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Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Commodity Credit Corporation

[Amendment No. 1 to 1941 C.C.C. Wheat Form 1—Instructions]

PART 218—1941 WHEAT LOANS[1]

AMENDMENT INCREASING THE AREA IN WHICH LOANS OF FARM-STORED WHEAT WILL BE AVAILABLE

Pursuant to the provisions of Title III, section 302 (a) of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 43; 7 U.S.C., Sup. 1302) and Public Law 74, 77th Congress, approved May 26, 1941 (55 Stat. 205), Commodity Credit Corporation has authorized the making of loans in accordance with the regulations in this part (1941 C.C.C. Wheat Form 1—Instructions), upon the security of wheat stored on farms or in approved public grain warehouses. Such regulations are amended as follows:

Paragraph (b) (1) of § 218.1, *Definitions,* is amended by striking at the end of the first paragraph the following language:

* * * when stored on the farm in all counties in the State of Michigan, and in all counties in the States of Indiana and Ohio, north of or intersected by the fortieth parallel meridian.

and inserting in lieu thereof:

* * * when stored on the farm in all counties in the States of Michigan, Pennsylvania, New York, New Jersey, Maryland, Delaware, and Virginia, and in all counties in the States of Indiana and Ohio north of or intersected by the fortieth parallel meridian.

Dated: July 29, 1941.

[SEAL] J. B. HUTSON, *President.*

[F. R. Doc. 42-3593; Filed, April 22, 1942; 1:42 p. m.]

[1] 6 F.R. 3123, 3128.

[Amendment No. 2 to 1941 C.C.C. Wheat Form 1—Instructions]

PART 218—1941 WHEAT LOANS[1]

AMENDMENT INCREASING THE AREA IN NEW MEXICO IN WHICH LOANS ON ELIGIBLE WHEAT STORED ON FARMS WILL BE MADE

Pursuant to the provisions of Title III, section 302 (a) of the Agricultural Adjustment Act of 1938, as amended, (52 Stat. 43; 7 U.S.C., Sup., 1302) and Public Law 74, 77th Congress, approved May 26, 1941 (55 Stat. 205), Commodity Credit Corporation has authorized the making of loans in accordance with the regulations in this part (1941 C.C.C. Wheat Form 1—Instructions), upon the security of wheat stored on farms or in approved public grain warehouses. Such regulations are amended as follows:

Section 218.2 *Areas in which loans will be made,* is amended by adding to the New Mexico counties named therein the following counties:

Bernalillo, Sandoval, Socorro, and Valencia.

Dated: August 8, 1941.

[SEAL] J. B. HUTSON, *President.*

[F. R. Doc. 42-3592; Filed, April 22, 1942; 1:42 p. m.]

[Amendment No. 1 to 1941 C.C.C. Wheat Form 1—Supplement 1—Instructions]

PART 218—1941 WHEAT LOANS[1]

AMENDMENT INCREASING THE AREA IN MISSOURI FOR WHICH SEPARATE SCHEDULES OF LOAN VALUES WILL BE ISSUED, AND PRESCRIBING METHOD OF COMPUTING LOAN RATES AT ILLINOIS POINTS ON WHEAT RECEIVED BY RAIL SHIPMENT

Pursuant to the provisions of Title III, section 302 (a) of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 43; 7 U.S.C., Sup., 1302) and Public Law 74, 77th Congress, approved May 26, 1941 (55 Stat. 205), Commodity Credit Corporation has authorized the making

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of loans in accordance with the regulations in this part (1941 C.C.C. Wheat Form 1—Supplement 1—Instructions), upon the security of wheat stored on farms or in approved public grain warehouses. Such regulations are amended as follows:

Paragraph (b) of § 218.5, *Amount of loan at country points*, is amended by adding to the counties listed for Missouri the following counties:

Jefferson, Perry, Pike, St. Francis, St. Genevieve and St. Louis.

Paragraph (b) of § 218.5 is further amended by adding at the end thereof the following language:

* * * Loan rates at Illinois points on wheat received by rail shipment are to be computed in accordance with the formula set forth in this paragraph if such computation results in a higher loan rate than would be obtained by using the formula set forth in paragraph (a) of this section.

Dated: July 28, 1941.

[SEAL] J. B. HUTSON, *President.*

[F. R. Doc. 42-3594; Filed, April 22, 1942; 1:43 p. m.]

[Supplement No. 1 to 1941 C.C.C. Cotton Form 1—Instructions]

PART 221—1941 COTTON LOANS[1]

RULES AND PROCEDURE RELATING TO THE PURCHASE OR POOLING BY COMMODITY CREDIT CORPORATION OF 1941 COTTON PRODUCERS' NOTES PURSUANT TO A LENDING AGENCY AGREEMENT

Pursuant to the provisions of Title III, section 302 (a) of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 43; 7 U.S.C., Sup., 1302) and Public Law 74, 77th Congress, approved May 26, 1941 (55 Stat. 205), Commodity Credit Corporation has authorized the making of loans upon the security of cotton in accordance with the regulations in this part (1941) C.C.C. Cotton Form 1—Instructions). Such regulations are supplemented as follows:

[1] 6 F.R. 4185.

Section 221.12 *Time and manner of tendering loans for purchase and pooling*, is supplemented by adding at the end thereof the following new section:

§ 221.12a *Rules and procedure relating to the purchase or pooling by Commodity Credit Corporation of 1941 cotton producers' notes pursuant to a lending agency agreement.* (a) 1941 Cotton Producers' Notes (1941 C.C.C. Cotton Form A) (hereinafter called "notes") will be eligible for purchase or for pooling only when tendered by the lending agency which is the payee of the notes tendered and which, prior to the execution of such notes, has executed a Lending Agency Agreement (1941 C.C.C. Cotton Form D) and delivered such agreement to the Loan Agency of the Reconstruction Finance Corporation serving each district in which cotton securing such notes is stored.

The location of the Loan Agencies of the Reconstruction Finance Corporation and the district served by each Agency are as follows:

Loan Agencies and Districts Served

Atlanta, Ga.—Georgia, Florida, Virginia, North Carolina, South Carolina.

Birmingham, Ala.—Alabama.

Dallas, Texas.—Texas, New Mexico.

Little Rock, Ark.—All of Arkansas except the counties assigned to Memphis.

Los Angeles, Calif.—California, Arizona.

Memphis, Tenn.—Illinois, Missouri, Tennessee; the following counties in Arkansas: Clay, Craighead, Crittenden, Cross, Greene, Lawrence, Lee, Mississippi, Phillips, Poinsett, Randolph, and St. Francis; and the following counties in Mississippi: Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, DeSoto, Grenada, Holmes, Humphreys, Itawamba, Lafayette, Lee, Leflore, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunicao, Union, Washington, Webster, Winston, Yalobusha.

New Orleans, La.—Louisiana and counties in Mississippi not assigned to Memphis.

Oklahoma City, Okla.—Oklahoma.

(b) All notes must be tendered to Commodity Credit Corporation, Regional Office, Masonic Temple Building, New Orleans, Louisiana, within 15 days of the respective dates of their execution. Notes must be tendered on 1941 C.C.C. Cotton Form C (Lending Agency's Letter of Transmittal), which shall state whether the lending agency desires Commodity Credit Corporation to purchase the notes or to place them in a pool operated by it. Notes tendered on any one 1941 C.C.C. Cotton Form C must all be secured by cotton stored in an area served by the same Federal Reserve Bank. Four copies of the 1941 C.C.C. Cotton Form C must accompany the notes and not more than 35 notes may be covered by any one transmittal letter.

(c) Notes, when properly tendered, will be examined by the New Orleans

Office of the Commodity Credit Corporation. Notes not found to be acceptable will be returned. Notes returned will be accepted if retendered in acceptable form. One copy of 1941 C.C.C. Cotton Form C, on which any notes not accepted will be indicated, will be returned to the lending agency and will constitute a receipt for the accepted notes. Notes accepted by the New Orleans Office of Commodity Credit Corporation will be forwarded by it to the Federal Reserve Bank for the district in which the cotton is stored.

(d) If the notes accepted by the New Orleans Office of Commodity Credit Corporation and forwarded to the Federal Reserve Bank were tendered for direct purchase, the Federal Reserve Bank, acting for Commodity Credit Corporation, will make payment therefor. The purchase price will be the face amounts of the notes, plus accrued interest at the rate of 1½ percent per annum from the respective dates of the notes to the dates of their purchase.

(e) If the notes accepted by the New Orleans Office of Commodity Credit Corporation and forwarded to the Federal Reserve Bank were tendered for pooling, the Federal Reserve Bank, acting for Commodity Credit Corporation, will issue a Certificate of Interest to the lending agency named as payee of the notes or to any other qualified lending agency designated by such payee in the 1941 C.C.C. Cotton Form C on which the notes were tendered.

(f) A Certificate of Interest (1941 C.C.C. Cotton Form H) will evidence the deposit in a pool conducted by the Commodity Credit Corporation, pursuant to a Lending Agency Agreement (1941 C.C.C. Cotton Form D), of notes in total face amounts equal to the face amount of the certificate issued. The notes securing cotton stored in each Federal Reserve District will constitute a separate pool and the Federal Reserve Bank for the district will act for Commodity Credit Corporation as custodian of the pooled notes.

(g) A Certificate of Interest shall bear interest on the value thereof at the rate of 1½ percent per annum, payable at the time and upon the amount of each payment made (as hereinafter provided in these rules) upon such certificate.

(h) The value of a Certificate of Interest, at any time, will be the total face amounts of the notes with respect to which the certificate was issued, less the total amounts of payments made upon the certificate. At the time of its issuance, a payment upon the certificate will be made to the holder in such amount as may be necessary to make the original value of the certificate an integral multiple of $100. At the time of its issuance, there will, also, be paid to the holder interest upon the total face amounts of the notes with respect to which the certificate is issued at the rate of 1½ percent per annum from the respective dates of the notes to the date of the issuance of the certificate.

(i) The total amount on hand as of the close of business on the last day of any month which was obtained through the collection of the principal amounts of notes comprising a pool will be paid during the 10-day period following the end of the month (hereinafter called a "distribution period") upon Certificates of Interest outstanding as of the close of business on the last day of the month: *Provided*, That such payments will not be made if Commodity Credit Corporation determines that such action is impracticable because of the insufficiency of the total amount available for payments. Payments upon certificates will be made ratably upon the basis of the value of each certificate to the value of all certificates upon which payments will be made: *Provided*, That the amount which would otherwise be paid upon any certificate may be increased or decreased so as to make such payment an integral multiple of $100: *And, provided further*, That the amount of any such payment shall in no event exceed the value of the certificate. Interest will be paid (as provided in paragraph 7) on each such payment at the rate of 1½ percent per annum from the date of the certificate upon which the payment is paid to the date of such payment.

(j) A Certificate of Interest shall be retired when the amount paid upon the certificate equals the value thereof, plus interest thereon at the rate of 1½ percent per annum from the date of the certificate to the date of retirement.

(k) A Certificate of Interest may be purchased from the holder thereof, at any time, by Commodity Credit Corporation paying the holder the value thereof, plus interest thereon at the rate of 1½ percent per annum from the date of the certificate to the date of purchase and will be purchased by Commodity Credit Corporation upon demand by the holder thereof.

(l) A Certificate of Interest may be transferred, subject to the following conditions: Transfers may be made only to a lending agency which has executed a Lending Agency Agreement (1941 C.C.C. Cotton Form D). Only two transfers may be made. Transfers may be made only on 1941 C.C.C. Cotton Form I (Assignment of Certificate of Interest) and will be effective only upon the receipt and acceptance of such form by Commodity Credit Corporation. A 1941 C.C.C. Cotton Form I (Assignment of Certificate of Interest) received during a distribution period (i.e., the first 10 days of any month) will not be effective until the end of such period and payments upon the certificate during such distribution period will be made to the transferer, rather than the transferee.

(m) The Federal Reserve Bank by which a Certificate of Interest is issued will act as custodian of the certificate for the holder until such certificate is retired or purchased by Commodity Credit Corporation, and such bank will enter on the certificate all payments made thereon.

(n) If any amount remains in the pool after all certificates issued with respect to the pool have been retired, such amount shall revert to Commodity Credit Corporation.

(o) If, upon final liquidation of the pool, the proceeds thereof are not sufficient to retire all outstanding certificates, the Corporation will pay to the holders of such certificates the values thereof, plus interest thereon at the rate of 1½ percent thereon from the respective dates of such certificates to the date of retirement.

Dated: August 6, 1941.

[SEAL] J. B. HUTSON,
President.

[F. R. Doc. 42-3595; Filed, April 22, 1942; 1:43 p. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Administration

PART 962—FRESH PEACHES GROWN IN THE STATE OF GEORGIA

ORDER REGULATING THE HANDLING OF FRESH PEACHES GROWN IN THE STATE OF GEORGIA[1]

Sec.

It is provided in Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), that the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") shall, subject to the provisions of the act, issue orders regulating such handling of certain agricultural commodities, including peaches, as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodities.

The Assistant Secretary, having reason to believe that the execution of a marketing agreement and the issuance of an order would tend to effectuate the declared policy of the act with respect to the establishment and maintenance of such orderly marketing conditions for fresh peaches grown in the State of Georgia as would establish prices to the producers of such peaches at a level that would give such peaches a purchasing power, with respect to articles that the producers thereof buy, equivalent to the

[1] See also Department of Agriculture, *infra*.

purchasing power of such peaches during the base period, January 1920–December 1928, gave notice, on November 27, 1941, of a public hearing to be held in Macon, Georgia, on December 11, 1941, on a proposed marketing agreement and a proposed order regulating such handling of such fresh peaches as is in the current of commerce between the State of Georgia and any point outside thereof, or so as directly to burden, obstruct, or affect such commerce; and the aforesaid hearing was held in Macon, Georgia, on December 11 and 12, 1941, and all interested persons in attendance were afforded due opportunity to be heard concerning the proposed marketing agreement and the proposed order.

In accordance with the provisions of the act, it has been found and proclaimed that the purchasing power of fresh peaches grown in the State of Georgia during the period August 1909–July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture, but that the purchasing power of such peaches can be satisfactorily determined from available statistics of the Department of Agriculture for the period January 1920–December 1928, and that the period January 1920–December 1928 is the base period to be used in connection with this order in determining the purchasing power of such peaches.

Upon the basis of the evidence introduced at the aforesaid hearing and the record thereof, it is hereby found that:

AUTHORITY: §§ 962.1 to 962.21, inclusive, issued under 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246, 52 Stat. 215, 53 Stat. 782; 7 U.S.C. 1940 ed. 601 *et seq.*

§ 962.1 *Findings.* (a) The terms and provisions of this part prescribe, so far as practicable, such different terms, applicable to different production areas, as are necessary in order to give due recognition to the difference in production and marketing of such peaches;

(b) This part is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to any subdivision of said production area specified herein would not effectively carry out the declared policy of the act; and

(c) This part and all of the terms and conditions of this part will tend to effectuate the declared policy of the act with respect to fresh peaches produced in said production area, specified in this part, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish prices to the producers thereof at a level that will give such peaches a purchasing power, with respect to the articles that the producers thereof buy, equivalent to the purchasing power of such peaches in the base period, January 1920–December 1928, and by protecting the interest of the consumer by (1) approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (2) by authorizing no action which has for its purpose the maintenance of prices to producers of such peaches above the level which it is declared in the act to be the policy of Congress to establish.

It is further found that:

(d) The marketing agreement regulating the handling of fresh peaches grown in the State of Georgia, tentatively approved by the Secretary on February 10, 1942, upon which a hearing was held on December 11 and 12, 1941, was signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the commodity covered by this part) who, during the 1941 marketing season, handled not less than fifty (50) percent of the volume of such peaches covered by this part;

(e) This part regulates the handling of such peaches in the same manner as the aforesaid marketing agreement, and that it is made applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement;

(f) The issuance of this part is approved or favored by at least two-thirds (⅔) of the producers who, during the representative period determined by the Acting Secretary, were engaged, within the production area specified herein, in the production for market of the commodity specified in this part; and

(g) The issuance of this part is approved or favored by producers who, during the representative period determined by the Acting Secretary, produced for market at least two-thirds (⅔) of the volume of such commodity produced for market, within the production area specified in this part.

§ 962.2 *Order relative to handling.* It is, therefore, ordered, That such handling of fresh peaches produced in the State of Georgia as is in the current of commerce between the State of Georgia and any point outside thereof, shall, from and after the time hereinafter specified, be in conformity to and in compliance with the terms and conditions of this part.

§ 962.3 *Definitions.* As used in this part, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States, or the Under Secretary of Agriculture of the United States, or the Assistant Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture to whom the Secretary of Agriculture of the United States has heretofore lawfully delegated, or to whom the Secretary of Agriculture of the United States may hereafter lawfully delegate, the authority to act in his stead.

(b) "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. § 601 *et seq.*)

(c) "Person" means an individual, marketing agent, partnership, corporation, marketing agency, association, legal representative, or any organized group or business unit of individuals.

(d) "Area" means and includes the entire State of Georgia.

(e) "Peaches" means and includes all varieties of peaches grown within the aforesaid area.

(f) "Shipper" is synonymous with "handler" and means any person (except a common carrier of peaches owned by another person) who, as owner, agent, or otherwise, ships or handles peaches in fresh form, or causes peaches to be shipped or handled in fresh form, by rail, truck, boat, or any means whatsoever.

(g) "Ship" is synonymous with "handle" and means to sell, transport, or in any other way to place peaches, in fresh form, in the current of commerce between the State of Georgia and any point outside thereof.

(h) "Grower" means any person engaged in the production of peaches for market; however, as used in § 962.8 (c), "grower" shall also include any purchaser of a crop of peaches on the trees.

(i) "Fiscal period" means the period beginning on March 1 of each year and ending on the last day of February of the following year.

(j) "District" means the applicable one of the following described geographical subdivisions of the area:

(1) "South Georgia District" shall include the counties of Muscogee, Chattahoochee, Marion, Taylor, Crawford, Bibb, Twiggs, Wilkinson, Washington, Jefferson, Glascook, Burke, Johnson, Emanuel, Jenkins, Screven, Stewart, Webster, Schley, Macon, Peach, Houston, Sumter, Dooly, Pulaski, Bleckley, Laurens, Quitman, Randolph, Terrell, Lee, Crisp, Wilcox, Dodge, Treutlen, Candler, Bulloch, Effingham, Clay, Calhoun, Dougherty, Worth, Turner, Tift, Irwin, Ben Hill, Telfair, Wheeler, Montgomery, Toombs, Tattnall, Evans, Bryan, Chatham, Early, Miller, Baker, Mitchell, Colquitt, Cook, Berrien, Coffee, Bacon, Wayne, McIntosh, Jeff Davis, Appling, Long, Liberty, Seminole, Decatur, Grady, Thomas, Brooks, Lowndes, Lanier, Echols, Atkinson, Clinch, Ware, Pierce, Brantley, Glynn, Charlton, and Camden;

(2) "Central Georgia District" shall include the counties of Carroll, Douglas, Fulton, DeKalb, Rockdale, Newton, Walton, Morgan, Greene, Taliaferro, Warren, McDuffie, Columbia, Heard, Coweta, Fayette, Clayton, Henry, Jasper, Putnam, Hancock, Troup, Meriwether, Spalding, Butts, Pike, Lamar, Monroe, Jones, Baldwin, Richmond, Harris, Talbot, and Upson; and

(3) "North Georgia District" shall include the counties of Dade, Catoosa, Whitfield, Murray, Fannin, Union, Towns, Rabun, Walker, Chattooga, Gordon, Gilmer, Pickens, Lumpkin, White, Habersham, Floyd, Bartow, Cherokee, Dawson, Hall, Banks, Stephens, Franklin, Hart, Polk, Haralson, Paulding, Cobb, Forsyth,

Gwinnett, Barrow, Jackson, Madison, Clarke, Oconee, Oglethorpe, Elbert, Wilkes, and Lincoln.

§ 962.4 *Committees*—(a) *Establishment of Industry Committee.* An Industry Committee, consisting of eight (8) members, is hereby established to administer the terms and provisions of this part. The members of said Industry Committee, and their respective alternates, shall be selected in accordance with the provisions of this section.

(b) *Representation by districts on Industry Committee.* Three (3) members of the Industry Committee shall be selected from among growers in the South Georgia District; three (3) members of the committee shall be selected from among growers in the Central Georgia District; and two (2) members of the committee shall be selected from among growers in the North Georgia District.

(c) *Selection of initial members of Industry Committee.* The initial members of the Industry Committee, and their respective alternates, shall be selected by the Secretary as soon as reasonably possible after the effective date of this part. In thus selecting the initial members and alternates, the Secretary may consider such nominations or suggestions, if any, as may be submitted by growers, and such nominations or suggestions may be by virtue of elections conducted by groups of growers prior to, or immediately subsequent to, the effective date hereof. Each of the initial members and his respective alternate shall serve for a term ending on February 28, 1943, and in the event that the respective person's successor has not been selected and qualified by February 28, 1943, such person shall serve until his successor has been selected and qualified. In selecting such initial members and their alternates, the Secretary shall make his selection upon the basis of the representation by districts provided for in this section.

(d) *Nomination of succeeding members of Industry Committee.* (1) The Industry Committee shall, after the year 1942, hold or cause to be held prior to January 31 of each year a meeting or meetings of growers in each of the districts designated in § 962.3, for the purpose of designating nominees from among whom the Secretary may select members and alternate members of the Industry Committee. The committee shall give adequate notice of any such meeting or meetings to all growers in the respective district.

(2) At each election meeting held to nominate members and alternate members of the Industry Committee, the growers eligible to participate therein shall select a chairman and a secretary therefor. The chairman of each meeting shall announce at such meeting the name of each person for whom a vote has been cast, whether as member or alternate member, and the number of votes cast for each such person, and the chairman or the secretary of the meeting shall forthwith transmit such information to the Secretary or the designated representative of the Secretary. At each such meeting at least two nominees shall be designated for each position as member and at least two nominees shall be designated for each position as alternate member on the committee as representative or representatives of the respective district.

(3) Only growers in attendance at a meeting for election of nominees shall participate in the nomination of members and their alternates. In the event a grower is engaged in producing peaches in more than one district, such grower shall elect the district within which he shall participate in designating nominees. Each grower shall be entitled to cast only one vote on behalf of himself, his agents, affiliates, subsidiaries, and representatives for each position on the committee for which such voter is eligible to participate in designating a nominee at the respective meeting.

(e) *Selection of members of Industry Committee.* The Secretary may select the members of the Industry Committee and their respective alternates, subsequent to the initial members and alternates, from nominations made by growers as provided in this section or the Secretary may select such members and alternates from among other persons.

(f) *Vacancies.* In the event nominations are not made for membership on the Industry Committee, pursuant to the provisions of this section, by February 15 of the respective fiscal period, the Secretary may select such members and their respective alternates without waiting for nominees to be designated. To fill any vacancy occasioned by the failure of any person, selected as a member of the Industry Committee or as an alternate member thereof, to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term shall be selected by the Secretary.

(g) *Qualification.* Each person selected as a member of the Industry Committee or as an alternate member thereof shall promptly qualify by filing with the Secretary, or with the designated representative of the Secretary, a written acceptance of appointment.

(h) *Alternate members of Industry Committee.* There shall be an alternate member for each member of the Industry Committee. Each such alternate member shall have the same qualifications and shall be selected in the same manner as the respective member for whom such individual is to serve as alternate. The alternate for a member of the committee shall, in the event of the respective member's absence, act in the place of said member; and, in the event of such member's removal, resignation, disqualification, or death, the alternate for said member shall, until a successor for the unexpired term of said member has been selected, act in the place of said member.

(i) *Eligibility for membership on Industry Committee.* A person nominated or selected to serve as a member or as an alternate member of the Industry Committee, for any particular period, shall be an individual grower of peaches in the respective district for which selected, or an officer, employee, or agent of a corporate grower or corporate growers in such district.

(j) *Term of office.* The members of the Industry Committee and their respective alternates, selected subsequent to the initial members and alternates, shall serve for the fiscal period for which they have been selected and if their successors have not been selected and qualified prior to the end of the respective fiscal period, each such member or alternate shall continue to serve until his respective successor shall have been selected and qualified.

(k) *Compensation.* The members of the Industry Committee, and alternate members when acting for members, may receive compensation in an amount not in excess of five dollars ($5.00) per day for attendance at each meeting of the committee. Each member of the Industry Committee and each alternate member, when acting for a member, may receive compensation in an amount not in excess of five dollars ($5.00) per day for attendance, if designated by the Industry Committee to attend, at each consultation or conference with any other committee, or representatives thereof, established under any marketing agreement and order program, pursuant to the aforesaid act, with respect to the handling of peaches grown in any State or region outside of the area. In addition to said per diem, the members of the committee, and alternate members when acting for members may be reimbursed for necessary expenses actually incurred in attending each such meeting, conference, or consultation.

(l) *Powers.* The Industry Committee shall have the following powers:

(1) To administer, as herein specifically provided the terms and provisions hereof;

(2) To make, in accordance with the provisions herein contained, administrative rules and regulations;

(3) To receive, investigate, and report to the Secretary complaints of violation hereof; and

(4) To recommend to the Secretary amendments hereto.

(m) *Duties.* The Industry Committee shall have the following duties:

(1) To act as intermediary between the Secretary and any grower or handler;

(2) To keep minutes, books, and records which will clearly reflect all of its acts and transactions, and such minutes, books, and records shall at all times be subject to examination by the Secretary;

(3) To furnish the Secretary such available information as may be requested by the Secretary;

(4) To select such employees as it may deem necessary, and to determine the salaries and define the duties of such employees;

(5) To cause its books to be audited by one or more competent accountants at least once each fiscal period, and at such other times as it deems necessary or as the Secretary may request, and to file with the Secretary a copy of each such audit report;

(6) To prepare from time to time statements of the financial operations of the committee and to make such statements, together with the minutes of the meetings of said committee, available, at the office of the committee, for inspection by any grower;

(7) To perform such duties in connection with the administration of section 32 of the Act to Amend the Agricultural Adjustment Act, and for other purposes, Public Act No. 320, 74th Congress (August 24, 1935), as amended, as may from time to time be assigned to the committee by the Secretary;

(8) To consult with any other committee established under any marketing agreement and order program, pursuant to the aforesaid act, with respect to the handling of peaches grown in any State or region outside of the area;

(9) To defend all legal proceedings against any Industry Committee member or members (individually or as members), or any officer or employee of such committee, arising out of any act or omission made in good faith pursuant to the provisions hereof;

(10) To select a chairman of the Industry Committee and such other officers as it may deem advisable;

(11) To redefine, subject to the approval of the Secretary, the districts into which the area has been divided herein, or change the representation, subject to the approval of the Secretary, from any district on the Industry Committee;

(12) To authorize, whenever the committee deems it advisable, an employee or employees of the committee to perform any ministerial duties of the committee, subject to the limitations set forth herein: *Provided*, That such authorization by the committee shall specify the employee or employees and state definitely the limitation of the authority thus vested in the respective employee or employees: *Provided further*, That the committee shall retain concurrent authority in connection with any such duties and shall not authorize any employee or employees to perform: (i) any duties of the committee relating to the recommendations to the Secretary pursuant to § 962.8; or (ii) the duties or authority of the committee relating to the establishment of rules and regulations pursuant to the provisions and subject to the limitations set forth herein;

(13) Each season, prior to making any recommendation to the Secretary for a regulation of shipments pursuant to § 962.8, to determine the marketing policy to be followed during the ensuing season and to submit a report of such policy to the Secretary as required by § 962.6 (a);

(14) To supervise, either when regulation is in effect or is not in effect pursuant to § 962.8, the maturity regulation of shipments pursuant to § 962.7, and also to supervise any regulation of shipments pursuant to § 962.8;

(15) To establish such other committees or subcommittees to aid the Industry Committee in the performance of its duties hereunder as the Industry Committee may deem advisable;

(16) To submit to the Secretary, prior to May 1 of each fiscal period, a budget of its expenses and a proposed rate of assessment for the then current fiscal period; and

(17) To give to the Distributors' Advisory Committee or the chairman thereof the same notice of meetings of the Industry Committee as is given to the members of the said Industry Committee.

(n) *Procedure.* (1) The Industry Committee may, upon the selection and qualification of a majority of its members, organize and commence to function. A quorum shall consist of five (5) members or alternate members then serving in the place and stead of any members. For any decision of the Industry Committee to be valid, not less than five (5) affirmative votes shall be necessary.

(2) The Industry Committee may provide for the members thereof, including the alternates when acting as members, to vote by mail, telephone, teletypewriter, telegraph, or radiograph; and any such vote which is not cast in person at a meeting shall be confirmed promptly in writing.

(3) The committee may adopt such rules, not inconsistent with the provisions of this part, relative to the method of conducting its business as it may deem advisable. The Industry Committee shall give to the Secretary or to the designated representative of the Secretary the same notice of its meetings as is given to the members thereof.

(o) *Funds.* All funds received by the Industry Committee pursuant to any provision hereof shall be used solely for the purposes herein specified and shall be accounted for in the following manner: (i) the Secretary may, at any time, require the committee and its members, including alternate members, to account for all receipts and disbursements; and (ii) whenever any person ceases to be a member or alternate member of the committee, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member.

(p) *Distributors' Advisory Committee.* (1) A Distributors' Advisory Committee consisting of seven (7) members, selected by the handlers in accordance with the provisions hereof, is hereby established. There shall be an alternate for each member of such committee. Each alternate member shall be designated by the respective person for whom he serves as alternate. An alternate member shall, in the event of such member's absence from a meeting of the committee, act in the place and stead of such member, and, in the event of a vacancy in the office of such member, shall act in the place and stead of such member until a successor for the unexpired term of such member has been selected.

(2) One (1) member of the Distributors' Advisory Committee shall be the handler who shipped during the preceding marketing season the largest proportion of the total shipments of peaches. One (1) member of the committee shall be the handler who shipped during the preceding marketing season the second largest proportion of the total shipments of peaches. One (1) member of the committee shall be the handler who shipped during the preceding marketing season the third largest proportion of the total shipments of peaches. The remaining four (4) members of the committee shall be selected from among other handlers, and in the election of such members each handler shall be entitled to cast one (1) vote for each 387 bushels of peaches, or the equivalent thereof, shipped by such handler during the preceding marketing season for each nominee to be elected: *Provided*, That the aforesaid three (3) members, who shall serve on the said committee, and any corporation, marketing agencies, and cooperative associations which designate any of the three said members to serve on the committee shall not participate in selecting any of the remaining four (4) members of the committee. Each district shall be represented by at least one member, and his respective alternate, on the committee.

(3) Any individual person, except one who is a member or alternate member of the Industry Committee, shall be eligible for membership on the Distributors' Advisory Committee. The membership of the committee may include, but is not limited to, officers, employees, or agents of corporate handlers, marketing agencies, or cooperative associations; and in the event a corporation, marketing agency, or cooperative association qualifies, is elected, or is eligible to serve as a member, under the rules in § 962.4 (p) (2), such corporation, marketing agency, or cooperative association may designate an officer or employee thereof to serve as member or alternate member.

(4) The initial meeting of handlers, at which members of the Distributors' Advisory Committee are to be selected, shall be called and conducted by the Secretary as soon as reasonably possible after the effective date hereof. Each handler who desires to vote at said meeting for the selection of members of the Distributors' Advisory Committee shall file with the Secretary an affidavit stating the volume of his shipments and sales of peaches during the preceding marketing season. Election meetings held subsequent to the initial meeting shall be called and conducted by the Industry Committee not later than April 15 of each fiscal period; and each handler who desires to vote thereat shall file with the Industry Committee, prior to the respective meeting, a statement including the volume of his shipments and sales of peaches during the preceding marketing season.

(5) The Distributors' Advisory Committee may submit its recommendations

to each meeting of the Industry Committee relative to recommendations with respect to regulations of shipments of peaches pursuant to § 962.8.

(6) The members of the Distributors' Advisory Committee, and the alternate members of such committee when acting for members, may be reimbursed, by the Industry Committee, for expenses necessarily incurred by them in attending each meeting of the Advisory Committee.

§ 962.5 *Expenses and assessments*—(a) *Expenses.* The Industry Committee is authorized to incur such expenses as the Secretary finds may be necessary in order to enable the committee to perform its functions, in accordance with the provisions hereof, during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments, as herein provided, upon handlers.

(b) *Assessments.* (1) Each handler who first ships peaches shall pay, upon demand, to the Industry Committee such handler's pro rata share of the expenses which the Secretary finds will be necessarily incurred by the committee for its maintenance and functioning during each fiscal period: *Provided*, That no assessment shall be paid for (i) any shipment of peaches for manufacturing, processing, canning, or conversion into by-products on a commercial scale, or (ii) any shipment of peaches for consumption by a charitable institution or for distribution for relief purposes or for distribution by a relief agency. Such handler's pro rata share of such expenses shall be equal to the ratio between the total assessable quantity of peaches shipped by such handler as the first shipper thereof, during the applicable fiscal period, and the total assessable quantity of peaches shipped by all handlers as the first shippers thereof during the same fiscal period. The Secretary shall specify the rate of assessment to be paid by such handlers.

(2) The Secretary may, at any time during or after a fiscal period, increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the Industry Committee. Any such increase in the rate of assessment shall be applicable to all assessable peaches shipped during the specified fiscal period. In order to provide funds to enable the Industry Committee to perform its functions hereunder, handlers may make advance payment of assessments.

(c) *Accounting.* If, at the end of any fiscal period, the assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund shall be credited with such refund, unless such handler demands payment thereof, in which case such sum shall be paid to the respective handler. The Industry Committee may, with the approval of the Secretary, maintain in its own name or in the name of its members a suit against any handler for the collection of such handler's pro rata share of expenses.

§ 962.6 *Marketing policy*—(a) *Must be submitted prior to recommendation.* Before making any recommendation pursuant to § 962.8 for a particular marketing season, the Industry Committee shall submit to the Secretary a report setting forth the advisable marketing policy, for such season, for peaches. Such marketing policy report shall set forth the estimated regulation or regulations which may be recommended by the committee during such season, the justification therefor, and the estimates and other factors enumerated in § 962.6 (b). In the event the committee deems it advisable to alter such marketing policy, subsequent to submitting a report thereon to the Secretary, the committee shall submit to the Secretary a report setting forth such revised marketing policy.

(b) *Factors to be considered.* In determining such marketing policy, or such revised marketing policy, the Industry Committee, after due consideration, shall include in the report its determinations and estimates of the following factors and conditions: (1) the estimated total quantity of each variety of peaches available for shipment in each district during the season, including the estimated percentage of such quantity of each variety in each district which will be represented by each of the various grades and sizes; (2) the estimated date that peaches of each variety in each district will be mature and ready for shipment; (3) the estimated commercial crop of peaches produced in competing States and the expected time of shipments of peaches from such states; (4) the anticipated competition to peaches from other fruits and melons; (5) the estimated market prices and marketing conditions that are expected to prevail for peaches grown in the area; (6) the estimated harvesting and marketing costs and charges that are expected to apply to peaches grown in the area; (7) the level and trend in commodity prices and consumer purchasing power; and (8) other factors which the Industry Committee deems pertinent to the regulation of the maketing of peaches.

(c) *Notice shall be given.* The Industry Committee shall promptly notify handlers and growers regarding any marketing policy report in such manner as may be reasonably expected to bring such schedules of proposed regulations, and such other information as the committee deems advisable, to the attention of all handlers and growers.

§ 962.7 *Maturity regulation*—(a) *Establishment.* The Secretary shall issue an order, whenever he determines that the initial Industry Committee herein provided for is prepared to exercise its powers and perform its duties herein assigned, which will provide for the regulation pursuant to this section being and becoming effective at the time specified in said order. After the effective time specified in said order, issued pursuant to the provisions of this section, no handler shall ship peaches which do not meet the requirements for maturity set forth and defined in the U. S. Standards for Peaches, issued by the United States Department of Agriculture, effective April 22, 1933, or as such standards may be modified, revised, or new standards promulgated.

(b) *Modification.* The Industry Committee may recommend to the Secretary the modification of the maturity regulation provided in § 962.7 (a) as to any or all varieties of peaches, and such recommendation should be accompanied by supporting information. If the Secretary finds, upon the basis of such recommendation and information submitted by said committee, or upon the basis of other available information, that to modify such maturity regulation as to any or all varieties of peaches will tend to effectuate the declared policy of the act, he shall so modify such regulation. Such modification may include, but it is not necessarily limited to, a redefinition of the maturity, of any or all varieties of peaches, established pursuant to § 962.7 (a) or the specification of a tolerance or tolerances for immature peaches. Such modification may be made applicable during a specified period. In like manner and upon the same basis, the Secretary may terminate any such modification.

(c) *Suspension.* The Industry Committee may recommend to the Secretary the suspension of maturity regulation pursuant to § 962.5 (a) or § 962.5 (b), and each such recommendation should be accompanied by supporting information. If the Secretary finds, upon the basis of such recommendation and information submitted by said committee, or upon the basis of other available information, that to suspend such maturity regulation will tend to effectuate the declared policy of the act, he shall suspend the operation of such maturity regulation so as to permit the shipment of peaches, the shipment of which would otherwise be prohibited pursuant hereto. Such suspension may be made applicable during a specified period. In like manner and upon the same basis, the Secretary may terminate any such suspension.

§ 962.8 *Grade and size regulations*—(a) *Industry Committee recommendation.* Whenever the Industry Committee deems it advisable to limit the shipment of any or all varieties of peaches pursuant to this section, it shall recommend to the Secretary the particular grades or sizes, or both, deemed advisable by it to be shipped during a specified period. At the time of submitting any such recommendation, the Industry Committee shall submit to the Secretary the supporting data and information upon which it acted in making such recommendation, and shall give consideration among other things, to the factors enumerated in § 962.6 (b), required to be submitted in connection with the marketing policy report. The committee shall submit such other data and information as may be requested by the Secretary. The Industry Committee shall promptly give adequate notice to all handlers and growers of any such recommendation submitted by it to the Secretary.

(b) *Establishment of regulations.* Whenever the Secretary finds, from the recommendation and information submitted by the Industry Committee, or from other available information, that to limit the shipment of any or all varieties of peaches to particular grades or

sizes, or both, would tend to effectuate the declared policy of the act, he shall so limit the shipment of such variety or varieties of peaches during the specified period. The Secretary shall immediately notify the Industry Committee of the issuance of each such regulation, and the said committee shall promptly give adequate notice thereof to all handlers and growers.

(c) *Exemption certificates.* (1) Before the institution of any limitation of shipments pursuant to § 962.8, the Industry Committee shall adopt procedural rules pursuant to which exemption certificates will be issued to growers, and such procedural rules shall become effective upon approval by the Secretary. The Industry Committee shall, after the procedural rules have been approved by the Secretary, give adequate notice thereof to all handlers and growers. In the event the Secretary issues a regulation pursuant to § 962.8, the Industry Committee shall determine the percentage which the grades or sizes, or both, of each variety of peaches permitted to be shipped from each district, by such regulation issued by the Secretary, is of the total quantity of each variety of peaches which could be shipped from the respective district in the absence of the grade or size regulation, or both. An exemption certificate shall thereafter be issued to any grower who furnishes proof, satisfactory to the Industry Committee, that he will be prevented, because of the regulation established, from shipping a percentage of a particular variety of his peaches equal to the percentage of all peaches of that particular variety permitted to be shipped from the respective district, as determined by the Industry Committee. Such exemption certificate shall permit the respective grower to whom the certificate is issued to ship such quantity of the particular variety of peaches of the regulated grades or sizes, or both, of such variety as will enable such grower to ship or to have shipped as large a percentage of such variety of the respective grower's peaches as the average percentage of that particular variety of peaches that is permitted to be shipped by all growers in the respective district. No exemption certificate shall be granted to include peaches which do not meet the requirements of the maturity regulation issued pursuant to § 962.7. The Industry Committee shall maintain a record of all applications submitted for exemption certificates pursuant to the provisions of this section; and the committee shall maintain a record of all certificates issued, including the information used in determining in each instance the quantity of peaches thus to be exempted, and a record of all shipments of exempted peaches; and such additional information shall be recorded in the records of the committee as the Secretary may specify. The Industry Committee shall from time to time submit to the Secretary reports stating in detail the number of exemption certificates issued, the quantity of peaches thus exempted, and such additional information as may be requested by the Secretary.

(2) In the event the Industry Committee shall determine and report to the Secretary that by reason of general crop failure or any other unusual conditions within a particular district or districts it is not feasible and would not be equitable to issue exemption certificates to growers within that district or those districts on the basis set forth in the preceding subparagraphs, the Industry Committee may, by resolution duly adopted, specify that an exemption certificate shall be issued to any grower who submits proof satisfactory to said committee to the effect that the respective grower will be prevented because of such regulation from shipping as large a percentage of his peaches of such variety as the average of all growers of such variety of peaches in the number or group of districts specified or enumerated in the resolution thus adopted by the committee.

(3) The Industry Committee may authorize an employee to receive applications for exemption certificates, make the necessary investigation with regard to whether an exemption certificate should be issued and, if so, the quantity of peaches which should be thus exempted, and issue for and on behalf of the committee an exemption certificate: *Provided,* That the committee shall not authorize an employee or employees (i) to determine the grades or sizes, or both, which could be shipped in the absence of any regulation; (ii) determine for any district or districts, the percentage that the quantity of a particular variety or varieties of peaches permitted to be shipped pursuant to grade or size regulation, or both, is of the quantity which could be shipped in the absence of grade or size regulation, or both; or (iii) designate a group or number of districts to be used as the area which, because of general crop failure or any other extraordinary conditions within a particular district or districts, shall be used in calculating or determining the average percentage of a variety of peaches that could be shipped by all growers, as aforesaid.

(4) If any grower is dissatisfied with the determination of an employee or employees who have exercised jurisdiction with regard to the application submitted by the respective grower, such grower may appeal to the Industry Committee: *Provided,* That such appeal must be taken promptly after the decision by the respective employee or employees. If any grower is dissatisfied with the determination by the Industry Committee with respect to the grower's application for an exemption certificate or with regard to an appeal, as aforesaid, by said grower from the determination of an employee or employees, such grower may appeal to the Secretary: *Provided,* That such appeal shall be taken promptly after the determination by the committee. The Secretary may, upon an appeal as aforesaid, modify or reverse the action of the committee from which such appeal was taken. The authority of the Secretary to supervise and control the issuance of exemption certificates is unlimited and plenary; and any determination by the Secretary with respect to an exemption certificate, the application for an exemption certificate, or an appeal from the action of the committee with respect to an application for an exemption certificate shall be final and conclusive.

§ 962.9 *Inspection and certification.* During any period in which the shipment of peaches is regulated pursuant to the provisions hereof, each handler shall, prior to making each shipment of peaches, cause each such shipment to be inspected by a Federal or Federal-State inspector: *Provided,* That this requirement shall not be applicable to: (a) any shipment of peaches which has been so inspected; (b) any shipment of peaches for manufacturing, processing, canning, or conversion into by-products on a commercial scale; or (c) any shipment of peaches for consumption by a charitable institution or for distribution for relief purposes or for distribution by a relief agency. Each handler shall, promptly after making each shipment of peaches, submit to the Industry Committee a copy of the certificate or memorandum issued by the Federal-State inspection service with regard to the respective shipment of peaches, and such certificate or memorandum shall state the maturity of the peaches in such shipment, and in the event of grade regulation such certificate or memorandum shall also state the grade or grades of peaches in such shipment, and in the event of size regulation such certificate or memorandum shall also state the size or sizes of peaches in such shipment. The aforesaid certificate or memorandum shall also state whether the peaches in the respective shipment meet the requirements of the maturity, grade, and size regulations, respectively, effective pursuant hereto.

§ 962.10 *Compliance.* Except as provided herein, no handler shall ship peaches, the shipment of which has been prohibited in accordance herewith; and no handler shall ship peaches except in conformity to the provisions hereof and the provisions of the regulations, if any, issued by the Secretary pursuant to the provisions hereof.

§ 962.11 *Shipments which are exempt.* Peaches shipped for consumption by a charitable institution or for distribution for relief purposes or for distribution by a relief agency or peaches shipped for manufacturing, processing, canning or conversion into by-products on a commercial scale shall be exempt from the provisions of §§ 962.5 to 962.9, inclusive. The Secretary shall prescribe, on the basis of the recommendation and the information which shall be submitted to the Secretary by the Industry Committee, or on the basis of any other available information, adequate safeguards to prevent peaches, exempted by the provisions of this section, from entering the commercial channels of trade for consumption in fresh form.

§ 962.12 *Reports.* For the purpose of enabling the Industry Committee to perform its functions and duties pursuant to the provisions hereof, each handler shall furnish to the committee such information, in such form and at such times and substantiated in such manner as shall be prescribed by the committee and ap-

proved by the Secretary, as may thus be requested by the committee with regard to each shipment of peaches.

§ 962.13 *Right of the Secretary.* The members of the Industry Committee, including successors and alternates thereof, and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension at any time by the Secretary. Each and every order, regulation, determination, decision, or other act of each committee provided for herein shall be subject to the continuing right of the Secretary to disapprove of such order, regulation, decision, determination, or other act, and upon such disapproval, at any time, such action by a committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 962.14 *Effective time and termination*—(a) *Effective time.* The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one (1) day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any of the provisions hereof whenever he finds that any such provision does not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any fiscal period whenever he finds, by referendum or otherwise, that such termination is favored by the majority of the growers who, during such representative period as may be determined by the Secretary, have been engaged in the production of peaches for market: *Provided,* That such majority has, during such representative period, produced for market more than fifty (50) percent of the volume of such peaches produced for market within the area; but such termination shall be effective only if announced on or before the last day of February of the then current fiscal period. The Secretary shall hold such a referendum within the period beginning on September 1, 1944, and ending April 1, 1945, and also each succeeding two years, within the same seven-months' period, to determine whether the termination hereof is favored, as aforesaid, by growers.

(4) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions hereof, the then functioning members of the Industry Committee shall continue as trustees, for the purpose of liquidating the affairs of the said committee, of all the funds and property then in the possession of or under control of such committee, including claims for any funds unpaid or property not delivered at the time of such termination. The procedural rules governing the activities of said trustees, including but not being limited to the determination as to whether action shall be taken by a majority vote of the trustees, shall be prescribed by the Secretary.

(2) The said trustees shall continue in such capacity until discharged by the Secretary; and shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Industry Committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person the right to all of the funds, property, and claims vested in the committee or the trustees pursuant hereto.

(3) Any person to whom funds, property, or claims have been transferred or delivered by the Industry Committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon the said trustees.

(4) Any funds collected for expenses pursuant to the provisions hereof and held by such trustees or such other person, over and above amounts necessary to meet outstanding obligations and the expenses incurred necessarily by the trustees or such other person in the performance of their duties hereunder, shall, as soon as practicable after the termination hereof, be returned to the handlers pro rata in proportion to their contributions made pursuant hereto.

§ 962.15 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except with respect to acts done under and during the existence hereof.

§ 962.16 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture to act as his agent or representative in connection with any of the provisions hereof.

§ 962.17 *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 962.18 *Personal liability.* No member or alternate of said Industry Committee, nor any employee thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 962.19 *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 962.20 *Amendments.* Amendments hereto may be proposed, from time to time, by the Industry Committee or by the Secretary.

§ 962.21 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen prior thereto, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any right or remedy of the United States, or of the Secretary, or of any other person with respect to any such violation.

Issued at Washington, D. C., this 23d day of April, 1942, to be effective on and after 12:01 a. m., e. w. t., April 27, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-3616; Filed, April 23, 1942; 11:24 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs

Subchapter L—Irrigation projects, operation and maintenance

PART 130—ORDERS FIXING OPERATION AND MAINTENANCE CHARGES [1]

COLVILLE INDIAN IRRIGATION PROJECT, WASHINGTON

APRIL 13, 1942.

This order as amended by the Assistant Secretary of the Interior on March 18, 1941 (6 F.R. 1624), is further amended by modifying §§ 130.9 and 130.10a thereof to read as follows:

§ 130.9 *Charges.* Pursuant to the provisions of the Act of August 1, 1914 (38 Stat. 583; 25 U.S.C. 385), the annual operation and maintenance charges are hereby fixed for the lands under the several units, in the amounts hereinafter named, on the Colville Indian Irrigation Project, Washington:

The per acre per annum rates for the following units are: Nespelem Unit $1.25; Little Nespelem Unit $1.25; Hall Creek-Twin Lakes Unit $2. All patent in fee lands and all Indian trust lands to which water can be delivered for irrigation and on which applications for water service are made by the water users and approved by the Superintendent of the Indian reservation and the Irrigation Project Engineer, are subject to the respective rates.

Monse Pumping Unit; the annual charge each season, May 20 to September 20, shall be $5 per acre. Water may be

[1] The operation of the San Pail and Hall Creek Cooperative Units has been discontinued.

delivered during the additional months, upon approval of applications therefor, at the rate of $1.25 per month. The minimum charge shall be for one-half month. These charges shall apply to all patent in fee lands for which there are water contracts, regardless of whether water is requested, and to Indian trust lands on which applications for water are made by the water users and approved by the Superintendent of the Indian reservation and the Irrigation Project Engineer.

§ 130.10a *Payments, Monse Pumping Unit.* The annual operation and maintenance charges for lands under the Monse Pumping Unit for the irrigation season, May 20 to September 20 of each year, may be paid in four installments. Each installment shall be at the rate of $1.25 per each irrigable acre of land. The first installment shall be due April 1 of each year and become delinquent if unpaid on June 20 following. The second installment shall be due on July 1 of each year and become delinquent if unpaid on July 31 following. The third installment shall be due on August 1 each year and become delinquent if unpaid on August 31 following. The fourth installment shall be due on September 1 each year and become delinquent if unpaid on September 30 following. Payment shall be made in advance at the rate of $1.25 per month for services in addition to the irrigation season.

(38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387)

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 42-3604; Filed, April 23, 1942; 9:29 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1354]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No 1; 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, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) 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 applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

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

No relief is granted herein as to coals of the Oak Valley Mine (Mine Index No. 3453) and the Holden Mine (Mine Index No. 3454) of the P & G Coal Company, for the reasons set forth in an Order severing that portion of Docket No. A-1354 which relates to them and designating such portion as Docket No. A-1354 Part II, granting temporary relief in part, and scheduling a hearing therein.

Dated: April 11, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

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 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

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

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group Nos.]

Mine index No.	Code member	Mine name	Sub. dist No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
3417	Caltagarone, Joseph, James, and Paul (Joseph Caltagarone).	Caltagarone	5	B	Fuller, Pa.	PRR.	122	(†)	(†)	E	(†)	(†)
336	Eyerle, James F. (Hillside Coal Company).	Moshannon #10.	14	B	Osceola Mills, Pa.	PRR.	45	G	(†)	(*)	G	G
3451	Eyerle, James F. (Hillside Coal Company).	Beaver #4.	14	C	Osceola Mills, Pa.	PRR.	45	(†)	(†)	F	(†)	(†)
3452	K & R Coal Company (Arthur Rydberg).	River Hill #2.	9	C	Winburne, Pa.	NYC.	44	E	(†)	E	(†)	E
2116	Stutzman & Sons, W. E.	Stutzman.	37	D	Friedens, Pa.	B&O.	100	(†)	(†)	B	(†)	(†)
3418	Tartan Coal Mining Company, c/o M. H. F. Walkover.	Tartan.	4	D	Rimersberg, Pa.	PRR.	90	(†)	(†)	G	H	(†)
3455	Wallwork Coal Company (J. C. Wallwork).	Hillside #3.	4	E	Hawthorn, Pa.	PRR.	75	G	G	G	H	H

*When shown under a Size Group Number, this symbol indicates coals previously classified for this Size Group.
†When shown under a Size Group Number, this symbol indicates no classification effective for this Size Group.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member Inder	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modified R/M	2" and under slack	¾" and under slack
						1	2	3	4	5
Caltagarone, Joseph, James, and Paul (Joseph Caltagarone).	3417	Caltagarone	5	Jefferson	B	----	----	225	----	----
Eyerly, James F. (Hillside Coal Company).	336	Moshannon #10	14	Centre	B	240	----	(*)	205	195
Eyerly, James F. (Hillside Coal Company).	3451	Beaver #4	14	Centre	C	----	----	220	----	----
K & R Coal Company (Arthur Rydberg)	3452	River Hill #2	9	Clearfield	C	250	----	225	----	205
Kephart, Oscar, & Son (Oscar Kephart)	3220	Kephart #2	8	Clearfield	A	----	----	210	----	----
Pepe, Louis M.	3415	Klondike	6	Jefferson	E	----	----	220	----	----
Tartan Coal Mining Company c/o M. H. F. Walkover.	3418	Tartan	4	Clarion	D	240	215	215	200	190
Wallwork Coal Company (J. C. Wallwork).	3455	Hillside #3	4	Armstrong	E	240	215	215	200	190

*When shown under a Size Group Number, this symbol indicates coals previoulsy classified for this Size Group.

[F. R. Doc. 42-3675; Filed, April 22, 1942; 10:59 a. m.]

[Docket Nos. A-1174 and A-1175]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF RIMERSBURG COAL MINING CO., INC., A CODE MEMBER IN DISTRICT NO. 1 FOR THE ESTABLISHMENT OF AN ADDITIONAL LOADING POINT AT REIDSBURG, PENNSYLVANIA, ON THE NEW YORK CENTRAL RAILROAD, AND IN THE MATTER OF THE PETITION OF RIMERSBURG COAL MINING CO., A CODE MEMBER IN DISTRICT NO. 1, FOR THE ESTABLISHMENT OF AN ADDITIONAL LOADING POINT AT KAYLOR, PENNSYLVANIA, ON THE WESTERN ALLEGHENY RAILROAD

This is a proceeding instituted upon two petitions dated November 13, 1941, filed on November 22, 1941, with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 by the Rimersburg Coal Mining Company, Inc., a code member in District No. 1, requesting that the same minimum prices be established for coal produced at the Fox Mine of the petitioner, Mine Index No. 2989, when shipped from loading facilities at Reidsburg, Pennsylvania, on the New York Central Railroad, and Kaylor, Pennsylvania, on the Western Allegheny Railroad, as have been previously established for said coal when shipped from the present loading point, i. e., Rimersburg, on the Sligo Branch of the Pennsylvania.

Pursuant to an Order of the Acting Director dated December 11, 1941, the above-entitled matters were consolidated and a hearing on this matter was held on January 13, 1942, before Edward J. Hayes, a duly designated Examiner of the Division at a hearing room in Washington, D. C. All persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. The petitioner, Rimersburg Coal Mining Company, appeared as well as District Board No. 1, District Board No. 2, District Board No. 3, District Board No. 6 and the Bituminous Coal Consumers' Counsel.

The preparation and filing of a report by the Examiner was waived and the matter was thereupon submitted to the undersigned.

It appears from the record that the mine of the petitioner (Mine Index No. 2989) is located in Tobey Township, Clarion County, Pennsylvania, in District No. 1, approximately 1½ miles from Rimersburg on the Pennsylvania Railroad, which is the present loading point for rail shipments from this mine. One of the additional loading points requested, namely Reidsburg, is located in District No. 1, approximately 12 miles by truck haul from Rimersburg while the other, Kaylor, is located in District No. 2, approximately 15 miles by truck haul from Rimersburg.

C. W. Corbett, Assistant to the President of the Rimersburg Coal Mining Company testified on behalf of the petitioner. The evidence shows that there is no difference between the freight rate from Rimersburg to Erie on the Pennsylvania for lake movement and the rate from Reidsburg to Ashtabula via the New York Central. The only point is that the capacity of the dock at Ashtabula is greater than that of the dock at Erie, and dumping is more prompt even though the tonnage handled at Ashtabula is greater than that handled at Erie.

It appears from the record that the mines in District 2 on the Western Allegheny Railroad which would be competitive with the Rimersburg Coal Mining Company on shipments to Erie must increase their prices by as much as 45 cents on shipments to Market Area 10 as provided by Footnote 17 in § 322.7 in the Schedule of Effective Minimum Prices for District No. 2; and mines in District No. 2 on the Western Allegheny Railroad which would ship coal in competiton with Rimersburg Coal Company to Market Area 4, must increase their prices by approximately 15 cents (§ 322.7 in the Schedule of Effective Minimum Prices for District No. 2) on shipments to that market area.

W. C. Altvater, a member of the Marketing and Classifications Committee of District Board No. 2 testified on behalf of that Board that Erie, Pennsylvania in Market Area 10 does not constitute a natural market for coals of the petitioner and that the mines of Clarion County have never been in a competitive position with the mines of District 2 as far as this market area is concerned. He further testified that granting of the additional loading point requested at Kaylor would not preserve the existing competitive opportunities of code members in District 2 and would not be in line with the coordination between Districts 1 and 2, as set up in General Docket No. 15.

While there appears to be a difference between the freight rates on commercial shipments from Rimersburg to Erie, Reidsburg to Erie and Kaylor to Erie, the testimony indicates that it is not anticipated that much tonnage will be shipped from either of these additional loading points to Erie for commercial purposes. However, while petitioner will be authorized to ship coal from Reidsburg he will be assigned the prices and freight origin group based upon shipments from that point so that he will receive no competitive advantage.

As far as the request for an additional loading point at Reidsburg is concerned, there can be no objection; but the relief requested as far as Kaylor is concerned is somewhat unusual in that the petitioner, whose mine is located in District No. 1 seeks a loading point in District No. 2. Mines in one district should be given loading points in a different district only when it is absolutely necessary. Such is not the case here. To grant the additional loading point at Kaylor would give petitioner a competitive advantage over producers in District 2. While this could be offset by raising petitioner's f. o. b. mine price when his coal was shipped from these District 2 loading points, there is no indication that petitioner desires such relief.

Upon the basis of uncontroverted evidence in this proceeding, I find and conclude that the granting of an additional loading point to the petitioner at Reidsburg, Pennsylvania, and the establishment of minimum prices at that point for coals produced at the petitioner's mine would effectuate the purposes of sections 4 II (a) and (b) of the Act and comply with the standards thereof.

I further find that the granting of an additional loading point to the petitioner at Kaylor, Pennsylvania, and the establishment of minimum prices at that point for coals produced at the petitioner's mine would not effectuate the purposes of sections 4 II (a) and (b) of the Act nor comply with the standards thereof.

Now, therefore, it is ordered, That the request of the petitioner, Rimersburg Coal Company, for the establishment of classifications and minimum prices at the additional loading point, Reidsburg, Pennsylvania, be, and the same hereby is granted, in accordance with Supplement R, § 321.7 (*Alphabetical list of code members*), attached hereto and made a part hereof.

It is further ordered, That the request of the petitioner for the establishment of classifications and minimum prices at the additional loading point, Kaylor, Pennsylvania, be, and the same hereby is, denied.

Dated: April 11, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

DISTRICT NO. 1

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

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

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
2989	Rimersburg Coal Mining Co. Inc.	Fox	4	B	{Reidsburg, Pa.[1] / Rimersburg, Pa.}	{NYC / PRR}	91	G	G	G	H	H

[1] Denotes additional shipping point and new Freight Origin Group. Freight Origin Group No. 90 shall no longer be applicable.

[F. R. Doc. 42-3576; Filed, April 22, 1942; 10:59 a. m.]

[Docket No. A-1404]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF MINIMUM PRICES FOR THE COALS OF MINES HAVING MINE INDEX NOS. 206, 207, 335, 336, 337, AND 338 OF THE MUSKINGUM COAL COMPANY

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 minimum prices for the coals of the mines having Mine Index Nos. 206, 207, 335, 336, 337, and 338 of the Muskingum Coal Company; 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, § 324.24 (*General prices in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for Truck Shipments of District No. 4 is supplemented to include the minimum prices set forth in the schedule marked "Supplement T," annexed hereto 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: April 11, 1942.

[SEAL] DAN H. WHEELER, *Acting Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

NOTE: The material in this "Supplement T" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

FOR TRUCK SHIPMENTS

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

Code member index	Mine	Mine index No.	Seam	Base sizes							
				6" lump	3", 4", 5" lump	2" lump	2" x 4" egg, 2" x 5" egg	1¼" lump, 1¼" x 4" egg	Mine run, nut and pea	2" x 0 slack	¾" x 0 slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 6, CROOKSVILLE											
MUSKINGUM COUNTY											
Muskingum Coal Company, The	Muskingum-Jones No. 6	206	6	280	270	260	235	230	195	165	165
Muskingum Coal Company, The	Muskingum-Jones No. 7	207	6	280	270	260	235	230	195	165	165
Muskingum Coal Company, The	Muskingum-Jones No. 8	335	6	280	270	260	235	230	195	165	165
Muskingum Coal Company, The	Muskingum-Jones No. 9	336	6	280	270	260	235	230	195	165	165
Muskingum Coal Company, The	Muskingum-Jones No. 10	337	6	280	270	260	235	230	195	165	165
Muskingum Coal Company, The	Muskingum-Jones No. 11	338	6	280	270	260	235	230	195	165	165

[F. R. Doc. 42-3614; Filed, April 23, 1942; 11:20 a. m.]

[Docket No. A-738]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATIONS OF THE EXAMINER, AND GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 15 FOR THE ESTABLISHMENT OF AN ADDITIONAL PRICE CLASSIFICATION AND MINIMUM PRICE FOR THE WASHED ⅜" X 0 SCREENINGS PRODUCED IN DISTRICT NO. 15

This proceeding having been instituted upon an original petition, filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 15, requesting the amendment of the District 15 price schedules by providing for a size group to be designated as washed screenings ⅜" x 0 (described as washed coal passing through a screen with openings not over ⅜" from which no coal has been removed), and providing a price in such price schedules of 20 cents per ton less than the price applicable to Size Group 13 (washed screenings—1¼" x 0);

A hearing in this matter having been held, and the Director having entered on August 13, 1941, an Order denying the relief sought;

On August 29, 1941, District Board 15 having filed a petition for reconsideration of the subject matter, wherein it again requested the Director to grant the relief prayed for, or, in the alternative, to reopen the matter so that the petitioner might submit "additional expert testimony and expert opinion as to the actual necessity for the establishment of the size classification and price" requested;

Pursuant to appropriate Order of the Director, a rehearing in this matter having been held before W. A. Cuff, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The Examiner having submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in this matter, dated March 6, 1942; an opportunity having been afforded to all parties to file exceptions thereto and supporting briefs; no such exceptions or supporting briefs having been filed;

The undersigned having determined that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner in this matter be and the same hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That § 335.1 (*Price instructions and exceptions*—(b) *Price exceptions*) in the Schedule of Effective Minimum Prices for District No. 15 for All Shipments Except Truck be and it hereby is amended by the establishment of Price Exception 4 thereto as follows:

4. Effective minimum prices applicable to washed 3/8" x 0 coal (described as washed coal passing through a screen with openings not over 3/8" from which no coal has been removed and which has resulted from the production of Size Group 11 coals from 1¼" washed screenings) may be 20 cents per ton less than the effective minimum prices applicable to washed 1¼" x 0 (Size Group 13) coals when sold for industrial use as provided in Price Instruction 9 I in said schedule: *Provided,* That in no case shall the price applicable to washed 3/8" x 0 coal be less than the price applicable to raw 1¼" x 0 coal from the same production group.

It is further ordered, That § 335.21 (*Price instructions and exceptions*—(b) *Price exceptions*) in the Schedule of Effective Minimum Prices for District No. 15 for Truck Shipments be and it hereby is amended by the establishment of Price Exception 7 thereto as follows:

7. Effective minimum prices applicable to washed 3/8" x 0 coals (described as washed coal passing through a screen with openings not over 3/8" from which no coal has been removed and which has resulted from the production of Size Group 11 coals from 1¼" washed screenings) may be 20 cents per ton less than the effective minimum prices applicable to washed 1¼" x 0 (Size Group 13) coals when sold for any purpose; provided that in no case shall the price applicable to washed 3/8" x 0 coal be less than the price applicable to raw 1¼" x 0 coal from the same production group.

Dated: April 22, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3613; Filed, April 23, 1942; 11:20 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Division of Industry Operations

PART 1095—COMMUNICATIONS

GENERAL CONSERVATION ORDER L-50 AS AMENDED APRIL 23, 1942, TO LIMIT THE USE OF SCARCE AND CRITICAL MATERIALS BY THE WIRE TELEPHONE INDUSTRY

§ 1095.1 *General Conservation Order L-50*—(a) *Definitions.* For the purposes of this Order:

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

(2) "Exchange Line Plant" means all that portion of an Operator's Local wire or cable distribution system which extends from the central office main frame, exclusive of Drop and Block wires as defined in the Federal Communications Commission's uniform system of Accounts, Class A and B Telephone Companies, § 31.233 (a).

(3) Without regard to whether or not the expenditures therefor are for any reason required to be recorded in the Operator's accounting records in accounts other than Maintenance and Repair:

(i) "Maintenance" means the upkeep of an Operator's property and equipment in sound working condition.

(ii) "Repair" means the restoration, without thereby increasing existing facilities, of an Operator's property and equipment which has been rendered unsafe or unfit for service by wear and tear, damage, destruction of parts, or similar cause.

(b) *Limitations on changes in equipment and facilities.* Unless expressly authorized by the Director of Industry Operations, all Operators shall:

(1) Limit the replacement of all equipment and facilities to the essential requirements of maintenance, repair, or protection of service.

(2) Limit additions of exchange central office equipment and exchange line plant to such as are essential to the maintenance or protection of service or are necessary:

(i) To meet the known or fairly anticipated demands for service reasonably required by persons engaged in direct defense or charged with responsibility for public health, welfare, or security, including but not by way of limitation, those in the service categories shown in Schedule A attached hereto.

(ii) To provide for the installation of public pay stations to meet service demands in areas where a demand for such telephone service exists.

(iii) To provide minor cable extensions, utilizing less than 100 pounds of copper, when such extensions are required to make available for use existing idle exchange line plant not otherwise usable.

(3) Limit the further installation of residence extensions to such as are for the essential use of persons set forth in paragraph (b) (2) (i) above. Additional lines or additional stations on party lines shall not be provided as a substitute for extension stations.

(4) When necessary in order to avoid the addition of exchange plan and/or equipment and to the extent necessary to meet the known and fairly anticipated demands for service reasonably required by persons set forth in paragraph (b) (2) (i) above.

(i) Employ party-line service in place of individual line service for new installations where the employment of this type of service will conserve scarce and critical material and the existing installation of central office equipment and the requirements of the users will permit;

(ii) Reserve idle facilities in existing exchange plant;

(iii) Regrade to such type of service as will conserve scarce and critical material whenever existing installation of central office equipment and the requirements of the users will permit.

(5) Discontinue the use of open copper line wire to provide local exchange service.

(6) Wherever replacements or additions are permitted by this Order, so engineer them as to limit the margins for expected growth of service requirements to a period not in excess of one-half the period for which provision normally is made, but in no event to exceed a period of three years: *Provided, however,* That this requirement shall not require the limitation of the margins of growth to a period of less than one year: *And provided, further,* That conductors in cables designed or suitable for use with carrier current systems may be provided (but not equipped) in such numbers that, when fully utilized by present or immediately contemplated carrier current system technique, they will provide for margins of expected growth of one-half the normal provision for such growth, even though such provision exceeds a three-year period.

(7) Conserve or re-use existing telephone equipment and facilities, whenever such conservation or reuse will reduce the use of scarce and critical materials.

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

(d) *Non-applicability to certain replacements and additions.* The terms of paragraph (b) shall not be construed to prohibit the completion of

(1) Installations of equipment when such equipment is actually in the course of physical installation on the date of issuance of this Order, or of installations of outside plant facilities when such facilities are actually in the course of physical installation on the date of issuance of this Order. (The processing of equipment or items of outside plant facilities by a manufacturer shall not constitute physical installation).

(2) Additions to central office equipment, the physical assembly of which has been commenced by the manufacturer prior to the date of issuance of this Order: *Provided, however,* That such additions are in accord with the limitations of paragraph (b) (6) hereof.

(e) Each operator who utilizes copper under the provisions of paragraph (b) (2) (iii) shall report such usage to the War Production Board on such form and in such manner as may be prescribed by

the War Production Board, which form shall be available to each operator affected by this Order on or before June 1, 1942.

(f) *Exemption of armed services.* The provision of paragraph (b), (except (b) (i) thereof) shall not apply to installations for the official use of the armed services of the United States.

(g) *Appeals.* Any person affected by the Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board, Washington, D. C., Ref: L–50, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(h) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 23d day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

Telephone Service To Be Considered as for Direct Defense, Public Health, and Safety for the Purposes of Order L–50—Schedule A

(a) Official Army, Navy, Marine Corps, Coast Guard and civilian defense services.

(b) Official Federal, State, County and Municipal Government services.

(c) Official agencies of Foreign Governments.

(d) Recognized organizations serving the health, safety, or welfare of the public, namely; public utilities, common carriers, pipe lines; press associations, newspapers, radio broadcasting, hospitals, clinics, and sanitoria, including ambulance service; physicians, surgeons, dentists, veterinarians, nurses and nurses registries; manufacturers and distributors of drugs, surgical, medical, hospital and dental equipment; burial services and equipment; Red Cross and similar agencies; officially recognized philanthropic agencies, including their fund-raising offices; U. S. O. and similar organizations; religious establishments and their officiating clergy; food processing, storage, and distribution.

(e) Business concerns furnishing materials or facilities, under direct or subcontracts, to the Federal Government; or supplies, producers, processors of materials or services furnished under "A" priority ratings including architects, engineers and contractors operating under prime contracts for the Federal Government.

(f) Building Management offices located in new housing developments.

(g) Temporary extensions when essential in cases of serious illness.

[F. R. Doc. 42–3629; Filed, April 23, 1942; 11:45 a. m.]

PART 1095—COMMUNICATIONS

MAINTENANCE, REPAIR, AND OPERATING SUPPLIES PREFERENCE RATING ORDER P–129

§ 1095.2 *Preference Rating Order P–129.* (a) For the purpose of facilitating the acquisition of Material for (1) the maintenance and repair of the property and equipment of the industries and services, hereinafter specified, and (2) the essential operation of such industries and services, a preference rating is hereby assigned to deliveries of such Material upon the terms hereinafter set forth. Such terms shall control until such time as the War Production Board certifies specific quantities of such Material to which the preference rating herein assigned may be applied.

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

(i) Wire Communication.
(ii) Radio Communication.

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

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

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

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

(6) Material for Maintenance, Repair or Operating Supplies for the purpose of this Order shall not include material used for:

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

(ii) Additions to or expansion of the Operator's existing property or equipment.

(7) "Supplier" means any person with whom a purchase order or contract has been placed for delivery, to an Operator or another Supplier, of Material for Maintenance, Repair, or Operating Supplies.

(c) *Assignment of Preference Rating.* Subject to the terms of this Order, Preference Rating A-3 is hereby assigned:

(1) To deliveries, to an Operator, of Material required by him either as Operating Supplies or for the Maintenance or Repair of his property and equipment.

(2) To deliveries to any Supplier, of Material (i) required by the Operator either as Operating Supplies or for the Maintenance or Repair of his property and equipment, or; (ii) to be physically incorporated in other Material so required by the Operator.

(d) *Persons entitled to apply Preference Rating.* The preference rating hereby assigned shall be applied where a preference rating is required to obtain material for Maintenance, Repair, or Operating Supplies by:

(1) An Operator: and may be applied by:

(2) Any Supplier, provided deliveries to an Operator or another Supplier are to be made by him, which are of the kind specified in paragraph (c) and have been rated pursuant to this Order.

(e) *Application of Preference Rating.* (1) An Operator or Supplier, in order to apply the preference rating to deliveries of Material to him, must endorse the following statement on the original and all copies of the purchase order or contract for such Material signed by a responsible official duly designated for such purpose by such Operator or Supplier:

Material for Maintenance, Repair, or Operating Supplies—Rating A–3 under Preference Rating Order P–129 with the terms of which I am familiar.

(Name of operator or supplier)

(Signature of designated official)

Such endorsement shall constitute a certification to the War Production Board that such Material is required for the purpose stated and that the application of the rating is authorized by this Order. Any such purchase order or contract for such Material shall be restricted to Material the delivery of which is rated in accordance herewith.

(2) The Operator and each Supplier placing or receiving any purchase order or contract rated hereunder shall each retain for a period of two years, for inspection by duly authorized representatives of the War Production Board endorsed copies of all purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts or filed in such manner that they can be readily segregated for such inspection.

(f) *Restrictions of application of rating on supplier.* (1) No supplier may apply the rating to obtain Material in greater quantities or on earlier dates than required to enable him to make on schedule a delivery rated hereunder or, within the limitations of (2) and (3) below ,to replace in his inventory Material so delivered. He shall not be deemed to require such Material if he can make his rated delivery and still retain a practicable working minimum thereof; and if, in making such delivery, he reduces his inventory below such minimum, he may apply the rating only to the extent necessary to restore his inventory to such minimum.

(2) A Supplier who supplies Material which he has in whole or in part manufactured, processed, assembled, or otherwise physically changed may not apply the rating to restore his inventory to a practicable working minimum unless he applies the rating before completing the rated delivery which reduces his inventory below such minimum.

(3) A Supplier who supplies Material which he has not in whole or in part manufactured, processed, assembled, or otherwise physically changed may defer application of the rating hereunder to purchase orders or contracts for such Material to be placed by him, until he can place a purchase order or contract for the minimum quantity procurable on his customary terms: *Provided,* That he shall not defer the application of any rating for more than three months after he becomes entitled to apply it.

(g) *Restrictions on deliveries, inventory and use.* (1) Except as provided in paragraph (g) (3) below, no Operator, who has applied the rating assigned hereby, shall, at any time, accept deliveries of Material (whether or not rated pursuant to this Order) to be used for Maintenance, Repair, Operating Supplies or for other purposes:

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

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

(2) Except as provided in paragraph (g) (3) below no Operator who has supplied the rating assigned hereby shall, during any calendar quarterly period, use Material for Maintenance, Repair, and Operating Supplies, the aggregate dollar volume of which shall exceed 110% of the aggregate dollar volume of such Material used during the corresponding quarter of 1940, or at the Operator's option 27½% of the aggregate dollar volume of such Material used during the calendar year 1940.

(3) (i) Any Operator whose average value of inventory of Material for the five calendar years prior to January 1, 1942, did not exceed $10,000 shall be exempt from the provisions of paragraph (1) above, subject to the provisions of Priorities Regulation No. 1, as amended.

(ii) From time to time the Director of Industry Operations may determine that certain Operators are exempt in whole or in part from the restrictions contained in paragraphs (1) and (2) above.

(h) *Audits and reports.* (1) Each Operator or Supplier who applies the preference rating hereby assigned, and each person who accepts a purchase order or contract for Material to which the preference rating is applied, shall submit to audit and inspection from time to time by duly authorized representatives of the War Production Board.

(2) Each Operator shall report to the War Production Board such information as may be required, in the manner prescribed and according to the terms of forms to be made available to him on or before June 1, 1942.

(3) Each Operator affected by this Order shall file such additional reports as may from time to time be required and directed by the Director of Industry Operations.

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

(j) *Revocation or modification.* This Order may be revoked or amended by the Director of Industry Operations at any time as to any Operator or Supplier. In the event of revocation, or upon expiration of this Order, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of this rating to any other deliveries shall thereafter be made by the Operator or Supplier affected by said revocation or expiration.

(k) *Effective date.* This Order shall take effect on the date of issuance and shall continue in effect until September 30, 1942 unless sooner revoked by the Director of Industry Operations. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 23d day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3630; Filed, April 23, 1942; 11:45 a. m.]

PART 1095—COMMUNICATIONS

OPERATING CONSTRUCTION PREFERENCE RATING ORDER P-130

§ 1095.3 *Operating Construction Preference Rating Order P-130.* (a) For the purpose of facilitating the acquisition of Material for the essential operation of the industries and services hereinafter specified (exclusive of Materials required thereby for Maintenance, Repairs and Operating Supplies as set forth in the War Production Board's Preference Rating Order P-129 and amendments thereto), a preference rating is hereby assigned to deliveries of such material upon the terms hereinafter set forth. Subject to the limitations contained in General Conservation Order L-50, and supplements or amendments thereto, such terms shall control until such time as the War Production Board certifies specific quantities of such material to which the preference rating herein assigned may be applied.

(b) *Definitions.* For the purposes of this order:

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

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

(3) "Operating Construction" means: (i) The use of Materials for normal construction occasioned by the connection, disconnection, changes, in or relocation of subscribers' apparatus or other equipment, necessary in order to provide service. In no single case, however, shall the cost of Material for such operating construction exceed fifty dollars ($50.00); (ii) the relocation or installation of Central Office equipment as a part of the common switching and/or trunking facilities to meet traffic requirements and provide the necessary channels through which the existing traffic load may be trunked and connections established to enable full use to be made of the existing line terminals but not including the addition of line terminals; (iii) rearrangements or changes in existing line plant in order to obtain a more effective or fuller use of such plant: *Provided, however,* That no line capacity shall be added thereto; and (iv) short cable extensions of line plant from a given point which do not involve the use of more than 100 pounds of copper and which make available for more effective use existing exchange plant not otherwise usable.

(4) "Supplier" means any person with whom a purchase order or contract has been placed for delivery, to an Operator or another Supplier, of Material for Operating Construction.

(c) *Assignment of preference rating.* Subject to the terms of this Order, Preference Rating A-3 is hereby assigned:

(1) To deliveries, to an Operator of Material required by him for Operating Construction;

(2) To deliveries, to any Supplier, of Material

(i) Required by the Operator for Operating Construction;

(ii) To be physically incorporated in other Material so required by the Operator.

(d) *Persons entitled to apply Preference Rating.* The preference rating hereby assigned shall be applied where a preference rating is required to obtain Material for Operating Construction by

(1) An Operator; and may be applied by: _____

(2) Any Supplier, provided deliveries to an Operator or another Supplier are to be made by him which are of the kind specified in paragraph (c) and have been rated pursuant to this Order.

(e) *Application of Preference Rating.* (1) An Operator or Supplier, in order to apply the preference rating to deliveries of Material to him, must endorse the following statement on the original and all copies of the purchase order or contract for such Material signed by a responsible official duly designated for such purpose by such Operator or Supplier:

Material for Operating Construction-Rating A-3 under Preference Rating Order P-130 with the terms of which I am familiar.

_____
(Name of Operator or Supplier)

_____
(Signature of Designated Official)

Such endorsement shall constitute a certification to the War Production Board that such Material is required for the purpose stated and that the application of the rating is authorized by this Order. Any such purchase order or contract for such Material shall be restricted to Material the delivery of which is rated in accordance herewith.

(2) The Operator and each Supplier placing or receiving any purchase order or contract rated hereunder shall each retain, for a period of two years, for inspection by duly authorized representative of the War Production Board, endorsed copies of all purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts or filed in such manner that they can be readily segregated for such inspection.

(f) *Restrictions on Application Rating.* (1) No Operator may apply the rating hereby assigned until he has determined, as to the Material or Materials sought for Operating Construction:

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

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

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

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

(3) Restrictions on Supplier:

(i) No Supplier may apply the rating hereby assigned to obtain scarce Material, the use of which could be eliminated without serious loss of efficiency by substitution of less scarce Material.

(ii) No Supplier may apply the rating to obtain Material in greater quantities or on earlier dates than required to enable him to make on schedule a delivery rated hereunder or, within the limitations of (iii) and (iv) below, to replace in his inventory Material so delivered. He shall not be deemed to require such Material if he can make his rated delivery and still retain a practicable working minimum inventory thereof; and if, in making such delivery, he reduces his inventory below such minimum, he may apply the rating only to the extent necessary to restore his inventory to such minimum.

(iii) A Supplier who supplies Material which he has in whole or in part manufactured, processed, assembled, or otherwise physically changed may not apply the rating to restore his inventory to a practicable working minimum unless he applies the rating before completing the rated delivery which reduces his inventory below such minimum.

(iv) A Supplier who supplies Material which he has not in whole or in part manufactured, processed, assembled, or otherwise physically changed may defer application of the rating hereunder to purchase orders or contracts for such Material to be placed by him until he can place a purchase order or contract for the minimum quantity procurable on his customary terms: *Provided,* That he shall not defer the application of any rating for more than three months after he becomes entitled to apply it.

(g) *Restrictions on deliveries, inventory and withdrawals.* (1) Except as provided in paragraph (g) (3) below, no Operator, who has applied the rating assigned hereby, shall, at any time, accept deliveries of Material (whether or not rated pursuant to this Order) to be used for any purpose:

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

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

(2) Except as provided in paragraph (g) (3) below, no Operator who has applied the rating assigned hereby shall, during any calendar quarterly period, make withdrawals from stores or inventory of Material to be used for Operating Construction, the aggregate dollar volume of which shall exceed 110% of the aggregate dollar volume of such Material used during the corresponding quarter of 1940, or at the Operator's option 27½% of the aggregate dollar volume of such Material used during the calendar year 1940.

(3) (i) Any Operator whose average value of inventory of Material for the five calendar years prior to January 1, 1942 did not exceed $10,000 shall be exempt from the provisions of paragraph (1) above, subject to the provisions of Priorities Regulation No. 1, as amended.

(ii) From time to time the Director of Industry Operations may determine that certain Operators are exempt in whole or in part from the restrictions contained in paragraphs (1) and (2) above.

(h) *Audits and reports.* (1) Each Operator or Supplier who applies the preference rating hereby assigned, and each person who accepts a purchase order or contract for Material to which the preference rating is applied, shall submit to audit and inspection from time to time by duly authorized representatives of the War Production Board.

(2) Each Operator shall report to the War Production Board such information as may be required, in the manner prescribed and according to the terms of forms to be made available to him on or before June 1, 1942.

(3) Each Operator affected by this Order shall file such additional reports as may from time to time be required and directed by the Director of Industry Operations.

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

(j) *Revocation or modification.* This Order may be revoked or amended by the Director of Industry Operations at any time as to any Operator or Supplier. In the event of revocation, or upon expiration of this Order, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of this rating to any other deliveries shall thereafter be made by the Operator or Supplier affected by said revocation or expiration.

(k) *Effective date.* This Order shall take effect on the date of issuance and shall continue in effect until September 30, 1942 unless sooner revoked by the Director of Industry Operations. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329;

E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 23d day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3631; Filed, April 23, 1942; 11:45 a. m.]

PART 1128—TINPLATE AND TERNEPLATE CLOSURES FOR GLASS CONTAINERS

AMENDMENT NO. 1 TO CONSERVATION ORDER M-104 [1]

Section 1128.1 (*Conservation Order M-104*) is hereby amended as follows:

Subparagraph (b) (1) of Order M-104 is hereby amended to read as follows:

(b) *General restrictions on manufacture*—(1) *Crown caps for beer and beverages.* Beginning May 1, 1942, and until further order by the Director of Industry Operations, no Person shall use Tinplate, or Terneplate in the manufacture of shells for Crown Caps to be affixed to any Glass Containers for beer or Beverages. Until May 1, 1942, no person shall use any Tinplate, Terneplate or Blackplate in the manufacture of shells for such Crown Caps except to the extent required, after exhausting inventories on hand, to make deliveries under orders validated by Certificate Form PD-384 as specified in Amendment No. 1 to General Preference Order M-8-a.

The second sentence of paragraph (d) of Order M-104 is hereby amended to read as follows:

Nothing in this Order except subparagraph (b) (1), however, shall be construed to prevent completion of the manufacture of Closures for Glass Containers from Tinplate or Terneplate which was already lacquered, varnished or lithographed at the date of issuance of this Order or to prevent the sale, delivery and use of such Closures so manufactured or the sale, delivery and use of completely manufactured Closures in Inventory on such date. (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; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

This amendment shall be effective from the date of issuance.

Issued this 23d day of April, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3624; Filed, April 23, 1942; 11:43 a. m.]

PART 1153—FLUORESCENT LIGHTING FIXTURES

AMENDMENT NO. 1 TO LIMITATION ORDER L-78

1. Paragraph (b) of § 1153.1 (Limitation Order L-78) [2] is hereby amended to read as follows:

§ 1153.1 * * *.

(b) *Restrictions*—(1) *Manufacture.* (i) On and after the date of issuance of Amendment No. 1 to this Order, notwithstanding any contract or agreement to the contrary, no person shall manufacture or assemble any fluorescent lighting fixture or any component part of any fluorescent lighting fixture into which fixture or component part there has been incorporated any Material other than:

(*a*) Material which was in his physical possession on April 20, 1942, and was acquired by him pursuant to orders placed or contracts made on or before April 2, 1942, and/or

(*b*) Material which was acquired by him pursuant to orders or contracts which bear a preference rating of A-2, or better, and/or

(*c*) Material which was acquired by him pursuant to orders or contracts which bear any preference rating assigned under the Production Requirements Plan.

(ii) On and after May 16, 1942, notwithstanding any contract or agreement to the contrary, no person shall manufacture or assemble any fluorescent lighting fixture which is so designed that it can be used to operate tubes having a total rated wattage in excess of 30 watts, except to fill an order actually received or a contract actually made, which order or contract bears a preference rating of A-2, or better.

(2) *Sale and delivery.* After June 1, 1942, notwithstanding any contract or agreement to the contrary, no person shall sell or deliver any new fluorescent lighting fixture (that is, any fluorescent lighting fixture which has never been used by an ultimate consumer) or any new component part of any fluorescent lighting fixture to any other person, except that any person may sell and may deliver:

(i) Any fluorescent lighting fixture pursuant to an order or contract which bears a preference rating of A-2, or better,

(ii) Any component part of any fluorescent lighting fixture pursuant to an order or contract which bears a preference rating of A-2, or better, or which bears any preference rating assigned under the Production Requirements Plan.

(iii) Any cold cathode (high voltage) fluorescent lighting fixture and any component part of any cold cathode (high voltage) fluorescent lighting fixture,

(iv) Any fluorescent lighting fixture which is so designed and constructed that it cannot be used to operate tubes having a total rated wattage in excess of 30 watts,

(v) Any component part of any fluorescent lighting fixture which is sold or delivered for the purposes of maintenance or repair, and

(vi) Any component part of any fluorescent lighting fixture which component part is so designed and constructed that it cannot be used in a fluorescent lighting fixture which operates tubes having a total rated wattage in excess of 30 watts. (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; sec. 2 (a), Pub. Law 671, 76th Cong. as amended by Pub. Law 89, 77th Cong.)

This amendment shall take effect immediately.

Issued this 23d day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3628; Filed, April 23, 1942; 11:44 a. m.]

PART 1165—CORSETS, COMBINATIONS AND BRASSIERES

LIMITATION ORDER NO. L-90

The fulfillment of requirements for the defense of the United States, has created a shortage in the supply of rubber 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:

§ 1165.1 *General Limitation Order L-90*—(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent herewith, in which case the provisions of this Order shall govern.

(b) *Definitions.* For the purposes of this Order:

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

(2) "Elastic fabric" means any fabric in which rubber thread is used

(i) In either warp or filling (or both) of a woven fabric;

(ii) In either the knit-in thread or lay-in thread (or both) of a knitted fabric.

(3) "Long line brassiere" means a breast supporting garment extending more than two inches below the base of the breast.

(4) "Bandeau" means a breast supporting garment extending not more than two inches below the base of the breast.

(5) "Panel" means a strip of elastic fabric running the full length of the corset or girdle, or from the bottom to the approximate waistline or a combination, and placed so as to provide for a horizontal stretch.

(6) "Gore" means any tapering, triangular or rectangular piece of elastic fabric set in at either the top or the bottom of a corset, girdle or combination for the purpose of providing a horizontal stretch.

(c) *Restrictions on the use of elastic fabrics in the manufacture of corsets, girdles, panty girdles and combinations.* (1) Except as specifically authorized by the Director of Industry Operations no person shall hereafter use any elastic fabrics in the manufacture of corsets,

[1] 7 F.R. 2597.
[2] 7 F.R. 2732.

girdles, panty girdles, or combinations except as follows:

(i) *Class One garment.* In the manufacture of surgical type corsets and combinations which may depend on front, back or side lacing for adjustment, elastic fabric may be used for gores to the extent of but not exceeding thirty square inches per garment up to and including size thirty-two waist and thirty-six square inches per garment for sizes above thirty-two waist, and elastic fabric not exceeding ten inches in length measured horizontally, and not exceeding three inches in width measured vertically may be used in the waistline of such corsets provided, that if no waist line elastic fabric is so used, an additional thirty square inches of elastic fabric may be used for gores.

(ii) *Class Two garment.* In the manufacture of corsets, girdles, panty girdles and combinations, flat knit type elastic fabric, too wide to be cut into gores for Class One garments without excessive waste, may be used for panels to the extent of but not exceeding eight inches measured horizontally and twenty inches measured vertically per garment up to and including size thirty waist or nine inches measured horizontally and twenty inches measured vertically per garment for size above thirty waist, and elastic fabric may be used for gores to the extent of but not exceeding 27 square inches.

(iii) *Class Three Garment.* In the manufacture of corsets, girdles, panty girdles and combinations, light weight woven and knitted fabrics not suitable for gores in Class One garments (such as power net, warp knit or circular knit material, elastic laces and elastic nets, and broad loom such as elastic satin and elastic batiste) may be used for panels to the extent of but not exceeding twelve inches in width measured horizontally, and seventeen inches measured vertically per garment up to and including size thirty waist, and fourteen inches measured horizontally and seventeen inches measured vertically per garment for sizes above thirty waist, and elastic fabric may be used for gores to the extent of but not exceeding 27 square inches. Leno fabrics to the extent of but not exceeding twenty inches measured vertically may be used for panels in such garments. Elastic binding, banding, or facing may be used on the unfinished edges of elastic fabric sections in the manufacture of such garments, and light weight elastic satin not suitable for side panels may be used for up and down stretch front panels or up and down stretch back panels in the manufacture of such garments.

(2) *Hose supporters.* Except as specifically authorized by the Director of Industry Operations, no elastic fabric exceeding five and one-half linear yards per dozen garments may be used for the manufacture of hose supporters for corsets, girdles, panty girdles, and combinations.

(3) *Inner belts.* Except as specifically authorized by the Director of Industry Operations, no elastic fabrics may be used for inner belts in the manufacture of corsets, girdles, panty girdles, and combinations.

(d) *Restrictions on knitting.* In addition to the restrictions on knitting as provided in Conservation Order No. M–124 as amended from time to time, and except as specifically authorized by the Director of Industry Operations, no person shall hereafter knit:

(i) Any fabric which employs elastic threads in both knit-in and lay-in thread, for use in the manufacture of corsets, girdles, panty girdles, combinations, brassieres or bandeaux.

(ii) Blanks of the roll-on type.

(iii) Flat knit type elastic strips wider than ten inches.

(iv) Fashioned flat knit elastic strips.

(e) *Restrictions on weaving.* In addition to the restrictions on weaving as provided in Conservation Order No. M–124, as amended from time to time, and except as specifically authorized by the Director of Industry Operations, no person shall hereafter weave, for use in the manufacture of corsets, girdles, panty girdles, combinations, brassieres, or bandeaux, any fabric which employs elastic threads in both warp and filling.

(f) *Restrictions on use of elastic fabrics in the manufacture of brassieres and bandeaux.* Except as specifically authorized by the Director of Industry operations, no person shall hereafter use any elastic fabrics in the manufacture of brassieres and bandeaux except as follows:

(1) *Long-line brassieres.* In the manufacture of long-line brassieres, elastic fabric not suitable for gores in Class One garments may be used for gores to the extent of but not exceeding eight square inches per garment.

(2) *Bandeaux.* In the manufacture of bandeaux, elastic fabric to the extent of but not exceeding six square inches per garment may be used for inserts and closings.

(3) *Shoulder straps.* In the manufacture of brassieres and bandeaux, elastic fabric to the extent of but not exceeding five linear inches per garment may be used for shoulder straps.

(g) *Curtailment on knitting and cutting.* In addition to the restrictions on knitting as provided in Conservation Order No. M–124, as amended from time to time, and except as provided in paragraph (h) of this section or specifically authorized by the Director of Industry Operations, no person shall, in any calendar month, knit or cut, or cause to be knit or cut by others for his account, corsets, girdles, panty girdles, combinations, brassieres, or bandeaux employing any rubber yarn or elastic fabric, in excess of such percentage of his average monthly knitting or cutting of such garments during the period beginning January 1, 1941, and ending March 31, 1941, as the Director of Industry Operations may from time to time determine.

(h) *General exceptions.* The prohibitions and restrictions contained in this Order shall not apply to the manufacture, sale or delivery of any corset designed for use for surgical or medical purposes which is being produced under a specific contract or subcontract for the Army or Navy of the United States.

(i) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of rubber yarn and fabrics containing rubber yarn conserved, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work may appeal to the War Production Board by letter or telegram, Ref.: L–90, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

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

(k) *Reports.* All persons affected by this Order shall execute and file with the War Production Board such reports and questionnaires as may be required by said Board from time to time.

(l) *Communications.* All reports required to be filed hereunder and all communications concerning this Order shall, unless otherwise directed, be addressed to War Production Board, Washington, D. C. Ref: L–90.

(m) *Violations.* Any person who violates any provision of this Order and who by any act or conduct falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(n) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, 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; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 23d day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–3626; Filed, April 23, 1942; 11:43 a. m.]

PART 1165—CORSETS, COMBINATIONS AND BRASSIERES

SUPPLEMENTARY ORDER L–90–a

§ 1165.2 *Supplementary Order L–90–a.* The Director of Industry Operations hereby determines that for the remainder of the month of April, 1942, the quota of garments permitted to be knit or cut as provided for in paragraph (g) of Limitation Order L–90 shall be 25 per cent of the average monthly knitting or cutting of such garments during the base period of January 1, 1941 to March 31, 1941, as prescribed by said Limitation

Order L–90, and, for the month of May and each calendar month thereafter, the said quota shall be 75 per cent of the said monthly average: *Provided, however,* That the restrictions on the use of rubber yarn and elastic thread, as prescribed by Conservation Order No. M–124, as amended from time to time, shall not be affected hereby. (P.D. Reg. 1, as amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

This Order shall take effect immediately.

Issued this 23d day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–3627; Filed, April 23, 1942; 11:43 a. m.]

PART 1178—FISHING TACKLE

LIMITATION ORDER L–92

The fullfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel and other materials 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:

§ 1178.1 *General Limitation Order L–92*—(a) *Definitions.* For the purposes of this Order:

(1) "Fishing tackle product" means any manufactured product designed primarily for use in non-commercial fishing, including, but not limited to, the following: rods, rod fittings and rod accessories; reels, reel equipment, and reel accessories; lines, leaders, sinkers, swivels, fish hooks, bait boxes, tackle boxes, fly boxes, creels, artificial lures, baits, and flies.

(2) "Manufacturer" means any person engaged in the business of producing any fishing tackle product or any parts therefor.

(3) "Critical material" means plastics, cork, and any metal other than iron and steel.

(4) "Current inventory" means all the critical materials and iron and steel in the form of raw materials, semi-processed materials and finished parts which were

(i) Physically on hand or on order on the effective date of this Order, and

(ii) Obtained or ordered with the specific purpose of producing fishing tackle products therefrom.

(5) "Restricted period" means the period from the effective date of this Order to May 31, 1942.

(6) "Iron and steel used" means the aggregate weight of iron and steel contained in finished fishing tackle products.

(7) "Average daily use" means the total aggregate weight of all metals used by a manufacturer during the calendar year 1941 divided by 365.

(b) *General restrictions.* (1) During the restricted period, no manufacturer shall use in the production of any fishing tackle product:

(i) More iron and steel than 75% of his average daily use of metals in such product multiplied by the number of days (including Sundays and holidays) contained in the restricted period, or

(ii) Any iron, steel or critical material not in his current inventory, except that iron and steel not in his current inventory may be used in the manufacture of fish hooks.

(2) On and after June 1, 1942, no Manufacturer shall process, fabricate, work on or assemble any:

(i) Critical material for use in the production of any fishing tackle product, or

(ii) Iron and steel for use in the production of any fishing tackle product other than fish hooks.

(3) During the period of three months beginning June 1, 1942, and during each succeeding three months' period thereafter until otherwise ordered, no manufacturer shall produce more fish hooks than 12½% of the number of fish hooks produced by him in the year 1941.

(4) Nothing in the foregoing provisions shall limit the production in any way of any fishing tackle product for use in the commercial fishing industry.

(5) On and after the effective date of this Order, no manufacturer shall sell, transfer or deliver any part of his current inventory, except:

(i) In connection with his manufacture or sale of fishing tackle products or parts therefor to the extent that such manufacture or sale is not prohibited by the terms of this Order or of any other Order of the War Production Board;

(ii) To Defense Supplies Corporation, Metals Reserve Company or any other corporation organized under section 5 (d) of the Reconstruction Finance Act, as amended, or any person acting as agent for any such person; or

(iii) Pursuant to specific authorization of the Director of Industry Operations.

(c) *Inventory restrictions.* From the effective date of this Order, no manufacturer shall receive any iron, steel or critical materials in the form of raw materials, semi-processed materials, or finished parts for use in the manufacture of any fishing tackle products (other than fish hooks) except in fulfillment of bona fide orders which were placed by him on or before the effective date of this Order.

(d) *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.

(e) *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.

(f) *Reports.* Each manufacturer to whom this Order applies shall file with the War Production Board such reports and questionnaires as said Board shall from time to time prescribe.

(g) *Violations.* Any person who wilfully violates any provision of this Order, or who, in connection with this Order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, 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 processing or using material under priority control and may be deprived of priorities assistance.

(h) *Appeal.* Any person affected by this Order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work may appeal to the "War Production Board, Washington, D. C., Ref.: L–92", setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(i) *Application of other orders.* Insofar as any other Order hereafter or heretofore issued by the Director of Priorities or the Director of Industry Operations limits the use of any material in the production of fishing tackle products to a greater extent than the limits imposed by this Order, the restrictions in such other Order shall govern unless otherwise specified therein.

(j) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(k) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this Order shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: L–92.

(l) *Effective date.* This Order shall take effect on the date of its issuance and shall continue in effect until revoked. (P.D. Reg. 1, as amended December 23, 1941, 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; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 23d day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–3625; Filed, April 23, 1942; 11:43 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 63 [1]—RETAIL PRICES FOR NEW RUBBER TIRES AND TUBES

A statement of the considerations involved in the issuance of this Amendment No. 1 has been issued simultaneously herewith and filed with the Division of the Federal Register.

Section 1315.104 is amended by designating the two existing paragraphs thereof (a) and (b) respectively, and adding two new paragraphs (c) and (d) thereto; paragraph (c) of § 1315.108 is amended and a new paragraph (f) is added thereto; the sixth line of the table in paragraph (b) of § 1315.110 is amended and a new paragraph (n) is added thereto; a new paragraph (n) is added to § 1315.111; and a new § 1315.109a is added, as set forth below:

§ 1315.104 *Posting of prices.*

(a) * * *

(b) * * *

(c) On and after May 4, 1942, every person engaged in the business of selling new rubber passenger-car tires or tubes at retail, shall keep posted in a conspicuous place in each retail establishment at which such tires or tubes are offered for sale, a list showing separately, in dollars and cents, the amounts added to the maximum retail prices of such tires or tubes in accordance with the provisions of §§ 1315.110 (n) and 1315.111 (n) Lists of such amounts computed in accordance with the provisions of §§ 1315.110 (n) and 1315.111 (n) and prepared by manufacturers of manufacturers' brands and by owners of private brands, may be used for this purpose if received by the seller in time.

(d) From April 25, 1942 to May 4, 1942 every such seller shall keep so posted a statement that maximum retail prices for new rubber passenger-car tires and tubes have been increased sixteen percent (16%) over those which were established on January 5, 1942 by Price Schedule No. 63.

§ 1315.108 *Definitions.*

* * * * *

(c) "New rubber tire or tube" means any rubber tire or tube that has been used less than 1,000 miles.

* * * * *

(f) "Rubber" means all forms and types of rubber including synthetic and reclaimed rubber.

* * * * *

§ 1315.110 *Appendix A: Maximum retail prices for manufacturers' brands of new rubber tires and tubes.*

* * * * *

(b) The prices set forth in paragraph (a) of this section apply to tires carrying brand names of manufacturers as follows:

Manufacturer	Brand of passenger-car tires	Brand of truck tires
* *	* *	*
Corduroy Rubber Company.	Universal.	Universal.
* *	* *	*

* * * * *

(n) Notwithstanding any other provisions of this section, on and after April 25, 1942, the maximum retail prices for manufacturers' brands of passenger-car tires and tubes shall be 16% greater than the maximum prices determined for such tires or tubes according to paragraphs (a) to (m), inclusive, of this section.

§ 1315.111 *Appendix B: Maximum retail prices for private brands of new rubber tires and tubes.*

* * * * *

(n) Notwithstanding any other provisions of this section, on and after April 25, 1942, the maximum retail prices for private brands of passenger-car tires and tubes shall be 16% greater than the maximum prices determined for such tires or tubes according to paragraphs (a) to (m) inclusive of this section.

§ 1315.109a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1315.-104; 1315.108 (c), (f); 1315.110 (b), (n); 1315.111 (n); and 1315.109a) to Revised Price Schedule No. 63 shall become effective April 25, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 22d day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3598; Filed, April 22, 1942; 5:15 p. m.]

[1] 7 F.R. 1323.

PART 1362—CERAMIC PRODUCTS, STRUCTURAL CLAY PRODUCTS AND OTHER MASON MATERIALS

MAXIMUM PRICE REGULATION NO. 116—CHINA AND POTTERY

In the judgment of the Price Administrator the prices of china and pottery are threatening to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of china and pottery prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of considerations involved in the issuance of this Regulation is issued simultaneously herewith and filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1 [1] issued by the Office of Price Administration, Maximum Price Regulation No. 116 is hereby issued.

AUTHORITY: §§ 1362.51 to 1362.62, inclusive, issued pursuant to Pub. Law 421, 77th Cong.

§ 1362.51 *Maximum prices for china and pottery.* On and after April 27, 1942, regardless of any contract, agreement, lease, or other obligation, no manufacturer or exporter shall sell or deliver any article of china or pottery at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1362.61; and no manufacturer or exporter shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this Section shall not be applicable to sales or deliveries of china or pottery to a purchaser if, prior to April 27, 1942, such china or pottery had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1362.52 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1362.61) may be charged, demanded, paid or offered.

§ 1362.53 *Conditional agreements.* No manufacturer or exporter of china or pottery shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided herein, in the event that this Maximum Price Regulation No. 116 is amended or is determined by a court to be invalid or upon any other contingency: *Provided,* That if a petition for amendment (or for adjustment or for exception) has been duly filed, and such petition 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 for adjustment or exception, as the case may be). Requests for such an exception may be included in the aforesaid petition for amendment (or for adjustment or for exception).

§ 1362.54 *Evasion.* The limitations set forth in this Maximum Price Regulation No. 116 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of china or pottery alone, or in conjunc-

[1] 7 F.R. 971.

tion with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1362.55 *Prohibition of hidden price increases.* No manufacturer or exporter may engage in the following practices:

(a) Depreciating seller's selection and grading standards in existence October 1–October 15, 1941, for decorated or undecorated articles, at any price level or for any type of decoration.

(b) Pricing sets above the seller's customary level for the number and assortment of pieces.

(c) With respect to present articles and new articles having the same type of decoration, failure to quote the prices customarily quoted by the seller for such article in sets (service for 4, 6, 8 or 12) to the same general class of purchaser and selling such articles only in open stock, fill-ins, or matching pieces, if those prices are higher than the seller's prices for sets for the articles.

(d) Increasing charges for packing for sales other than sales for export, above 100%, in the case of vitreous articles, and, 105%, in the case of semi-vitreous articles, of the charges quoted or in effect on October 15, 1941, to the same general class of purchaser.

§ 1362.56 *Records.* Every manufacturer or exporter making sales of china or pottery after April 26, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than two years, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the article number or other designation of each article sold, the price received for each, the quantity sold and any discounts, allowances, or charges.

§ 1362.57 *Reports*—(a) *Articles offered for sale in the period October 1, 1941 to April 26, 1942, inclusive.* On or before May 22, 1942 every manufacturer shall submit to the office of Price Administration a report on all articles offered for sale by such manufacturer in the period October 1, 1941 to April 26, 1942, giving the maximum prices established for each article by Appendix A (§ 1362.61) for each general class of purchaser (wherever a differential exists) and a description, by name or number, of each article.

(b) *Changes in body or glaze.* Within ten days after the first delivery to a purchaser of an article which differs from an article offered for sale by the manufacturer in the period October 1, 1941 to April 26, 1942, inclusive, either in size or shape to an extent which, according to the prior practice of the manufacturer, would affect the price, or in mixture of body or glaze so as to affect appreciably the appearance of the article, the manufacturer shall submit to the Office of Price Administration a report giving the specifications of the new article, the proposed selling price for each general class of purchaser and the terms of sale, together with the specifications and selling price for each general class of purchaser of the similar articles (or most comparable articles) referred to in § 1362.61 (c), for the purpose of establishing the maximum price for such new article.

(c) *Sales made after April 26, 1942.* Within thirty days after the end of every quarter after April 1, 1942, every manufacturer shall submit to the office of Price Administration, a report on Form 216:1, on his sales for such period, giving the information required by the Form.

(d) *Other reports.* Persons affected by this Maximum Price Regulation No. 116 shall submit to the office of Price Administration such other reports as it may, from time to time, require.

§ 1362.58 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 116 are subject to the criminal penalties, civil enforcement actions, 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. 116 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1362.59 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 116 or an adjustment or 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.

§ 1362.60 *Definitions.* When used in this Maximum Price Regulation No. 116, the term:

(a) "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.

(b) "Manufacturer" means any person who operates a pottery plant which produces china or pottery.

(c) "Article" means any single item of china or pottery, inclusive of decoration, or any combination of items in a set sold as a distinct item.

(d) "China" and "pottery" mean any undecorated, decorated, vitreous, or semi-vitreous china or earthern ware, commonly used for cooking, mixing, storing, or service of food or beverages, with the exception of products customarily sold in the past by the manufacturer as "stoneware", novelty and decorative items known as "art pottery", and rejects.

(e) "Rejects" means the type of ware customarily sold as imperfect. In undecorated ware, it includes "thirds", "reselects", and "lump", i. e., ware that is crooked, stained, chipped, stuck, cracked, or known as "whirlers", or shows imperfections such as kiln dirt, curtaining of glaze, star cracks, dunting, lamination, iron specks, flash, pin holes, or any other defect customarily considered as placing it in an imperfect class. In decorated ware "rejects" includes "decorated rejects" and "decorated odds and ends", i. e., ware that has such imperfections as running of color, poor application of print, screen or decals, smearing of line, sticking in decorating kiln, chipping, poorly graduated decalcomania, or any other defect customarily considered as placing it in an imperfect class.

(f) "Vitreous" means the type of china and pottery, of a low degree of absorbability with or without high translucency which in the past has customarily been sold in heavy weights for hotel, restaurant, institutional, and governmental use, and in thin, translucent form for household use.

(g) "Semi-vitreous" means the type of china and pottery generally of a degree of absorbability higher than vitreous, which in the past has customarily been sold for household use for table service, cooking purposes, storage ware, kitchen and refrigerator use, and for bowls and containers for food preparation.

(h) "Same general class of purchaser" means a purchaser of the same general trade status (wholesaler, retailer, hotel supply house, mail order house, variety chain store, federal, state, or local government, etc.) of the same quantity (as measured by size of order or anticipated requirements), and of the some status in any other respects customarily used by the seller in establishing price differentials.

(i) "Maximum price" means the price to be received by the manufacturer, including packing or transportation charges if included in the base price or government contract used as a base for establishing the maximum price. In the case of semi-vitreous articles which are customarily sold on the pound sterling basis, "maximum price" means the price to the closest quarter of a dollar.

(j) "Sale for export" means a sale for delivery outside of the forty-eight states of the United States of America or the District of Columbia.

(k) "Exporter" means a person who makes sales for export and includes an export agent, export commission house, or export merchant.

(l) "Export agent" means any exporter who performs the duties of an agent directly to and for a foreign purchaser in a sale between any seller in the United States and such foreign purchaser, and who does not (1) take title to the goods being exported, nor (2) assume a risk of loss because of demurrage, failure to secure shipping space, credits or otherwise.

(m) "Export commission house" means any exporter who acts as a principal, and (1) buys for his own account only upon his foreign customers' direct orders, at a fixed price or at a previously agreed upon commission, (2) takes title to the goods directly or through an agent, and (3) assumes all risk of loss or expense until the title of goods passes to his foreign buyers according to named terms of sales.

(n) "Export merchant" means any exporter who acts as a principal, and (1) buys for his own account in anticipation of foreign orders, in general, (2) takes

title to the goods, (3) sells them direct, or through customary trade channels, to any or all buyers in the foreign country, and (4) assumes all risks of loss or expense until title to the goods passes to a foreign buyer according to terms of sales.

§ 1362.61 *Appendix A: Maximum prices for sales of china and pottery by manufacturers*—(a) *Articles offered for sale during the period October 1 to October 15, 1941*—(1) *United States Government purchases.* The maximum price for the sale to any department or agency of the United States Government of any article of china or pottery identical with an article offered for sale to such department or agency in the period October 1, 1941, to October 15, 1941, shall be the highest price at which such identical article was contracted to be sold to the particular department or agency during such period by any manufacturer.

(2) *Other sales.* The maximum price for the sale of any other article of china or pottery identical with an article offered for sale by the manufacturer in the period October 1, 1941, to October 15, 1941, inclusive, shall be 100%, in the case of vitreous articles, and 105%, in the case of semi-vitreous articles,

(i) of the highest price quoted for such identical article by the manufacturer in such period to the same general class of purchasers, where the class customarily purchased at a price in a price list or other regular quotation (or standard discount therefrom);

(ii) of the highest price at which such identical article was sold by the manufacturer in such period to the same general class of purchaser, where the class customarily purchased at a special price for each order.

(b) *Articles first offered for sale during the period October 16, 1941 to April 27, 1942*—(1) *United States Government purchases.* The maximum price for a sale to any department or agency of the United States government of any article of china and pottery identical with an article first offered for sale to such department or agency in the period October 16, 1941, to April 26, 1942, inclusive, shall be the highest price at which such identical article was contracted to be sold to the particular department or agency in the period October 16, 1941 to January 1, 1942, by the same manufacturer. If no sales were made to the particular department or agency of such identical article by the same manufacturer during the period October 16, 1941 to January 1, 1942, the maximum price shall be a price in line with the maximum price under this Maximum Price Regulation No. 116 of the most comparable article sold by the same manufacturer to the particular department or agency, during the period October 1, 1941 to January 1, 1942, or by the most closely competitive manufacturer of the same class, during such period, if no such sales were made by the same manufacturer.

(2) *Other sales.* The maximum price for the sale of any other article of china or pottery identical with an article first offered for sale by the manufacturer in the period October 16, 1941 to April 26, 1942, inclusive, shall be 100% in the case of vitreous articles, and 105% in the case of semi-vitreous articles.

(i) of the highest price quoted for such identical article by the manufacturer in such period to the same general class of purchasers, where the class customarily purchased at a price in a price list or other regular quotation (or standard discount therefrom);

(ii) of the highest price at which such identical article was sold by the manufacturer in such period to the same general class of purchaser, where the class customarily purchased at a special price for each order;

Provided, That the maximum price for any such article shall in no instance be higher than a price in line with the maximum price under § 1362.61 (a) (2) of the most comparable article for which a maximum price is therein established.

(c) *New articles.* The maximum price for the sale of any article other than an article for which a maximum price is established under paragraph (a) or (b) of this section shall be a price in line with the maximum price under this Maximum Price Regulation No. 116 of articles similar to such new article, on the basis of body, glaze, decoration, shape and size, and offered for sale by the manufacturer in the period October 1, 1941 to October 15, 1941, to the same general class of purchasers. If no similar article was offered for sale by the manufacturer during such period, the maximum price for such new article shall be a price, which bears the same relation to the manufacturer's cost of materials and direct labor for such new article as the maximum price under this Maximum Price Regulation No. 116 for the most comparable articles bears to the manufacturer's cost of materials and direct labor for such articles.

(d) *Export sales.* In the case of sales for export the maximum prices established by paragraphs (a), (b) and (c) of this section for the same general class of domestic purchaser shall apply. To these prices the manufacturer or exporter may add:

(1) The actual cost of packing for export, if such cost is customarily charged as a separate item or if, because of the special character of the packing, additional expense is customarily necessary in order to provide for the safe carriage of the shipment;

(2) Actual cost of transportation to port of exit;

(3) On sales f. a. s. vessel, f. o. b. vessel, c. i. f. destination, or f. o. b. destination, an amount not in excess of the actual cost to the exporter of ocean freight, marine and war risk insurances, or other standard charges;

(4) The normal commission or markup charged by same general class of exporter for buying or for a sale or delivery of a similar quantity, quality, type, and packing to the same or comparable foreign market and to a purchaser of the same general class in the period October 1 to October 15, 1941, inclusive.

§ 1362.62 *Effective date.* This Maximum Price Regulation No. 116 (§§ 1362.51 to 1362.62, inclusive) shall become effective April 27, 1942.

Issued this 22d day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3599; Filed, April 22, 1942; 5:15 p. m.]

PART 1400—TEXTILE FABRICS

COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES—MAXIMUM PRICE REGULATION NO. 118, COTTON PRODUCTS

In the judgment of the Price Administrator the prices of cotton products have risen and are threatening further to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of cotton products prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation has been prepared and is issued simultaneously herewith.[1]

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,[2] issued by the Office of Price Administration, Maximum Price Regulation No. 118 is hereby issued.

AUTHORITY: §§ 1400.101 to 1400.116, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1400.101 *Maximum prices for cotton products.* (a) Except as otherwise provided in this Maximum Price Regulation No. 118, on and after May 4, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver cotton products, and no person shall buy or receive cotton products in the course of trade or business, at prices higher than the maximum prices established herein; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of cotton products if within the terms of the Worth Street Rules title to such cotton products has passed to the purchaser prior to May 4, 1942.

(b) Except as otherwise provided herein, maximum prices shall be deter-

[1] Filed with the Division of the Federal Register. Requests for copies should be addressed to the Office of Price Administration.
[2] 7 F.R. 971.

mined as follows, subject to adjustment in accordance with paragraph (d) of this section.

(1) For any cotton product of the same type, construction, and grade as a cotton product which, during the base period, a seller contracted to sell or listed for sale at a specific price, the maximum price shall be the weighted average price of such seller for such cotton product during the base period to a purchaser of the same general class, or, if the seller has no weighted average price (as defined herein) for the base period to such a purchaser, the maximum price shall be his weighted average price to purchasers of the most nearly comparable class, appropriately adjusted to compensate for his normal differential between prices charged purchasers of the respective classes. As used herein, the term "weighted average price" means (i) the average of the prices agreed upon in connection with contracts of sale, weighted in accordance with the quantity sold at each price, or (ii) if no contracts of sale were made, the average of the list prices in effect, weighted in accordance with the number of business days each list price was in effect.

(2) For any cotton product of a type, construction, and grade which, during the base period, a seller neither contracted to sell nor listed for sale at a specific price, the maximum price shall be the average of the unadjusted maximum prices,[3] determined in accordance with subparagraph (1) of this paragraph, of three representative sellers:[4] *Provided*, That if a seller is unable after diligent inquiry to find three such sellers, his maximum price shall be the average of the maximum prices of as many such sellers as he can find.

(3) In case a seller cannot by the exercise of due diligence determine the maximum price for any type, construction, and grade of cotton product in accordance with the foregoing, the maximum price shall be a price in line with[5] the unadjusted maximum prices of such seller for related types, constructions, and grades of cotton products.

(4) In case a seller during the base period neither contracted to sell nor listed for sale at a specific price any related types, constructions, and grades of cotton products, the maximum price shall be a price in line with the unadjusted maximum prices of three representative sellers for related types, constructions, and grades of cotton products: *Provided*, That if a seller is unable after diligent inquiry to find three such sellers, his maximum price shall be a price in line with the maximum prices of as many such sellers as he can find.

(c) If the unadjusted maximum price for a cotton product is determined in accordance with paragraph (b) (2), (3), or (4) of this section, the seller, upon making his first transaction based upon such price, shall file with the Textiles, Leather, and Apparel Section, Office of Price Administration, Washington, D. C., a report containing a description of the cotton product, a statement of the maximum price as determined by him, and an explanation of the exact manner in which it was computed. Such report shall be filed within one week of any first transaction, except that, where sale or delivery is made "on memorandum" (as permitted by paragraph (e) of this section), the report shall be filed within one week of the date when the seller determines the applicable maximum price. As used herein, the term "first transaction" means the first sale, contract of sale, or delivery of any type, construction, and grade of cotton product to a given class of purchaser.

(d) The maximum prices established herein may be adjusted by the following differentials in accordance with the spot cotton price[6] of the business day preceding that on which the contract of sale is, or was, made.

Spot cotton price (cents per pound):	*Upward adjustment (cents per pound of cotton content of product at loom*
16.43 to 16.85 incl	½
16.86 to 17.29 incl	1
17.30 to 17.73 incl	1½
17.74 to 18.17 incl	2
18.18 to 18.60 incl	2½
18.61 to 19.04 incl	3
19.05 to 19.48 incl	3½
19.49 to 19.91 incl	4
19.92 to 20.35 incl	4½
20.36 to 20.79 incl	5
20.80 to 21.22 incl	5½
21.23 to 21.66 incl	6
21.67 to 22.10 incl	6½

(e) Any seller, during such period (not to exceed 30 days) as is reasonably necessary to determine a maximum price, may sell or deliver cotton products "on memorandum": *Provided*, That the purchaser shall be appropriately informed of the maximum price as soon as it is determined and that settlement of the purchaser's obligation shall in no event be made at a price in excess of such maximum price.

§ 1400.102 *Less than maximum prices.* Lower prices than those set forth herein may be charged, demanded, paid or offered.

§ 1400.103 *Conditional agreement.* No seller of cotton products shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided herein in the event that this Maximum Price Regulation No. 118 is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That if a petition for amendment (or for adjustment or exception) has been duly filed, and such petition 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 such petition. Requests for such an exception may be included in the aforesaid petition for amendment (or for adjustment or exception).

§ 1400.104 *Wholesalers, jobbers, and retailers.* The provisions of this Maximum Price Regulation No. 118 are not applicable to domestic sales and deliveries of cotton products made in the performance of a recognized distributive function[7] by any wholesaler, jobber, or retailer, not controlling, controlled by or under common control with the producer: *Provided*, That the maximum prices established herein shall apply to sales and deliveries to a converter or finisher.

§ 1400.105 *Imports.* The provisions of this Maximum Price Regulation No. 118 do not apply to the importation of cotton products from persons outside the United States, its territories and possessions, or to resale of such imported cotton products.

§ 1400.106 *War procurement*—(a) *Existing contracts.* The maximum prices established in this Maximum Price Regulation No. 118 shall not be applicable to any cotton product delivered pursuant to a contract entered into prior to May 4, 1942, (1) if the purchaser is the Government of the United States or of any Lend-Lease nation;[8] or (2) if (i) the purchaser is any person who certifies or has certified to the seller that he requires said cotton product in order physically to incorporate it in any article which such person is under contractual obligation to supply to any of said governments; and (ii) the seller has documentary proof, which shall be preserved in accordance with § 1400.109, that the contract of sale of such article to such government was made prior to May 4, 1942.

(b) *War purchases on and after May 4, 1942.* The maximum prices established

[3] I. e., the maximum prices before adjustment in accordance with § 1400.101 (d).

[4] As used herein, the term "representative seller" means a seller who is engaged in and representative of the same type of business and whose maximum prices reasonably reflect the average market price during the base period.

[5] As used herein, the term "in line with" means (1) based upon and having a justifiable relationship to, and (2) appropriately increased or decreased to take account of differences in construction (such as yarn numbers, number of ends, number of picks, weave, etc.) and such other material factors as, in sound cost determinations, are considered to have a direct bearing on the cost of production of the respective cotton products.

[6] As used herein, the term "spot cotton price" means the average, published daily by the Agricultural Marketing Administration (formerly the Agricultural Marketing Service) of the Department of Agriculture, of the prices for 15/16" middling cotton on ten designated spot markets.

[7] No sale is made in the performance of a recognized distributive function, within the meaning of this Maximum Price Regulation No. 118 unless it advances the goods sold to the next stage of distribution. Presumptively, sales by one jobber to another, or by one manufacturer to another engaged in the same type of business, are not sales in the performance of a recognized distributive function.

[8] As used herein, the term "Lend-Lease nation" means a nation whose defense shall have been determined by the President, prior to the delivery date, to be vital to the defense of the United States (pursuant to the Act of March 11, 1941, Pub. Law 11, 77th Cong.).

herein shall not be applicable to the procurement of cotton products by any agency of the United States Government if such agency finds:

(1) That prosecution of the war requires the production of any type, construction, and grade of cotton products (i) in an establishment or by use of machinery designed for and normally engaged in the manufacture of a substantially different product, or (ii) under conditions substantially abnormal in any other respect; and

(2) That as a result the cost of producing said cotton product is such that the maximum prices established herein would not yield a reasonable return to the manufacturer.

On or before the 15th day of each month following the procurement, pursuant to this paragraph, of any cotton products by an agency of the United States Government at a price in excess of the maximum prices established herein, such agency shall make a report of such procurement to the Office of Price Administration. Such report shall include the date of the purchase or the contract of purchase; the type, construction, grade and quantity of cotton products procured; the name of the manufacturer; the maximum price which, but for this paragraph, would be applicable; a brief statement of the reasons for exceeding such maximum price; and the amount by which the price agreed upon or paid exceeds such maximum price.

(c) *War subcontracts on and after May 4, 1942.* An adjustment of the maximum prices established in this Maximum Price Regulation No. 118 may be granted by the Administrator either upon petition of a seller[*] or upon the Administrator's own motion in any case in which a certificate is received from an appropriate agency of the Government of the United States showing:

(1) That prosecution of the war requires the production of any type, construction, and grade of cotton product (i) in an establishment or by use of machinery designed for and normally engaged in the manufacture of a substantially different product, or (ii) under conditions substantially abnormal in any other respect; and

(2) That as a result the cost of producing said cotton product is such that the maximum prices established herein would not yield a reasonable return to the manufacturer;

(3) That the purchaser is a person who requires said cotton product in order physically to incorporate it in an article which is to be furnished to such agency of the Government of the United States; and

(4) That such adjustment would, in the opinion of such agency, be fair and equitable.

Such adjustment may be granted by the Administrator upon such terms and conditions as may appear reasonable under all of the circumstances.

[*] Such petition shall be filed in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1400.107 *Adjustments for seasonal goods.* (a) An adjustment will be granted to any seller of seasonal cotton products if the maximum price established herein for such products bears a substantially less favorable relationship to the prices of other staple cotton products during the base period than the price relationship which normally prevails during the customary market season for such seasonal cotton products. A seller seeking such an adjustment shall file a petition for adjustment or exception in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

(b) Upon the filing with the Office of Price Administration of a notice of intention to petition for adjustment or exception under this section, and after (but not before) receipt of a written opinion from the Office of Price Administration that the cotton products upon which such petition is to be predicated are seasonal cotton products, any seller, in making a delivery of such products against a contract entered into prior to May 4, 1942, may invoice such goods at the contract price and accept payment thereof: *Provided*, That the seller shall state in the invoice that he will refund to the purchaser any excess over the maximum price established herein, as adjusted by the Office of Price Administration pursuant to the seller's petition or otherwise. The permission granted in this paragraph to deliver seasonal goods in such manner is further conditioned upon the filing with the Office of Price Administration by the seller of a petition for adjustment or exception within 30 days of the filing of the above-mentioned notice of intention.

(c) As used in this section, the term "seasonal cotton products" means blankets, flannels, awning stripes and other goods of which a year's production is characteristically priced at one time and sold during a limited market season not falling in whole within the base period and of which the use by the ultimate consumer is typically seasonal.

§ 1400.108 *Evasion.* (a) The price limitations set forth in this Maximum Price Regulation No. 118 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to cotton products, 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 otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) No price agreed upon in any contract entered into prior to May 4, 1942, even though lower than the applicable maximum price established herein, shall be increased by amendment of said contract, by substitution therefor of a new contract, or otherwise;

(2) No price agreed upon in any contract entered into on or after May 4, 1942, shall be changed by amendment of such contract, by substitution therefor of a new contract, or otherwise (whether or not such change is made pursuant to the terms of the original contract) if the change so effected results in an agreed price in excess of the maximum price applicable hereunder to the original contract or to deliveries pursuant thereto;

(3) No seller shall discontinue or alter to the prejudice of a purchaser any discount or service granted or rendered to purchasers of the same general class during the base period.

§ 1400.109 *Records.* (a) Every seller subject to this Maximum Price Regulation No. 118 shall preserve for inspection by the Office of Price Administration until at least June 30, 1943, the records of all his sales and deliveries of cotton products between January 1, 1941 and May 3, 1942, inclusive.

(b) Every person making purchases, sales, or deliveries of cotton products on or after May 4, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than two years complete and accurate records of each such purchase, sale or delivery, showing the date thereof, the name and address of the buyer or of the seller, the price paid or received, and the quantity of each type, construction, and grade purchased or sold, and including (in the case of the seller) a record of the manner in which the maximum price, including the adjustment for spot cotton, for the sale was determined.

§ 1400.110 *List of base-period prices.* (a) Every seller subject to this Maximum Price Regulation No. 118 shall compile a list showing his weighted average price for the base period for every cotton product which during such period he contracted to sell or listed for sale at a specific price. Such list shall contain or incorporate by reference a description of each such cotton product and shall include a statement as to its weight at loom per yard or other unit of measure or quantity.

(b) As soon as possible and no later than June 1, 1942, such list and, where incorporated by reference, such descriptions (1) shall be filed with the Textiles, Leather, and Apparel Section, Office of Price Administration, Washington, D. C.; (2) shall be displayed or otherwise made readily available for inspection at the sales office of the seller and of his selling agents; and (3) shall be made available, upon request, to any person interested in good faith in making a purchase and to any other seller of cotton products subject to this Maximum Price Regulation No. 118 who in good faith seeks this information to determine his maximum price.

§ 1400.111 *Reports.* Persons subject to this Maximum Price Regulation No. 118 shall submit such reports, in addition to those provided for elsewhere in this Regulation, as the Office of Price Administration shall from time to time require.

§ 1400.112 *Details required in contract of sale or invoice.* (a) Every seller of cotton products, with respect to each contract of sale thereof, shall deliver to the purchaser a written contract of sale which shall contain, in addition to the terms thereof, (1) the date on which the sale or contract of sale was made; (2) a full description of each type, construction, and grade of cotton products

sold, including the number of yards or other units of measure or quantity per pound; and (3) a computation of the maximum price, in the form set forth below,[10] for each type, construction, and grade sold.

(b) Where delivery of cotton products is made pursuant to a contract of sale entered into prior to May 4, 1942, the seller shall include in the invoice covering each first delivery against such contract the information called for by paragraph (a) of this section. As used in this paragraph, the term "first delivery" means the first delivery on or after May 4, 1942, of a given type, construction, and grade of cotton products (other than a delivery "on memorandum").

§ 1400.113 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 118 are subject to the criminal penalties, civil enforcement actions, 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. 118 or any price schedule, regulation, or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1400.114 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 118 or an adjustment or 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.

§ 1400.115 *Definitions.* (a) When used in this Maximum Price Regulation No. 118, the term:

(1) "Person" includes an individual, 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) "Base period" means the period between July 21 and August 15, 1941, both inclusive;

(3) "Producer" means the person in whose mill a cotton product is woven and includes any agent of the producer and any person controlling, controlled by, or under common control with the producer;

(4) "Consisting basically of cotton" means woven in a mill other than a worsted or a woolen mill and containing more than 50 per cent of cotton and less than 25 per cent of wool, by weight after weaving and before any finishing or fabrication;

(5) "Cotton products" (i) means products made on a loom and consisting basically of cotton, regardless of the extent to which, during the time when (within the terms of the Worth Street Rules) title remains in the producer, they are finished, processed, or fabricated, except products described in subdivision (ii) of this subparagraph;

(ii) The term does not include:

(*a*) Products subject to maximum prices established and in effect under any other Maximum Price Regulation, whether temporary or not, or under any Price Schedule; [11]

(*b*) Products consisting to the extent of 50 per cent or more by weight, after weaving and before any finishing or fabrication, of combed cotton yarn; or products in which either the warp or the filling consists wholly of combed cotton yarn;

(*c*) Garments;

(*d*) Colored-yarn or finished fabrics predominantly used for upholstery or draperies;

(*e*) Gauze bandage, adhesive tape, and related medical supplies;

(*f*) Fabrics less than 6 inches in width after weaving and before any finishing or fabrication;

(*g*) Woven tickings heavier than 4.95 yards per pound and not in weaves requiring a Jacquard loom;

(*h*) Tire fabrics;

(iii) The term includes, without limitation except as provided in subdivision (ii) of this subparagraph:

Awning stripes.
Back cloth.
Baling and bagging.
Basket weaves.
Batiste.
Bedford cord.
Bedspreads and woven quilts.
Blankets.
Blanket robe cloth.
Blanket linings.
Belting cloth.
Book cloth.
Brassiere cloth.
Broadcloth.
Brocade.
Bunting.
Carded yarn fancies.
Casement cloth.
Chambray.
Cheese cloth.
Cheviot.
Clip spot fabrics.
Colored-yarn fabrics.
Corduroy.
Cottonade.
Cotton worsteds.
Coutil.
Covert.
Crash.
Crepe.
Damask.
Denims:
  Drapery.
  Sport denims.
Diaper cloth and diapers.
Dimity.
Grey drapery and upholstery fabrics.
Drills.
Ducks:
  Apron.
  Army.
  Belting.
  Bootleg.
  Double-filled.
  Enameling.
  Flat.
  Gem.
  Harvester.
  Hose.
  Laundry.
  Naught and biscuit.
  Number.
  Ounce.
  Pottery.
  Sail.
  Shelter-tent.
  Shoe.
  Single-filling.
  Wagon-cover.
Express stripes.
Felt, table and laundry.
Filter cloths.
Flannels:
  Canton.
  Domet.
  Glove.
  Interlining.
  Outing.
  Plaid.
  Shoe.
Frock cloth.
Gabardine.
Gauze.
Gingham.
Handkerchief cloth.
Herringbone:
  Drills.
  Twills.
Hickory stripes.
Industrial fabrics.
Jacquard.
Jean.
Laundry nets.
Lawn.
Leno and mock leno.
Linings.
Luggage cloth.
Marquisette.
Moleskin.
Monks cloth.
Mosquito netting.
Nainsook.

[10] A. Unadjusted maximum price $_____ per _____ unit.
B. Cotton differential, per lb. _____.
C. Percentage of cotton _____.
D. Units per lb. at loom _____.
E. Adjustment for cotton $\frac{B \times C}{D}$ _____
Maximum price $_____ per _____ unit.

[11] Among other products which this provision exempts from this Maximum Price Regulation No. 118 (if they are subject to maximum prices otherwise established) are piece goods sold "in the original piece" which, although actually finished by an integrated or vertical concern, are of (or are competitive with goods of) a character customarily finished and marketed in larger volume by independent converters and finishers than by integrated producers. Maximum prices for virtually all such piece goods were established by Temporary Maximum Price Regulation No. 10 (Finished Piece Goods) which is shortly to be superseded by a permanent regulation. Any person desiring an opinion as to whether a product is subject to the maximum prices therein established for finished piece goods or to the maximum prices established herein should address a written inquiry to the Office of Price Administration, Washington, D. C.

Osnaburgs.
Oxford.
Pajama check.
Pile fabrics.
Pillow tubing.
Pin checks.
Pin stripes.
Pique.
Plaids.
Pongee.
Poplin.
Print cloth yarn fabrics.
Repp.
Sateen.
Sateen yarn fabrics.
Scrim.
Seersucker.
Sheeting.
Shirting:
  Shirting coverts.
  Colored yarn shirtings.
Shoe fabrics.
Soft-filled fabrics.
Suiting, cotton and mixed.
Table cloths and napkins.
Taffeta.
Terry cloth.
Tickings, jacquard and straw.
Tobacco seed bed covers.
Towels and toweling:
  Huck.
  Crash.
  Birdseye.
  Damask.
  Glass.
  Honeycomb.
  Huckaback.
  Turkish.
Twills.
Twills, broken.
Voiles.
Whipcord.

(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.

§ 1400.116 *Effective date.* This Maximum Price Regulation No. 118 (§§ 1400.-101 to 1400.116, incl.) shall become effective May 4, 1942.

Issued this 22d day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3597; Filed, April 22, 1942; 5:16 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 6—ANCHORAGE REGULATIONS

REGULATIONS FOR THE CONTROL OF VESSELS IN THE TERRITORIAL WATERS OF THE UNITED STATES

Pursuant to the authority contained in section 1, Title II of the Espionage Act, approved June 15, 1917, 40 Stat. 220 (U.S.C. title 50, sec. 191), as amended by the Act of November 15, 1941 (Pub. Law 292, 77th Cong.), and by virtue of the Proclamation and Executive Order issued June 27, 1940, (5 F.R. 2419) and November 1, 1941 (6 F.R. 5581, respectively, the regulations relating to the control of vessels in the territorial waters of the United States (5 F.R. 2442), as amended, are hereby further amended as follows:

The following new section is added:

§ 6.8 *Crew list required on certain voyages.* The master of every vessel, who does not sign his crew before a shipping commissioner, or Collector or Deputy Collector of Customs acting as Shipping Commissioner, shall, immediately prior to sailing from a port in the United States, on a voyage which will extend to the ocean or the Gulf of Mexico, submit to the Captain of the Port, U. S. Coast Guard, or his representative, a crew list on Form 710A showing the complete crew on board the vessel including the master, giving the names, certificate of identification or continuous discharge book number, birthplace, nationality, description, capacity in which employed and name and address of next of kin. At each domestic port visited on the voyage the master shall at the time of leaving submit to the Captain of the Port or his representative a supplementary crew list on Form 710A showing any changes in his crew, giving the names of any members of the crew who have left the vessel and complete information as described above in the case of any replacements. In the event that there are no changes at any port the form should be submitted to the Captain of the Port showing "no changes in crew."

The purpose of this report is to have absolutely accurate information as to the names and identification of the members of the crew on board when the ship departs. The Captain of the Port will take steps to insure the delivery of this report by the master at the time of departure. The report will be sent by the quickest mail to the Commandant, U. S. Coast Guard, Washington, D. C.

FRANK KNOX,
Secretary of the Navy.

Approved:

FRANKLIN D ROOSEVELT
The White House, April 21, 1942.

[F. R. Doc. 42-3605; Filed, April 23, 1942; 9:35 a. m.]

PART 7—ANCHORAGE AND MOVEMENTS OF VESSELS AND THE LADING AND DISCHARGING OF EXPLOSIVE OR INFLAMMABLE MATERIAL, OR OTHER DANGEROUS CARGO

Pursuant to the authority contained in section 1, Title II of the Act of June 15, 1917, 40 Stat. 220 (50 U.S.C. 191), as amended by the Act of November 15, 1941 (Pub. Law 292, 77th Cong.), and by virtue of the Proclamation and Executive Order issued June 27, 1940 (5 F.R. 2419) and November 1, 1941 (6 F.R. 5581), respectively, the Rules and Regulations Governing the Anchorage and Movements of Vessels and the Lading and Discharging of Explosive or Inflammable Material, or Other Dangerous Cargo, approved October 29, 1940 (5 F.R. 4401), as amended, are hereby further amended as follows:

Section 7.10 (c), which reaffirmed and continued in force the anchorage areas and grounds established by the Secretary of War (Code of Federal Regulations, Title 33, Part 202), together with amendments and addenda thereto, is amended, by redefining and establishing Hudson River Anchorages for the Port of New York as follows:

§ 7.10 Anchorage regulations for certain parts of the United States.

* * * * *

(c) * * *

Hudson River Anchorages

Northward of a line on a range with the north side of the north pier of the Union Dry Dock and Repair Company Shipyard, Edgewater, N. J.; westward of a line ranging 25° true from a point 120 yards east of the east end of said pier to a point 500 yards from the shore (915 yards from Fort Lee flagpole) on a line bearing 100° true and ranging between the Fort Lee flagpole and the square chimney on the Medical Center Building at 168th Street, Manhattan; and southward of said line ranging between the Fort Lee flagpole and the square chimney of the Medical Center.

NOTE: Subject to the provisions for naval anchorage No. 19, the Captain of the Port may shift the position of, or clear the area of, any vessel so moored as to obstruct the use of this area for additional anchorage of naval vessels when found necessary.

Northward of a line bearing 66° true ranging between the south face of the building known as "Ben Marden's Riviera" north of the George Washington Bridge at Fort Lee, N. J., and the bell tower of the "Cloisters" at Fort Tryon Park, Manhattan; westward of lines ranging 29° true from spar buoy (Lat. N. 40°51'34", long. W. 73°56'54") to spar buoy (Lat. N. 40°52'27", long. W. 73°56'16"); thence 20° true to spar buoy (Lat. N. 40°54'17", long. W. 73°55'23"); thence 15° true to spar buoy (Lat. N. 40°56'20", long. W. 73°54'39"); and southward of a line (bearing 104° true) on a range with the latter buoy and the stack of the Yonkers Sewage Disposal Plant: *Provided,* That in order to give free passage for ferry boats, no vessel shall anchor within 300 yards of the line of the Englewood, N. J. to Dyckman Street, Manhattan, N. Y., ferry.

NOTE: Subject to the provisions for naval anchorage No. 19, the Captain of the Port may shift the position of, or clear the area of, any vessel so moored as to obstruct the use of this area for additional anchorage of naval vessels when found necessary.

Eastward of lines bearing 8° true from the northwest corner of the crib icebreaker north of The New York Central Railroad Company drawbridge across Spuyten Duyvil Creek (Harlem River) to a point 250 yards offshore and on a line with The New York Central Railroad signal bridge at the foot of West 231st Street, extended, at Spuyten Duyvil, Bronx, N. Y.; thence bearing 19° true to the channelward face of the Mount St.

Vincent dock at the foot of West 261st Street, Riverdale, Bronx, N. Y.

NOTE: Subject to the provisions for naval anchorage No. 19, the Captain of the Port may shift the position of, or clear the area of, any vessel so moored as to obstruct the use of this area for additional anchorage of naval vessels when found necessary.

Northward of the south side of West 181st Street, prolonged; eastward of a line ranging 28° true from Jeffreys Hook Light on Fort Washington Point and tangent to the east shore of the river at Inwood Hill Park; and southward of the line of the south ferry rack, extended due east, at Dyckman Street, Manhattan, N. Y.

NOTE: Subject to the provisions for naval anchorage No. 19, the Captain of the Port may shift the position of, or clear the area of, any vessel so moored as to obstruct the use of this area for additional anchorage of naval vessels when found necessary.

Naval anchorage. An anchorage is defined and established for the mooring of naval vessels northward of the south side of West 72d Street, Manhattan, prolonged; eastward of the east channel line of the Federally improved Weehawken-Edgewater Channel, said east channel line being extended to a point opposite West 156th Street; thence eastward of a line bearing 17° true ranging between the end of the pier at the foot of West 134th Street and a point on the George Washington Bridge 250 yards westward of the air beacon on the east bridge tower; and southward of said bridge: *Provided,* That, in order to give free passage for ferry boats, no vessel shall anchor within a limit of 300 yards of the line of the West 125th Street, Manhattan to Edgewater, N. J. ferry.

NOTE: In the discretion of the Captain of the Port, small commercial or pleasure vessels may anchor in this area shoreward of a line extending from the channelward end of The New York Central Railroad pier at the foot of West 70th Street to the channelward end of the pier at the foot of West 129th Street; and shoreward of the pierhead line as established by the Secretary of War, between West 134th Street, and a prolongation of the bridge over The New York Central Railroad tracks located 1,000 feet south of the George Washington Bridge.

The Captain of the Port may grant permission for one stake boat to occupy an area in the westerly 200-yard portion of the naval anchorage.

The Captain of the Port may permit limited temporary anchorage, not to exceed 24 hours, of commercial vessels awaiting berths in the westerly portion of the naval anchorage south of West 135th Street when use of the anchorage by naval vessels will permit.

The established anchorages for naval vessels having been found inadequate at times when large numbers of them are in the harbor, a numbered series of anchorages is defined and established, as shown on Key Chart No. 1, and Key Chart No. 2 (not published herein) in order that when a necessity for additional anchorages arises, permission may be given naval vessels to anchor at designated points serially numbered from 2 to 40 for capital ships, from 100 to 129 for intermediate ships, from 213 to 399 for destroyers and small craft, and from 508 to 611 for the anchorage of destroyers and small craft on the east side of the river, when the space is not required for capital or intermediate ships. Berths 16 to 19, 546, 547, and 551 to 555, are for use only on occasions when the other numbered berths available are not sufficient for the accommodation of the naval ships present. The Captain of the Port, on request from the proper naval authorities, may grant permission to occupy the numbered anchorages outside of, or extending outside of, naval anchorage No. 19, provided those specified in the request can be made available, commercial conditions at the time being given proper consideration. If, in his opinion, there are reasons why the anchorage or anchorages asked for should not be assigned, he will confer with the naval officers making the request, and if other numbers can be agreed upon, will authorize their use; otherwise he will communicate the request to the Secretary of War with a statement of the circumstances and with his recommendation.

Section 7.10 (c) (18) is amended by adding the following subparagraphs:

Weymouth Fore River, at North Weymouth, Massachusetts. Southwesterly of a line bearing 117° true from channel light "4"; southeasterly of a line 150 feet from and parallel to the meandering easterly limit of the dredged channel; easterly of a line bearing 188° true from the eastern extremity of Rock Island Head; and northwesterly of the shore line.

Weymouth Back River, at North Weymouth, Massachusetts. The cove on the north side of the river lying northerly of a line bearing 264°30′ true from the southwesterly corner of the American Agricultural Chemical Company's wharf (Bradley's Wharf), to the shore of Eastern Neck, about 2,200 feet distant; provided that boats using this area are so anchored that they will not swing channelward of said line.

Boston Harbor, at South Boston, Massachusetts. Northerly of a line having a bearing of 96° true from the stack of heating plant of the Boston Housing Authority in South Boston; easterly of a line having a bearing of 5° true from the west shaft of tunnel of the Boston Main Drainage Pumping Station; southerly of the shore line; and westerly of a line having a bearing of 158° true from the Northeast corner of the iron fence marking the east boundary of the South Boston Yacht Club property.

Section 7.10 (d) which reaffirmed and continued in force rules and regulations governing the movement and anchorage of vessels and rafts in the St. Mary's River from Point Iroquois on Lake Superior to Point Detour on Lake Huron, except the waters of the St. Mary's Falls Canal, theretofore promulgated by the Secretary of Commerce (Code of Federal Regulations, Title 33, Part 323) is amended by adding the following subparagraphs:

St. Mary's Falls Canal and Locks, Michigan: Regulations for protection—(a) *Small craft and rafts.* All small craft other than those owned and operated by the United States desiring to transit the locks shall obtain clearance from the Captain of the Port of Sault Ste. Marie prior to entering the canal zone. No small craft other than those owned and operated by the United States shall dock at the Southwest Pier, Southeast Pier, or Brady Pier at any time. Small craft other than those owned and operated by the United States, not desiring to transit the locks are prohibited from entering the following areas:

(1) *Above the locks.* The area east and south of the line through the Michigan Northern Power Company's dock (1,000 feet west of the Southwest Pier Light) northwest to the International boundary near black spar buoy No. 1, thence easterly along the boundary to the Compensating Works.

(2) *Below the locks.* The area south and west of the line from the ferry dock and coincident with the ferry lane to the International boundary thence along that boundary west to the Compensating Works.

NOTES: The above-described areas are patrolled and guarded.

(b) *All other craft and vessels*—(1) *Personnel authorized to land.* The master or mate, only may go from a vessel while in the locks to the canal office. Two deck hands may leave the vessel to assist in handling the mooring lines and shall reboard the vessel as soon as the vessel has been moored. No other person may leave or board vessels in the locks except in emergency.

(2) *Docking at piers.* No vessel shall dock or tie up at the Southwest Pier, Southeast Pier, or Brady Pier without specific authority from the Assistant Chief Lockmaster.

(3) *Throwing objects overboard.* Throwing overboard of any rubbish or other object in the canal or in the areas above or below the locks as described in paragraphs (a) (1) and (2) above, or in the approaches to these areas, is forbidden.

(4) *Discharge of firearms.* No firearms of any kind shall be discharged from vessels while in the canal zone.

(5) *Smoking on and in vicinity of tankers.* When tankers are transiting the canal and lock, smoking is prohibited on canal walls and walks within 50 feet of the face of walls, and on board the tanker transiting the locks except in such places as may be designated in the ship's regulations.

(6) *Embarking and debarking.* No passengers will be permitted to board or debark from ships while transiting the canal zone except by authority of the District Commander.

(7) *Photography.* The taking of pictures and aerial photographs of the canal zone or any of the installations therein is prohibited. Ship's masters and the military guard are responsible for the enforcement of this regulation.

(8) *Tugs required.* All barges or other vessels navigating within the limits of St. Mary's Falls Canal, whether approaching or leaving the locks and not operating under their own power, will

be required to be assisted by one or more tugs of sufficient power to insure full control at all times.

(9) Transit of the locks by passenger or excursion vessels over two hundred (200) gross registered tons is prohibited.

(10) The Coast Guard shall make a special examination of each vessel prior to its approaching St. Mary's Falls Canal for each transit. Such examination shall include the inspection of openings to all closed compartments, the forepeak, blind hold, dunnage room, windlass room, and chain locker; examination of bolt fastenings being such as to detect whether any tampering has been done. Entry of such inspection shall be made in the ship's log. Following the inspection and prior to entering the canal, a square yellow flag, showing a black ball in the center, and being not less than 3 feet by 3 feet in size, shall be flown from the forward part of the ship. Vessels complying with the above regulations and displaying the flag may be permitted to enter the canal at the discretion of the United States Coast Guard. The Coast Guard has authority to board vessels at any time for the purpose of making investigations or examinations.

(11) These regulations shall be supplementary to the "Regulations to Govern the Use, Administration, and Navigation of St. Mary's Falls Canal and Locks, Michigan."

Section 7.25 is amended by adding a new paragraph, as follows:

§ 7.25 *Philadelphia, Pennsylvania*—(a) *The anchorage area.*

* * * * *

(15) *Anchorage No. 15 (Explosive).* (Reedy Point Explosive Anchorage.) Located in the Delaware River approximately one mile north of Reedy Island and is included within the following points:

(i) 1,335 yards 122° true from flashing red light on north jetty of Chesapeake and Delaware Canal Entrance.

(ii) 2,100 yards 118° true from flashing red light on north jetty of Chesapeake and Delaware Canal Entrance.

(iii) 2,400 yards 125°30′ true from flashing red light on north jetty of Chesapeake and Delaware Canal Entrance.

(iv) 4,200 yards 163° true from flashing red light on north jetty of Chesapeake and Delaware Canal Entrance.

(v) 3,000 yards 162° true from flashing red light on north jetty of Chesapeake and Delaware Canal Entrance.

The following new section is added:

§ 7.32 *Waters of New River, North Carolina; Firing sectors.*

The Danger Zone

(a) The firing ranges include the waters within eight sectors located as follows:

(1) *Jacksonville River sector.* Bounded on the north by an east-west line passing through day marker No. 41, New River dredged channel; on the south by a line running S. 63°30′ W. from Paradise Point to Ragged Point; including Northeast Creek up to a north-south line at Long. 77°23′30″ W.; and South-west Creek up to a point where it narrows to 200′ width; including all water areas to the high water line.

(2) *Morgan Bay River sector.* Bounded on the north by a line running S. 63°30′ W. from Paradise Point to Ragged Point; on the south by a line running N. 74°30′ W. from Hadnot Point to Holmes Point; including Wallace Creek up to a north-south line at Long. 77°22′00″ W.; including all water areas to the high water line.

(3) *Farnell Bay River sector.* Bounded on the north by a line running N. 74°30′ W. from Hadnot Point to Holmes Point; on the south by a line running S. 67° E. from Town Point to the south side of the mouth of French Creek; including French Creek up to a north-south line at Long. 77°20′00″ W.; including all water areas to the high water line.

(4) *Grey Point River sector.* Bounded on the north by a line running S. 67° E. from Town Point to the south side of the mouth of French Creek; on the south by a line running N. 68°30′ W. from a point on the east side of New River opposite the head of Sneads Creek to the south side of the mouth of Stone Creek; including all water areas to the high water line.

(5) *Stone Creek sector.* That portion of the Grey Point River sector at the upper end of Stone Bay lying west of a north-south line at Long. 77°26′00″ W.; including all water areas to the high water line.

(6) *Stone Bay River sector.* Bounded on the north by a line running N. 68°30′ W. from a point on the east side of New River opposite the head of Sneads Creek, to the south side of the mouth of Stone Creek; on the south by Sneads Ferry Bridge; including all water areas to the high water line.

(7) *Courthouse Bay River sector.* Bounded on the north by Sneads Ferry Bridge; on the south by a line running S. 52° W. from Wilkins Bluff to Hall Point; including all water areas to the high water line.

(8) *Traps Bay River sector.* Bounded on the north by a line running S. 52° W. from Wilkins Bluff to Hall Point; on the south by a line running N. 80° W. from Cedar Point to Inland Waterway Beacon No. 70, at the mouth of New River; thence S. 74° W. to Hatch Point; including all water areas to the high water line.

The Regulations

(b) (1) Sailing vessels or any water craft having a speed of less than 5 miles per hour will keep clear of the closed sectors at all times after notices of firing have been given. Any vessel or other water craft propelled by mechanical power at a speed greater than 5 miles per hour may enter the firing sectors without restriction except when the signals enumerated in paragraphs (4) and (5) are being displayed. When the above signals are displayed, all vessels in the sectors will clear immediately and no vessel will enter the sectors until the signals indicate that firing has ceased.

(2) Firing will take place during both daylight and nighttime hours, at irregular periods throughout the year.

(3) Two days in advance of the day when firing in any sector except the Stone Creek Sector is scheduled to begin, the Commanding Officer of the Marine Barracks, New River, North Carolina, will warn the public of the contemplated firing, stating the sector or sectors to be closed, through the public press and the U. S. Coast Guard. The Stone Creek Sector may be closed without advance notice.

(4) A tower, 25 feet in height, shall be erected near the easterly shore at the upper and lower limits of each sector. On days when firing is scheduled, a red flag will be displayed on each of the towers bordering the sector or sectors to be closed. These flags will be displayed not later than 8:00 a. m., and will be removed when firing ceases for the day.

(5) During night firing, red lights will be displayed on the towers.

(6) These regulations shall be enforced by the Captain of the Port and by the Commanding Officer, Marine Barracks, New River, North Carolina, or such responsible agent or agents as they may jointly designate.

FRANK KNOX,
Secretary of the Navy.

Approved:

FRANKLIN D ROOSEVELT
The White House, April 21, 1942.

[F. R. Doc. 42-3606; Filed, April 23, 1942; 9:35 a. m.]

TITLE 46—SHIPPING

Chapter I—Bureau of Customs

[T. D. 50612]

Subchapter A—Documentation, Entrance and Clearance of Vessels, Etc.

PART 4—CARRIAGE OF PASSENGERS

PART 5—FOREIGN CLEARANCES

RESCISSION OF REQUIREMENT THAT MASTER MAKE OATH AT TIME OF CLEARANCE ON CUSTOMS FORM 1375 OR 1376 WITH RESPECT TO PASSENGERS TO BE CARRIED

Paragraph (g) of § 4.1, Part 4, Title 46, Code of Federal Regulations, is hereby rescinded, and paragraphs (h), (i), (j), and (k) of that section are relettered (g), (h), (i), and (j), respectively. (R.S. 161; 5 U.S.C. 22)

Paragraph (b) of § 5.4, Part 5, Title 46, Code of Federal Regulations, is hereby rescinded, and paragraphs (c), (d), and (e) are relettered (b), (c), and (d), respectively. (R.S. 161; 5 U.S.C. 22)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: April 21, 1942.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42-3609; Filed, April 23, 1942; 10:49 a. m.]

Chapter II—Coast Guard: Inspection and Navigation

Subchapter C—Motorboats, and Certain Vessels Propelled by Machinery Other Than by Steam More Than 65 Feet in Length

PART 29—ENFORCEMENT

Section 1.63 is renumbered, placed in Chapter II—Coast Guard: Inspection and Navigation, and amended to read as follows:

§ 29.8 *Procedure relating to numbering of motorboats.* (a) Application for a certificate of award of number will be made by the owner to the collector of customs of the district, acting for the Coast Guard, in which the owner resides.

(b) The following undocumented vessels are required to be numbered:

(1) All boats equipped with permanently fixed engines.

(2) All boats over 16 feet in length equipped with detachable engines.

(3) All boats not more than 16 feet in length equipped with detachable engines as the ordinary means of propulsion.

(c) The following undocumented vessels are not required to be numbered:

(1) All boats not exceeding 16 feet in length equipped with detachable engines and falling within the following classes:

(i) Rowboats and canoes designed and intended for the use of oars or paddles as the ordinary means of propulsion.

(ii) Sailboats.

(iii) Boats designed and used solely for the purpose of racing or operation incident to racing.

(d) The papers of a documented vessel, when such vessel is in commission, shall be on board and accessible to the person in charge except when such papers are in the custody of the collector. A certificate of award of number of an undocumented vessel operated in whole or in part by machinery, when such vessel is in commission, shall be kept on board at all times and shall be accessible to the person in charge except when such papers are in the custody of the collector. This requirement does not apply to any such vessels if they do not exceed seventeen feet in length, measured from end to end over the deck, excluding sheer, nor to any vessels, regardless of length, if the design or fittings are such that the carrying of the certificate of award of number on board would render it imperfect, illegible, or would otherwise tend to destroy its usefulness as a means of ready identification.

(e) For the duration of the war, the issuance of a certificate of award of number under the Numbering Act of June 7, 1918, as amended (46 U.S.C., Sup. 288), to a vessel the sale or transfer of which in whole or in part is subject to Section 37 of the Shipping Act, 1916, as amended (46 U.S.C. 835), shall be governed by the following:

(1) Where such vessel has been, since May 27, 1941, sold or transferred in whole or in part without the approval of the U. S. Maritime Commission, no new certificate of award of number shall be issued. Such attempted sale or transfer is void and is not a change of ownership within the meaning of the Act of June 7, 1918, as amended. The original citizen owner may retain the certificate of award of number issued to the vessel in his name as owner. If the bill of sale on the reverse side of the certificate of award of number has been executed, such bill of sale should be canceled by marking such bill of sale "Void". The following are not changes of ownership within the meaning of the Act of June 7, 1918, as amended:

(i) By a citizen to a person not a citizen of the United States.

(ii) By a citizen to a person not a citizen of the United States and then resold by such person to the same citizen.

(iii) By a citizen to a person not a citizen of the United States and then resold by such person to another citizen.

(iv) By a citizen to a person not a citizen of the United States and then resold by such person to another person not a citizen of the United States.

(2) In cases of sale or transfer since May 27, 1941, with the approval of the U. S. Maritime Commission, the procedure outlined in paragraph (a) of this section shall be followed and, in addition, there shall be filed with the application for a certificate of award of number a certified copy of the transfer order of the U. S. Maritime Commission approving such sale or transfer. The collector shall endorse upon both the original and duplicate of the certificate of award of number the following:

Sale (or transfer) to non-citizen approved by the U. S. Maritime Commission Transfer Order No. -----, dated ---------.

(f) For the duration of the war and six months thereafter every undocumented motor vessel, which is required to be numbered, and which is found on the navigable waters of the United States, shall have the number painted on its structure in the following manner:

(1) The number awarded shall be painted horizontally in block characters, reading from left to right, on each side of the vessel, as near the forward end as legibility of the entire number for surface and aerial identification permits.

(2) The number shall be painted with paint which contrasts to the color of the hull, i. e., if the hull is light the color of the numbers shall be dark, or if the hull is dark the color of the numbers shall be light.

(3) The number shall be painted parallel with the water line and the distance between the water line and the bottom of the number shall not be less than the minimum height of the number. The height of the number shall be in accordance with the following scale:

Length of vessel:	*Height of letters*
Under 20'-0"	6"-8"
Above 20'-0" and under 40'	10"
Above 40' and under 60'	18"
Over 60'	24"

The width of the characters of the number and the thickness of the individual numbers will be in accordance with accepted engineering practices.

(4) If the construction of the boat permits, the number shall also be painted on a conspicuous part of the top side for the purpose of aerial identification. The number shall be placed athwart ships or fore and aft, depending upon which of these two areas is the larger, and shall be painted in a color which contrasts to the color of the top side, and the size of the individual numbers shall be in proportionate ratio to the scale set forth in the preceding paragraph.

(g) The statute upon which these regulations are based does not amend Section 14 of the Act of March 4, 1915, requiring the marking of lifeboats. Therefore, motor lifeboats which are carried on a merchant vessel of the United States as a part of the vessel's lifesaving apparatus are only required to be marked in accordance with the provisions of Section 14 of the Act of March 4, 1915, and need not be issued individual certificates of award of number. (R.S. 161, Sec. 5, 40 Stat. 602, as amended; 5 U.S.C. (1940 ed.) 22, 46 U.S.C. (1940 ed.) 288; E.O. 9074, 7 F.R. 1587)

R. R. WAESCHE,
Commandant.

APRIL 22, 1942.

[F. R. Doc. 42-3603; Filed, April 23, 1942; 9:29 p. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Order No. 91-A]

PART 13—RULES GOVERNING COMMERCIAL RADIO OPERATORS

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of April 1942;

The Commission having under consideration its Order No. 91 and the request of the Defense Communications Board that the Commission consider further relaxation of its rules and regulations governing the requirements for operators of broadcast stations; and,

It appearing that the demand of the military services for radiotelegraph and radiotelephone operators has increased as a result of the war and that such demand has decreased the number of operators qualified for operation of broadcast stations resulting in a shortage of such operators;

It is ordered, That until further order of the Commission, notwithstanding the provisions of § 13.61 of the Commission's Rules and Regulations Governing Commercial Radio Operators, a broadcast station of any class, which by reason of actual inability to secure the services of an operator or operators of a higher class could not otherwise be operated, may be operated by holders of any class commercial operator license;

Provided, however, That all classes of commercial operator licenses shall be valid for the operation of broadcast stations upon the condition that one or more first-class radio-telephone operators are employed who shall be responsible at all times for the technical operation of the station and shall make all adjustments of the transmitter equipment other than minor adjustments which normally are needed in the daily operation of a station;

Provided further, That a broadcast station may be operated by a holder of a restricted radiotelephone operator permit only in the event such permit has been endorsed by the Commission to show the operator's proficiency in radiotelephone theory as ascertained through examination.

Provided further, That nothing contained herein shall be construed to relieve a station licensee of responsibility for the operation of the station in exact accordance with the Rules and Regulations of the Commission; and

Provided further, That § 13.61 of the Commission's Rules and Regulations Governing Commercial Radio Operators shall remain in full force and effect except as modified by this Order.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-3622; Filed, April 23, 1942; 11:48 a. m.]

PART 61—TARIFFS, RULES GOVERNING THE CONSTRUCTION, FILING AND POSTING OF SCHEDULES OF CHARGES FOR INTERSTATE AND FOREIGN COMMUNICATION SERVICE

The Commission, on April 21, 1942, effective immediately, amended § 61.136, *Form of Concurrence,* as follows:

Strike from the concurrence form the words "together with amendments thereof and successive issues thereof which the named issuing carrier may make and file".

In the fifth line of concurrence form, change "himself" to "itself".

At the end of the section, after the last sentence add the following:

* * * A concurrence in any tariff described therein shall be deemed to include all amendments and successive issues thereof which the issuing carrier named therein may make and file, and all such amendments and successive issues so filed shall be binding between the public and the carriers; but as between the carriers themselves, the filing by the issuing carrier of any such amendment or successive issue with the Federal Communications Commission shall not imply or be construed to imply an agreement thereto by, nor shall such filing affect the contractual rights or remedies of, any concurring carrier which has not by contract or otherwise specifically consented in advance to such amendment or successive issue. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—Sec. 203, 48 Stat. 1070; 47 U.S.C. 203)

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-3621; Filed, April 23, 1942; 11:48 a. m.]

[Order No. 93]

WAIVER OF PROVISIONS RELATING TO LATIN-AMERICAN STUDENTS

At a session of the Federal Communications Commission held in its offices in Washington, D. C. on the 21st day of April 1942.

The Commission having received information that the Civil Aeronautics Administration has instituted a program of specialized aeronautical training in this country for selected Latin-American students; and

It appearing that in the course of such training the students must operate radio transmitting apparatus; and

It further appearing that it will serve the public interest, convenience or necessity to permit such radio operation by such Latin-American students;

Now, therefore, it is ordered, That, subject to the conditions hereinafter stated, the provisions contained in section 318 of the Communications Act of 1934, as amended, be, and they are hereby, waived insofar as such provisions require that such Latin-American students hold operators' licenses in order to operate radio transmitting apparatus in connection with such program; and

It is further ordered, That, subject to the following conditions, such students be, and they are hereby, authorized to engage in such operation of radio transmitting apparatus without operators' licenses until further order of the Commission:

1. Such students must meet all requirements for licensed radio operators except that of United States citizenship, and hold a certificate issued by the Federal Communications Commission showing that such requirements have been met. The procedure for obtaining such certificate shall be the same as that for obtaining a radio operator's license.

2. Such operation must be restricted to equipment used or designated by the Civil Aeronautics Administration in its training of such students.

3. Such operation must be restricted to periods when the training of the students is actually in progress and such operation is part of their training.

4. Such operation must be strictly in accordance with instructions given the students by authorized Civil Aeronautics Administration officials or other persons specifically designated by the Civil Aeronautics Administration.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-3623; Filed, April 23, 1942; 11:49 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Order O.D.T. No. 1]

PART 500—CONSERVATION OF RAIL EQUIPMENT

MERCHANDISE TRAFFIC [1]

By virtue of the authority vested in me by the Executive Order No. 8989, dated December 18, 1941, and in order to make available railway cars and other transportation facilities and equipment for the preferential transportation of material of war; to prevent shortages of equipment necessary for such transportation; to conserve and providently utilize transportation facilities and service; and to expedite the movement of freight traffic, the attainment of which purposes is essential to the successful prosecution of the war, as contemplated by section 6 (8) of the Interstate Commerce Act, as amended, it is hereby ordered, that

Sec.

AUTHORITY: §§ 500.1 to 500.8, inclusive, issued under E.O. 8989, 6 F.R. 6725.

§ 500.1 *Definitions.* As used in this part:

(a) The term "carrier" includes every carrier for hire, common or contract, operating in whole or in part by railroad, by motor vehicle, by inland waterways (including coastal canals), or as a freight forwarder.

(b) The term "merchandise" includes less-than-carload, any quantity, and freight forwarder shipments, except shipments carried in passenger train cars.

§ 500.2 *Loading of cars.* No carrier by railroad, on and after the effective date specified in § 500.8, shall accept for shipment or forwarding, load or forward from the city or town at which such car is originated, or between points in the same city or metropolitan area, any railway closed car containing less than 10 net tons of merchandise except:

(a) A car loaded to its full legal or visible cubic capacity;

(b) Where there is no other common carrier or common carriers, consistently with the provisions hereof, capable of transporting the shipments to be contained within the car;

(c) A car which, because of construction or design, can not be interchanged with other carriers, under M. C. B. rules;

(d) A refrigerator car loaded in the direction of its normal empty movement;

(e) A car principally containing airplanes, marine equipment, armament,

[1] Explanatory statement filed with the Division of the Federal Register.

artillery, munitions, parts thereof, tools and machinery therefor, or materials used in the production thereof, consigned to any military, naval or lend-lease agency of the United States or to any person directly or indirectly engaged in producing, processing or assembling any thereof, for any such agency;

(f) A car containing perishables, or explosives and dangerous articles, as the latter are defined in 18 U.S.C. 383;

(g) A pick-up or concentration car operated between points which, from previous experience or actual present knowledge, it is reasonable to believe will arrive at destination with a net load of at least 10 net tons;

(h) When authorized by special or general permit of this Office.

§ 500.3 *Holding of shipments.* No carrier by railroad shall hold, carry over, store, or warehouse any shipment of merchandise at any one station, except the final destination of the shipment, for longer than 36 hours, or at two or more such stations for an aggregate period of more than 48 hours, except where there is no other common carrier or carriers capable of transporting the shipment consistently with the provisions of this part.

§ 500.4 *Routing and records.* Where necessary to further the purposes of this part, every carrier by railroad is authorized and directed to depart from or disregard the routing specified in the bill of lading of any merchandise shipment: *Provided,* every such carrier shall keep and maintain adequate records of every shipment so diverted.

§ 500.5 *Submission of plans.* Every carrier described in § 500.1, individually or jointly, promptly shall formulate and submit to this Office, for consideration, plans designed to accomplish the purposes of this part by one or more of the methods described below:

(a) Establish regular scheduled sailing days for specified merchandise car lines;

(b) Alternate or stagger merchandise vehicle schedules between any two or more points;

(c) Reciprocally exchange merchandise shipments between two or more points;

(d) Pool merchandise traffic, or revenues, or both between any two or more points;

(e) Jointly load or operate merchandise vehicles between any two or more points;

(f) Appoint another person or carrier to act as its or their individual, common or joint agent to solicit, concentrate, receive, load, forward, carry, unload, distribute, deliver merchandise traffic,[1] receive, account for, distribute gross or net revenues therefrom, or otherwise handle or conduct the carrier's or carriers' business as carriers of merchandise, upon just and reasonable terms and conditions: *Provided,* No carrier shall take any action of the character described in §§ 500.5 (a) to 500.5 (f), inclusive, except as it may hereafter be required to take in compliance with a specific order or orders issued by this Office, pursuant to such final plan or plans as this Office may formulate and prescribe.

§ 500.6 *Diversion of shipments.* Whenever a carrier by railroad is unable to hold, load or forward any shipment of merchandise consistently with the provisions of this part, it shall divert such shipment to another carrier, which other carrier shall accept such shipment at the consignor's door or at the diverting carrier's station, as the case may be, and, to the extent of its available service capacity, and consistently with the provisions of this part, load, forward and deliver such shipment as the agent of the diverting carrier, pursuant to the tariff rates, rules and regulations and upon the billing of the bill-of-lading carrier but via such routes and connections as the carrier to whom diverted shall select, upon the following terms and conditions:

(a) Carrier responsibility to the owner of the property and among the participating carriers shall be as provided for initial, terminating, intermediate or delivering carriers by section 20 of the Interstate Commerce Act.

(b) Except as may be otherwise provided by agreement between the interested carriers or prescribed by the Interstate Commerce Commission or by this Office upon appropriate application, the revenues accruing from any shipment diverted hereunder shall be divided as follows:

(1) The diverting carrier shall receive that percentage of the total freight charges (excluding charges of all prior connections) which the first-class rail rate from the point at which the diverting carrier received the shipment to the point of diversion bears to the sum of such first-class rail rate and the first-class rail rate from the point of diversion to destination, and the carrier to whom diverted (and its connections) shall receive the remainder of such charges subject to a minimum of either (i) twenty (20) cents per 100 pounds, for the first 100 miles (or fraction thereof) of its haul, and ten (10) cents per 100 pounds for each succeeding 100 miles (or fraction thereof), plus in any case five (5) cents per 100 pounds for any pick-up at the door of the consignor or delivery to the door of the consignee, which may be performed by the carrier to whom diverted (any shipment of less than 100 pounds being taken as weighing 100 pounds); or (ii) fifty (50) cents per shipment; whichever is the greater;

(2) Subject to the minima specified in paragraph (a) of this section, when the shipment is diverted at origin by the bill-of-lading carrier, who performs no line-haul movement thereof, such carrier shall receive 10% of the revenue of 5¢ per 100 pounds in case of rates under 50¢, and be reimbursed for the amount paid by it for the pick-up, if any, of the shipment.

(c) Unless otherwise agreed, settlements hereunder shall be made in cash at the time and place where the shipment is diverted.

§ 500.7 *Records and reports.* Each carrier by railroad shall record for convenient inspection and report within thirty (30) days after the close of each calendar month to the undersigned:

(a) The number of freight cars loaded or forwarded with LCL freight over each of its merchandise car lines or routes, and the number of tons loaded therein;

(b) A detailed statement of the origin, destination and weight of all cars handled during such calendar month loaded or forwarded with less than 10 tons of less-than-carload freight, with an indication of the particular section or paragraph of this General Order authorizing such movement.

§ 500.8 *Effective dates.* This part shall become effective on May 1, 1942: *Provided,* That (without modifying § 500.7) unless and until otherwise ordered:

(a) Between May 1, 1942 and July 1, 1942, a minimum load of 6 tons per car may be observed in lieu of the load of 10 tons per car otherwise required by § 500.2.

(b) Between July 1, 1942 and September 1, 1942, a minimum load of 8 tons per car may be observed instead of a minimum load of 10 tons per car required under the provisions of § 500.2.

Witness my hand this 23d day of March 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-3596; Filed, April 22, 1942; 3:44 p. m.]

Notices

DEPARTMENT OF STATE.

Committee for Reciprocity Information.

TRADE-AGREEMENT NEGOTIATIONS WITH MEXICO

PUBLIC NOTICE OF SECOND SUPPLEMENTARY LIST OF PRODUCTS

Closing date for submission of briefs, May 11, 1942; closing date for application to be heard, May 11, 1942; public hearings open, May 18, 1942.

The Committee for Reciprocity Information hereby gives notice that all information and views in writing, and all applications for supplemental oral presentation of views, with regard to the second[1] supplementary list of products announced by the Secretary of State on this date in connection with the negotiation of a trade agreement with the Government of Mexico, shall be submitted to the Committee for Reciprocity Information not later than 12 o'clock noon, May 11, 1942. Such communications should be addressed to "The Chairman, Committee for Reciprocity Information, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C."

A public hearing will be held, beginning at 10 a. m. on May 18, 1942, before the Committee for Reciprocity Information, in the hearing room of the Tariff Commission in the Tariff Commission Building, when supplemental oral statements will be heard with regard to the products contained in the second supple-

[1] 7 F.R. 2852.

mentary list, unless persons interested in these products request that they be heard at a later date acceptable to the Committee.

Six copies of written statements, either typewritten or printed, shall be submitted, of which one copy shall be sworn to. Appearance at hearings before the Committee may be made only by those persons who have filed written statements and who have within the time prescribed made written application for a hearing, and statements made at such hearings shall be under oath.

By direction of the Committee for Reciprocity Information this 21st day of April 1942.

E. M. WHITCOMB,
Acting Secretary.

WASHINGTON, D. C., *April 21, 1942.*

Second Supplement to the List of Products on Which the United States Will Consider Granting Concessions to Mexico

Pursuant to section 4 of an act of Congress approved June 12, 1934, entitled "An Act to Amend the Tariff Act of 1930," as extended by Public Resolution 61, approved April 12, 1940, and to Executive Order 6750, of June 27, 1934, public notice of intention to negotiate a trade agreement with the Government of Mexico was issued on April 4, 1942. In connection with that notice, the Acting Secretary of State published a list of products on which the United States will consider the granting of concessions to Mexico, and announced that concessions on products not included in the list would not be considered unless supplementary announcement were made.

The Acting Secretary of State announced on April 11, 1942, that certain other products had been added to the list issued on April 4, 1942.

The Secretary of State now announces that the products described below have been added to the lists issued on April 4, 1942, and April 11, 1942.

The Committee for Reciprocity Information has prescribed that all information and views in writing and all applications for supplemental oral presentation of views relating to products included in the second supplementary list shall be submitted to it not later than 12 o'clock noon, May 11, 1942. They should be addressed to "The Chairman, Committee for Reciprocity Information, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C." Supplemental oral statements with regard to any product contained in this list will be heard at the public hearing beginning at 10 a. m. on May 18, 1942, before the Committee for Reciprocity Information, in the hearing room of the Tariff Commission in the Tariff Commission Building, unless persons interested in these products request that they be heard at a later date acceptable to the Committee.

Suggestions with regard to the form and content of presentations addressed to the Committee for Reciprocity Information are included in a statement released by that Committee on December 13, 1937.

SECOND SUPPLEMENTARY LIST OF PRODUCTS

United States Tariff Act of 1930 par. No.	Description of article	Present rate of duty
		Cents per lb.
727	Rice polish	5/8
727	Rice bran	5/8

[F. R. Doc. 42-3620; Filed, April 23, 1942; 11:35 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1310 Part II]

PETITION OF DISTRICT BOARD NO. 4 FOR AN ADDITIONAL SHIPPING POINT FOR MINE INDEX NO. 161 OF BELMONT WHEELING COAL COMPANY, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER DISMISSING PETITION

The original petitioner herein having by telegram requested that the proceeding in the above-entitled matter be dismissed without prejudice, and there being no opposition thereto;

Now, therefore, it is ordered, That the original petition in the above-entitled matter be dismissed without prejudice.

Dated April 22, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3610; Filed, April 23, 1942; 11:19 a. m.]

[Docket No. B-11]

IN THE MATTER OF WALTER V. BEISSER, DOING BUSINESS AS TEN X COAL COMPANY, CODE MEMBER

ORDER GRANTING APPLICATION FILED PURSUANT TO § 301.132 OF THE RULES OF PRACTICE AND PROCEDURE, TERMINATING CODE MEMBERSHIP, PROVIDING FOR PAYMENT OF TAX FOR RESTORATION OF CODE MEMBERSHIP AND CANCELLING HEARING

A complaint, dated August 5, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on September 3, 1941, by the Bituminous Coal Producers Board for District No. 4, complainant, with the Bituminous Coal Division (the "Division"), alleging that Walter V. Beisser, doing business as Ten X Coal Company, a code member wilfully violated the provisions of the Bituminous Coal Code (the "Code") and the Marketing Rules and Regulations promulgated thereunder in that said code member sold and delivered by truck substantial quantities of coal produced at his Ten X Company Mine (Mine Index No. 935) located in Muskingum County, Ohio, to various purchasers and at prices as more fully set forth in the complaint herein; and

The Notice of and Order for Hearing, dated December 18, 1941, and the complaint herein having been duly served on the code member on December 24, 1941, and said hearing scheduled at Zanesville, Ohio, on January 22, 1942, having been postponed by Order dated January 19, 1942, to a date and place to be thereafter designated by an appropriate order; and

The code member having, on January 14, 1942, duly filed with the Division an application dated January 7, 1942, for disposition of this proceeding without formal hearing, pursuant to § 301.132 of the Rules of Practice and Procedure Before the Bituminous Coal Division; and

Notice, dated February 10, 1942, of the filing of said application having been published in the FEDERAL REGISTER on February 12, 1942, pursuant to § 301.132 of the Rules of Practice and Procedure, and copies thereof having been duly mailed to interested parties, including the Bituminous Coal Producers Board for District No. 4, complainant herein; and

Said Notice of filing having provided that interested parties desiring to do so might, within fifteen days from the date of said Notice, file recommendations or requests for informal conferences in respect to said application and it appearing that no such recommendations or requests were filed with the Division within said fifteen-day period; and

It further appearing in said application that the code member has admitted the sale and delivery of 855.7825 tons of bituminous coal produced at his Ten X Company Mine (Mine Index No. 935), District No. 4, during the months of January to April 1941, inclusive, in violation of section 4 II (g) of the Act, the Schedule of Effective Minimum Prices for District No. 4, for Truck Shipments, and Price Instruction No. 6 as amended and contained in said schedule as set forth in the complaint herein; and in addition thereto a similar violation by the sale and delivery during the months of May and June 1941, inclusive, of 322.875 net tons of run of mine coal produced at said mine at $1.95 per net ton delivered to the Pittsburgh Plate Glass Company, Fultonham, Ohio (a distance of 12 miles from said mine), whereas the effective minimum price was $1.95 per net ton f. o. b. said mine; and

It further appearing in said application that the Code member represents that he has not to the best of his knowledge and belief committed any violations of the Act, the Code, or regulations thereunder other than those described in said Notice of and Order for Hearing and the aforesaid additional violations described in said application; and

It further appearing in said application that the Code member consents to the entry of an order revoking his membership in the Code and imposing a tax in the amount of $1,052.74 as a condition precedent to restoration of his membership in the Code and agrees to pay such tax as a condition to such restoration;

Now therefore, Pursuant to the Authority vested in the Division by section

4 II (j) of the Act, authorizing it to adjust complaints of violations, and to compose the difference of the parties thereto, and upon the application of the code member, dated January 7, 1942, for disposition without formal hearing of the charges contained in the complaint herein, and filed with the Division on January 14, 1942, pursuant to said § 301.132 of the Rules of Practice and Procedure;

It is hereby found as follows: (a) Walter V. Beisser, doing business as Ten X Coal Company, code member named in the complaint herein, has his principal office at Zanesville, Ohio, and is engaged primarily in the production and sale of bituminous coal;

(b) On February 5, 1940, the code member filed with the Division his acceptance dated February 2, 1940, of the Code; said acceptance was made effective by the Division on February 5, 1940, and that the code member has been since last-mentioned date, and is now, a code member in District No. 4, operating the Ten X Company Mine, (Mine Index No. 935) located in Muskingum County, State of Ohio;

(c) That the code member wilfully violated the provisions of section 4 II (g) of the Act, Part II (g) of the Code and the effective minimum prices established thereunder, by selling to various purchasers on an f. o. b. destination basis 855.7825 net tons of coal as alleged in the complaint herein and 322.875 net tons of coal as described in said application, which coal was produced at his Ten X Company Mine (Mine Index No. 935), without adding to the effective minimum mine prices therefor the cost of transportation, handling, and other incidental charges as required by Price Instruction No. 6, as amended and contained in the Schedule of Effective Minimum Prices for District No. 4, for Truck Shipments, as follows:

Period of sale 1941	Size of coal	Tons sold	Effective minimum price f. o. b. mine	Sales price f. o. b. respective destination	Mileage to destination	Purchaser and destination
January, February, and March	4" lump	166.7375	$2.70	$4.25	100	City Coal Co., Marion, Ohio.
January and March	2" x 4" egg	68.99	2.35	3.75	80	Ideal Electric Co., Mansfield, Ohio.
February, March, and April.	4" lump	116.85	2.70	4.25	80	Mansfield Transfer & Storage Co., Mansfield, Ohio.
February and March	4" lump	17.135	2.70	4.25	100	Marion Metal Products Co., Marion, Ohio.
February, March, April, May, and June.	1¼" x 2" nut	71.143	1.95	2.10	12	Pittsburgh Plate Glass Co., Fultonham, Ohio.
	2" x 4" egg	52.15	2.35	2.50		
	1¼" x 4" egg	362.775	2.30	2.45		
	Run of mine	322.875	1.95	1.95		

It is hereby further found, That the amount of tax imposed by sections 5 (b) and (c) of the Act upon the above tonnage of 1,178,6575 tons and required to be paid by the code member as a condition to restoration of his membership in the Code is $1,052.74, which amount is 39% of the aggregate of the effective minimum prices therefor of $2,699.35;

Now, therefore, Based upon the above Findings and said admissions and the consent filed by the code member pursuant to said § 301.132 of the Rules of Practice and Procedure;

It is ordered, That the foregoing application of the code member, heretofore filed with the Division, be and the same hereby is granted;

It is further ordered, That pursuant to section 5 (b) of the Act, the membership in the code of Walter V. Beisser, doing business as Ten X Coal Company be and the same hereby is revoked and cancelled;

It is further ordered, That prior to restoration of membership in the Code, Walter V. Beisser, doing business as Ten X Coal Company, shall pay to the United States, a tax in the amount of $1,052.74 as provided in section 5 (c) of the Act; and

It is further ordered, That said cancellation and revocation of code membership shall become effective fifteen (15) days from the date of entry hereof; and

It is further ordered, That the hearing heretofore postponed to a date and place to be thereafter designated by an appropriate order be and the same is hereby cancelled.

Dated: April 22, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3611; Filed, April 23, 1942; 11:19 a. m.]

[Docket No. A-1330 Part II]

PETITION OF DISTRICT BOARD NO. 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 13 PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER POSTPONING HEARING

The original petitioner having moved to postpone the hearing in the above-entitled matter heretofore scheduled for 10 o'clock in the forenoon of April 28, 1942, at Washington, D. C., and having shown good cause why this motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter heretofore scheduled for April 28, 1942, is postponed until 10 a. m. in the forenoon of May 6, 1942, at the place and before the officers heretofore designated.

Dated: April 22, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3612; Filed, April 23, 1942; 11:20 a. m.]

General Land Office.

REDUCING AND REVOKING CERTAIN STOCK DRIVEWAY WITHDRAWALS IN MONTANA

APRIL 4, 1942.

The departmental orders of September 12, 1917, March 18, April 24, and June 25, 1918, January 16, 1920, and August 31, 1931, withdrawing certain lands in Montana for stock driveway purposes under section 10 of the act of December 29, 1916, as amended by the act of January 29, 1929, 39 Stat. 865, 45 Stat. 1144, 43 U.S.C. 300, are hereby revoked so far as they affect the following-described lands, which are within Montana Grazing Districts Nos. 3 and 6, established April 8, 1935, and October 4, 1939:

PRINCIPAL MERIDIAN

T. 12 N., R. 20 E.,
Sec. 17, S½SW¼ and SW¼SE¼,
Sec. 20, NW¼NE¼ and N½NW¼,
Sec. 28, SW¼SW¼;
T. 5 N., R. 48 E.,
Sec. 2, NW¼NW¼;
T. 6 N., R. 48 E.,
Sec. 34, W½SW¼;
T. 2 N., R. 49 E.,
Sec. 8, NW¼SW¼, N½SE¼, and SE¼SE¼;
T. 3 N., R. 49 E.,
Sec. 34, W½NW¼;
T. 4 N., R. 49 E.,
Sec. 26, SW¼SE¼;
T. 3 N., R. 50 E.,
Sec. 6, E½, SE¼NW¼, NE¼SW¼, and S½SW¼,
Sec. 22, E½;
T. 10 N., R. 50 E.,
Sec. 24;
T. 9 N., R. 51 E.,
Sec. 8, E½NE¼,
Sec. 28, lots 1, 2, 3, 4, 5, and 6;
T. 10 N., R. 51 E.,
Sec. 6, N½NE¼, NW¼, and W½SW¼,
Sec. 18, W½NE¼, W½, NW¼SE¼, and lot 5;
T. 1 N., R. 52 E.,
Sec. 6, S½,
Sec. 8, SE¼SE¼;
T. 5 N., R. 52 E.,
Sec. 2, SW¼NW¼ and SW¼,
Sec. 24, lot 8;
T. 6 N., R. 52 E.,
Sec. 14, W½,
Sec. 28, SE¼NE¼, N½SE¼, and SE¼SE¼;
T. 7 N., R. 52 E.,
Sec. 6, N½NW¼ and SE¼NW¼,
Sec. 20, NE¼NE¼, S½NE¼, SE¼SW¼, and SE¼,
Sec. 22, N½;
T. 4 N., R. 53 E.,
Sec. 6, lots 1 to 9, inclusive, SE¼NW¼, and S½NE¼,
Sec. 20, W½;
T. 5 N., R. 53 E.,
Sec. 30, lots 1, 2, 3, 4, 9, 10, 11, and 12;
T. 8 S., R. 47 E.,
Sec. 22, SE¼NE¼,
Sec. 32, NW¼NE¼;
T. 9 S., R. 47 E.,
Sec. 5, W½,
Sec. 7, S½,
Sec. 8, all,
Sec. 18, N½ and N½S½,
Sec. 30, S½;
T. 7 S., R. 48 E., sec. 12;
T. 8 S., R. 48 E.,
Sec. 4, N½,
Sec. 5, N½;
T. 4 S., R. 51 E.,
Sec. 35, SW¼NE¼ and NE¼NW¼;
T. 3 S., R. 52 E.,
Sec. 35, lots 1 to 8, inclusive, lots 10, 11, and 12;
T. 4 S., R. 52 E.,
Sec. 31, SW¼SW¼,
Sec. 34, SW¼SW¼;

T. 5 S., R. 52 E.,
Sec. 3, NW¼NW¼,
Sec. 4, SW¼NE¼, NW¼SE¼, and S½SE¼,
Sec. 15, N½NW¼, S½SW¼, and SE¼;
T. 1 S., R. 53 E.,
Sec. 22, S½SE¼,
Sec. 27, lots 1, 2, and 3;
T. 8 S., R. 53 E., sec. 3, SW¼NE¼;
T. 8 S., R. 54 E.,
Sec. 6, all,
Sec. 7, S½SE¼,
Sec. 28, W½NE¼;
T. 9 S., R. 55 E., sec. 6, NE¼SE¼;
T. 4 S., R. 58 E.,
Sec. 31, N½,
Sec. 32, N½,
Sec. 33, N½,
Sec. 34, N½,
Sec. 35, NE¼;
T. 6 S., R. 58 E.,
Sec. 25, S½,
Sec. 26, S½,
Sec. 27, S½S½,
Sec. 28, S½,
Sec. 29, S½,
Sec. 30, lots 5, 7, and 8, E½SW¼, and SE¼;
T. 4 S., R. 59 E.,
Sec. 31, lots 1, 2, 3, and 4, SE¼NE¼, and E½SE¼,
Sec. 32, SW¼,
Sec. 34, SE¼SW¼ and S½SE¼,
Sec. 35, S½SW¼ and SE¼;
T. 6 S., R. 59 E.,
Sec. 29, N½, N½SW¼, and SE¼,
Sec. 30, all,
Sec. 32, N½NE¼,
Sec. 33, SW¼NE¼, NW¼NW¼, S½NW¼, and SE¼;
T. 7 S., R. 59 E.,
Sec. 1, NE¼, S½NW¼, and S½,
Sec. 2, lots 1, 2, and 4, and S½N½,
Sec. 3, N½,
Sec. 4, E½NE¼,
Sec. 6, lots, 2, 3, 4, and 5, SW¼NE¼, and W½SE¼,
Sec. 7, lots 2, 3, and 4, SW¼NE¼, and W½SE¼,
Sec. 18, lots 1, 2, 3, and 4, and W½E½,
Sec. 19, lots 1, 2, 3, and 4, W½NE¼, and SE¼,
Sec. 20, SW¼;
T. 4 S., R. 60 E.,
Sec. 31, W½ and SE¼,
Sec. 32, S½;
T. 7 S., R. 60 E.,
Sec. 5, S½,
Sec. 6, lots 3, 4, 5, and 6, and SE¼,
Sec. 8, E½ and N½NW¼;
T. 6 S., R. 62 E.,
Sec. 6, lot 5 and SW¼,
Sec. 7, NW¼, N½SW¼, and SW¼SW¼,
Sec. 18, NE¼NE¼;
T. 7 S., R. 62 E.,
Sec. 3, S½NW¼, N½SW¼, and S½SE¼,
Sec. 10, N½NE¼ and S½SE¼,
Sec. 11, S½SW¼ and SE¼,
Sec. 12, SW¼,
Sec. 13, W½,
Sec. 32, SW¼ and W½SE¼,
Sec. 33, E½SE¼,
Sec. 35, S½SE¼;
T. 8 S., R. 62 E.,
Sec. 5, lot 2, S½NE¼, E½NW¼, and SE¼,
Sec. 8, NE¼ and N½SE¼,
Sec. 20, S½NE¼ and SE¼,
Sec. 28, S½,
Sec. 29, E½,
Sec. 33, E½,
Sec. 34, SW¼;
T. 9 S., R. 62 E.,
Sec. 3, W½,
Sec. 10, N½N½,
Sec. 11, W½,
Sec. 13, N½,
Sec. 14, N½,
Sec. 33, lots 1 to 6, inclusive, lots 10, 11, and 12,
Sec. 34, lots 1, 2, 3, 4, 8, and 9,
Sec. 35, lots 1 to 12, inclusive;
T. 9 S., R. 63 E.,
Sec. 18, all,
Sec. 19, lots 1, 2, 3, and 4,
Sec. 31, lots 6 and 11;
aggregating 28, 960.63 acres.

[SEAL] OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 42-3602; Filed, April 23, 1942; 9:28 a. m.]

DEPARTMENT OF AGRICULTURE.

Office of the Secretary.

PROCLAMATION WITH RESPECT TO THE BASE PERIOD TO BE USED FOR THE PURPOSE OF A MARKETING AGREEMENT AND ORDER REGULATING THE HANDLING OF FRESH PEACHES GROWN IN THE STATE OF GEORGIA[1]

By virtue of the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246 (1937), 7 U.S.C. 1940 ed. § 601 *et seq.*), as amended, the undersigned hereby finds and proclaims that the purchasing power of fresh peaches grown in the State of Georgia during the pre-war period, August 1909–July 1914, cannot be satisfactorily determined from available statistics of the Department of Agriculture, but the purchasing power of such peaches can be satisfactorily determined from available statistics of the Department of Agriculture for the post-war period, January 1920–December 1928. The period January 1920–December 1928 is, therefore, hereby declared and proclaimed to be the base period to be used, in determining the purchasing power of such peaches grown in the State of Georgia, for the purpose of the execution of a marketing agreement and the issuance of an order regulating the handling of fresh peaches grown in the State of Georgia.

Issued at Washington, D. C., this 23d day of April 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-3615; Filed, April 23, 1942; 11:24 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

ATCO GARMENT CO.

NOTICE OF CANCELLATION OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that the special certificates for the employment of learners, namely (1) certificate dated January 30, 1941, authorizing the employment of no more than five learners at any one time, and (2) certificate dated February 25, 1941 authorizing the employment of twenty-five additional learners issued to the Atco Garment Company, of Hammonton, New Jersey, have been ordered cancelled as of the first date of violation because of violation of their terms.

The order of cancellation shall not become effective and enforceable until after the expiration of a fifteen-day period following the date on which this Notice appears in the FEDERAL REGISTER. During this time petitions for reconsideration or review may be filed by any directly interested and aggrieved party pursuant to § 522.13 of the Regulations. If a petition is properly filed, the effective date of the order of cancellation shall be postponed until final action is taken on the petition.

Signed at City of New York this 20th day of April 1942.

ALEX G. NORDHOLM,
Duly Authorized Representative of the Administrator.

[F. R. Doc. 42-3608; Filed, April 23, 1942; 10:03 a. m.]

UNIVERSAL COAT CO.

NOTICE OF CANCELLATION OF SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that the special certificate dated December 31, 1940 authorizing the Universal Coat Company, of Gloucester, Massachusetts to employ as learners at any one time not in excess of five percent of the total number of productive factory workers (not including office and sales personnel) employed in the plant has been ordered cancelled as of the first date of violation because of violations of its terms.

The order of cancellation shall not become effective and enforceable until after the expiration of a fifteen-day period following the date on which this Notice appears in the FEDERAL REGISTER. During this time petitions for reconsiderations or review may be filed by any directly interested and aggrieved party pursuant to § 522.13 of the Regulations. If a petition is properly filed, the effective date of the order of cancellation shall be postponed until final action is taken on the petition.

Signed at City of New York this 20th day of April 1942.

ALEX G. NORDHOLM,
Duly Authorized Representative of the Administrator.

[F. R. Doc. 42-3607; Filed, April 23, 1942; 10:03 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4581]

IN THE MATTER OF GULF OIL CORPORATION, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of April, A. D. 1942.

[1] See also Title VII, Chapter IX, *supra*.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Andrew B. Duvall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, April 30, 1942, at ten o'clock in the forenoon of that day (Eastern War Time) Hearing Room, Federal Trade Commission Building, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-3617; Filed, April 23, 1942; 11:31 a. m.]

[Docket No. 4694]

IN THE MATTER OF VELODENT PRODUCTS MANUFACTURING COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of April, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Clyde M. Hadley, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, May 13, 1942, at ten o'clock in the forenoon of that day (Eastern War Time), Hearing Room, Piccadilly Hotel, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-3618; Filed, April 23, 1942; 11:31 a. m.]

[Docket No. 4701]

IN THE MATTER OF ROBERT W. IRWIN COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of April, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Clyde M. Hadley, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, May 4, 1942, at ten o'clock in the forenoon of that day (Eastern Standard Time) in North Court Room, Post Office Building, Grand Rapids, Michigan.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-3619; Filed, April 23, 1942; 11:31 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-465]

IN THE MATTER OF FORD R. JENNINGS AND GEORGE N. FLEMING, PROPOSED ORGANIZERS OF A PROTECTIVE COMMITTEE FOR THE CLARION RIVER POWER COMPANY 6% NON-CUMULATIVE PARTICIPATING CAPITAL STOCK; SUCH PROTECTIVE COMMITTEE TO REPRESENT SAID STOCKHOLDERS IN PROCEEDINGS BEFORE THIS COMMISSION CAPTIONED: IN THE MATTER OF PENNSYLVANIA ELECTRIC COMPANY, THE CLARION RIVER POWER COMPANY, ERIE LIGHTING COMPANY, YOUGHIOGHENY HYDRO-ELECTRIC CORPORATION, ASSOCIATED MARYLAND ELECTRIC POWER CORPORATION, AND ASSOCIATED ELECTRIC COMPANY

ORDER PERMITTING DECLARATION IN REGARD TO SOLICITATION OF AUTHORIZATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 21st day of April A. D., 1942.

The Commission, in its order dated February 17, 1942, granting applications and permitting declarations to become effective, *In the Matter of Pennsylvania Electric Company, et al.* (File No. 70-465), having ordered that jurisdiction be reserved:

"To determine whether and the extent to which the indebtedness of The Clarion River Power Company to Pennsylvania Electric Company should be subordinated to the publicly-held Participating Capital Stock and the extent to which payments should be made by Pennsylvania Electric Company as acquirer of the assets of The Clarion River Power Company, to said holders of Participating Capital Stock in satisfaction of their interests;" and

A declaration and two amendments thereto having been filed by Ford R. Jennings and George N. Fleming, as proposed organizers of a protective committee, pursuant to Rule U-62, promulgated under the Public Utility Holding Company Act of 1935, with respect to the solicitation of authorization to represent the holders of 6% Non-Cumulative Participating Capital Stock of The Clarion River Power Company, a subsidiary of Pennsylvania Electric Company, which in turn is a subsidiary of the Trustees of Associated Gas and Electric Corporation, a registered holding company, in proceedings before this Commission in connection with said reservation of jurisdiction; and

A public hearing having been duly held after appropriate notice; and the Commission having considered the record and finding that such proposed solicitation meets the requirements of Rule U-62 and is not in contravention of any rule or regulation or order of the Commission and that no adverse finding in regard to such solicitation need be made pursuant to section 12 (e) of the Public Utility Holding Company Act of 1935, and finding further that appropriate provision had been made in regard to the fees and expenses, if any, to be incurred by the declarants;

It is ordered, That said declaration, as amended, be and it hereby is permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-62 and in Rule U-24 and subject further to the following reservation of jurisdiction:

That the Commission reserves jurisdiction over the question of fees and expenses, if any, to be allowed said Committee.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-3600; Filed, April 23, 1942; 9:28 a. m.]

[File Nos. 7-647, 7-648]

IN THE MATTER OF APPLICATIONS BY THE NEW YORK CURB EXCHANGE TO EXTEND UNLISTED TRADING PRIVILEGES TO PACIFIC GAS AND ELECTRIC COMPANY 5% CUMULATIVE FIRST PREFERRED STOCK, $25 PAR VALUE, AND RICHFIELD OIL CORPORATION WARRANTS FOR COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATIONS TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 22nd day of April A. D., 1942.

The New York Curb Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned securities; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Tuesday, May 19, 1942, in Room 318, Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Willis E. Monty, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-3601; Filed, April 23, 1942; 9:28 a. m.]