cryolite, except as insecticide.* Any person who wishes to be authorized to receive cryolite, except for use as insecticide, or to use cryolite, except as insecticide, shall request such authorization by filing Form PD-592 in quadruplicate, or such other form as may be required, with the Aluminum and Magnesium Branch, War Production Board. Two copies of the form will be forwarded by the War Production Board to the supplier if authorization to receive and use cryolite is granted, and receipt of this form by the supplier will constitute authorization to make the indicated deliveries, and authorization to the applicant to use cryolite as indicated on the form. The supplier upon completing delivery of the material covered by the authorization, shall return one copy thereof to the Aluminum and Magnesium Branch, War Production Board, indicating deliveries made. If authorization is granted to the applicant solely to use cryolite, a copy of the form will be returned to the applicant and receipt of the copy will constitute authorization to

use the cryolite as indicated on the form. Applications for authorization to use stocks on hand should be made separately from applications for authorization to both receive and use cryolite.

(e) *Application by a producer for authorization to deliver cryolite to be used as insecticide.* A producer seeking authorization to deliver any cryolite for use as insecticide shall apply for written authorization to do so by letter addressed to the War Production Board, Aluminum and Magnesium Branch, Washington, D. C., Ref: M-198, stating the quantity and grade of cryolite he proposes to deliver.

(f) *Special reports.* Any person applying for authorization to receive or use cryolite, except as insecticide, for the first time shall file with the Aluminum and Magnesium Branch of the War Production Board, within 15 days of such application, duplicate copies of Form PD-632 (except that any person who has already filed Form WPB-1183 with the Aluminum and Magnesium Branch need fill in on Form PD-632 only Line (A) calling for stocks of cryolite as of June 30, 1942) and any person applying for authorization to receive or use cryolite under paragraph (d) above shall file with the Aluminum and Magnesium Branch of the War Production Board, such information as may be requested from time to time by the Director. No person will be authorized to receive or use cryolite, except as insecticide, if he is in default in furnishing the information required by this paragraph.

(g) *Violations.* Any person who willfully violates any provision of this order or who willfully furnishes false information to the Director General for Operations in connection with this order is guilty of a crime, and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be deprived of priorities assistance by the Director.

(h) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of Priorities Regulations of the War Production Board, as amended from time to time.

(i) *Communications with War Production Board.* All reports and certifications required to be filed hereunder, and all communications concerning this order, shall unless otherwise directed, be addressed to: War Production Board, Aluminum and Magnesium Branch, Washington, D. C. Ref: M-198.

(j) *Effective date.* The effective date of this order is October 1, 1942.

(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 18th day of September, 1942.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 42-9259; Filed, September 18, 1942; 11:39 a. m.]

## PART 3011—TURBO-BLOWERS

[Amendment 1 to General Limitation Order L-163]

Paragraph (a) (4) of § 3011.1 *General Limitation Order L-163*<sup>1</sup> is hereby amended to read as follows:

(4) "Critical turbo-blower" means any new, reconditioned or used centrifugal or rotary type blower or exhauster having a capacity of 5,000 cubic feet per minute or more, at a total equivalent sea level air pressure of 1½ pounds per square inch or more; except any such equipment to be delivered to the United States Navy or Maritime Commission for shipboard use, or to any privately owned shipyard or plant for installation in ships built, or repaired, for the United States Navy or Maritime Commission. As used in this paragraph "equivalent sea level air" means air at a temperature of 60 degrees Fahrenheit, a pressure of 14.7 pounds per square inch absolute and a specific weight of 0.0764 pound per cubic foot.

This amendment shall become effective October 1, 1942.

(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 18th day of September 1942.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 42-9254; Filed, September 18, 1942; 11:38 a. m.]

## PART 3017—BLACKOUT AND DIMOUT LIGHTING FIXTURES

[General Limitation Order L-168]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of copper, iron and steel and other materials for private account, for export and for military needs, and there are blackout and dimout lighting fixtures being manufactured and used which consume large amounts of such metals and other materials and which fixtures do not properly perform the functions of an approved blackout and dimout lighting fixture; therefore, the following order is deemed necessary and appropriate in the public interest and to promote the national war effort.

§ 3017.1 *General Limitation Order L-168*—(a) *Definitions.* For the purposes of this order:

(1) "Lighting fixture" means any equipment or device (whether portable or not) employing any artificial light source, including but not limited to the following:

- (i) Street and highway luminaire;
- (ii) Traffic signal;
- (iii) Flashlight;
- (iv) Lantern;
- (v) Fluorescent lighting fixture; and
- (vi) Incandescent lighting fixture.

<sup>1</sup> 7 F.R. 6165.



"Lighting fixture" shall not include lighting equipment for a passenger automobile, light truck, medium and/or heavy motor truck, truck trailer, passenger carrier and off-the-highway motor vehicle as defined in Limitation Order No. L-158.<sup>1</sup>

(2) "Blackout and dimout lighting fixture" means (i) any lighting fixture held out or intended to be used during a blackout and dimout period, the light from such fixture being controlled by voltage and/or electric current variation and/or by reflection, refraction, shading, shielding, masking, diffusing or hooding; or (ii) any accessory for a lighting fixture such as a switch, transformer, reflector or refractor, shade, shield, mask, diffuser or hood, which accessory is held out or intended to be for use during a blackout or dimout period and which accessory is designed to reduce or control the light from an artificial source.

"Blackout and dimout lighting fixture" does not include any fluorescent tube, incandescent bulb or any other light source, or obscuration materials, nor does it include any device used solely to extinguish light.

(3) "Approved blackout and dimout lighting fixture" means any blackout and/or dimout lighting fixture which has been certified by the Engineer Board of the War Department of the United States to have been manufactured in accordance with specifications prepared and approved by the War Department.

(4) "Obscuration Materials" means any object or material other than a blackout and dimout lighting fixture used to prevent emission or escape of light from a building, a structure or vehicle, or any part of a building, structure or vehicle during a blackout and dimout period.

(5) "Blackout period" means the length of time during which length of time, by order of the proper authorities, all sources of light are extinguished, reduced or controlled in accordance with the commands or regulations of the proper military authority, for the purpose of preventing the detection of any object or locality from the air.

(6) "Dimout period" means the length of time during which length of time, by order of the proper authorities, all sources of light are extinguished, reduced or controlled to the extent deemed necessary in the discretion of the proper military authorities as a precautionary measure to eliminate sky glow, to prevent the detection of shipping by silhouette or in preparation for a blackout period.

(7) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, municipal corporation or any organized group of persons, whether incorporated or not.

(8) "Critical material" means all metals as set forth in Sections (a) (1) and (2) of Metals List, Priorities Regulation No. 11.<sup>2</sup>

(b) *General restrictions*—(1) *Manufacture*. On and after ten days sub-

sequent to the issuance of this order, notwithstanding any contract or agreement to the contrary, no person shall manufacture or assemble for the purposes of sale and delivery any blackout and dimout lighting fixture or any component part of any blackout and dimout lighting fixture other than an "approved" blackout and dimout lighting fixture or component part of such approved fixture except, (i) for the purpose of experimentation, test or examination of such blackout and dimout lighting fixture in order to determine the conformity of such blackout and dimout lighting fixture to specifications approved by the War Department, Navy Department, or the Maritime Commission of the United States; or (ii) as authorized by proper military authority, when approved blackout and dimout lighting fixtures are not deemed sufficiently available by such military authority for immediate military needs; or (iii) as specifically authorized by the Director General for Operations upon written request; or (iv) to meet the specifications of the Bureau of Ships, United States Navy Department or the United States Maritime Commission for use on vessels built for or operated under the direction of such agencies.

(2) *Sale and delivery*. On and after ten days subsequent to the issuance of this order, notwithstanding any contract or agreement to the contrary, no person shall sell or deliver any blackout and dimout lighting fixture except, (i) approved blackout and dimout lighting fixtures containing critical material when in fulfillment of orders bearing a preference rating of A-1-k or better; or (ii) approved blackout and dimout lighting fixtures containing no critical material when in fulfillment of orders bearing a preference rating of A-4 or better; or (iii) flashlight or lantern approved blackout or dimout lighting fixtures may be sold by a person in fulfillment of orders bearing no preference rating, provided such fixtures have been sold or delivered by the manufacturer thereof upon authorization and in areas specified by the Director General for Operations; or (iv) for the purpose of experimentation, test or examination of such blackout and dimout lighting fixture in order to determine the conformity of such blackout and dimout lighting fixture to specifications approved by the United States War Department, United States Navy Department or United States Maritime Commission; or (v) as authorized by proper military authority, when approved blackout and dimout lighting fixtures are not deemed sufficiently available by such military authority for immediate military needs; or (vi) in fulfillment of contracts or orders of the United States Navy Department or the United States Maritime Commission for use on vessels built or operated by such agencies; or (vii) as otherwise specifically authorized by the Director General for Operations.

(c) *Restrictions on the use of critical materials*. No person shall incorporate in the manufacture of any blackout and dimout lighting fixtures critical material except:

(1) Iron and steel in accordance with the limitations established by General Conservation Order M-126,<sup>3</sup> and in the minimum quantities required to meet the specifications and the requirements of the War Department, Navy Department and Maritime Commission of the United States; and

(2) Copper, brass and bronze in accordance with the limitations established by General Conservation Order M-9-c<sup>4</sup> and then only in the minimum quantities required to provide adequate electrical contact and conductivity in order that the operation of blackout and dimout lighting fixtures will be in accordance with specifications and requirements of the War Department, Navy Department and Maritime Commission of the United States.

(d) *Reports*. Every manufacturer of blackout and dimout lighting fixtures shall within thirty days from the date of issuance of this order and on the fifteenth day of each month thereafter report by letter, in duplicate, to the War Production Board the following information:

(1) A description, catalog number and sketch or drawing of each type of blackout and dimout lighting fixture manufactured by such manufacturer since the date of issuance of this order showing dimensions and listing all materials incorporated into such fixture, including wire and other accessories sold with such fixture; provided such information has not been previously submitted to the War Production Board, and further provided that the design and material content of such fixture has not changed prior to the date of filing such report.

(2) The number of each type of such blackout and dimout lighting fixtures sold during each calendar month subsequent to the date of issuance of this order by such manufacturers, the name of the person to whom such fixtures were sold and the date of sale of such fixtures.

Each person to whom this order applies shall execute and file with the War Production Board such other reports as the Board shall from time to time require.

(e) *Records*. All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(f) *Audit and inspection*. All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(g) *Applicability of priorities regulations*. This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(h) *Violations*. Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction

<sup>1</sup> 7 F.R. 5353, 5358, 5462, 5510, 5902, 6047, 7030, 7032.

<sup>2</sup> 7 F.R. 3424, 3660, 3745, 5344, 5902, 6162, 6866.

<sup>3</sup> 7 F.R. 5127, 5982, 6934.

<sup>4</sup> 7 F.R. 4423, 4615, 4698, 4848, 5043, 5359, 6147, 6146, 6614.

may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(i) *Communications.* Reports to be filed and all other communications concerning this order shall be addressed to War Production Board, Building Materials Branch, Washington, D. C., Ref: L-168.

(j) *Appeal.* Any manufacturer affected by this order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may apply for relief by addressing a letter directed to the War Production Board, setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(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 18th day of September 1942.

ERNEST KANZLER,  
Director General for Operations.

[F. R. Doc. 42-9253; Filed, September 18, 1942;  
11:38 a. m.]

#### PART 3037—ELECTRONIC EQUIPMENT

[General Limitation Order L-183]

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

§ 3037.1 *General Limitation Order L-183*—(a) *Definitions.* For the purpose of this order:

(1) "Manufacturer" means any individual, partnership, association, business trust, corporation, receiver or any organized group of persons whether incorporated or not that manufactures, produces, fabricates and/or assembles electronic equipment.

(2) "Transfer" means sell, lease, trade, rent, give, deliver, or physically transfer in any other way so as thereby to make available for the use of a person other than the transferor.

(3) "Minimum inventory" means the smallest quantity of electronic equipment which will satisfy anticipated deliveries for a period of forty-five days in advance, but in no case shall such quantity exceed 12½% of total 1941 sales of such product or similar product unless specifically authorized by the Director.

(4) "Electronic equipment" means any electrical apparatus or device involving the use of vacuum or gaseous tubes

and/or any associated or supplementary device, apparatus or part thereof, except equipment listed on Schedule A hereof.

(5) "Director" means Director General for Operations of the War Production Board or Director of Industry Operations of the War Production Board or Director of Priorities of the Office of Production Management.

(b) *General restrictions.* (1) On and after the 15th day following the issuance of this order, and irrespective of the terms of any contract of sale, purchase, rental or any other commitment, no manufacturer, shall manufacture, fabricate, assemble or produce any electronic equipment, in excess of a minimum inventory required to meet deliveries on orders bearing a preference rating of A-3 or higher, and no manufacturer shall transfer electronic equipment except on orders bearing a preference rating of A-3 or higher.

(c) *Exceptions.* Where the manufacture, assembly, production or transfer of electronic equipment for specific purposes is governed by other limitation orders issued or to be issued by the Director, the terms of such order(s) shall apply.

(d) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said board shall from time to time request.

(e) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(f) *Communications to War Production Board.* All reports that may be required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Radio and Radar Branch, Washington, D. C. Ref: L-183.

(g) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board; setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(h) *Violations.* Any person who willfully violates any provision of this order, or who in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from process or use of, material under priority contract, and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th

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

Issued this 18th day of September 1942.

ERNEST KANZLER,  
Director General for Operations.

#### SCHEDULE A

1. Hearing aid devices.
2. Telephone and telegraph equipment.
3. Medical and therapeutic equipment.
4. Power and light equipment.

[F. R. Doc. 42-9258; Filed, September, 18, 1942;  
11:39 a. m.]

### Chapter XI—Office of Price Administration

#### PART 1346—BUILDING MATERIALS

[Maximum Price Regulation 224]

#### CEMENT

In the judgment of the Price Administrator it is necessary and proper in order to effectuate the purpose of the Emergency Price Control Act of 1942 to replace the general Maximum Price Regulation with a separate regulation establishing as the maximum prices for cement the prices prevailing with respect thereto during the period March 1 to 15, 1942.

The maximum prices established by this regulation are, in the judgment of the Price Administrator, generally fair and equitable and in conformity with the general level of prices prevailing during the period March 1 to 15, 1942. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,<sup>1</sup> issued by the Office of Price Administration, Maximum Price Regulation No. 224 is hereby issued.

Sec.	
1346.101	Applicability of the General Maximum Price Regulation and Maximum Price Regulation No. 188.
1346.102	Export sales.
1346.103	Prohibitions.
1346.104	Maximum prices for sales and deliveries by manufacturers.
1346.105	Maximum prices for sales and deliveries by cement dealers.
1346.106	Less than maximum prices.
1346.107	Federal and State taxes.
1346.108	Conditional agreements.
1346.109	Evasion.
1346.110	Records and reports.
1346.111	Licensing.
1346.112	Petition for adjustment or amendment.
1346.113	Enforcement.
1346.114	Definitions.
1346.115	Applicability.
1346.116	Effective date.

AUTHORITY: §§ 1346.101 to 1346.116, inclusive, issued under Pub. Law No. 421, 77th Cong.

§ 1346.101 *General Maximum Price Regulation and Maximum Price Regula-*

\*Copies may be obtained from the office of Price Administration.

<sup>1</sup> 7 F.R. 971, 3663.

tion No. 188 superseded. The provisions of the General Maximum Price Regulation and Maximum Price Regulation No. 188 are superseded by this Maximum Price Regulation No. 224 with respect to sales or deliveries of cement which are subject to this Maximum Price Regulation No. 224: *Provided*, That the provisions of §§ 1499.2 and 1499.3 of the General Maximum Price Regulation shall be applicable in the manner indicated in § 1346.105 of this Maximum Price Regulation No. 224.

§ 1346.102 *Revised Maximum Export Price Regulation applicable?* The maximum price at which a person may export any cement shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation issued by the Office of Price Administration. An "export sale" is any sale between a seller in the continental United States and a purchaser outside thereof in which the commodity sold is transported from the continental United States to a point outside thereof and includes any sale of a commodity outside the continental United States by an agent of the exporter or by a corporation owned or controlled by the exporter within a period of two years after the date of shipment of the commodity from the continental United States.

§ 1346.103 *Prohibition against sales of cement at higher than maximum prices.* (a) On and after September 23d, 1942, regardless of any contract, lease, or other obligation:

(1) No person shall sell or deliver any cement at a price higher than the maximum price permitted by this Maximum Price Regulation No. 224;

(2) No person in the course of trade or business shall buy or receive any cement at a price higher than that permitted by this Maximum Price Regulation No. 224: *Provided*, That if upon the purchase of any cement, the purchaser shall receive from the seller or supplier a written affirmation that to the best of his knowledge, information, and belief, the prices charged do not exceed the maximum price established by this Maximum Price Regulation No. 224; and if in such case the purchaser shall have no knowledge of the maximum price and no cause to doubt the accuracy of the affirmation, the purchaser shall be deemed to have complied with this section;

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

(b) No war procurement agency, nor any contracting or paying finance officer thereof, shall be subject to any liability, civil or criminal, imposed by this Maximum Price Regulation No. 224 or the Emergency Price Control Act of 1942.

§ 1346.104 *Maximum prices for sales and deliveries of cement by manufacturers—(a) Maximum prices for cement sold by a manufacturer and shipped within its normal market area.* The maximum price for American Society for Testing Materials Types 1 and 2 Portland cement sold by a manufacturer and shipped

within its normal market area, whether the shipment is made f. o. b. mill or on a delivered price basis, shall be such that the cost to the purchaser at the destination for like quantities and classifications of cement similarly packaged is not in excess of what it was or would have been to such purchaser for a delivery to such purchaser completed between March 1 to 15, 1942. Such price shall be calculated upon the basis of the prices, pricing practices, freight practices, trade discounts, charges (including package charges), allowances, and deposits (other than deposits on cloth bags which may be required in a reasonable amount so long as the refund equals the deposit) most favorable to purchasers in effect, published, listed, or quoted by the seller during the period March 1 to 15, 1942, but upon the basis of the freight rates in effect at the time of any shipment made subsequent to September 23d, 1942.

(1) The differentials from the price of American Society for Testing Materials Types 1 and 2 Portland cement which prevailed on March 15, 1942, with respect to American Society for Testing Materials Type 3 Portland cement (high early strength cement), white cement, oil-well cements, masonry cement, and other cement, shall be added to or subtracted from, as the case may be, the maximum selling prices established under this paragraph for American Society for Testing Materials Types 1 and 2 Portland cement, to determine the maximum prices for such other cements.

(2) The maximum prices established under paragraph (a) of this section shall be subject to cash discounts under conditions as favorable as were offered by the seller during the period March 1 to 15, 1942: *Provided*, That during the period of the war emergency a reasonable period of grace sufficient to permit routine handling shall be allowed to any war procurement agency within which to avail itself of the cash discount.

(b) *Maximum prices for cement sold by a manufacturer and shipped outside its normal market area.* (1) The maximum prices for American Society for Testing Materials Types 1 and 2 Portland cement sold by a manufacturer and shipped outside its normal market area shall be, except as provided in subparagraph (2) below, the higher of the following two prices:

(i) A price at the destination not in excess of the maximum price established under paragraph (a) of this section for a sale at such destination by a mill whose normal market area includes such destination.

(ii) A price f. o. b. mill in bulk not in excess of the price listed below in the Bureau of Mines District in which the mill is located.

District No.:	Price per barrel
1 (Eastern Pa., N. J., Md., Dela.)	\$1.33
2 (N. Y., Conn., R. I., Mass., N. H., Vt., Maine)	1.36
3 (Western Pa., West Va.)	1.27
4 (Michigan)	1.28
5 (Ind., Ill., Wis., Ky.)	1.42
6 (Ga., Ala., Tenn., La., Miss., N. C., S. C., Va., Fla.)	1.44
7 (Eastern Mo., Iowa, Minn., N. D., S. D.)	1.54

District No.—Continued.	Price per barrel
8 (Neb., Kans., Okla., West Mo., Ark.)	\$1.43
9 (Texas)	1.58
10 (Colo., Utah, Mont., Wyoming, N. M.)	1.73
11 (California)	1.43
12 (Oregon, Washington)	1.81

A delivered price may be charged under this provision equal to the f. o. b. mill price plus the freight charges incurred by the manufacturer in making delivery to the point of destination.

(2) A manufacturer may use the alternative pricing method set forth in paragraph (b) above only if (i) the manufacturer indicates on the billing that the price has been determined in accordance with § 1346.104 (b) (2) of this Maximum Price Regulation No. 224; and (ii) the cement is to be sold to a person who will not resell it in the course of trade to a person other than a war procurement agency or a contractor or subcontractor with any war procurement agency for use on a project controlled by any such agency: *Provided*, That the obligations of a manufacturer under this provision will be met if he secures an affidavit from the purchaser that the cement to be purchased will not be resold in the normal course of trade to a person other than a war procurement agency or a contractor or subcontractor with any war procurement agency for use on a project controlled by any such agency, and the manufacturer retains such affidavit in his possession for a period of two years and makes it available for inspection by the Office of Price Administration.

(3) The maximum prices established under this paragraph (b) are subject to the trade discounts, quantity differentials, charges (including package charges), allowances, and deposits (other than deposits on cloth bags which may be required in a reasonable amount so long as the refund equals the deposit) most favorable to purchasers which the manufacturer had in effect, published, listed, or quoted, during the period March 1 to 15, 1942.

(4) The maximum prices under this paragraph (b) may be increased to the extent that a cash discount is offered to purchasers under conditions as favorable as were offered by the seller during the period March 1 to 15, 1942: *Provided*, That during the period of the war emergency a reasonable period of grace sufficient to permit routine handling shall be allowed to any war procurement agency within which to avail itself of the cash discount.

(5) The differentials from the price of American Society for Testing Materials Types 1 and 2 Portland cement which prevailed on March 15, 1942, with respect to American Society for Testing Materials Type 3 Portland cement (high early strength cement), white cement, oil-well cements, masonry cement, and other cement, shall be added to or subtracted from, as the case may be, the maximum selling prices established under this paragraph for American Society for Testing Materials types 1 and 2 Portland cement, to determine the maximum prices for such other cements.

§ 1346.105 *Maximum prices for sales and deliveries of cement by dealers.* The maximum prices for sales and deliveries of cement by dealers shall be prices established in accordance with the provisions of §§ 1499.2 and 1499.3 of the General Maximum Price Regulation, except that:

(a) The maximum price for the sale by a dealer of cement purchased from a manufacturer who established maximum prices in accordance with the provisions of § 1346.104 (b) (2) of this regulation for the cement which the dealer is reselling shall be a price not in excess of the cost of such cement to the dealer plus a dollar margin not higher than the dollar margin which the dealer customarily received in a similar transaction involving like quantities and types of cement between October 1, 1941, and March 31, 1942.

(b) If by reason of freight rate increases occurring after March 17, 1942, the delivered cost to the dealer of the cement he is reselling is in excess of the delivered cost of the cement which he delivered or offered for delivery to establish his maximum price under this paragraph, the dealer may add to his price a sum not in excess of the amount by which such freight rate increase resulted in an increased delivered cost to him: *Provided*, That any dealer who raised his price during the period March 17 to 31, 1942, by an amount sufficient to compensate for any increase in freight rates during such period shall not be entitled to raise his price pursuant to this paragraph.

(c) The maximum prices established under this section shall be reduced to the extent that delivery services or other services furnished by the seller during the period March 1 to 31, 1942, are reduced or eliminated, and shall be subject to cash discounts under conditions as favorable as were offered by the seller during the period March 1 to 15, 1942: *Provided*, That during the period of the war emergency a reasonable period of grace sufficient to permit routine handling shall be allowed to any war procurement agency within which to avail itself of the cash discount.

§ 1346.106 *Less than maximum prices.* Lower prices than those set forth in §§ 1346.104 and 1346.105 may be charged, demanded, paid, or offered.

§ 1346.107 *Federal and state taxes.* Any tax upon, or incident to, the sale of any cement 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 seller's maximum price for cement and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect during the base period.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price in the "base period" the amount of the tax paid by him or tax reimbursement

collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 224.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum prices under Maximum Price Regulation No. 224.

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

§ 1346.108 *Conditional agreements.* No manufacturer of cement shall enter into an agreement permitting the adjustment of the price to prices which may be higher than the maximum prices provided by § 1346.104 or § 1346.105 in the event that this Maximum Price Regulation No. 224 is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That if a petition for amendment or application for adjustment has been duly filed, and such petition or application requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment or application for adjustment. Requests for such an exception may be included in the aforesaid petition for amendment or application for adjustment.

§ 1346.109 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 224 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, or delivery of or relating to cement, alone or in conjunction 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 by delivering to a purchaser at a destination other than the ultimate destination, or otherwise.

§ 1346.110 *Records and reports.* (a) Every manufacturer and every dealer making sales or purchases subject to this Maximum Price Regulation No. 224 of cement of the value of \$100 or more in any month after September 23d, 1942, shall keep for inspection by the Office of Price Administration for a period of two years, complete and accurate records of every purchase and each sale totaling \$50 or more, showing the date thereof, the name and address of the seller or purchaser, the point of shipment and the point of delivery, the price paid or received, together with a statement as to whether it is a price f. o. b. point of shipment or f. o. b. destination, and the quantity, type of package, and classification of cement sold or purchased.

(b) Every manufacturer shall make a report to the Office of Price Administration, Washington, D. C., on or before the fifteenth day of each month, beginning October 15, 1942, setting forth a list of all sales which resulted in cement being shipped to points outside its normal market area during the preceding calendar month, showing the name and address of the purchaser, the point of shipment and the point of delivery, the quantity, type of package, and classification of cement sold, the price charged, and the method of computing such price.

(c) Every dealer shall make a report to the Office of Price Administration, Washington, D. C., on or before the fifteenth day of each month, beginning October 15, 1942, setting forth a list of all sales of cement which were priced under the provisions of § 1346.105 (a) during the preceding calendar month, showing the name and address of the purchaser, the point of shipment and the point of delivery, the quantity, type of package, the classification of cement sold, the cost to the dealer, and the price charged.

(d) On or before October 15, 1942, every manufacturer of cement shall file with the Office of Price Administration, Washington, D. C., a map of the United States (which will be furnished by the Office of Price Administration) setting forth the information required by the instructions accompanying such map.

(e) Persons affected by this Maximum Price Regulation No. 224 shall submit such other reports to the Office of Price Administration as it may from time to time require.

§ 1346.111 *Licensing.* The provisions of Supplementary Order No. 18 (§ 1305.22) Licensing Persons Selling Lumber, Lumber Products or Building Materials, are applicable to every person (except mills, manufacturers, or producers) making sales of cement for which maximum prices are established by this regulation. The term "producers" when used in this section shall have the meaning given to such term by Supplementary Order No. 224.

§ 1346.112 *Petition for amendment or adjustment.*—(a) *Government contracts or subcontracts.* Any person who has entered into or proposes to enter into a contract with any war procurement agency or a subcontract under any such

contract, who believes that the maximum price impedes or threatens to impede production of cement which is essential to the war program and which is or will be the subject of such contract or subcontract, may file an application for adjustment of the maximum prices established by this Maximum Price Regulation No. 224 in accordance with Procedural Regulation No. 6,<sup>1</sup> issued by the Office of Price Administration.

*maximum prices.* The Office of Price Administration, or any duly authorized officer thereof, may by order adjust the maximum price established under this Maximum Price Regulation No. 224 for any seller of cement in any case in which such seller shows:

(1) That such maximum price causes him substantial hardship and is abnormally low in relation to the maximum prices established for competitive sellers of cement; and

(i) That establishing for him a maximum price bearing a normal relation to the maximum prices established for competitive sellers of cement will not cause or threaten to cause an increase in the level of retail prices.

(ii) Applications for adjustment under this paragraph (b) shall be filed in accordance with Procedural Regulation No. 1 issued by the Office of Price Administration.

(c) *Special relief.* Any person seeking relief, for which no provision is made in the foregoing paragraphs (a) and (b) of this section, from a maximum price established under this Maximum Price Regulation No. 224 may present the special circumstances of his case in an application for an order of adjustment. Such an application shall be filed in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, and shall set forth the facts relating to the hardship to which such maximum price subjects the applicant together with a statement of 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. 224 to eliminate the danger of inflation.

(d) *General amendments and adjustments.* Persons seeking any general modification of this Maximum Price Regulation No. 224 or any exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1346.113 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 224 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 224 or any price schedule, regu-

lation, 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 state, district, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1346.114 *Definitions.* (a) When used in this Maximum Price Regulation No. 224, the term:

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

(2) "Cement" includes standard Portland cements; special Portland cements, such as high early strength, masonry, or mortar, low and moderate heat, oil-well, sulphate-resisting, white Portland, or any other cements generally classified as special Portland cements; alumina cement, natural cement, Pozzolan (slag-lime) cement; and masonry cement of the natural-cement class; but excluding hydraulic lime.

(3) "Manufacturer" means a person engaged in the production of cement. Each mill of each person producing cement shall be considered a separate manufacturer and seller.

(4) "War procurement agency" includes the War Department, the Department of the Navy, United States Maritime Commission, the Lend-Lease Section of the Procurement Division of the Treasury Department, and the following subsidiaries of the Reconstruction Finance Corporation: Rubber Reserve Corporation, Metals Reserve Corporation, Defense Plant Corporation, and Defense Supplies Corporation, or any public agency of any of the foregoing; or the government of any country, the defense of which the President of the United States deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States," or any public agency of any such government.

(5) "Normal market area" for any mill means that area in which cement was regularly offered for sale at delivered prices for shipment from that mill during the period January 1, 1940, to January 1, 1942. For the purposes of this definition, cement will be deemed to have been "regularly offered for sale" in the area in which the mill regularly had traveling salesmen and/or made quotations for shipment at delivered prices during such period.

(6) "Dealer" means a person who buys cement and resells it without substantially changing its form.

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

§ 1346.115 *Geographical applicability.* The provisions of this Maximum Price

Regulation No. 224 shall be applicable to the 48 states of the United States and the District of Columbia.

§ 1346.116 *Effective date.* This Maximum Price Regulation No. 224 (§§ 1346.101 to 1346.116, inclusive) shall become effective September 23d, 1942.

Issued this 17th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9241; Filed, September 17, 1942; 5:17 p. m.]

#### PART 1388—DEFENSE-RENTAL AREAS

[Amendment 2 to Maximum Rent Regulation 40A]

##### HOTELS AND ROOMING HOUSES

The first sentence of § 1388.6007 (a) of Maximum Rent Regulation No. 40A<sup>1</sup> is hereby amended to read as follows:

§ 1388.6007 *Registration.* (a) On or before October 15, 1942, 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 registration statement.

\* \* \* \* \*  
§ 1388.6014a *Effective dates of amendments.* \* \* \*

(b) Amendment No. 2 (§ 1388.6007 (a)) to Maximum Rent Regulation No. 40A shall become effective September 15, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 17th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9242; Filed, September 17, 1942; 5:17 p. m.]

#### PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Amendment 10 to Ration Order 5A—Gasoline Rationing Regulations]

##### RESTRICTIONS ON USE OF RATIONS AND GASOLINE

Section 1394.1102 is amended; a new § 1394.1310, is added; and a new paragraph (k) is added to § 1394.1902; as set forth below:

§ 1394.1102 *Rations not transferable.* (a) No person shall transfer or assign any ration, and no person shall accept such transfer or assignment.

(b) No person shall transfer or assign, and no person shall accept a transfer or assignment of any gasoline coupon book or any bulk, inventory or other coupon (whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or as part of a ration book), or exchange certifi-

<sup>1</sup> 7 F. R. 5817, 5912.

<sup>2</sup> 7 F. R. 5225, 5362, 5426, 5566, 5606, 5666, 5674, 5942, 6267, 6684, 6776.

<sup>1</sup> 7 F. R. 5087, 5664.

cate, except in accordance with the provisions of Ration Order No. 5A.

(c) No person shall have in his possession any gasoline coupon book or bulk, inventory or other coupon (whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or as part of a ration book), or exchange certificate, except the person, or the agent of the person, to whom such book, coupon or certificate was issued, or by whom it was acquired, in accordance with the provisions of Ration Order No. 5A.

(d) Notwithstanding the provisions of this section a ration may, subject to the provisions of § 1394.1104, be used by anyone entitled to use the vehicle, boat, or equipment for which it was issued if such use is for a purpose for which such ration may be obtained, and so long as there is no change in ownership of such vehicle, boat, or equipment.

(e) The provisions of paragraphs (a), (b), and (c) of this section shall not be applicable to public officials acting in the performance of their official duties.

(f) No person shall offer, solicit, attempt or agree to do any act in violation of the provisions of this section.

\* \* \* \* \*

*General Provisions With Respect to Issuance of Gasoline Rations*

§ 1394.1310 *Disposition of lost books.*

(a) Any person who finds a gasoline coupon book, coupon, or exchange certificate shall, within five (5) days, surrender such coupon book, coupon, or exchange certificate to a Board.

(b) The Board to which a coupon book, coupon or exchange certificate is surrendered pursuant to paragraph (a) of this section shall forward such coupon book, coupon or exchange certificate through the State Director to the Board having jurisdiction over the issuance thereof. The Board having jurisdiction shall return such coupon book, coupon, or exchange certificate to the person to whom it was originally issued, or, if a duplicate thereof has already been issued, shall destroy such coupon book, coupon, or exchange certificate.

\* \* \* \* \*

*Effective Date*

§ 1394.1902 *Effective dates of amendments.* \* \* \*

(k) Amendment No. 10 (§§ 1394.1102 and 1394.1310) shall become effective September 18, 1942. (Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess., and by Pub. No. 507, 77th Cong., 2d Sess., Pub. No. 421, 77th Cong., 2d Sess., W.P.B. Directive No. 1, Supp. Directive No. 1 H, 7 F.R. 562, 3478, 3877, 5216).

Issued this 17th day of September 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-9239; Filed, September 17, 1942; 5:18 p. m.]

**PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS**

[Amendment 4 to Ration Order 5B<sup>1</sup>]  
**GASOLINE RATIONING REGULATIONS FOR PUERTO RICO**

A new paragraph (c) is added to § 1394.2601; a new paragraph (c) is added to § 1394.2756; a new paragraph (e) is added to § 1394.2851; a new paragraph (d) is added to § 1394.2913; and a new paragraph (d) is added to § 1394.3052.

*Gallonage Value of Coupons*

§ 1394.2601 *Value of coupons.* \* \* \*

(c) Notwithstanding the provisions of paragraph (a) or (b) of this section, each gasoline ration coupon of the class herewith designated shall have the following value in gallons of gasoline during the period from 8:00 a. m. on September 2, 1942 to 8:00 a. m. on September 14, 1942:

Class:		
A	-----	None
B	-----	None
C	-----	1/2
D	-----	1/2
E	-----	1/2
R	-----	2
S-1	-----	1
S-2	-----	1
Gallon bulk	-----	None
100 gallon bulk	-----	None

*Restriction on Transfers*

§ 1394.2851 *Restriction on transfer to consumers.* \* \* \*

(e) No dealer shall transfer gasoline to a consumer between the hours of 8:00 a. m. and 12:00 noon on September 2, 1942.

*Replenishment and Audit*

§ 1394.2913 *Exchange of coupons for certificates.* \* \* \*

(d) Every dealer and intermediate distributor, on or before the hour of 11:00 a. m. September 2, 1942, shall surrender to his local War Price and Rationing Board all coupons of each class or classes held by such dealer or intermediate distributor for exchange certificates having an equal gallonage value computed as of August 31, 1942.

\* \* \* \* \*

*General Provisions With Respect to Issuance of Gasoline Rations*

§ 1394.2756 *Authorization of bulk purchase.* \* \* \*

(c) No bulk transfer of gasoline shall be made to a consumer by any person during the period from 8:00 a. m., September 2, 1942, to 8:00 a. m., September 14, 1942.

*Effective Date*

§ 1394.3052 *Effective date of amendments.* \* \* \*

(d) Amendment No. 4 to Ration Order No. 5B (§§ 1394.2601 (c), 1394.2756 (c), 1394.2851 (e) and 1394.2913 (d) shall be-

<sup>1</sup> 7 F.R. 5607, 6389, 6390, 6871.

come effective at 8:00 a. m. September 2, 1942.

(Pub. Law 617, 76th Cong., as amended by Pub. Law 59, 77th Cong., and by Pub. Law 507, 77th Cong., Pub. Law 421, 77th Cong., WPB Directive No. 1, Supp. Dir. No. 1 J, 7 F. R. 562, 5043.)

Issued this 17th day of September, 1942.

JAMES P. DAVIS,  
*Acting Director, Office of Price Administration for Puerto Rico.*

[F. R. Doc. 42-9231; Filed, September 17, 1942; 4:03 p. m.]

**PART 1499—COMMODITIES AND SERVICES**

[Amendment 25 to Supplementary Regulation 14<sup>1</sup> to General Maximum Price Regulation<sup>2</sup>]

**SALES OF USED SILK OR NYLON HOSIERY TO DEFENSE SUPPLIES CORPORATION**

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.\*

A new subparagraph (24) is added to paragraph (a) of § 1499.73 as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.*

(a) The maximum price established by § 1499.2 of General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

\* \* \* \* \*

(24) *Sales of used silk or nylon hosiery to Defense Supplies Corporation—(i) Maximum price.* The maximum price for used silk or nylon hosiery sold or delivered in carload lots to Defense Supplies Corporation shall be 3 1/2 cents per pound, f. o. b. loading platform of common carrier at seller's point of shipment.

(ii) *Other transactions.* The maximum price set forth in subdivision (i) above shall not apply and section 2 of the General Maximum Price Regulation or such other Maximum Price Regulation as may be applicable shall apply to all sales of used silk or nylon hosiery other than sales described in said subdivision (i).

(iii) *Definition.* The term "used silk or nylon hosiery" as used in this Amendment No. 25 means any women's or misses' hosiery of any length or size of which the body is silk and/or nylon, which hosiery is used, worn or damaged so that it can only be sold as second hand

\*Copies may be obtained at the Office of Price Administration.

<sup>1</sup> 7 F.R. 5486, 5709, 5911, 6008, 6271, 6369, 6473, 6477, 6774, 6775, 6776, 6793, 6887, 6892, 6939, 6965, 7011, 7012, 7203, 7250, 7289.

<sup>2</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093.

goods, and which is guaranteed by the seller to be a fair average of dealer's graded clean, dry stock, free of objectionable material, packed in machine compressed bales, covered with burlap or similar protective wrapper, tare not to exceed 3½%.

(b) *Effective dates.* \* \* \*

(26) Amendment No. 25 (§ 1499.72 (a) (24)) to Supplementary Regulation No. 14 shall become effective September 17, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 17th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9232; Filed, September, 17, 1942;  
4:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 23 to Supplementary Regulation 14<sup>1</sup> to General Maximum Price Regulation<sup>2</sup>]

FOOTWEAR

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.\* A new subparagraph (22) is added to § 1499.73 (a) as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

\* \* \* \* \*

(22) *Footwear*—(1) *Method of determining maximum prices.* (a) The maximum price for sales and deliveries of footwear by manufacturers or wholesalers thereof shall be the maximum price determined in accordance with § 1499.2, General Provisions, of the General Maximum Price Regulation, except that the maximum price for each style in a line of footwear shall be the highest price charged by such seller during March 1942, for any style in the line: *Provided*, That such seller in actual practice, (1) priced each style in the line at the same price. (2) offered the entire line at that one price giving the purchaser the option to choose without restriction any reasonable quantity of any style or styles. (3) would not change the price of any style in the line without changing the price of all styles, and (4) offered each style in the line only as part of the line and not as an individual item: *Provided further*, That the maximum price so determined may not be used for new styles added to the line unless all standards

of quality of such new styles are at least equal to the standards of quality of the other footwear in the line with respect to workmanship and materials.

(b) For the purpose of determining the highest price charged by manufacturers or wholesalers during March 1942, deliveries of sample footwear shall be deemed a delivery during March 1942: *Provided*, That such samples (1) were delivered in March 1942 as an advance delivery pursuant to a firm contract previously made for volume shipment, (2) were the same footwear called for by such contract, (3) were delivered at the contract price, and (4) were not delivered by the seller to promote his own sales.

(c) The maximum price for sales of footwear at retail shall be the seller's maximum price determined in accordance with § 1499.2, General Provisions, of the General Maximum Price Regulation, except that the maximum price for each style in a line of footwear shall be the highest price charged by the seller during March 1942, for any style in the line: *Provided*, That such seller in actual practice (1) priced each style in the line at the same price and (2) would not change the price of any style in the line without changing the price of all styles: *Provided further*, That the maximum price so determined may not be used for new styles added to the line unless all standards of quality of such new styles are at least equal to the standards of quality of the other footwear in the line with respect to workmanship and materials.

(d) A seller at retail who maintained in March 1942, the practice of pricing at more than one resale price a manufacturer's or wholesaler's line of footwear, all styles of which were purchased by such seller at the same price shall continue to price at the lower price level or levels at least the same proportion of footwear in such line as was in effect during March 1942.

(i) *Definitions.* (a) When used in Supplementary Regulation No. 14, the term:

(1) "Footwear" means any type of outside covering for the human foot, but does not include hosiery, footwear made entirely of wood or footwear in which vulcanization is used in the process of manufacture.

(2) A "line of footwear" means an integrated group of styles of footwear offered by a seller at the same price for each style in the group.

(b) Unless the context otherwise requires the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(b) *Effective date.* \* \* \*

(24) Amendment No. 23 (§ 1499.73 (a)) to Supplementary Regulation No. 14 (§ 1499.73) shall become effective September 23, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 17th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9247; Filed, September 17, 1942;  
5:20 p. m.]

PART 1335—CHEMICALS

[Amendment 2 to Revised Price Schedule 28<sup>1</sup>]

ETHYL ALCOHOL

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.\*

New paragraphs (e), (f) and (g) are added to § 1335.159, and a new § 1335.160 is added, as set forth below:

§ 1335.159 *Appendix A: Maximum prices for ethyl alcohol.* \* \* \*

(e) Until and including March 31, 1943, the maximum prices for the sale to the United States or any agency thereof of ethyl alcohol of 188 proof or higher produced in a converted alcoholic beverage distillery which prior to July 1, 1942 did not sell ethyl alcohol of 188 proof or higher exclusively, shall be the maximum prices set forth in paragraphs (a), (b), (c) and (d) of this section for the formulae of ethyl alcohol listed in paragraph (a), or the maximum prices established by the General Maximum Price Regulation<sup>2</sup> for other formulae of ethyl alcohol, including pure ethyl alcohol, or the maximum prices computed pursuant to the following formula:

Maximum price per wine gallon f. o. b. works shall be the sum of the following cost items per wine gallon, less the recovered values of dried feed, fusel oil or the like, plus \$0.04:

- (1) Raw materials.
- (2) Direct labor.
- (3) Other conversion costs.
- (4) Plant overhead.
- (5) General and administrative expense, not in excess of three cents per wine gallon.

The provisions of § 1335.157 (c) notwithstanding, for the purposes of this paragraph, ethyl alcohol means all formulae thereof including pure ethyl alcohol.

(f) Maximum prices computed pursuant to the formula contained in paragraph (e) shall be determined for each calendar quarterly three month period. For the period after a converted beverage distillery starts production of ethyl alcohol of 188 proof or higher, and until the end of the first full calendar quarterly three month period thereafter, such maximum prices may be computed on the basis of estimated cost items. The prices for each succeeding calendar quarterly three month period, however, shall be computed on the basis of the actual cost items for the preceding period.

(g) Reports of all prices computed pursuant to the formula contained in paragraph (e) shall be submitted to the Office of Price Administration, Washington, D. C. on the form contained in Appendix B (§ 1335.160). The report for the first period after a converted alcoholic beverage distillery starts production of ethyl alcohol of 188 proof or

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

<sup>1</sup> 7 F.R. 5486, 5709, 5911, 6008, 6271, 6369, 6473, 6477.

<sup>2</sup> 7 F.R. 3163, 3330, 3686, 3990, 3991, 4339, 4487, 4659, 4687, 4689, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6091, 6216.

<sup>1</sup> 7 F.R. 1257, 1836, 2000, 2132, 3775.

<sup>2</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5783, 5784, 6058, 6081, 6007, 6216.

higher for which maximum prices are computed pursuant to such formula shall be submitted within twenty days after the first sale of such ethyl alcohol by such producer, and shall show the prices he proposes to charge and the estimated cost items upon which such prices are based. Within twenty days after the end of the first period, and within twenty days after the end of each succeeding period, there shall be submitted a report on the form contained in Appendix B (§ 1335.160). Such maximum prices shall be subject to disapproval in writing at any time by the Office of Price Administration, and if a maximum price reported by a producer pursuant to this paragraph is revised downward by the Office of Price Administration, and if any payment has been made at the reported price, the producer may be required to refund the excess.

§ 1335.160 Appendix B: Form of report. Form 128:3

UNITED STATES OF AMERICA OFFICE OF PRICE ADMINISTRATION

Report of maximum prices for sales of ethyl alcohol of 188 proof or higher in accordance with § 1335.159 (e) of Revised Price Schedule No. 28:

- 1. Name of producer
2. Address
3. Location of plant
4. Destination of the ethyl alcohol
5. Figures submitted for
6. Raw materials (Schedule I)
7. Direct labor (Schedule II)
8. Other conversion costs (Schedule III)
9. Plant overhead (Schedule IV)
10. General and administrative expense (Schedule V)
11. Total (lines 6, 7, 8, 9, and 10)
12. Recovered values (Schedule VI)
13. Net cost per wine gallon (line 11 less line 12)
14. Profit (Schedule VII)
15. Maximum price (line 13 plus line 14)
16. Yield per 56 lb. bushel of mixed grain—in wine gallons
17. Total production per period in wine gallons
18. Production capacity based on 24 hour day, and 7 day week for same period
19. Percentage of capacity operated (17÷18)

SCHEDULE I.—RAW MATERIAL USED

Table with columns: (56 lb. Bushel), bu., lbs., Cost. Rows: Rye, Wheat, Corn, Malt, Others, Total (enter on line 6)

SCHEDULE II.—DIRECT LABOR COSTS

Table with columns: Per wine gallon. Rows: Operating labor, Repair and maintenance, Overtime repair and maintenance labor, Payroll taxes (Social Security), Total (enter on line 7)

SCHEDULE III.—CONVERSION COSTS

Table with columns: Per wine gallon. Rows: Fuel (specify type), Electric power, Water, Supervision (plant manager or superintendent), Others (specify and itemize), Total (enter on line 8)

SCHEDULE IV.—PLANT OVERHEAD

Table with columns: Per wine gallon. Rows: Depreciation on buildings (specify annual rate), Depreciation on plant and equipment (specify annual rate), Taxes (itemize—do not include income tax), Licenses (itemize), Fire insurance, Employer's liability insurance, Other insurance (specify), Other plant overhead (itemize), Total (enter on line 9)

SCHEDULE V.—GENERAL AND ADMINISTRATIVE EXPENSE OTHER THAN THE PLANT

Table with columns: Per wine gallon. Rows: Executive salaries, Office salaries, Interest paid, Other (itemize), Total (enter on line 10)

NOTE 1: Indicate the basis of allocation of the above to 188 or higher proof ethyl alcohol. NOTE 2: Briefly describe any special services rendered the plant, the cost of which is included in Schedule V.

SCHEDULE VI.—RECOVERED VALUES

Table with columns: Per wine gallon. Rows: Fusel oil, Value of dried grains sold, Less cost of recovery, etc., Net value of dried grain recovery, Other, Total (enter on line 12)

SCHEDULE VII.—PROFITS

Profits shall be entered at 4¢ per wine gallon.

SCHEDULE VIII.—SALARIES

- A. List ten highest salaries above \$3,600 per annum for the company as a whole for each calendar year, commencing with 1941. B. List the same information for the plant.

SCHEDULE IX.—PRICES

Indicate price charged during preceding period. Table with columns: Per wine gallon. Rows: Producer, Title

By: Title

AFFIDAVIT

State of County of ss: The undersigned, being first duly sworn according to law, on oath deposes and says: that he is the person whose name appears subscribed to the above report;

and that he has read the same and knows to his own knowledge that the facts contained therein are true and correct.

Signature.

§ 1335.158a Effective dates of amendments. \* \* \*

(b) Amendment No. 2 (§§ 1335.159 (e), (f) and (g) and 1335.160) shall be effective September 23, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 17th day of September 1942.

LEON HENDERSON, Administrator.

[F. R. Doc. 42-9240; Filed, September 17, 1942; 5:18 p. m.]

PART 1335—CHEMICALS

[Amendment 3 to Revised Price Schedule 28:]

ETHYL ALCOHOL

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.\*

A new § 1335.161 is added, as set forth below:

§ 1335.161 Sales by the Defense Supplies Corporation. Nothing in this Revised Price Schedule No. 28, or in the General Maximum Price Regulation, shall apply to sales of ethyl alcohol of 188 proof or higher, of any formulae thereof including pure ethyl alcohol, by the Defense Supplies Corporation to the United States or any agency thereof, or to the Government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States," or any agency of any such Government, or to any person who will use such ethyl alcohol purchased by him to fulfill a contract with the United States or any agency thereof, or with any such Government or any agency of any such Government, or a subcontract under any such contract.

§ 1335.158a Effective dates of amendments. \* \* \*

(c) Amendment No. 3 (§ 1335.161) shall become effective September 23, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 17th day of September 1942.

LEON HENDERSON, Administrator.

[F. R. Doc. 42-9230; Filed, September 17, 1942; 4:03 p. m.]

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

1 7 F.R. 1257, 1836, 2000, 2132, 3775, 6385. 2 7 F.R. 3153, 3330, 3668, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5565, 5484, 5775, 5783, 5784, 6058, 6081, 6007, 6216, 6616, 6795, 6939, 7093, 7322.



**PART 1337—RAYON**

[Amendment 2 to Maximum Price Regulation 167<sup>1</sup>]

**RAYON YARN AND STAPLE FIBER**

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 § 1337.42, in paragraph (b), a new subparagraph (3a) is added, and in § 1337.41a, a new paragraph (b) is added, as set forth below:

§ 1337.42 *Appendix A: Maximum prices for rayon yarn and staple fiber.*

(b) \* \* \*

(3a) *300 denier viscose process continuous filament yarn manufactured and sold by National Rayon Corporation.* (i) On and after September 23, 1942, the maximum price which National Rayon Corporation may charge for 300 denier viscose process continuous filament yarn produced at its plant at 1294 West 70th Street, Cleveland, Ohio, shall be 65 cents per pound: *Provided*, That for the purpose of determining maximum prices under Revised Price Schedule No. 23 as amended, any purchaser of this yarn shall calculate its cost at 49 cents per pound. This maximum price shall not apply to any deliveries made on or after March 23, 1943.

(ii) On or before October 10, 1942, and on or before the tenth day of each month thereafter, National Rayon Corporation shall file with the Office of Price Administration in Washington, D. C., an itemized statement of the cost of production of its 300-denier Viscose process continuous filament rayon yarn, for the previous month, and the name and address of each purchaser of this yarn.

(iii) This subparagraph (3a) shall be effective until March 23, 1943, unless revoked prior thereto by the Office of Price Administration.

§ 1337.41a *Effective date of amendments.* \* \* \*

(b) Amendment No. 2 (§§ 1337.41 (b) (3a) and 1337.41a (b)) to Maximum Price Regulation No. 167 shall become effective September 23, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 17th day of September 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-9233; Filed, September 17, 1942; 4:03 p. m.]

**PART 1341—CANNED AND PRESERVED FOODS**  
[Amendment 1 to Maximum Price Regulation 197<sup>2</sup>]

**CANNED FRUITS AND CANNED BERRIES AT WHOLESALE AND RETAIL**

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

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

<sup>1</sup> F. R. 4662, 6895.

<sup>2</sup> F. R. 5989.

No. 185—4

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

Sections 1341.153, 1341.154, and 1341.156 are amended to read as set forth below and a new § 1341.172 is added as set forth below:

\* \* \* \* \*  
§ 1341.153 *Retailer's maximum prices for canned fruits and canned berries.* (a) The retailer's maximum price per can or container for each kind, grade, brand and container size of canned fruits or canned berries, except canned pineapple and canned pineapple juice, shall be:

(1) His maximum price per can or container, as determined or to be determined in accordance with §§ 1499.2 and 1499.3 of the General Maximum Price Regulation, for each kind, grade, brand and container size; plus

(2) The amount reported by his supplier as the permitted increase per can or container for such kind, grade, brand and container size, pursuant to the provisions of § 1341.156 of this Maximum Price Regulation No. 197, or one-twelfth of the amount reported by his supplier as the permitted increase per dozen cans or containers for such kind, grade, brand and container size, pursuant to the provisions of § 1341.106a of Maximum Price Regulation No. 185. The permitted increase per can or container shall be adjusted to the next lower cent for fractions of less than one-half cent and to the next higher cent for fractions of one-half cent or more.

(b) The retailer's maximum price for each kind, grade, brand and container size of such canned fruits and canned berries shall be so determined after receipt by him of his first delivery of such kind, grade, brand and container size after August 5, 1942.

§ 1341.154 *Maximum prices for canned pineapple and canned pineapple juice, except canned Cuban pineapple and canned Cuban pineapple juice.* (a) The wholesaler's maximum price per dozen for each grade, brand, and container size of canned pineapple or canned pineapple juice, except canned Cuban pineapple and canned Cuban pineapple juice shall be:

(1) The wholesaler's maximum price per dozen for such grade, brand and container size computed in accordance with the General Maximum Price Regulation except that February 1942 shall be substituted for March 1942, in computing the maximum price in accordance with §§ 1499.2 and 1499.3 of the General Maximum Price Regulation; plus

(2) The difference between the price for such grade, brand and container size, f. o. b. canner's shipping point, on the canner's price list for November 1941, and such canner's maximum price, f. o. b. canner's shipping point.

(b) The retailer's maximum price per can or container for each grade, brand and container size of canned pineapple or canned pineapple juice, except canned Cuban pineapple or canned Cuban pineapple juice, shall be:

(1) His maximum price per can or container, as determined or to be de-

termined in accordance with §§ 1499.2 and 1499.3 of the General Maximum Price Regulation, for each grade, brand and container size; plus

(2) In the case of a retailer purchasing directly from a canner, the amount of the difference between the price per can or container for such grade, brand and container size, f. o. b. canner's shipping point on the canner's price list for November 1941 and such canner's maximum price, f. o. b. canner's shipping point, adjusted to the next lower cent for fractions of less than one-half cent and adjusted to the next higher cent for fractions of one-half cent or more; or

(3) In the case of a retailer purchasing from a wholesaler, the amount of the permitted increase for such grade, brand and container size, as reported by the wholesaler pursuant to the provisions of § 1341.156 of this Maximum Price Regulation No. 197.

\* \* \* \* \*  
§ 1341.156 *Information to purchasers from wholesalers.* (a) Within thirty days after establishing his maximum price per dozen for any kind, grade, brand and container size of canned fruits or berries, except canned Cuban pineapple and canned Cuban pineapple juice, under the provisions of this Maximum Price Regulation No. 197, each wholesaler shall

(1) prepare a statement in writing showing his maximum price for the month of February 1942, which shall be designated as the "base price", his maximum price as computed under the provisions of this regulation, which shall be designated as the "maximum price" and the amount of the difference between such prices which shall be designated as the "permitted increase" and (2) file a copy of each such statement with the nearest Regional, State, District or Field Office of the Office of Price Administration.

(b) Each wholesaler, before or at the time of his first delivery to any retailer of any kind, grade, brand and container size of canned fruits or canned berries, except canned Cuban pineapple and canned Cuban pineapple juice, after the wholesaler's maximum price therefor has been established pursuant to the provisions of this Maximum Price Regulation No. 197, shall supply to such retailer a written statement identifying each such item included in the sale and shall clearly indicate for each such item the permitted increase per can or container which the retailer is entitled to add to his maximum price established under the General Maximum Price Regulation in order to compute the retailer's maximum price under this regulation. The permitted increase so reported shall be one-twelfth of the amount reported to the wholesaler by his supplier as the permitted increase, or, in the case of canned pineapple and canned pineapple juice, except canned Cuban pineapple and canned Cuban pineapple juice, one-twelfth of the increase determined by the wholesaler pursuant to § 1341.154 hereof. Such permitted increase per can or container shall be adjusted to the next lower cent for fractions of less than one-half cent and to the next higher cent for fractions of one-half cent or more. In every such statement

the information prescribed by this paragraph shall be preceded by the following statement:

Your new OPA ceiling price for each item noted is your March ceiling price plus the permitted increase per retail package. OPA requires you to keep this information for examination.

Although this regulation requires no special form for listing items and permitted increases, an example of an approved form which may be helpful to many wholesalers is set forth below.

NOTICE OF RETAILER'S PERMITTED INCREASE

To:-----

Address:-----

Your new OPA ceiling price for each item noted is your March ceiling price plus the permitted increase per retail package. OPA requires you to keep this information for examination.

Kind	Item			Permitted increase per retail package
	Grade	Brand	Container size, No.	
Apricots, un-peeled halves.	Standard	Star.....	2½	Cents 1
Apricots, peeled halves.	Choice..	Moon....	2½	1
Peaches, sliced etc.	Fancy....	Sun.....	10	2

Wholesaler:-----

Address:-----

By:-----

Date:-----

The statement may also contain similar information for any other items covered by this regulation even though they are not included in the sale.

§ 1341.172 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1341.153, 1341.154, 1341.156 and 1341.172) to Maximum Price Regulation No. 197 shall become effective on September 23, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 17th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9245; Filed, September 17, 1942; 5:19 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Amendment 2 to Revised Price Schedule 51<sup>1</sup>]

COCOA BEANS AND COCOA BUTTER

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.\*

Amended: §§ 1351.51, 1351.61 (a) (1).  
Added: § 1351.62 (e).

§ 1351.51 *Maximum prices for cocoa beans and cocoa butter.* On and after December 11, 1941, no person shall sell,

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

<sup>1</sup> 7 F.R. 1307, 1836, 2132, 2633, 6385.

offer to sell, deliver or transfer cocoa beans or cocoa butter, and no person shall buy, offer to buy, or accept delivery of cocoa beans or cocoa butter at prices higher than the maximum prices set forth in Appendices A and B hereof incorporated herein as §§ 1351.61 and 1351.62, except that

(a) Contracts entered into prior to December 11, 1941, may be carried out at the contract prices.

(b) Contracts for cocoa beans entered into prior to February 3, 1942, but subsequent to December 11, 1941, may be carried out at prices no higher than the maximum prices established in Price Schedule No. 51, as effective prior to Amendment No. 2.

(c) Special cocoa bean agreements now or hereafter entered into with Commodity Credit Corporation (United States Department of Agriculture, 1942, C.C.C., Cocoa Bean Form No. 1) providing for a price higher than the maximum price may be carried out at the contract price.

§ 1351.61 *Appendix A: Maximum prices for cocoa beans.* (a) The maximum prices shall include all commissions and all other charges, except that:

(1) *As to ocean freight, war risk insurance and marine insurance—*(i) *On cocoa beans not eligible for the special cocoa bean agreement of the Commodity Credit Corporation and which were shipped before August 15, 1942.* Increases in the charges prevailing prior to the opening of business on December 8, 1941 for ocean freight, war risk insurance and marine insurance may be added to the maximum prices, if such charges have been actually incurred by the seller on such sale. Decreases in such charges prevailing prior to the opening of business on December 8, 1941 must be subtracted from the maximum prices.

(ii) *On cocoa beans not eligible for the special cocoa bean agreement of the Commodity Credit Corporation and which were shipped after August 15, 1942.* Increases in the charges prevailing prior to the opening of business on December 8, 1941 for ocean freight, war risk insurance and marine insurance may be added to the maximum prices, if such charges have been actually incurred by the seller on such sale: *Provided,* That the amount of the permissible addition for such charges may not exceed the difference between the war risk charges prevailing on December 8, 1941 and the prevailing war risk insurance rates offered by the War Shipping Administration at the date of shipment from the country of origin. Decreases in such charges prevailing prior to the opening of business on December 8, 1942 must be subtracted from the maximum prices.

(iii) *On cocoa beans eligible for the special cocoa bean agreement of the Commodity Credit Corporation.* Increases in the charges prevailing prior to the opening of business on December 8, 1941 for ocean freight, war risk insurance and marine insurance may not be added to the maximum prices for such cocoa beans, except that increases in said charges may be added to the maximum prices in the

case of sales to the War Department of the United States of America. Cocoa beans eligible for the Special Cocoa Bean Agreement of the Commodity Credit Corporation are: (a) Cocoa beans covered by unshipped contracts which were in force at 12:01 a. m. July 2, 1942. (b) Cocoa beans covered by unshipped contracts which were made between June 19 and July 2, 1942 and were in transit to a point within the continental United States at or prior to July 2, 1942.

§ 1351.62 *Appendix B: Maximum prices for cocoa butter.* \* \* \*

(e) If the services of a broker or brokers are required, a commission or commissions, which in the aggregate shall not exceed 1% of the maximum prices named in paragraph (a) of § 1351.61 may be added to such maximum prices. This addition may be made only when such commissions have been actually paid, and shall be based upon the net maximum price established by the Schedule.

§ 1351.60a *Effective dates of amendments.* \* \* \*

(b) Amendment No. 2 (§§ 1351.51, 1351.61 (a) (1), 1351.62 (e)) to Revised Price Schedule No. 51 shall become effective on September 23, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 17th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9234; Filed, September 17, 1942; 4:04 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Supplementary Amendment 3 to Maximum Rent Regulations]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

Sections 1388.15, 1388.65, 1388.115, 1388.165, 1388.215, 1388.265, 1388.315, 1388.365, 1388.415, 1388.465, 1388.515, 1388.565, 1388.615, 1388.665, 1388.715, 1388.765, 1388.815, 1388.865, 1388.915, 1388.965, 1388.1015, 1388.1655, 1388.1705, 1388.1755, 1388.1805, 1388.2055, 1388.3055, 1388.4055, 1388.5055, 1388.6055, 1388.7055, and 1388.8055 of Maximum Rent Regulations Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 24, 25, 26, 27, 28, 33, 35, 37, 39, 41, 43, and 45, respectively, are hereby amended by adding the following paragraph (f) to such sections:

(f) Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) of this section, the Administrator may enter an interim order increasing the maximum rent until further order, subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order upon such petition. The receipt by the landlord of any increased rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or, where the tenant remains in occupancy

after the effective date of the final order, by deduction from the next installment of rent, or both.

This Supplementary Amendment No. 3 to Maximum Rent Regulations for Housing Accommodations other than Hotels and Rooming Houses shall become effective September 17, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 17th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9238; Filed, September 17, 1942; 4:04 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Amendment 1 to Maximum Rent Regulation 44A]

HOTELS AND ROOMING HOUSES

The first sentence of § 1388.8007 (a) of Maximum Rent Regulation No. 44A<sup>1</sup> is hereby amended to read as follows:

§ 1388.8007 *Registration.* (a) Within 45 days after the effective date of this Maximum Rent Regulation No. 44A (or, as to rooms within the Charleston, South Carolina Defense-Rental Area, on or before October 15, 1942), 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. \* \* \*

§ 1388.8014a *Effective dates of amendments.* (a) Amendment No. 1 (§ 1388.8007 (a)) to Maximum Rent Regulation No. 44A shall become effective September 15, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 17th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9243; Filed, September 17, 1942; 5:17 p. m.]

PART 1398—OFFICE AND STORE MACHINES

[Amendment 5 to Revised Rationing Order 4<sup>2</sup>]

NEW AND USED TYPEWRITERS

Amended: §§ 1398.102 (a) (8), (b) (3), (b) (7), 1398.103 (a) (1), (a) (2), (a) (3), and (b).

Added: §§ 1398.102 (b) (10), 1398.103 (a) (6), (a) (7), (a) (8), (b) (14), and (b) (15).

§ 1398.102 *Persons eligible to receive typewriters without application—(a) New typewriters.* \* \* \*

(8) The Procurement Division of the Treasury Department for the agencies of the federal government within the applicable quota assigned: *Provided*, That deliveries to government agencies other than the Army, Navy, or Office of Lend

<sup>1</sup> 7 F. R. 5994.

<sup>2</sup> 7 F. R. 2317, 2792, 4179, 5188, 6773.

Lease Administration shall require the prior approval of the Director General for Operations of the War Production Board pursuant to application made to the Bureau of Governmental Requirements of the War Production Board. Any person who sells or delivers a typewriter in exchange for a purchase order issued by the Procurement Division of the Treasury Department shall retain a copy of such order in accordance with § 1398.107.

(b) *Used typewriters.* \* \* \*

(3) Persons who have delivered used typewriters to others for repair, reconditioning, or rebuilding and are entitled to the return thereof, may receive such typewriters.

(7) The Procurement Division of the Treasury Department for the agencies of the federal government within the applicable quota assigned: *Provided*, That deliveries to government agencies other than the Army, Navy, Maritime Commission, or Office of Lend Lease Administration shall require the prior approval of the Director General for Operations of the War Production Board pursuant to application made to the Bureau of Governmental Requirements of the War Production Board. Any person who sells or delivers a typewriter in exchange for a purchase order issued by the Procurement Division of the Treasury Department shall retain a copy of such order in accordance with § 1398.107.

(10) Any person who sells to a typewriter dealer, wholesaler, or manufacturer a typewriter or typewriters manufactured after January 1, 1935, for the account of such dealer, wholesaler, or manufacturer or for the account of the United States Government may at the same time, and only at such time, purchase from the dealer, wholesaler, or manufacturer, as the case may be, a number of typewriters manufactured prior to January 1, 1928, no greater than the number sold. Records and invoices of transactions pursuant to this subparagraph shall be preserved in accordance with the provisions of § 1398.107.

§ 1398.103 *Persons eligible to receive new or used typewriters upon certified application—(a) Non-portables.* \* \* \*

(1) Prime contractors for the construction of a military or naval establishment, shipyard, air base, airport, airplane hanger; or of any plant, factory or other facility for the production of the products enumerated in subparagraph (2) of paragraph (a) of this section or the essential component parts or component materials which are used in the manufacture or assembly of one or more of such products.

(2) Persons who are engaged in the operation of a plant, factory, shipyard, or other facility, 70% of whose combined billings and accepted but unbilled orders (whether or not production has commenced pursuant to such orders), during the three-month period preceding the month in which the application is

filed, consisted of billings and accepted but unbilled orders for ships, planes, tanks, guns, ammunition, powder, fire control apparatus, military or naval optical, transportation, or communications equipment, armor plate, radiosondes, machine tools, lift trucks, welding machines, foundry equipment, cranes, metal working equipment, heat treating furnaces, tackle blocks, aviation and military lubricating oils, high octane gas, or for the essential component parts or component materials which are actually used or to be used for the manufacture or assembly of one or more of the foregoing, when such component parts or materials are manufactured or processed under a priority rating of A-1-d or higher from the War Production Board.

(3) Persons engaged in the operation of merchant ships, for use in direct connection with such operation.

(6) Prime contractors with the Army or Navy for the air transportation of personnel or supplies to foreign countries.

(7) The national offices of the United Service Organization, Inc.; the American Red Cross for use in connection with the performance of services auxiliary to the American Armed Forces; and the United Seamen's Service.

(8) Any employer organization or labor organization, 70% of whose membership is engaged in the construction of the projects, or the manufacturing or processing of the products, or the operation of the transportation facilities enumerated in § 1398.103 (a).

(b) *Portables; and non-portables manufactured prior to January 1, 1928.* On and after September 21, 1942, the following shall be eligible to buy or receive new or used portable typewriters, or used non-portable typewriters manufactured prior to January 1, 1928, for the purposes specified in this paragraph in exchange for a certified application pursuant to § 1398.105, upon showing need therefor in accordance with the provisions of paragraph (c) of this section: *Provided*, That no manufacturer (or branch, outlet, or sales agency of a manufacturer) shall deliver, and no person shall receive from a manufacturer (or branch, outlet, or sales agency of a manufacturer) any new typewriter except as authorized by the War Production Board:

(14) Any employer organization or labor organization, 60% of whose membership is engaged in the operation of the plants, projects, or other facilities made eligible by § 1398.103 (b) (12).

(15) United Seamen's Service for its official use.

§ 1398.112 *Effective dates of amendments.* \* \* \*

(e) Amendment No. 5, (§§ 1398.102 (a) (8), (b) (3), (b) (7), (b) (10), 1398.103 (a) (1), (a) (2), (a) (3), (a) (6), (a) (7), (a) (8), (b), (b) (14) and (b) (15)) to Revised Rationing Order No. 4 shall become effective September 21, 1942.

(Pub. Law 421, 77th Cong., WPB Directive No. 1, Supplementary Directive No.

1D, and Conversion Order No. L-54-a, 7 F.R. 562, 7 F.R. 1792, 7 F.R. 2130).

Issued this 17th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9235; Filed, September 17, 1942;  
4:05 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Amendment 12 to Rationing Order 3<sup>1</sup>]

SUGAR RATIONING REGULATIONS

A new § 1407.185 is added as set forth below:

*Armed Forces of the United States; Certain Other Persons and Agencies*

§ 1407.185 *Products containing sugar manufactured for delivery to Army or Navy.* (a) A registering unit which, subsequent to April 28, 1942, manufactured products delivered by another person on or after July 1, 1942, to the Army or Navy of the United States may obtain certificates in weight value equal to the amount of sugar used by it in such products: *Provided*, That; (1) it manufactured such products pursuant to a contract between it and the person who delivered such products to the Army or Navy or between it and a person who delivered such products to the person who delivered them to the Army or Navy; (2) such products were manufactured in accordance with specifications prescribed by a contract between the person who delivered such products to the Army or Navy and the Army or Navy; and (3) such products were not further processed, except for packaging, after delivery by the registering unit.

(b) Application shall be made by the registering unit to the Board on OPA Form No. R-315 (Special Purpose Application). It shall establish compliance with the requirements of paragraph (a) and include such other information as the Board may require.

§ 1407.222 *Effective dates of amendments.* \* \* \*

(e) Amendment No. 12 (§ 1407.185) shall become effective September 23, 1942.

(Pub. Law 421, 77th Cong., W.P.B. Dir. No. 1, 7 F.R. 562 and Supp. Dir. No. 1E, 7 F.R. 2965)

Issued this 17th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9229; Filed, September 17, 1942;  
4:05 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Amendment 1 to Maximum Price Regulation 211<sup>2</sup>]

COTTON GINNING SERVICES

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

<sup>1</sup> 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6057, 6084, 6473, 6828, 6937, 7289, 7321.

<sup>2</sup> 7 F.R. 6828.

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

Section 1499.559 is revoked and a new § 1499.566a is added as set forth below:

§ 1499.566a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1499.559 and 1499.566a) to Maximum Price Regulation No. 211 shall become effective September 23, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 17th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9244; Filed, September 17, 1942;  
5:19 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 69—Maximum Prices Authorized Under § 1499.3 (b) of General Maximum Price Regulation]

H. J. McGRATH COMPANY

The H. J. McGrath Company, 2501 Boston Street, Baltimore, Maryland, has made application pursuant to § 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 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 pursuant to § 1499.3 (b) of the General Maximum Price Regulation issued by the Office of Price Administration, *it is ordered*:

§ 1499.283 *Approval of maximum prices for 20,000 cases of No. 10 tins whole Irish potatoes in wire strapped weather proof fibre boxes for sale by the H. J. McGrath Company.* (a) On and after September 18, 1942, the H. J. McGrath Company of Baltimore, Maryland, may sell and deliver and offer, agree, solicit and attempt to sell and deliver to the Federal Surplus Commodity Corporation, and the Federal Surplus Commodity Corporation may buy, offer to buy and receive 20,000 cases of No. 10 tins, six to the case, whole Irish potatoes in weather proof, wire strapped fibre boxes, at a price no higher than \$4.83 per dozen, f. o. b. factory.

(b) This Order No. 69 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 69 (§ 1499.283) shall become effective September 18, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 17th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9237; Filed, September 17, 1942;  
4:05 p. m.]

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

PART 1499—COMMODITIES AND SERVICES  
[Order 70 Under § 1499.3 (b) of the General Maximum Price Regulation<sup>1</sup>]

NOLDE & HORST COMPANY

Nolde & Horst Company of Reading, Pennsylvania, made application under § 1499.3 (b) of the General Maximum Price Regulation for approval of proposed maximum prices for ladies' full-fashioned rayon hosiery of its Shadow Clock Style No. 9900. 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,<sup>2</sup> issued by the Office of Price Administration, *It is ordered*:

§ 1499.284 *Approval of maximum prices for sale by Nolde & Horst Company of rayon hosiery.* (a) On and after September 18, 1942, the maximum price, f. o. b. mill, at which Nolde & Horst Company may sell ladies' full-fashioned rayon hosiery of its Shadow Clock Style No. 9900 shall be \$8.25 per dozen. Customary discounts are to be maintained.

(b) This order No. 70 may be revoked or amended by the Price Administrator at any time.

(c) This order No. 70 (§ 1499.284) shall become effective September 18, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 17th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9246; Filed, September 17, 1942;  
5:19 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Order 45 Under § 1499.18 (c) of the General Maximum Price Regulation]

FORD MOTOR CO.—HARRY FERGUSON, 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:

§ 1499.395 *Adjustment of maximum prices for sales of farm tractors by Ford Motor Company and Harry Ferguson, Inc., of Dearborn, Michigan.* (a) Ford Motor Company of Dearborn, Michigan, is hereby authorized to sell and offer, agree, solicit and attempt to sell the Ford Agricultural Tractor (Ferguson System) as designed and equipped on March 31,

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

<sup>1</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4887, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5665, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093.

<sup>2</sup> 7 F.R. 971, 3663, 6967.

1942, but with the specification changes brought about by the substitution of steel for rubber tired wheels, at the price in effect in March, 1942 plus \$60, f. o. b. factory.

(b) Harry Ferguson, Inc., of Dearborn, Michigan, is hereby authorized to sell and offer, agree, solicit, and attempt to sell the Ford Agricultural Tractor (Ferguson System) at \$805 less a discount of 20.0% to retail dealers less a discount of 8.4% to wholesale distributors.

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

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

(e) This Order No. 45 (§ 1499.395) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 45 (§ 1499.395) shall become effective September 18, 1942. (Pub. Law 421, 77th Cong.)

Issued this 17th day of September, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9236; Filed, September 17, 1942; 4:04 p. m.]

**PART 1499—COMMODITIES AND SERVICES**  
[Order 71 Under § 1499.3 (b) of the General Maximum Price Regulation]

SMITH, KLINE AND FRENCH LABORATORIES, INC.

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

§ 1499.285 *Approval of maximum prices for sales of paredrine sulfathiazole suspension and microform sulfathiazole suspension by Smith, Kline and French Laboratories, Incorporated.* (a) On and after September 19, 1942, Smith, Kline and French Laboratories, Incorporated, a corporation having its principal place of business in Philadelphia, Pennsylvania, may sell and deliver the products listed below, and any person may buy the products listed below from Smith, Kline and French Laboratories, Incorporated, at prices no higher than those hereinafter set forth:

	In containers of 1 ounce	
	Per dozen	Each
Paredrine sulfathiazole suspension	\$6.80	\$0.57
Microform sulfathiazole suspension	5.10	.43

(b) All discounts, trade practices, and practices relating to the payment of shipping charges effective during March, 1942, on sales by this company of comparable ethical medical preparations shall apply to the maximum prices set forth in paragraph (a).

(c) When used in this Order No. 71 the term:

(1) "Paredrine sulfathiazole suspension" means a 5 per cent suspension of microform sulfathiazole in an isotonic solution of paredrine hydrobromide, 1 per cent.

(2) "Microform sulfathiazole suspension" means a 5 per cent suspension of microform sulfathiazole.

(d) This Order No. 71 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 71 (§ 1499.285) shall become effective on September 19, 1942

(Pub. Law 421, 77th Cong.)

Issued this 18th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9268; Filed, September 18, 1942; 11:56 a. m.]

**PART 1499—COMMODITIES AND SERVICES**  
[Order 46 Under § 1499.18 (b) of the General Maximum Price Regulation—Docket CF1-769-P]

STAPLE CIGAR CO.

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

§ 1499.346 *Adjustment of maximum prices for cigars manufactured by Staple Cigar Co.* (a) Staple Cigar Co. 337 Sacramento Street, San Francisco, California, may sell and deliver and any person may buy and receive from Staple Cigar Co. the following commodities at prices not higher than those set forth below:

	Prevailing Factory List Price per 1,000
Garcia Y Vega Cigars 1/40 Packing:	
Eurekas	\$135.50
Ensigns	135.50
Queen	135.50
St. Francis	135.50
Kings	118.00
Non Plus Ultra	118.00
Old Fashion	118.00
Dainties	98.00
Roosevelts	98.00
Bouquets	78.00
Oportunos	78.00
Plantations	78.00
Webster Eisenlohr Cigars 1/40 Packing:	
Banker & Broker	97.50
Queens	97.50
Tiffany	132.50
Fancy Tales	117.50
Golden Weddings	77.50
Smokers 1/20 Packing	40.00
Panetela 1/20 Packing	40.00
Federal Cigar Co. Cigars 1/20 Packing:	
Red Dots	40.00

*Provided*, That Staple Cigar Co. shall continue to give the discounts which it customarily gave during March 1942 to purchasers of any particular class for any particular quantity of cigars purchased.

(b) The adjustment granted to Staple Cigar Co. in paragraph (a) is subject to the condition that Staple Cigar Co. shall forthwith by circular or other appropriate means, notify its customers that the Office of Price Administration has authorized adjustment of its maximum prices to those set forth in paragraph (a).

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

(d) This Order No. 46 (§ 1499.346) 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. 46 (§ 1499.346) shall become effective September 19, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 18th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9267; Filed, September 18, 1942; 11:56 a. m.]

**TITLE 47—TELECOMMUNICATION**  
**Chapter I—Federal Communications Commission**

[Order No. 87-B]

**PART 12—RULES GOVERNING AMATEUR RADIO STATIONS AND OPERATORS**

**AMATEUR STATION LICENSES**

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 15th day of September, 1942;

Whereas under the provisions of Orders 87<sup>1</sup> and 87-A<sup>2</sup> the Commission has ordered the complete cessation of all amateur radio operation and;

Whereas the continued issuance of renewed, or modified amateur station licenses is not in the public interest;

*It is ordered*, That hereafter no renewed, or modified amateur station licenses shall be issued until further order of the Commission.

*Provided, however*, That all presently outstanding amateur station licenses shall remain valid until expiration of the term thereof, unless revoked by specific order.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-9249; Filed, September 18, 1942; 10:40 a. m.]

**PART 31—UNIFORM SYSTEM OF ACCOUNTS CLASS A AND CLASS B TELEPHONE COMPANIES**

**TELEPHONE PLANT RECORDS**

The Commission on September 15, 1942, effective April 1, 1943, cancelled paragraph (d) of § 31.2-25, *Telephone plant retired*, and adopted the following paragraph:

§ 31.2-25 *Telephone plant retired.* \* \* \*

(d) *Determination of the cost of property to be retired.* The cost of telephone plant retired shall be the amount at which such property is included in the telephone plant accounts. When it is impracticable to determine the cost of each item due to the relatively large number or small cost of such items, the

<sup>1</sup> 6 F. R. 6378.

<sup>2</sup> 7 F. R. 291.

average cost of all the items covered by an appropriate subdivision of the account shall be used in determining the cost of the items retired; provided that the method used in determining average cost gives due regard to the quantity, size, and kind of items, the date or period of installation, the area in which they were installed and their classification in other respects, as called for by the rules of this Commission regarding continuing property records and by the system of continuing property records accepted by this Commission specifically for use of the accounting company. This method of average cost may be applied in retirement of such items as telephones, bell boxes, station installations, poles, cross-arms, wire, cable, cable terminals, conduit, and non-multiple private branch exchange switchboards.

Cancelled § 31.2-26 and adopted a new section as follows:

§ 31.2-26 *Telephone plant continuing property record required.* (a) Not later than January 1, 1937, each company shall begin the preparation of a continuing property record with respect to property of each class represented in the several plant accounts comprised by balance-sheet account 100:1, "Telephone plant in service." Not later than July 1, 1943, each company shall also begin the preparation of a similar record with respect to property of each class represented in the several plant accounts comprised by account 100:3, "Property held for future telephone use," and with respect to property represented in account 103, "Miscellaneous physical property." These records shall be completed not later than June 30, 1944, with respect to property as at December 31, 1936, and with respect to the changes effected therein between the dates of January 1, 1937, and December 31, 1943.

(b) Not later than June 30, 1943, each company shall file with this Commission a complete plan of the method to be used in the compilation of a continuing property record, the installation and maintenance of which is prescribed in paragraph (a) of this section. The plan shall include a list of the property-record units proposed for use, classified to conform with the plant accounts prescribed in this system of accounts. A narrative statement shall accompany the list of proposed units, describing in detail the content and method of maintenance of all forms and other records which are designed for use in compiling the continuing property record, to the end that a ready analysis with respect to the suf-

ficiency thereof may be made. In preparing this narrative statement, the companies shall include typical examples indicating the use of and relationship between the various forms and records.

(c) Any company may, in lieu of submitting the plan provided for in foregoing paragraph (b), advise the Commission not later than June 30, 1943, that it concurs in and proposes to pursue in all particulars a plan filed with the Commission by another company which it is believed conforms fully to the requirements of said paragraph (b).

(d) The record shall be arranged in conformity with the plant accounts prescribed in this system of accounts. It shall be compiled on basis of original cost (or other book cost consistent with the provisions of this system of accounts). The record or data supplemental thereto shall contain such detailed description and classification of property units as will permit of their ready identification and verification. It shall be so designed as to permit ready attainment of its principal objectives, such as proper and expeditious retirement accounting, facility in estimating the cost of further property changes, verification of original cost or of inventories of plant (or of other property represented in the record), and determination of mortality characteristics. The record shall accordingly reveal clearly, in relation to designated accounting areas, both detailed and systematically summarized information as to the kind, character, size, quantity, location, date of installation (if substantially different from the date of entry in the asset accounts), ownership, and actual or apportioned original (or other appropriate book) cost of the telephone plant and other units aggregately represented by the concurrent balances in accounts 100:1, "Telephone plant in service," 100:3, "Property held for future telephone use," and 103, "Miscellaneous physical property."

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-9250; Filed, September 18, 1942;  
10:40 a. m.]

## Notices

### DEPARTMENT OF THE INTERIOR.

#### Bituminous Coal Division.

[Docket No. B-328]

#### SHELBY COAL COMPANY, INC.

#### NOTICE OF AND ORDER FOR HEARING

In the matter of Shelby Coal Company, Inc., registered distributor, Registration No. 8320; and W. K. Jenne, an individual doing business under the name and style of Shelby Coal Co., registered distributor, Registration No. 4797.

The Bituminous Coal Division (the "Division"), finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act") and the Bituminous Coal Code (the "Code") promulgated thereunder to determine:

A. Whether the Shelby Coal Company, Inc., Registered Distributor, Registration No. 8320, and W. K. Jenne, an individual doing business under the name and style of Shelby Coal Company, Registered Distributor, Registration No. 4797, (hereinafter sometimes referred to as the "Distributors") whose addresses are Pikeville, Kentucky, jointly or severally, have violated any provisions of the Act, the Code and Orders of the Division, including the Marketing Rules and Regulations, Rules and Regulations for the Registration of Distributors and their Distributors' Agreements (the "Agreements"), dated June 30, 1939 and April 8, 1940, respectively, and filed by said distributors pursuant to an order of the National Bituminous Coal Commission, dated March 24, 1939, entered in General Docket No. 12, which was adopted and ratified as an order of the Division on July 1, 1939, and more particularly whether subsequent to September 30, 1940, said Distributors, jointly or severally:

1. Acting as Distributors, purchased for resale and resold to various consumers for rail shipment substantial quantities of coal produced by various code members at their respective mines, located in District No. 8, as follows:

Code member producer	Mine index number	Tonnage	Dates of shipment	Resold to--
Rockhouse Elkhorn Coal Co.....	1247	670.50	10/31 to 11/25/40 ...	Ga. & Fla. RR
Stewart Elkhorn Coal Co.....	538	230.85	10/25 to 10/28/40 ...	Ga. & Fla. RR
Ferguson Creek Coal Co.....	1242	119.60	10/16 to 11/1/40.....	Ga. & Fla. RR
Rosecoe Rowe.....	1255	368.95	10/16/40 to 5/21/41..	Ga. & Fla. RR
Rosecoe Rowe.....	1255	52.80	3/10/41.....	CC&O RR

whereas minimum prices, temporary or final, for such coal for rail shipment, had not been established by the Division so that said Distributors' joint or several participation in the aforesaid transactions were in violation of the order of the Director entered in General Docket No. 19 dated October 9, 1940, resulting in violations by said Distributors, jointly or severally, of paragraph (e) of their Agreements.

2. Acting as Distributors, purchased for resale and resold to various consumers

Code member producer	Mine index No.	Tonnage	Dates of shipment	Resold to (use)
Rockhouse Elkhorn Coal Co.	1247	61.10	12/7/40	Cuttler Mfg. Co., Rockhill, S. C. (U-9).
Rockhouse Elkhorn Coal Co.	1247	1,246.55	11/29 to 12/31/40	Ga. & Fla. RR (U-1).
Shelby Elkhorn	559	240.40	11/17/40 to 2/19/41	Ga. & Fla. RR (U-1).
Shelby Elkhorn Coal Co.	559	651.80	2/21 to 3/31/41	Ga. & Fla. RR (U-1).
John Taylor	1262	420.90	1/22 to 4/1/41	Ga. & Fla. RR (U-1).
Stewart Elkhorn Coal Co.	538	372.70	1/6 to 1/7/41	Ga. & Fla. RR (U-1).

resulting in violations by said Distributors, jointly or severally, of paragraph (a) of their Agreements.

3. Acting as Distributors, purchased for resale and resold to various consumers substantial quantities of coal (Size Group No. 16) produced by various code members at their respective mines located in District No. 8 which coal said Distributors physically han-

Code member producer	Mine index No.	Tonnage	Dates of shipment	Resold to (use)
D. M. Stewart	2841	223.95	1/9-31/41	Ga. & Fla. RR (U-1).
D. M. Stewart	2841	1241.60	1/21 to 5/19/41	A. C. L. RR (U-1).
Isaac Epling	1241	260.90	2/29 to 5/20/41	A. C. L. RR (U-1).
Willie Miller	716	387.95	7/19 to 8/13/41	A. C. L. RR (U-1).
Willie Miller	716	116.30	8/9-13/41	Ga. & Fla. RR (U-1).

resulting in violations by said Distributors, jointly or severally of paragraphs (a) and (d) of their Agreements.

4. Acting as Distributors, purchased for resale and resold through the Central Fuel Corp., Chicago, Illinois, to various consumers for rail shipment for industrial use (U-5), substantial quantities of coal produced by various code members

Code member mine index No. (size group)	Tonnage	Dates of shipment	Resold to	Resale prices per ton	Effective min. price per ton
Famous Elkhorn Coal Co. 536 (11)	52.2	10/1/40	Iowa Builders Supply Co., Lost Nation, Ia.	\$1.90	\$2.50
Famous Elkhorn Coal Co. 536 (20)	64.95	10/1/40	Eldridge Coal & Coke Co., Chicago	1.25	1.70
J. C. Cooley 465 (12)	47.05	1/29/41	Marine Hospital, Savannah, Ga.	1.87	2.02

resulting in violations by said Distributors, jointly or severally, of section 4 II (e) of the Act, Part II (e) of the Code thereunder and paragraph (b) of their Agreements.

5. Acting as Distributors, purchased for resale and resold to the Cleveland County Board of Education, Shelby,

Code member producer	Mine index No.	Tonnage	Dates of shipment	Disc. or rebate allowed
J. C. Cooley	465	216.10	10/5-26/40	Cents 38, 36
Turner Elkhorn Coal Co.	464	94.30	11/28 & 28/40	1.17
Samsom Elkhorn Coal Co.	466	104.45	11/29-30/40	1.17

resulting in violations by said Distributors, jointly or severally, of sections 4 II (e) and (i) 2, 4, and 6 of the Code thereunder, Rule 2 of section XII and Rules 2, 4, and 6 of section XIII of the Marketing Rules and Regulations and paragraphs (b), (c), and (e) of their Agreements.

6. Acting as sales agents for various code members, sold coal for and produced by such code members at their respective

Code member and mine index No.	Tonnage	Dates of shipment	Sold to	Total com. accepted & ret.	Date of sales agency contract
C. J. Kline, 2112	2,019.55	1/9 to 2/28/41	Ga. & Fla. RR Co.	\$1,060.27	6/18/40
C. J. Kline, 2112	274.15	3/11-27/41	Rockhill Fin. Co.	34.27	6/18/40
Rockhouse Elkhorn Coal Co., 1247	4,120.60	1/16 to 3/26/41	Ga. & Fla. RR	1,063.68	1/20/40

resulting in participations by said Distributors, jointly or severally, in wilful violations by said code members, as principals in said transactions, of Rule 9 of section II of the Marketing Rules and Regulations and in violations by said Distributors, jointly or severally, of paragraph (e) of their Agreements.

7. On or about May 1, 1941, acting as sales agents for John Taylor, a code member, pursuant to a sales agency agreement entered into by said Distributors, jointly or severally, and said code member, subsequent to August 8, 1940 sold 59.6 tons of coal (Size Group No. 16) produced at said code member's

mine, Mine Index No. 1262, located in Subdistrict No. 1 of District No. 8, Pike County, Kentucky, to the Georgia & Florida Railroad Company for railroad locomotive fuel use (U-1) and accepted and retained a sales agency commission of \$8.49 from the applicable minimum price for such coal, as provided by said sales agency agreement, which commission was in excess of the maximum allowable discount prescribed by the Division in the Order of the Director entered in General Docket No. 12, dated June 19, 1940, although said code member had not filed with the Division an application pursuant to the Order of the Director entered in General Docket No. 20 dated December 5, 1940, for permission to pay such commission and had not been granted such permission by the Division, resulting in a participation by said Distributors, jointly or severally, in a wilful violation by said code member, as principal in the aforesaid transaction, of Rule 13 (A) of section II of the Marketing Rules and Regulations and violations by said Distributors, jointly or severally, of paragraph (e) of their Agreements.

B. Whether the registrations of said Shelby Coal Company, Inc., Registered Distributor, Registration No. 8320, and said W. K. Jenne, an individual, doing business under the name and style of Shelby Coal Company, Inc., Registered Distributor, Registration No. 4797, or either of them, should be revoked or suspended or other appropriate penalties imposed.

*It is, therefore, ordered,* That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the aforementioned Shelby Coal Company, Inc., and W. K. Jenne, an individual doing business under the name and style of Shelby Coal Company, have committed violations in the respects heretofore described and whether the registration of said Distributors, or the registration of either of them, should be revoked or suspended, or other appropriate penalties imposed, be held at 10 a. m. on October 29, 1942 at a hearing room of the Division at the Cabell County Court House, Huntington, West Virginia.

*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 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 Distributors and to all persons and entities having an interest in such proceeding.

Notice is hereby given That answers setting forth the positions of the said Distributors with reference to the matters hereinbefore described, shall be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service hereof on said Distributors, and that failure of either to file an answer herein within such period, unless the presiding officer shall otherwise order, shall be deemed to be an admission by said Distributor so failing of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

Notice is also hereby given That any application or applications pursuant to § 301.132 of the Rules of Practice and Procedure for the Division for the disposition of this proceeding without formal hearing must be filed not later than fifteen (15) days after receipt by said Distributors of this Notice of and Order for Hearing.

All persons are hereby notified That the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: September 16, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-9215; Filed, September 17, 1942;  
11:44 a. m.]

[Docket No. B-305]

FLASH COAL CO.

#### ORDER POSTPONING HEARING

In the Matter of Julius Kauzlarich and Tony Kauzlarich, individually and as co-partners, doing business under the name and style of Flash Coal Company, Code Member.

The above-entitled matter having been heretofore scheduled for hearing on September 28, 1942 at a hearing room of the Bituminous Coal Division, at the District Court Room, Centerville, Iowa; and

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

*Now, therefore, it is ordered,* That the hearing in the above-entitled matter be postponed from September 28, 1942 at 10 a. m. to October 22, 1942 at 10 a. m., at a hearing room of the Bituminous Coal Division at the District Court Room, Centerville, Iowa, before the officer or officers heretofore designated to preside at said hearing.

Dated: September 17, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-9266; Filed September 18, 1942;  
11:57 a. m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Administration.

[Docket No. AO 14-A 10]

#### BOSTON, MASSACHUSETTS, MARKETING AREA NOTICE OF HEARING ON HANDLING OF MILK

Proposed amendments to tentatively approved marketing agreement, as amended, and order, as amended, regulating the handling of milk in the Boston, Massachusetts, Marketing Area.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 *et seq.*), and in accordance with the applicable rules of practice and procedure thereunder (7 CFR 900.1-900.17; 6 F.R. 6570, 7 F.R. 3350), notice is hereby given of a hearing to be held in the Auditorium, Municipal Building, Church Street, Burlington, Vermont, beginning at 10 a. m., e. w. t., September 24, 1942, and in the Gardiner Auditorium, State House, Boston, Massachusetts, at 10 a. m., e. w. t., September 28, 1942, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the Boston, Massachusetts, marketing area. These amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to the economic or marketing conditions which relate to the amendments or any modification thereof, which are hereinafter set forth. Such evidence may also include economic or marketing data relative to the provisions of the said tentatively approved marketing agreement and order which will be affected by approval of the proposed amendments or any modification thereof. The amendments which have been proposed are set forth below, and the name of the agency, association, or company by which each was submitted is indicated as follows:

#### PROPOSED AMENDMENTS

##### Definitions

1. Revise § 904.1 (a) (7) to remove the requirement that a producer-handler must produce at least 25 percent of his milk on the farm where his milk is processed and packaged.<sup>1</sup>

2. Revised in § 904.1 (a) (2) the meaning of the term "Secretary" to include any person who may be authorized to exercise the powers and perform the duties of the Secretary.<sup>2</sup>

##### Market Administrator

3. Under paragraph (d) (Duties) add a new subparagraph as follows:

No. 8. Prepare and disseminate for the benefit of producers, consumers, and handlers such statistics and information concerning the operation of this order as do not reveal confidential information.<sup>3</sup>

<sup>1</sup> Proposed by E. W. Dwyer, a producer-handler of Weymouth, Massachusetts.

<sup>2</sup> Proposed by the Dairy and Poultry Branch, Agricultural Marketing Administration.



*Classification of milk*

4. Revise § 904.3 (a) to permit a cooperative association to purchase Class II milk, including skim milk from Boston handlers, and sell such milk for Class II uses to persons manufacturing milk products.<sup>2</sup>

5. Amend § 904.3 (b) (2) (i) by deleting the words "buttermilk or cultured skim milk."<sup>3</sup> This will change these products from Class I to Class II.

6. *Shrinkage.* (a) Amend § 904.3 (b) (2) (ii) to read:

\* \* \* and have actual plant shrinkage not to exceed 2 percent of all milk classified pursuant to § 904.3.<sup>4</sup>

This will change shrinkage associated with the handling of Class I milk from Class I to Class II.

(b) Add the following words to § 904.3 (b) (2):

\* \* \* And provided further, That if for any delivery period the quantity of shrinkage cannot be ascertained from the records of the handler, the percentage of shrinkage shall be considered to be 1 percent of the volume handled or such higher percentage as may be indicated from the nature of the handlers' operations.<sup>5</sup>

This change is to clarify the present intent of the order.

7. Add an additional paragraph to § 904.3 as follows:

*Responsibility of handlers in establishing the classification of milk.* In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives milk from producers to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.<sup>6</sup>

8. Add at the end of § 904.3 (c) (2) the following:

\* \* \* Provided, That such milk shall be Class II milk if received at a plant subject to another Federal milk marketing order and, subject to verification by the market administrator, is disposed of as Class II milk.<sup>7</sup>

The effect of this change is to accept the verification of the market administrator in another market under Federal regulation on the classification of milk sold in that market.

*Prices*

9. *Class I price level.* (a) Amend § 904.4 (a) (1) to provide a Class I price for milk delivered from producers' farms to handlers' plants located not more than 40 miles from the State House in Boston of \$4.00 per hundredweight for periods prior to April 1, 1943, and thereafter \$3.63 per hundredweight.<sup>8</sup>

<sup>2</sup> See footnote 2, *supra*.

<sup>3</sup> Proposed by the New England Milk Producers' Association.

<sup>4</sup> Proposed jointly by the handlers H. P. Hood and Sons, Whiting Milk Company, White Bros., and Lyndonville Creamery Association.

<sup>5</sup> Proposed by Braley's Creamery, Inc., of North Dartmouth, Massachusetts.

<sup>6</sup> Proposed jointly by Northern Farms Cooperative Inc., East New York Dairies, Inc., Independent Cooperative Association, Inc., Maine Dairymen's Inc., Connecticut Valley Milk Producers' Association, White Bros. Producers' Group, of South Ryegate, Vermont, and Lyndonville, Vermont, Producers' Group.

(b) Amend § 904.4 (a) (1) to increase the Class I price.<sup>9</sup>

(c) Amend the proviso of § 904.4 (a) (1) by adding between the word "relief" and the clause "the price shall be" the following:

\* \* \* Or with respect to any Class I milk disposed of to purchasers of any cash and carry milk depot or center operated as a nonprofit service to low-income families by any State or municipal agency or by any charitable or philanthropic agency or by any consumer cooperative duly established under the cooperative laws of Massachusetts.<sup>7</sup>

10. *Country receiving plant handling allowance.* (a) In § 904.4 (a) (2) change "13 cents" to "8 cents."<sup>8</sup> This change is to reduce the gross plant handling allowance, including an allowance for use of containers, from 23 to 18 cents per hundredweight on Class I milk.

(b) Increase the country receiving plant handling allowance from 20 to 23 cents.<sup>9</sup>

11. In § 904.4 (a) (2) change the term "New England Joint Tariff M2," to "New England Joint Tariff, M3."<sup>10</sup> This change is to bring the reference to the railroad tariff schedule up to date. Tariff M2 has been superseded by Tariff M3.

12. In § 904.4 (a) (3) delete the words "in the marketing area."<sup>11</sup> This change is to make this provision consistent with the change in method of pricing the milk sold outside the marketing area that automatically became effective on September 1, 1942.

13. In § 904.4 (b) (1) change the words "31 cents" to "17 cents."<sup>12</sup> This change will reduce the Class II price of city plants 14 cents relative to the level of the Class II price of country plants.

14. In § 904.4 (b) (2) substitute for the item "29 cents" the following:

\* \* \* And subtract from milk received at plants located more than 40 miles from the State House in Boston but within the first 10 freight zones 23.5 cents; at plants located from the 11th to the 15th freight zones, inclusive, 24.25 cents; at plants located from the 16th to the 20th freight zones, inclusive, 25 cents; at plants located from the 21st to the 25th freight zones, inclusive, 25.5 cents; and at plants located in the 26th freight zone and beyond, 26 cents.<sup>13</sup>

The effect of this change will be an increase in the Class II price at country plants of from 3 cents in the more distant zones to 5.5 cents in the nearby zones.

15. (a) Amend § 904.4 (b) (2) to reflect the higher value now present in skim milk and eliminate New York cream from the computation of the weighted average price per 40-quart can of 40 percent bottling quality cream in the Boston market.<sup>14</sup>

(b) In § 904.4 (b) (2) revise the value of skim milk to the present Class V-B price at New York.<sup>15</sup>

16. *Prices for milk manufactured into butter.* (a) In § 904.4 (b) (3) delete the words "deduct 5 cents, add 16 $\frac{2}{3}$  percent and multiply by 3.7" and substitute the words "deduct 4 cents, add 20 percent, and multiply by 3.7."<sup>16</sup> Also delete the

<sup>7</sup> Proposed by Greater Boston Consumers' Committee on Milk.

<sup>8</sup> Proposed by Milton Cooperative Dairy, Inc.

<sup>9</sup> Proposed by Deerfoot Farms Company.

words at the end of the sentence "less 15 cents." The effect of this change is to price this milk on the butter formula used in New York.

(b) Amend § 904.4 (b) (3) by deleting the words "during the May, June, and September delivery periods" and substitute the words "during each month of the year."<sup>17</sup> This change will allow a butter class for all months of the year.

(c) Amend § 904.4 (b) (3) to provide that in case cream is manufactured into butter after there has been a request to purchase it for use as fluid cream that the butter price formula shall not be allowed.<sup>18</sup>

17. Amend § 904.4 (c) to provide for the continuation of the prevailing price clause on Class I milk sold in outside markets.<sup>19</sup>

*Reports*

18. Amend § 904.5 (f) to read:

f. *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required by this order or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to (a) examine such books, papers, records, copies of income tax reports, accounts, correspondence, contracts, documents, and memoranda as the market administrator deems relevant and which are within the control (1) of any such handler from whom such report was requested, (2) of any person having, either directly or indirectly, actual or legal control of or over such handler, or (3) of any subsidiary of any such handler; and (b) weigh, sample, and test milk for butterfat.<sup>20</sup>

This change is to amplify the authority allowable under the act for the market administrator to have access to handlers' books and records in order to verify their reports.

*Method of Payment for Milk*

19. Amend § 904.8 (b) (2) to remove the present requirement that new producers receive the lowest class price for all their milk for the first 2 full months during which they deliver milk to the market.<sup>21</sup>

20. Amend § 904.8 (f) (1) to provide that in case the Federal Government should compel the transportation by rail from handlers' plants located more than 14 but less than 40 miles from the State House in Boston of all Class I milk to be disposed of in the marketing area, that handlers be permitted to deduct freight at the carlot rate for milk in bottles from the shipping point nearest his plant to the marketing area as published in the New England Joint Tariff, M3.<sup>22</sup>

21. Amend § 904.8 (f) (1) by putting a period after the word "hundredweight" and deleting the rest of the paragraph.<sup>23</sup> This change will allow a handler to deduct 10 cents per hundredweight from all the milk he receives from producers rather than from only Class I milk sold in the marketing area with respect to the

<sup>10</sup> Proposed by New England Dairies, Inc.

<sup>11</sup> Proposed by Federated Dairy Associations of Massachusetts.

<sup>12</sup> Proposed by W. T. Boyd and Sons, Inc.

milk handled at a plant that is outside of the marketing area and more than 14 miles but not more than 40 miles from the State House in Boston.

22. Add a new paragraph to § 904.8 as follows:

*Interest on unpaid accounts.* The market administrator shall promptly bill each handler from whom there is due to the market administrator under this section any amount which remains unpaid at the close of business on the tenth day of each month at the rate of one-half of one percent of such unpaid amount. The amount so billed shall be due immediately.<sup>2</sup>

#### Payments to Cooperative Associations

23. Delete all of § 904.9 except paragraph (e) or amend § 904.9 so that the Secretary shall prescribe exactly how payments may be used and provide for auditing by the administrator of the expenditures from this fund by cooperatives, disallowing an expenditure not provided for and requiring the refunding of all unexpended balances to the cash balance of the equalization fund.<sup>3</sup>

24. Delete § 904.9.<sup>4</sup>

25. In § 904.9 (a) (2) add a proviso at the end of the first sentence as follows:

\* \* \* *Provided*, That where sales are consummated by delivery of milk from a plant handling milk from sources other than specified herein either directly or from a second plant the quantity of milk applicable for payments shall be sales in excess of the quantity received from such other sources.<sup>5</sup>

The effect of this change will be to provide, in case milk is sold to proprietary handlers from a plant of a cooperative in which there is milk received from a proprietary handler or another cooperative, that such other milk shall be considered to have been used to supply such sales before the cooperatives' own milk is available.

#### Expense of Administration

26. In § 904.10 (a) delete all of the present proviso.<sup>6</sup> The effect of this change will be to remove language from the order which is now inoperative because of changes that have occurred in the organization and structure of certain cooperatives.

#### Miscellaneous

27. Consider possible amendments designed to regulate the country assembly of milk to conserve rubber and equipment and to insure adequate facilities for movement of milk to market.<sup>7</sup>

28. Add a new section, as follows:

*Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.<sup>8</sup>

Copies of this notice of hearing, of the tentatively approved marketing agreement, as amended, and of the order, as amended, now in effect, may be procured from the Hearing Clerk, Office of the So-

licitor, United States Department of Agriculture, in Room 1019 South Building, Washington, D. C., or may be there inspected.

Dated: September 17, 1942.

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

[F. R. Doc. 42-9262; Filed, September 18, 1942;  
11:43 a. m.]

[Docket No. AO 83-A 5]

#### LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA

#### NOTICE OF HEARING ON HANDLING OF MILK

Proposed amendments to tentatively approved marketing agreement, as amended, and order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, Marketing Area, including an amendment enlarging the Marketing Area to include Nashua and Hudson, New Hampshire.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 *et seq.*), and in accordance with the applicable rules of practice and procedure thereunder (7 CFR 900.1-900.17; 6 F.R. 6570, 7 F.R. 3350), notice is hereby given of a hearing to be held in the Auditorium, 11 Haverhill Street, Shawsheen Village, Andover, Massachusetts, beginning at 10 a. m., e. w. t., September 30, 1942, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area. These amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to the economic or marketing conditions which relate to the amendments, or any modification thereof, which are hereinafter set forth. Such evidence may also include economic or marketing data relative to the provisions of the said tentatively approved marketing agreement and order which will be affected by approval of the proposed amendments or any modification thereof. The amendments which have been proposed are set forth below, and the name of the agency, association, or company by which each was submitted is indicated as follows:

#### PROPOSED AMENDMENTS

##### Definitions

1. Revise, in § 934.1 (a) (2), the meaning of the term "Secretary" to include any person who may be authorized to exercise the power and perform the duties of the Secretary.<sup>1</sup>

2. In § 934.1 (a) (3), change the colon at the end of the last line to a comma, and add thereafter the words "and Nashua and Hudson, New Hampshire."<sup>2</sup>

3. Consider such revision of § 934.1 (a) (8) (producer-handler) as may be neces-

<sup>1</sup> Proposed by Dairy and Poultry Branch, Agricultural Marketing Administration, U. S. D. A.

<sup>2</sup> Proposed by W. T. Boyd and Sons, Inc.

sary to keep this definition consistent with a similar definition in the Boston order.<sup>3</sup>

##### Market Administrator

4. In § 934.2 (c) (duties) add a new subparagraph as follows:

Prepare and disseminate for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this order as do not reveal confidential information.<sup>4</sup>

##### Classification of Milk

5. Amend § 934.3 (b) (2) (i) by deleting the words "buttermilk or cultured skim milk." This will change these products from Class I to Class II.<sup>5</sup>

6. Amend § 934.3 (b) (2) (ii) to read:  
\* \* \* and as actual plant shrinkage not to exceed 2 percent of all milk classified pursuant to § 934.3.

This will change shrinkage associated with the handling of Class I milk from Class I to Class II.<sup>6</sup>

7. Add the following words to § 934.3 (b) (2):

\* \* \* *And provided further*, That if for any delivery period the quantity of shrinkage cannot be ascertained from the records of the handler, the percentage of shrinkage shall be considered to be 1 percent of the volume handled or such higher percentage as may be indicated from the nature of the handlers' operations.

This change is to clarify the present intent of the order.<sup>7</sup>

8. Add an additional paragraph to § 934.3 as follows:

*Responsibility of handlers in establishing the classification of milk.* In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives milk from producers to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.<sup>8</sup>

9. Amend § 934.3 (c) (2) to read:

(2) Milk or skim milk disposed of by a handler to any plant not subject to the provisions hereof shall be classified as Class I milk, not to exceed the total quantity of Class I milk or skim milk at such plant.<sup>9</sup>

##### Prices

10. Amend § 934.4 (b) (1) to increase the Class I price.<sup>10</sup>

11. Consider revision of the factor "13 cents" to "8 cents" in § 934.4 (b) (2) in case a similar change is made in the Boston order.<sup>11</sup>

12. Amend § 934.4 (b) to extend the city plant price to include all milk delivered from producers' farms to a handler's receiving plant located within 40 miles of the City Hall in Lowell or Lawrence.<sup>12</sup>

13. Amend § 934.4 (c) (2) to reflect the higher value now present in skim milk and eliminate New York cream from the computation of the weighted average price per 40-quart can of 40 percent bottling cream in the Boston order.<sup>13</sup>

14. In § 934.4 (c) (2) substitute for the item "30 cents" the following:

<sup>3</sup> Proposed by H. P. Hood and Sons, Inc.  
<sup>4</sup> Proposed by New England Milk Producers, Inc.

<sup>2</sup> See footnote 2, *supra*.

<sup>3</sup> See footnote 3, *supra*.

<sup>4</sup> See footnote 4, *supra*.

<sup>5</sup> See footnote 6, *supra*.

• • • And subtract from milk received at plants located more than 20 miles from the City Hall in Lowell or Lawrence but within the first 10 freight zones 23.5 cents; at plants located from the 11th to the 15th freight zones, inclusive, 24.25 cents; at plants located from the 16th to the 20th freight zones, inclusive, 25 cents; at plants located from the 21st to the 25th freight zones, inclusive, 25.5 cents; and at plants located in the 26th freight zone and beyond, 26 cents.<sup>1</sup>

The effect of this change will be an increase in the Class II price at country plants of from 3 cents in the more distant zones to 5.5 cents in the nearby zones.

15. Amend § 934.4 (c) (2) to provide a country station allowance of 26 cents per hundredweight on Class II milk.<sup>5</sup>

16. Amend § 934.4 (d) to apply the prevailing price clause to milk sold in outside markets.<sup>4</sup>

**Reports**

17. Amend § 934.5 (e) to read:

(e) *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required by this order or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to (a) examine such books, papers, records, copies of income tax reports, accounts, correspondence, contracts, documents, and memoranda as the market administrator deems relevant and which are within the control (1) of any such handler from whom such report was requested, (2) of any person having either directly or indirectly, actual or legal control of or over such handler, or (3) of any subsidiary of any such handler; and (b) weigh, sample, and test milk for butterfat.<sup>1</sup>

This change is to amplify the authority allowable under the act for the market administrator to have access to handlers' books and records in order to verify their reports.

**Application of Provisions**

18. Amend § 934.6 (e) to read:

(e) *Milk subject to the Greater Boston Order.* The provisions hereof shall not apply, except as provided in § 934.3, to the handling of milk received at any handler's receiving plant which is subject to the provisions of the order regulating the handling of milk in the Greater Boston, Massachusetts, marketing area (Order No. 4), issued by the Secretary on February 7, 1936, effective February 9, 1936, as amended, or of any order superseding or amending such order, unless such handler, not including a cooperative association as qualified pursuant to § 904.9 (a) of the aforementioned order, sells, distributes, or disposes of less than 10 percent of his total receipts of milk as Class I milk in the Greater Boston marketing area.<sup>1</sup>

This change is to eliminate an inconsistency between the Boston and Lowell-Lawrence orders.

**Determination of Prices**

19. Delete § 934.7 (a) (1) (i) and § 934.6 (b). This change will discontinue the present arrangement of allowing a producer-handler to have his own farm production of milk deducted from his

pool at Class I in the computation of his blended price.<sup>1</sup>

**Payments to Producers**

20. Delete § 934.8 (e) (2). This change is to eliminate an out-of-date reference to the Massachusetts Milk Control Board.<sup>1</sup>

**Expenses of Administration**

21. In § 934.10 (a), consider increasing the maximum administration assessment from 3 cents to 4 cents per hundred-weight.<sup>1</sup>

**Miscellaneous**

22. Consider possible amendments designed to regulate the country assembly of milk to conserve rubber and equipment and to insure adequate facilities for movement of milk to market.<sup>4</sup>

23. Add a new section as follows:

*Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.<sup>1</sup>

It is hereby declared that an emergency exists in the handling of milk in the aforesaid area which requires a shorter period of notice than fifteen (15) days; and it is hereby determined that the period of notice given is reasonable under the circumstances.

Copies of this notice of hearing, of the tentatively approved marketing agreement, as amended, and of the order, as amended, now in effect, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 1019 South Building, Washington, D. C., or may be there inspected.

Dated: September 18, 1942.

[SEAL] THOMAS J. FLAVIN,  
Assistant to the  
Secretary of Agriculture.<sup>5</sup>

[F. R. Doc. 42-9261; Filed, September 18, 1942; 11:42 a. m.]

**FEDERAL POWER COMMISSION**

[Project No. 1887]

**COOPERATIVE SERVICE ASSOCIATION**

**ORDER SETTING DATE FOR HEARING**

SEPTEMBER 15, 1942.

Upon application filed June 25, 1942, by Cooperative Service Association of Meredith, New Hampshire, for preliminary permit for a proposed hydroelectric development to be installed at the Franklin Falls flood control dam located on the Pemigewasset River in Merrimack County, New Hampshire; and

It appearing to the Commission that: Numerous informal protests against the granting of such application have been filed; *It is ordered*, That:

A public hearing on the aforesaid application be held on October 26, 1942,

<sup>5</sup> Acting Pursuant to Authority Delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 7 F.R. 2656).

beginning at 9:45 a. m. (EWT), in Room 305, Federal Building, Concord, New Hampshire.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 42-9248; Filed September 18, 1942; 10:18 a. m.]

**FEDERAL TRADE COMMISSION.**

[Docket No. 4833]

STANLEY J. REMUS & CO., ET AL.

**COMPLAINT AND NOTICE OF HEARING**

In the Matter of Stanley J. Remus, doing business as Stanley J. Remus & Company, P. E. Harris & Company, Kelley-Clarke Company, and Oceanic Sales Company.

The Federal Trade Commission, having reason to believe that the parties respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, have violated and are now violating the provisions of subsection (c) of section 2 of the Clayton Act (U.S.C. Title 15, sec. 13) as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH ONE: Respondent Stanley J. Remus is an individual doing business under the firm name and style of Stanley J. Remus & Company. Respondent Remus has his principal office and place of business at 437 West Ontario Street, Chicago, Illinois, and is now and for many years prior hereto has been engaged in business, principally as a jobber, buying and selling in his own name and for his own account canned salmon, tuna, shrimp, and sardines (hereinafter called canned fish).

PAR. TWO: Respondent P. E. Harris & Company is a corporation organized under the laws of the State of Washington with its principal office and place of business located at 1222 Dexter Horton Building, Seattle, Washington, and is engaged in the business of canning fish and in the distribution and sale of its own pack and the pack of other canners. Said respondent operates several canneries in the Territory of Alaska, one of which is located in each of the following places: Hawk Inlet, Rose Inlet, False Pass and Ketchikan, Alaska.

Respondent Kelley-Clarke Company is a corporation organized under the laws of the State of Washington with its principal office and place of business located in the Exchange Building at 321 W. Fourth Avenue, Seattle, Washington, and is engaged in the distribution and the sale of canned fish. Respondent Kelley-Clarke Company operates several branch offices and warehouses, one of which is located at each of the following points: Los Angeles and San Francisco, California; Portland, Oregon; and Spokane and Tacoma, Washington.

Respondent Oceanic Sales Company is a corporation organized under the laws

<sup>1</sup> See footnote 1, *supra*.

<sup>4</sup> See footnote 4, *supra*.

<sup>5</sup> Proposed by Findersen's Farms.

of the State of Washington, with its principal office and place of business located in the Smith Tower Building, Seattle, Washington, and is engaged in the distribution and sale of canned fish.

Each of the three respondents named in Paragraph Two will hereinafter be referred to as "seller respondents."

PAR. THREE: Each of said seller respondents is engaged in the sale of canned fish and other products to respondent Remus and to other customers residing in states other than the respective states in which the seller respondents are located. Pursuant to the purchase orders and instructions of respondent Remus and other customers of seller respondents, canned fish are sold, shipped and transported by each of said seller respondents into and across state lines to the respondent Remus and to other customers.

Respondent Remus, in the course and conduct of his said business as a jobber, purchases a substantial portion of his requirements of canned fish from each of the seller respondents who are located in states other than the state in which respondent Remus is located. Pursuant to his purchase orders and instructions such commodities are caused to be shipped and transported by the respective seller respondents thereof across state lines to him or to his customers.

PAR. FOUR: Respondents P. E. Harris & Company, a corporation, Kelley-Clarke Company, a corporation, and Oceanic Sales Company, a corporation, since June 19, 1936, in connection with the sale in interstate commerce of canned fish to respondent Remus for his own account, have transmitted, paid, and delivered, and do transmit, pay and deliver, directly or indirectly to said Stanley J. Remus, trading as Stanley J. Remus & Company, brokerage fees, or allowances and discounts in lieu thereof in substantial amounts.

Among other methods of paying such brokerage fees, discounts and allowances in lieu thereof, each of the seller respondents customarily transmits and pays to the respondent Remus monthly rebate checks in amounts equal to an agreed percentage of the invoice price of the canned fish sold by the respective seller respondents to the Respondent Remus in his own name and/or for his own account during the preceding month.

PAR. FIVE: Respondent Remus, since June 19, 1936, in connection with the purchase of his requirements of canned fish in interstate commerce, in his own behalf and for his own account, from each of said seller respondents, has been and is now receiving, and accepting from said seller respondents, brokerage fees, or allowances and discounts in lieu of brokerage fees, or allowances and discounts in lieu of brokerage in substantial amounts.

Among the methods of so receiving and accepting brokerage fees, discounts and allowances in lieu thereof, Respondent Remus customarily receives and accepts monthly rebates from each of the seller respondents in an amount equal to an agreed percentage of the invoice prices of all canned fish purchased by said Respondent Remus in his own name and/or in his own behalf during

the preceding month from each of the respective seller respondents.

PAR. SIX: The receipt and acceptance by the respondent, Stanley J. Remus, doing business as Stanley J. Remus & Company of brokerage fees or allowances and discounts in lieu of brokerage as aforesaid and the transmission and payment of the aforesaid brokerage fees or allowances and discounts in lieu of brokerage to him by P. E. Harris & Company, a corporation, Kelley-Clarke Company, a corporation, and Oceanic Sales Company, a corporation, in the manner and under the circumstances hereinabove set forth, are in violation of the provisions of Section 2, subsection (c) of the Clayton Act as amended by the Robinson-Patman Act approved June 19, 1936.

Wherefore, the premises considered, the Federal Trade Commission on this 14th day of September, A. D. 1942, issues its complaint against said respondents.

#### Notice

Notice is hereby given you, Stanley J. Remus, doing business as Stanley J. Remus & Company, P. E. Harris & Company, Kelley-Clarke Company and Oceanic Sales Company, respondents herein, that the 23rd day of October, A. D. 1942, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations

of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer, the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 14th day of September, A. D. 1942.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 42-9251; Filed September 18, 1942; 11:09 a. m.]

#### OFFICE OF DEFENSE TRANSPORTATION.

[Special Order ODT B-26]

HARRISBURG, PA.—NEW YORK, N. Y.

MOTOR VEHICLE PASSENGER SERVICE  
COORDINATION

Directing coordinated operation of passenger carriers by motor vehicle between Harrisburg, Pennsylvania, and New York, New York.

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of passengers filed with this office by Alma Lines, Inc., Whitehouse Station, New Jersey, Edwards Motor Transit Co., Williamsport, Pennsylvania, Frank Martz Coach Co., Wilkes-Barre, Pennsylvania, Jersey Central Transportation Co., New York, New York, Pennsylvania Greyhound Lines, Inc., Cleveland, Ohio, and Reading Transportation Co., Philadelphia, Pennsylvania, and in order to assure maximum utilization of the facilities, services, and equipment of common carriers of passengers by motor vehicle, and to conserve and providently utilize vital equipment, material, and supplies, including rubber, the attainment of which purposes is essential to the successful prosecution of the war,

It is hereby ordered, That:

1. The Alma Lines, Inc., Edwards Motor Transit Co., Frank Martz Coach Co., Jersey Central Transportation Co., Pennsylvania Greyhound Lines, Inc., and Reading Transportation Co. (hereinafter called "carriers"), respectively, in the transportation of passengers on the routes served by them as common carriers by motor vehicle between any of the following cities: Harrisburg, Allentown and Easton, Pennsylvania, and New York, New York, shall:

(a) Honor each other's tickets between all points common to their lines where equal fares apply and divert to each other traffic routed between such points for the purpose of relieving overloads and reducing the operation of additional equipment in extra sections;

(b) Adjust and establish schedules to eliminate duplication of times of depart-

ture of the respective carriers and provide reasonable frequency of service throughout the day;

(c) Wherever practicable eliminate duplicate depot facilities and commission ticket agencies and, in lieu thereof, utilize joint depot facilities and joint commission ticket agencies. Contracts, agreements, and arrangements for any such joint facilities and agencies shall not extend beyond the effective period of this order. At such depot facilities and commission ticket agencies used jointly by the carrier, service, travel information, and ticket sales shall be impartial, without preference or discrimination for or against either of such carriers;

(d) Operate a number of daily round trips no greater than the number operated by the carriers, respectively, on August 5, 1942, without the prior approval of this Office;

(e) Cancel all excursion fares.

2. Pennsylvania Greyhound Lines, Inc., shall not resume service that has heretofore been suspended over U. S. Highways Nos. 422 and 222 between Harrisburg and Allentown, Pennsylvania.

3. The carriers forthwith shall file with the Interstate Commerce Commission, in respect of transportation in interstate or foreign commerce, and with each appropriate State regulatory body, in respect of transportation in intrastate commerce, and publish, in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in the fares, charges, operations, rules, regulations, and practices of each carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to said Commission, and each such regulatory body for special permission for such tariffs or supplements, to become effective on one day's notice.

This order shall become effective October 5, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this 18th day of September 1942.

JOSEPH B. EASTMAN,  
Director of Defense Transportation.

[F. R. Doc. 42-9260; Filed, September 18, 1942; 11:44 a. m.]

[Order 8 Under Maximum Price Regulation 147—Ferrous and Non-Ferrous Bolts, Nuts, Screws and Rivets—Docket 3147-12]

OLIVER IRON AND STEEL CORPORATION  
ORDER GRANTING PETITION FOR EXCEPTION

On August 6, 1942, Oliver Iron and Steel Corporation (hereinafter called the Petitioner), Pittsburgh, Pennsylvania filed a petition for an exception pursuant to § 1368.7 (a) of Maximum Price Regulation No. 147. Due consideration had been given to the petition and an opinion in support of this Order No. 8 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 au-

thority 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, issued by the Office of Price Administration, *It is hereby ordered:*

(a) Oliver Iron and Steel Corporation in ascertaining the maximum prices which it may charge for track bolts to be shipped from Pittsburgh, Pennsylvania to Sidney, Nebraska pursuant to Order No. 734 of the War Department, Office of Area Engineers, Sioux Ordnance Depot, Sidney, Nebraska, may calculate its delivery charges under Appendix C (§ 1368.14) of Maximum Price Regulation No. 147 from Pittsburgh, Pennsylvania, as an emergency basing point.

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

(c) This Order No. 8 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. 8 shall become effective September 19, 1942.

Issued this 18th day of September, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9273; Filed, September 18, 1942; 11:55 a. m.]

[Order 9 Under Maximum Price Regulation 147—Ferrous and Non-Ferrous Bolts, Nuts, Screws and Rivets—Docket 3147-11]

OLIVER IRON AND STEEL CORPORATION  
ORDER GRANTING EXCEPTION

On August 5, 1942, Oliver Iron and Steel Corporation (hereinafter called the Petitioner), Pittsburgh, Pennsylvania, filed a petition for an exception pursuant to § 1368.7 (a) of Maximum Price Regulation No. 147. Due consideration has been given to the petition, which for the reasons set forth in the opinion has been treated as one for an exception pursuant to § 1368.7 (b) of said Maximum Price Regulation No. 147, and 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 and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and by § 1368.7 (b) of Maximum Price Regulation No. 147 and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) Oliver Iron and Steel Corporation in ascertaining the maximum price it may charge for the lag screws shipped from Pittsburgh, Pennsylvania, to Hooks, Texas, pursuant to Purchase Order No. QM7127-1679 of the War Department, Office of the Area Engineer, Red River Ordnance Depot, Texarkana, Texas may add to its maximum price therefor as otherwise established by Maximum Price

Regulation No. 147 an amount equal to the difference between the less than carload lot freight actually charged on such shipment and the freight that would have been charged on such shipment if it had been part of a carload lot.

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

(c) This Order No. 9 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. 9 shall become effective September 19, 1942.

Issued this 18th day of September, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9272; Filed, September 18, 1942; 11:55 a. m.]

[Order 10 Under Maximum Price Regulation 147—Ferrous and Non-Ferrous Bolts, Nuts, Screws and Rivets—Docket 3147-10]

OLIVER IRON AND STEEL CORPORATION  
ORDER GRANTING PETITION FOR EXCEPTION

On August 4, 1942 Oliver Iron and Steel Corporation (hereinafter called the Petitioner), Pittsburgh, Pennsylvania filed a petition for an exception pursuant to § 1368.7 (a) of Maximum Price Regulation No. 147. Due consideration has been given to the petition and an opinion in 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 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, issued by the Office of Price Administration, *It is hereby ordered:*

(a) Oliver Iron and Steel Corporation in ascertaining the maximum price which it may charge for the 3,000 track bolts shipped from Pittsburgh, Pennsylvania to Longvill-Scott, Inc., Care of Area Engineer, Springfield War Aid Depot, Springfield, Illinois, may calculate its delivery charges under Appendix C (§ 1368.14) of Maximum Price Regulation No. 147 from Pittsburgh, Pennsylvania, as an emergency basing point.

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

(c) This Order No. 10 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. 10 shall become effective September 19, 1942.

Issued this 18th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9271; Filed, September 18, 1942; 11:55 a. m.]

[Order 11 Under Maximum Price Regulation 147—Ferrous and Non-Ferrous Bolts, Nuts, Screws and Rivets—Docket 3147-13]

OLIVER IRON AND STEEL CORPORATION

ORDER GRANTING PETITION FOR EXCEPTION

On August 17, 1942, Oliver Iron and Steel Corporation (hereinafter called the Petitioner), Pittsburgh, Pennsylvania, filed a petition for an exception pursuant to § 1368.7 (a) of Maximum Price Regulation No. 147. Due consideration has been given to the petition and an opinion in support of this Order No. 11 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, issued by the Office of Price Administration, *It is hereby ordered:*

(a) Oliver Iron and Steel Corporation in ascertaining the maximum price which it may charge for track bolts to be shipped from Pittsburgh, Pennsylvania, to Tampa, Florida, pursuant to Order No. 7622-6 of the War Department, Office of the Chief Engineers, Construction Division, may calculate its delivery charge under Appendix C (§ 1368.14) of Maximum Price Regulation No. 147 from Pittsburgh, Pennsylvania, as an emergency basing point.

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

(c) This Order No. 11 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. 11 shall become effective September 19, 1942.

Issued this 18th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9270; Filed, September 18, 1942; 11:54 a. m.]

[Order 20 Under Revised Price Schedule 6—Iron and Steel Products—Docket 3006-19]

NORTHWESTERN STEEL AND WIRE COMPANY

ORDER GRANTING EXCEPTION

On June 30, 1942, Northwestern Steel and Wire Company filed a petition for an exception to Revised Price Schedule No. 6, as amended, pursuant to § 1306.7 (c) thereof. Due consideration has been given to the petition and an opinion in support of this Order No. 20 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, issued by the Office of Price Administration, *It is hereby ordered:*

(a) Northwestern Steel and Wire Company may sell and deliver and agree, offer, solicit and attempt to sell and de-

liver to the Procurement Division of the Treasury Department for the account of the Lend-Lease Administration, under allocation order Series A No. 7151-12581 and subsequent similar orders, rerolling grade billets at a base price of \$41 per gross ton f. o. b. mill.

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

(c) This Order No. 20 may be revoked or amended by the Price Administrator at any time.

(d) The definition set forth in § 1306.8 of Revised Price Schedule No. 6 shall apply to terms used herein.

(e) This Order No. 20 shall become effective September 19, 1942.

Issued this 18th day of September, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9274; Filed, September 18, 1942; 11:55 a. m.]

[Order 22 Under Maximum Price Regulation 148—Dressed Hogs and Wholesale Pork Cuts—Docket 3148-64]

OLD FORT PROVISION COMPANY

ORDER GRANTING PETITION FOR ADJUSTMENT

On August 17, 1942, the Old Fort Provision Company, Walterboro, South Carolina, filed a petition docketed as a petition for an 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. 22 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, issued by the Office of Price Administration, *It is hereby ordered:*

(a) The Old Fort Provision Company may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds of wholesale pork cuts referred to in paragraph (b), at prices not in excess of those stated in such paragraph. Any person may buy and receive such kinds of wholesale pork cuts at such prices from the Old Fort Provision Company.

(b)

	Cents per pound
Pork loins fresh.....	29½
Pork hams fresh.....	28
Picnic hams smoked.....	27
Regular hams smoked.....	31
Skinned hams smoked.....	32
Pork shoulder fresh.....	26½
Pork shoulder smoked.....	28
Boiled ham.....	50

(c) The permission granted to the Old Fort Provision Company in this Order No. 22 is subject to the following conditions: that the several prices specified in paragraph (b) shall apply only during the period April 1 to November 30, inclusive, of any year during which Maximum Price Regulation No. 148 is in effect and that during the period December 1 to March 31, inclusive, the maximum price at which the Old Fort Pro-

vision 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 Old Fort Provision Company each pork cut specified shall be the seller's maximum price for such cut as determined under the provisions of § 1364.22 of Maximum Price Regulation No. 148.

(d) All prayers of the petition not granted herein are denied.

(e) This Order No. 22 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.

(g) This Order No. 22 shall become effective September 19, 1942.

Issued this 18th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9269; Filed, September 18, 1942; 11:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-267]

BROADWAY AND 58TH STREET CORPORATION,  
ET AL.

NOTICE AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 16th day of September, A. D. 1942.

In the matter of Broadway and 58th Street Corporation and William T. Hunter and R. Keith Kane, as surviving trustees under voting trust agreement of Broadway and 58th Street Corporation, dated as of April 1, 1935.

An application having been filed by Broadway and 58th Street Corporation under and pursuant to the provisions of section 3 (b) (2) of the Investment Company Act of 1940 for an order declaring it to be excepted from the definition of an investment company contained in this Act on the ground that it is primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities, or, in the alternative, for an order under and pursuant to the provisions of section 6 (c) of the Act exempting it from the provisions of the Act.

William T. Hunter and R. Keith Kane, as surviving trustees under voting trust agreement of Broadway and 58th Street Corporation, dated as of April 1, 1935, having filed an application under and pursuant to the provisions of section 6 (c) of the Act for an order of exemption from the provisions of the Act in the event that the application of Broadway and 58th Street Corporation under section 3 (b) (2) is denied.

*It is ordered,* That a hearing on the aforesaid applications be held on the sixth day of October at 10:00 o'clock in the forenoon of that day in the hearing

room of the Securities and Exchange Commission Building at 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise interested parties where such hearing will be held;

*It is further ordered*, That Willis E. Monty, Esquire, or any other officer of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicants and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-9226; Filed, September 17, 1942;  
3:33 p. m.]

[File No. 59-4]

ENGINEERS PUBLIC SERVICE CO., ET AL

ORDER REQUIRING DIVESTITURE BY HOLDING COMPANIES AND SUBSIDIARIES IN HOLDING COMPANY SYSTEM OF COMPANIES AND PROPERTIES OWNED OR OPERATED THEREBY

In the Matter of Engineers Public Service Company and its subsidiary companies, respondents.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of September, A. D., 1942.

The Commission having on February 28, 1940, by notice and order for hearing, instituted proceedings under section 11 (b) (1) of the Public Utility Holding Company Act of 1935 with respect to Engineers Public Service Company and its subsidiaries to determine their status under that section, and Engineers Public Service Company and its subsidiaries having answered such notice and order; and

Hearings having been held after due notice, requests for findings of fact on behalf of such companies and briefs in support thereof having been filed, oral argument having been heard; and

The Commission being advised in the premises, and having this day issued its Findings and Opinion with respect to certain action which the Commission finds necessary to limit the operations of the holding company systems of Engineers Public Service Company and its subsidiaries, including each subsidiary thereof which is a registered holding company and its subsidiaries, to a single integrated public utility system and additional systems and other businesses in accordance with the requirements of

section 11 (b) (1) of the Public Utility Holding Company Act of 1935;

*It is ordered*, Pursuant to section 11 (b) (1):

(1) That Engineers Public Service Company, a registered public utility holding company, shall sever its relationship with the companies named hereafter by disposing or causing the disposition, in any appropriate manner not in contravention of the applicable provisions of the said Act or the Rules, Regulations or Orders promulgated thereunder, of its direct and indirect ownership, control and holding of securities issued and properties owned, controlled or operated by the following companies:

Savannah Electric and Power Company  
Gulf States Utilities Company  
Baton Rouge Bus Company, Inc.  
El Paso Electric Company (Delaware)  
El Paso Electric Company (Texas)  
El Paso and Juarez Traction Company  
El Paso Natural Gas Company  
Engineers Public Service Company, Inc.;

and

(2) That the said Engineers Public Service Company shall cease to own or operate, directly or indirectly, any property or facilities now owned or operated by it through Virginia Electric and Power Company for the purpose of conducting, directly or indirectly, any gas utility, gas appliance merchandising and jobbing, and transportation business, and to cease engaging, directly or indirectly, in any gas utility, gas appliance merchandising and jobbing, and transportation business now engaged in by it, directly or indirectly, through the said Virginia Electric and Power Company; and

(3) That El Paso Electric Company (Delaware), a registered public utility holding company, shall sever its relationship with El Paso and Juarez Traction Company by disposing or causing the disposition, in any appropriate manner not in contravention of the applicable provisions of the said Act or the Rules, Regulations or Orders promulgated thereunder, of its direct and indirect ownership, control and holding of securities issued and properties owned, controlled or operated by the said El Paso and Juarez Traction Company; and

(4) That the said El Paso Electric Company (Delaware) shall cease to own or operate, directly or indirectly, any property or facilities now owned or operated by it through El Paso Electric Company (Texas) for the purpose of conducting, directly or indirectly, any transportation or toll bridge business, and to cease engaging, directly or indirectly, in any transportation and toll bridge business now engaged in by it, directly or indirectly, through the said El Paso Electric Company (Texas); and

Engineers Public Service Company, a registered public utility holding company, controlling more than one single integrated public utility system, although heretofore afforded opportunity to indicate its choice of the single integrated system it desires to retain as its principal system, having failed to avail

itself of such opportunity, and the Commission desiring nevertheless that further opportunity be afforded said respondent to indicate its views with respect to its choice of the principal system:

*It is further ordered*, That notwithstanding the provisions of Rule XII (d) of the Commission's Rules of Practice Engineers Public Service Company may, within fifteen days of the date hereof, petition for leave to retain as its principal system the electric utility system of Gulf States Utilities Company: *Provided, however*, That the Commission reserves the right to grant, deny, or dispose of any such petition according to the merits of the grounds urged in support thereof, and to take such other action with respect thereto as may appear to the Commission to be appropriate.

Issue having arisen in this proceeding as to the permissibility of retention of the Gulf States Utilities Company's electric utility properties located in Jasper, Texas; and

The Commission deeming it necessary and appropriate that the record be reopened and that additional opportunity be afforded for the presentation of further relevant evidence bearing on such questions;

*It is ordered*, That, at such hour and place and before such trial examiner as the Commission shall by further notice and order designate, additional opportunity shall be afforded upon application by Gulf States Utilities Company or Engineers Public Service Company for the presentation of further relevant evidence bearing upon the question whether the said electric utility properties located in Jasper, Texas, may be retained under Clauses (A) and (C) of section 11 (b) (1) of the Act as systems additional to the integrated electric utility system of Gulf States Utilities Company.

*It is provided*, With respect to our Findings, Opinion and Order herein, in their entirety, and with respect to the entry, publication, and service thereof that they shall be without prejudice to the right of the Commission to enter such other and further appropriate orders from time to time as the Commission may deem necessary to secure compliance by the respondents with the provisions of the Act and the pertinent Rules and Regulations thereunder, the Findings and Opinion in this proceeding, and the provisions of this Order; and

*It is further provided*, That jurisdiction is reserved to the Commission, notwithstanding this Order, or its entry, publication, and service, to conduct such investigations, hearings, or other proceedings involving any or all of the respondents herein and to make such orders as it shall deem necessary or appropriate under section 11 (b) (2) or any other provision of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-9227; Filed, September 17, 1942;  
3:33 p. m.]

[File No 4-307]

CHARLES C. WRIGHT, ET AL.

ORDER OF EXPULSION FROM NATIONAL SECURITIES EXCHANGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of September 1942.

The Commission having issued an order herein on February 28, 1938, expelling the respondent Charles C. Wright from the national securities exchanges of which he was a member, for the reasons set forth in its findings and opinion issued and filed with said order;

The United States Circuit Court of Appeals for the Second Circuit having sustained in part and set aside in part

the findings on which said order was based, and having remanded the case to the Commission so that the Commission might determine, in its discretion, whether or not to modify its order to one of suspension rather than expulsion;

This matter having been duly reconsidered by the Commission, after notice and further hearing, and the Commission having this day issued and filed its opinion thereon; now, on the basis of the Commission's findings and opinion dated February 28, 1938, as modified by the United States Circuit Court of Appeals for the Second Circuit, and on the basis of the further hearing herein and pursuant to section 19 (a) (3) of the Securities Exchange Act of 1934,

*It is hereby ordered*, That, effective, October 15, 1942, the respondent Charles C. Wright be and hereby is expelled from the New York Stock Exchange, the New York Curb Exchange, the Philadelphia Stock Exchange, the Chicago Stock Exchange and the Board of Trade of the City of Chicago, national securities exchanges of which said respondent was on February 28, 1938, a member as that term is defined in section 3 (a) (3) of the Securities Exchange Act of 1934.

By the Commission.

[SEAL]

ORVAL L. DuBois,  
*Secretary.*

[F. R. Doc. 42-9228; Filed, September 17, 1942;  
3:33 p. m.]