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Washington, Thursday, September 3, 1942

**Regulations**

**TITLE 14—CIVIL AVIATION**  
Chapter I—Civil Aeronautics Board  
[Amendment 26-1, Civil Air Regulations]  
**PART 26—AIR-TRAFFIC CONTROL TOWER OPERATOR CERTIFICATES**  
**CONTROL-TOWER OPERATORS**  
**OPERATION DURING PHYSICAL DEFICIENCY**

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 28th day of August, 1942.

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

Effective August 28, 1942, Part 26 of the Civil Air Regulations is amended as follows:

By adding a new § 26.600 to read as follows:

§ 26.600 *Operation during physical deficiency.* A certificated air-traffic control-tower operator shall not serve as such during the period of any known physical deficiency which would render him unable to meet the physical requirements prescribed for the original issuance of his certificate: *Provided*, That if the deficiency is of a temporary nature, he may perform any duties not affected thereby when there is present and on duty another certificated and properly qualified air-traffic control-tower operator.

By the Civil Aeronautics Board.

[SEAL]

F. A. TOOMBS,  
*Acting Secretary.*

[F. R. Doc. 42-8627; Filed, September 2, 1942; 11:35 a. m.]

**TITLE 30—MINERAL RESOURCES**

**Chapter III—Bituminous Coal Division**

[General Docket No. 21, A-1423, A-1360 and A-1299]

**PARTS 321 TO 340 INCLUSIVE, 342 AND 343—MINIMUM PRICE SCHEDULE, DISTRICTS NOS. 1 TO 20 INCLUSIVE, 22 AND 23**

**REVISION OF PRICES**

Order in the matter of determining the extent of change, if any, in excess of 2 cents per net ton in the weighted average of the total costs of any of the minimum price areas; and of revising the effective minimum prices as may be required by reason of any such change in costs; in the matter of the petition of District Boards in Minimum Price Areas 1, 2, and 3 for a preliminary or temporary, and permanent order for change in minimum prices for coals produced in said areas; in the matter of the petition of Bituminous Coal Producers Board for District 14, for establishment of special or temporary minimum prices based on costs determined in the first phase of Docket 21; and in the matter of the petition of the Bituminous Coal Producers Board for District No. 16, for temporary relief pending final decision in Docket 21, under section 4 II (a) and (d) of the Bituminous Coal Act of 1937.

This proceeding having been instituted, by the Bituminous Coal Division of the United States Department of the Interior ("Division"), pursuant to the Bituminous Coal Act of 1937, as amended, (the "Act") for the purpose of (1) determining for the various minimum price areas the extent of change, if any, in excess of two cents per net ton in the weighted average of the total costs of producing bituminous coal as heretofore determined by the Director in General Docket No. 15, and (2) making such revision in the effective minimum prices as may be made necessary as a result of any changes in cost thus de-

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terminated; the Order of the Director dated May 2, 1941, 6 F.R. 2326, in this matter, having provided that the hearing should be conducted in two phases: the first, concerning the extent of change, if any, in the weighted average of the total costs; and, the second, concerning such revision in the effective minimum prices as may be necessary;

The first phase of this proceeding having been concluded on April 13, 1942, when the Secretary of the Interior issued his Order and Opinion, 7 F.R. 2873, wherein he affirmed the determinations of the undersigned with respect to certain questions of law and policy which he consented to review;

Pursuant to an Order of the undersigned, dated April 17, 1942, and after due notice to all interested persons, a hearing on the second phase of this matter having opened on May 5, 1942, before Floyd McGown, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C.; all interested persons having been afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and oth-

erwise be heard; appearances having been entered in behalf of District Boards 1-11, 13-17, and District Board 20, the United Mine Workers of America, the Bituminous Coal Consumers' Counsel, the National Coal Association, the State of New York, Associated Industries of New York State, Inc., the Association of American Railroads, the National Association of Hothouse Vegetable Growers of America, the Ohio Hothouse Cooperative Association, the Cleveland Vegetable Growers Cooperative Association, the Toledo Hothouse Growers Cooperative Association, the Ashtabula Growers Association, and the Marion County Greenhouse Association;

Following the hearing on the second phase of this proceeding, the Examiner having submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations under the date of July 27, 1942; the parties having been given until August 18, 1942, to file exceptions to the Examiner's Report, briefs in support thereof, and requests for oral argument; and 15 parties having filed exceptions to the Examiner's Report and briefs in support thereof;

The undersigned having heard oral argument in the second phase of this matter on August 20, 1942, at a hearing room of the Division in Washington, D. C.; oral argument having been presented on behalf of District Boards 1-4, 7-12, 15-17, Associated Industries of New York State, Inc., the Association of American Railroads, and the Bituminous Coal Consumers' Counsel;

The undersigned having considered the entire record in this matter and having, on the basis thereof, made and entered his Findings of Fact, Conclusions of Law, and Opinion in this matter:

Now, therefore, it is ordered, That effective October 1, 1942, at 12:01 a. m., the schedules of effective minimum prices for all districts for all shipments of coal be, and they hereby are, revised as follows:

1. § 321.1 (*Price instructions and exceptions*—(a) *Price instructions*) be, and it hereby is, amended by the addition of the following price instruction:

On and after October 1, 1942, the prices established herein are increased by the following amounts for shipments into the designated market areas: Market Areas 1-21, 20 cents per ton; Market Areas 22-31, 103, and 114, 10 cents per ton; Market Areas 32-41, 47-50, 52-69, 71, 73, and 75-78, 5 cents per ton; Market Areas 42-46, 15 cents per ton; Market Areas 70, 72, 74, and 204-212, 10 cents per ton; Market Areas 100-102, 105-112, 118, 125-129, 131, 133-137, and 139-141, 20 cents per ton; Market Areas 104, 115, 116, and 151-157, 10 cents per ton; Market Areas 113, 117, 120-124, 130, 132, 138, 142-148, and 150, 30 cents per ton; Market Areas 200-202, 15 cents per ton; Market Areas 203, 215, 216, 234, 237 (Idaho), 240, and 241, 5 cents per ton; Market Areas 213







24. § 332.21 (*Price instructions and exceptions—(a) Price instructions*) be and it hereby is, amended by the addition of the following price instruction:

On and after October 1, 1942, the prices established herein are increased 5 cents per ton.

25. § 333.1 (*Price instructions and exceptions—(a) Price instructions*) and § 333.21 (*Price instructions and exceptions—(a) Price instructions*) be, and they are hereby amended by the addition of the following price instruction:

On and after October 1, 1942, the prices established herein are increased by the following amounts for shipments into the designated market areas: Market Areas 1-21, 20 cents per ton; Market Areas 22-31, 103, and 114, 10 cents per ton; Market Areas 32-41, 47-50, 52-69, 71, 73, and 75-78, 5 cents per ton; Market Areas 42-46, 15 cents per ton; Market Areas 70, 72, 74, and 204-212, 10 cents per ton; Market Areas 100-102, 105-112, 118, 125-129, 131, 133-137, and 139-141, 20 cents per ton; Market Areas 104, 115, 116, and 151-157, 10 cents per ton; Market Areas 113, 117, 120-124, 130, 132, 138, 142-148, and 150, 30 cents per ton; Market Areas 200-202, 15 cents per ton; Market Areas 203, 215, 216, 234, 237 (Idaho), 240 and 241, 5 cents per ton; Market Areas 213 and 214, 15 cents per ton; Market Areas 217-232, 236, and 244-246, 15 cents per ton; and Market Areas 237 (Washington), 238, 239, 242, 243, and 247-254, 25 cents per ton: *Provided, however*, That the prices for railroad locomotive fuel and railroad powerhouse fuel produced in Subdistrict 1 and all railroad fuel produced in Subdistrict 3, and coal sold as steamship vessel fuel are increased 30 cents per ton.

26. § 333.3 (*Price instructions and exceptions—(a) Price instructions*) and § 333.41 (*Price instructions and exceptions—(a) Price instructions*) be, and they are hereby amended by the addition of the following price instruction:

On and after October 1, 1942, the prices established herein are increased 30 cents per ton.

27. § 334.1 (*Price instructions and exceptions—(a) Price instructions*) be, and it hereby is, amended by the addition of the following price instruction:

On and after October 1, 1942, the prices established herein are increased by the following amounts for shipments into the designated market areas: Market Areas 1-21, 45 cents per ton; Market Areas 22-31, 103, and 114, 35 cents per ton; Market Areas 32-41, 47-50, 52-69, 71, 73, and 75-78, 30 cents per ton; Market Areas 42-46, 40 cents per ton; Market Areas 70, 72, 74, and 204-212, 35 cents per ton; Market Areas 100-102, 105-112, 118, 125-129, 131, 133-137, and 139-141, 45 cents per ton; Market Areas 104, 115, 116, and 151-157, 35 cents per ton; Market Areas 113, 117, 120-124, 130, 132, 138, 142-148, and 150, 55 cents per ton; Market Areas 200-202, 40 cents per ton; Market Areas 203, 215, 216, 234, 237

(Idaho), 240 and 241, 30 cents per ton; Market Areas 213 and 214, 40 cents per ton; Market Areas 217-232, 236, and 244-246, 40 cents per ton; and Market Areas 237 (Washington), 238, 239, 242, 243, and 247-254, 50 cents per ton: *Provided, however*, That the prices for railroad locomotive fuel are increased 40 cents per ton.

28. § 334.21 (*Price instructions and exceptions—(a) Price instructions*) be, and it hereby is, amended by the addition of the following price instruction:

On and after October 1, 1942, the prices established herein are increased 30 cents per ton.

29. § 335.1 (*Price instructions and exceptions—(a) Price instructions*) be, and it hereby is, amended by the addition of the following price instruction:

On and after October 1, 1942, the prices established herein are increased by the following amounts for shipments into the designated market areas: Market Areas 1-21, 20 cents per ton; Market Areas 22-31, 103, and 104, 10 cents per ton; Market Areas 32-41, 47-50, 52-69, 71, 73, and 75-78, 5 cents per ton; Market Areas 42-46, 15 cents per ton; Market Areas 70, 72, 74, and 204-212, 10 cents per ton; Market Areas 100-102, 105-112, 118, 125-129, 131, 133-137, and 139-141, 20 cents per ton; Market Areas 104, 115, 116, and 151-157, 10 cents per ton; Market Areas 113, 117, 120-124, 130, 132, 138, 142-148, and 150, 30 cents per ton; Market Areas 200-202, 15 cents per ton; Market Areas 203, 215, 216, 234, 237 (Idaho), 240 and 241, 5 cents per ton; Market Areas 213 and 214, 5 cents per ton; Market Areas 217-232, 236, and 244-246, 15 cents per ton; and Market Areas 237 (Washington), 238, 239, 242, 243, and 247-254, 25 cents per ton: *Provided, however*, That the prices for railroad locomotive fuel are increased 5 cents per ton.

30. § 335.21 (*Price instructions and exceptions—(a) Price instructions*) be, and it hereby is, amended by the addition of the following price instruction:

On and after October 1, 1942, the prices established herein are increased 10 cents per ton.

31. § 336.1 (*Price instructions and exceptions*) be, and it hereby is, amended by the addition of the following price instruction:

On and after October 1, 1942, the prices established herein for shipments other than by truck or wagon are increased by the following amounts for shipments into the designated market areas: Market Areas 1-21, 20 cents per ton; Market Areas 22-31, 103, and 114, 10 cents per ton; Market Areas 32-41, 47-50, 52-69, 71, 73, and 75-78, 5 cents per ton; Market Areas 42-46, 15 cents per ton; Market Areas 70, 72, 74, and 204-212, 10 cents per ton; Market Areas 100-102, 105-112, 118, 125-129, 131, 133-137, and 139-141, 20 cents per ton; Market Areas 104, 115, 116, and 151-157, 10 cents per ton; Market Areas 113, 117, 120-124, 130, 132, 138, 142-148, and 150, 30 cents per ton; and Market Areas 200-202, 15 cents per ton; Market Areas 203, 215, 216, 234, 237 (Idaho), 240 and 241, 5 cents per ton; Market Areas 213 and 214, 15 cents per ton; Market Areas 217-232, 236, and 244-246, 15 cents per ton; and Market Areas 237

132, 138, 142-148, and 150, 30 cents per ton; Market Areas 200-202, 15 cents per ton; Market Areas 203, 215, 216, 234, 237 (Idaho), 240 and 241, 5 cents per ton; Market Areas 213 and 214, 15 cents per ton; Market Areas 217-232, 236, and 244-246, 15 cents per ton; and Market Areas 237 (Washington), 238, 239, 242, 243, and 247-254, 25 cents per ton: *Provided, however*, That the prices for railroad locomotive fuel are increased 15 cents per ton. The prices established herein for shipment by truck or wagon are increased 15 cents per ton.

32. § 337.1 (*Price instructions and exceptions*) be, and it hereby is, amended by the addition of the following price instruction:

On and after October 1, 1942, the prices established herein for shipments other than by truck or wagon are increased by the following amounts for shipments into the designated market areas: Market Areas 1-21, 20 cents per ton; Market Areas 22-31, 103, and 114, 10 cents per ton; Market Areas 32-41, 47-50, 52-69, 71, 73, and 75-78, 5 cents per ton; Market Areas 42-46, 15 cents per ton; Market Areas 70, 72, 74, and 204-212, 10 cents per ton; Market Areas 100-102, 105-112, 118, 125-129, 131, 133-137, and 139-141, 20 cents per ton; Market Areas 104, 115, 116, and 151-157, 10 cents per ton; Market Areas 113, 117, 120-124, 130, 132, 138, 142-148, and 150, 30 cents per ton; Market Areas 200-202, 15 cents per ton; Market Areas 203, 215, 216, 234, 237 (Idaho), 240 and 241, 5 cents per ton; Market Areas 213 and 214, 15 cents per ton; Market Areas 217-232, 236, and 244-246, 15 cents per ton; and Market Areas 237 (Washington), 238, 239, 242, 243, and 247-254, 25 cents per ton: *Provided, however*, That the prices for railroad locomotive fuel are increased 15 cents per ton. The prices established herein for shipments by truck or wagon are increased 15 cents per ton.

33. § 338.1 (*Price instructions and exceptions*) be, and it hereby is, amended by the addition of the following price instruction:

On and after October 1, 1942, the prices established herein for shipments other than by truck or wagon are increased by the following amounts for shipments into the designated market areas: Market Areas 1-21, 20 cents per ton; Market Areas 22-31, 103, and 114, 10 cents per ton; Market Areas 32-41, 47-50, 52-69, 71, 73, and 75-78, 5 cents per ton; Market Areas 42-46, 15 cents per ton; Market Areas 70, 72, 74, and 204-212, 10 cents per ton; Market Areas 100-102, 105-112, 118, 125-129, 131, 133-137, and 139-141, 20 cents per ton; Market Areas 104, 115, 116, and 151-157, 10 cents per ton; Market Areas 113, 117, 120-124, 130, 132, 138, 142-148, and 150, 30 cents per ton; Market Areas 200-202, 15 cents per ton; Market Areas 203, 215, 216, 234, 237 (Idaho), 240 and 241, 5 cents per ton; Market Areas 213 and 214, 15 cents per ton; Market Areas 217-232, 236, and 244-246, 15 cents per ton; and Market Areas 237



(Washington), 238, 239, 242, 243, and 247-254, 25 cents per ton: *Provided, however*, That the prices for engine coal for railroad and railroad locomotive use in all sizes between 8" maximum top size and 1/2" minimum bottom size are increased 15 cents per ton. The prices established herein for shipments by truck or wagon are increased 15 cents per ton.

34. § 339.1 (*Price instructions and exceptions*) be, and it hereby is, amended by the addition of the following price instruction:

On and after October 1, 1942, the prices established herein for shipments other than by truck or wagon are increased by the following amounts for shipments into the designated market areas: Market Areas 1-21, 20 cents per ton; Market Areas 22-31, 103, and 114, 10 cents per ton; Market Areas 32-41, 47-50, 52-69, 71, 73, and 75-78, 5 cents per ton; Market Areas 42-46, 15 cents per ton; Market Areas 70, 72, 74, and 204-212, 10 cents per ton; Market Areas 100-102, 105-112, 118, 125-129, 131, 133-137, and 139-141, 20 cents per ton; Market Areas 104, 115, 116, and 151-157, 10 cents per ton; Market Areas 113, 117, 120-124, 130, 132, 138, 142-148, and 150, 30 cents per ton; Market Areas 200-202, 15 cents per ton; Market Areas 203, 215, 216, 234, 237 (Idaho), 240 and 241, 5 cents per ton; Market Areas 213 and 214, 15 cents per ton; Market Areas 200-202, 15 cents per ton; Market Areas 203, 215, 216, 234, 237 (Idaho), 240 and 241, 5 cents per ton; Market Areas 213 and 214, 15 cents per ton; Market Areas 217-232, 236, and 244-246, 15 cents per ton; and Market Areas 237 (Washington), 238, 239, 242, 243, and 247-254, 25 cents per ton: *Provided, however*, That the prices for railroad locomotive fuel produced in all subdistricts and all coal produced by the Union Pacific Coal Company from Subdistricts No. 2 and No. 3 of District 19 when sold to the Union Pacific Railroad Company are increased 5 cents per ton. Prices established herein for shipments by truck or wagon are increased 5 cents per ton.

35. § 340.1 (*Price instructions and exceptions*) be, and it hereby is, amended by the addition of the following price instruction:

On and after October 1, 1942, the prices established herein for shipments other than by truck or wagon are increased by the following amounts for shipments into the designated market areas: Market Areas 1-21, 20 cents per ton; Market Areas 22-31, 103, and 114, 10 cents per ton; Market Areas 32-41, 47-50, 52-69, 71, 73, and 75-78, 5 cents per ton; Market Areas 42-46, 15 cents per ton; Market Areas 70, 72, 74 and 204-212, 10 cents per ton; Market Areas 100-102, 105-112, 118, 125-129, 131, 133-137, and 139-141, 20 cents per ton; Market Areas 104, 115, 116, and 151-157, 10 cents per ton; Market Areas 113, 117, 120-124, 130, 132, 138, 142-148, and 150, 30 cents per ton; Market Areas 200-202, 15

cents per ton; Market Areas 203, 215, 216, 234, 237 (Idaho), 240, and 241, 5 cents per ton; Market Areas 213 and 214, 15 cents per ton; Market Areas 217-232, 236, and 244-246, 15 cents per ton; and Market Areas 237 (Washington), 238, 239, 242, 243, and 247-254, 25 cents per ton: *Provided, however*, That the prices for railroad locomotive fuel are increased 5 cents per ton. Prices established herein for shipments by truck or wagon are increased 5 cents per ton.

36. § 342.1 (*Price instructions and exceptions*) be, and it hereby is, amended by the addition of the following price instruction:

On and after October 1, 1942, the prices established herein for shipments other than by truck or wagon are increased by the following amounts for shipments into the designated market areas: Market Areas 1-21, 20 cents per ton; Market Areas 22-31, 103, and 114, 10 cents per ton; Market Areas 32-41, 47-50, 52-69, 71, 73, and 75-78, 5 cents per ton; Market Areas 42-46, 15 cents per ton; Market Areas 70, 72, 74, and 204-212, 10 cents per ton; Market Areas 100-102, 105-112, 118, 125-129, 131, 133-137, and 139-141, 20 cents per ton; Market Areas 104, 115, 116, and 151-157, 10 cents per ton; Market Areas 113, 117, 120-124, 130, 132, 138, 142-148, and 150, 30 cents per ton; Market Areas 200-202, 15 cents per ton; Market Areas 203, 215, 216, 234, 237 (Idaho), 240 and 241, 5 cents per ton; Market Areas 213 and 214, 15 cents per ton; Market Areas 217-232, 236, and 244-246, 15 cents per ton; and Market Areas 237 (Washington), 238, 239, 242, 243, and 247-254, 25 cents per ton: *Provided, however*, That the prices for railroad locomotive fuel produced in Subdistricts 1 and 7 and all railroad fuel produced in Subdistricts 2 and 3 are increased 15 cents per ton. Prices established herein for shipments by truck or wagon are increased 15 cents per ton.

37. § 343.1 (*Price instructions and exceptions*) be, and it hereby is amended by the addition of the following price instruction:

On and after October 1, 1942, the prices established herein for shipments other than by truck or wagon are increased by the following amounts for shipments into the designated market areas: Market Areas 1-21, 20 cents per ton; Market Areas 22-31, 103, and 114, 10 cents per ton; Market Areas 32-41, 47-50, 52-69, 71, 73, and 75-78, 5 cents per ton; Market Areas 42-46, 15 cents per ton; Market Areas 70, 72, 74, and 204-212, 10 cents per ton; Market Areas 100-102, 105-112, 118, 125-129, 131, 133-137, and 139-141, 20 cents per ton; Market Areas 104, 115, 116, and 151-157, 10 cents per ton; Market Areas 113, 117, 120-124, 130, 132, 138, 142-148, and 150, 30 cents per ton; Market Areas 200-202, 15 cents per ton; Market Areas 203, 215, 216, 234, 237 (Idaho), 240 and 241, 5 cents per ton; Market Areas 213 and 214, 15 cents per ton; Market Areas 217-232, 236, and 244-246, 15 cents per ton; and

Market Areas 237 (Washington), 238, 239, 242, 243, and 247-254, 25 cents per ton: *Provided, however*, That the prices for railroad locomotive fuel are increased 30 cents per ton. Prices established herein for shipments by truck or wagon are increased 25 cents per ton.

*It is further ordered*, That the proceedings designated Dockets Nos. A-1360, A-1299 and A-1423 be and they hereby are severed from General Docket No. 21 and, as severed, they are dismissed.

Dated: August 28, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-8592; Filed, September 1, 1942; 2:31 p. m.]

[Docket No. A-1586]

PART 327—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 7

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 7 for the establishment of price classifications and minimum prices for the coals of the Leckie No. 6 mine (Mine Index No. 317) in District No. 7.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Leckie No. 6 Mine (Mine Index No. 317) in Subdistrict 1, District No. 7;

It appearing that the minimum prices proposed by petitioner for the coals of the Leckie No. 6 Mine (Mine Index No. 317) in Size Groups 1, 5, and 6 for truck shipments are higher than the minimum prices heretofore established and currently in effect for comparable coals for truck shipment in the same size groups produced from the mines of other code members in Subdistrict 1; and

It further appearing that petitioner has not shown any facts to warrant the establishment of prices in said size groups higher than existing prices for similar size groups produced from the mines of other code members in Subdistrict 1; and

It further appearing that a reasonable showing of necessity has been made for the granting of temporary relief and the establishment of price classifications and minimum prices similar to those established for comparable coals in similar size groups in the manner more particularly set forth herein; 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: Com-

mencing forthwith § 327.11 *Low volatile coals: Alphabetical list of code members* is amended by adding thereto Supplement R, and § 327.34 *General prices in cents per net ton for shipment into any market area* 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.

Dated August 24, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

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, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

No relief is granted for the McKinley Mine of Perry F. Gorman and the Wartburg Mine of Glen Mary Mining Company, as these producers have not submitted proper acceptances and for that reason are not code members.

No relief is granted for the Omar No. 15 Mine of the West Virginia Coal and Coke Corporation (Mine Index No. 5556) as rail classifications for this mine were established in Docket No. A-1451, Part II.

Petitioner requests that Oakdale, Tennessee, on the Southern Railway Company, be designated as the shipping point for the Clark & Melhorn Mine (Mine Index No. 5580) of W. A. and V. C. Clark and Lee Melhorn with Freight Origin Group No. 40. The Division records indicate that W. A. and V. C. Clark and Lee Melhorn will actually load coal at Camp Austin, Tennessee, on The Cincinnati, New Orleans and Texas Pacific Railway Company. The correct freight origin group number for the shipping point at Camp Austin is No. 41.

In Docket No. A-550, 6 F.R. 988, a price classification for Size Group 27, for rail shipment, was established for the Betsy Layne Coal Mine, Mine Index No. 3270, of the Betsy Layne Coal Corporation. It is now deemed advisable that Price Classification C be established for this mine in the same size group for Great Lakes' cargo shipment.

*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: August 20, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 7

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 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R

Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Sub-district No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classification by size group No.												
								1	2	3	4	5	6	7	8	9	10			
317	Leckie Smokeless Coal Co.	Leckie #6.	1	Poca. 6.	Anjean, W.Va.	C&O-NYC.	17	B	A	A	A	A	B	B	B	B	B	B	B	(†)

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

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine	Mine index No.	Sub-district No.	County	Seam	All lump 3/4" or larger: all egg and stove						3/4" screenings
						1	2	3	4	5	6	
Leckie Smokeless Coal Co.	Leckie #6.	317	1	Greenbrier..	Poca. 6....	290	250	280	215	190	185	

[F. R. Doc. 42-8584; Filed, September 1, 1942; 1:28 p. m.]

[Docket No. A-1583]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT No. 8

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8.

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. 8; 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

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

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 328, Minimum Price Schedule for District No. 8 and supplements thereto.

§ 328.11 Alphabetical list of code members—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Table with columns: Mine Index No., Code member, Mine name, High volatile seam, Subdistrict No., Shipping point, Railroad, Freight origin group, Price classifications by size group Nos. (For destinations other than Great Lakes, For Great Lakes cargo only)

1 Denotes new shipping point. Shipping point at Flat Rock, Ky., shall no longer be applicable. 2 Denotes new shipping point. Shipping point at Grays, Ky., shall no longer be applicable. 3 Freight Origin Group No. 41 shall take the same adjustments into Market Areas 1 to 104 inclusive, as Freight Origin Group No. 40; and in Market Areas 100 to 157, inclusive, shall take the same adjustments as Freight Origin Group No. 70. Tide-water via Charleston, S. C., shall take the same adjustments as Freight Origin Group No. 70.



§ 328.34 General prices for high volatile coals in cents per net ton for shipment into all market areas—Supplement T—Continued

Code member index and name	Mine	Mine Index No.	Seam	Base sizes																
				Lump 4' x 6"; egg	Lump 3' x 6"; egg	Lump 2' x 6"; egg	Lump 1 1/2' x 6"; egg	Lump 1' x 6"; egg	Stove 3' and under;	nut 2' and under;	Straight mine run	2' and under slack	1/2' and under slack							
SUBDISTRICT NO. 6—SOUTH-ERN APPALACHIAN—COAL-LESLIE COUNTY, KY.																				
Cutshin Coal Co., c/o E. J. Davis.	Cutshin No. 16.....	5655	Hazard No. 4.....	275	255	220	225	205	210	155	180									
WHITLEY COUNTY, KY.																				
Greene, A. M.....	Wilton-Jellico No. 38.....	5472	Jellico.....	285	235	225	225	205	275	155	180									
Young, Walter.....	Sally Gap No. 2.....	5654	Blue Gem.....	335	315	235	260	225	225	145	140									
MORGAN COUNTY, TENN.																				
Clark, W. A. & V. C. & Lee Melhorn (W. A. Clark).	Clark & Melhorn.....	5580	Nelson.....	255	235	225	230	205	215	145	140									
PUTNAM COUNTY, TENN.																				
Meadow Creek Coal Co.....	Solon.....	432	Bon Air No. 2.....	250	230	205	210	185	195	135	130									
ROANE COUNTY, TENN.																				
Thompson, Bob, Capt.....	Thompson No. 2.....	5677	Sewanee.....	255	235	225	230	205	215	145	140									
SUBDISTRICT NO. 7—VIRGINIA																				
DICKINSON COUNTY, VA.																				
Anderson, R. J.....	Anderson Coal Co.....	5652	Widow Kennedy..	265	245	220	220	215	210	155	160									
LEE COUNTY, VA.																				
Lee-Scott Coal Co. (J. D. Biedsee).	Lee-Scott Coal Co... Biedsee.	5633	No. 3 (Jackrock)..	265	245	215	220	205	205	155	150									
SUBDISTRICT NO. 8—WIL-LIAMSON																				
MINGO COUNTY, W. VA.																				
Cline, Quintin & Sibert Cline (Quintin Cline).	Mounts.....	5660	Big Eagle.....	275	255	235	245	215	225	180	175									

[F. R. Doc. 42-8586; Filed, September 1, 1942; 1:28 p. m.]

FOR TRUCK SHIPMENTS  
§ 328.34 General prices for high volatile coals in cents per net ton for shipment into all market areas—Supplement T

Code member index and name	Mine	Mine Index No.	Seam	Base sizes																
				Lump 4' x 6"; egg	Lump 3' x 6"; egg	Lump 2' x 6"; egg	Lump 1 1/2' x 6"; egg	Lump 1' x 6"; egg	Stove 3' and under;	nut 2' and under;	Straight mine run	2' and under slack	1/2' and under slack							
SUBDISTRICT NO. 1—BIG SANDY-ELKHORN																				
Spears & Yates (J. B. Spears)	Boyd.....	5612	No. 5.....	265	245	210	220	205	200	150	145									
PIKE COUNTY, KY.																				
Keese, F. P.....	Elkhorn No. 3.....	5678		275	255	220	230	215	210	170	165									
SUBDISTRICT NO. 2—HARLAN																				
HARLAN COUNTY, KY.																				
Bobish, Nick.....	Bobish.....	5638	"C".....	300	280	235	250	225	225	180	175									
SUBDISTRICT NO. 4—KANAWHA																				
KANAWHA COUNTY, W. VA.																				
Wiseman, John W.....	Henson No. 2.....	5613	No. 2 Gas.....	265	245	230	230	205	220	165	160									
SUBDISTRICT NO. 5—LOGAN																				
LOGAN COUNTY, W. VA.																				
West Virginia Coal & Coke Corporation.	Stirrat No. 15.....	5670	Island Creek.....	265	245	220	215	205	210	180	175									
West Virginia Coal & Coke Corporation.	Omar No. 151.....	5556	Upper Island Creek.	(f)	(*)	(*)	(f)	(f)	(*)	165	160									
SUBDISTRICT NO. 6—SOUTH-ERN APPALACHIAN																				
KNOX COUNTY, KY.																				
Bertha Jellico Coal Co.....	Bertha No. 6.....	5666	Jellico.....	255	235	225	225	205	215	155	150									
Bertha Jellico Coal Co.....	Bertha No. 7.....	5667	Jellico.....	255	235	225	225	205	215	155	150									
Bertha Jellico Coal Co.....	Bertha No. 8.....	5668	Jellico.....	255	235	225	225	205	215	155	150									
Bertha Jellico Coal Co.....	Bertha No. 9.....	5669	Jellico.....	255	235	225	225	205	215	155	150									
Elliott, Bob.....	Oramay Blue Gem No. 2.....	5647	Blue Gem.....	335	315	235	260	225	225	145	140									
Harkleroad, Robert H.....	Harkleroad.....	5675	Blue Gem.....	335	315	235	260	225	225	145	140									

\* Indicates previously classified for these size groups.  
† Indicates no classification effective for these size groups.  
‡ Indicates change in mine name from "No. 15."

[Dockets Nos. A-1598 and A-1599]  
PART 331—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 11

ORDER GRANTING RELIEF

Order of consolidation and order granting temporary relief and conditionally providing for final relief in the matter of the petitions of District Board No. 11 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 11. Original petitions having been duly filed with this Division by the above-named party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 11; and it appearing that the above-entitled matters raise similar and related issues; and

It further 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 this Division in the above-entitled matters; and

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

It is ordered, That the above-entitled matters be, and the same hereby are, consolidated.

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith § 331.5 (Alphabetical list of code members) is amended by adding thereto Supplement R, and § 331.24 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplements are herein-after 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.

[SEAL]

DAN H. WHEELER,  
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

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 331. Minimum Price Schedule for District No. 11 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.5 Alphabetical list of code members—Supplement R

Mine index No.	Code member	Mine	Seam	Sub-dist.	Freight origin group	Price group	Shipping point	Railroad
1342	New Hillside Coal Co., Inc.	New Hillside	VII	LS	81	9	Stefort	C&EL
1803	Shade, A. F.	Shade	V	BO	20	11	Boonville	Sou.

<sup>1</sup> Mine Index No. 1342 shall be included in Price Group 9 and shall take the same f. o. b. mine prices as other mines in Price Group 9 in Minimum Price Schedule, District No. 11. For All Shipments Except Truck. It shall also take the same adjustments in f. o. b. mine prices on account of differences in freight rates as other mines in Freight Origin Group 81 of the Jinton-Sullivan Subdistrict having the same freight rate. Mine Index No. 1342 shall be accorded the same prices for railroad locomotive fuel as shown in §331.10 Minimum Price Schedule, District No. 11. For All Shipments Except Truck as are shown for Mine Index No. 39.

<sup>2</sup> Mine Index No. 803 shall be included in Price Group 11 and shall take the same f. o. b. mine prices as other mines in Price Group 11 in Minimum Price Schedule, District No. 11. For All Shipments Except Truck. It shall also take the same adjustments in f. o. b. mine prices on account of differences in freight rates as other mines in Freight Origin Group 20 of the Boonville Subdistrict having the same freight rate. Mine Index No. 803 shall be accorded the same prices for railroad locomotive fuel as shown in §331.10 Minimum Price Schedule, District No. 11. For All Shipments Except Truck as are shown for Mine Index Nos. 68, 87, 88 and 773.

FOR TRUCK SHIPMENTS

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

Mine index No.	Mine	Seam
1342	New Hillside	7

Prices and size group Nos.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
250	245	240	230	225	220	180	185	175	170	150	140	85	55	185	180	185	175	175	165	135	160	150	110	165	155	115	155						

[F. R. Doc. 42-8587; Filed, September 1, 1942; 1:28 p. m.]

[Docket No. A-1485]

**PART 342—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 22**

**ORDER CONTINUING RELIEF, ETC.**

Order continuing temporary relief, terminating conditionally final relief and notice of and order for hearing in the matter of the petition of District Board No. 22 for the establishment of price classifications and minimum prices for certain mines in District No. 22.

An original petition was filed with this Division by the above-named party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment, both temporary and permanent, of price classification and minimum prices for run of mine coals produced in Subdistricts 1 and 2 in District No. 22 for shipment by rail into all market areas.

An Order Granting Temporary Relief and Conditionally Providing for Final Relief was issued on June 29, 1942, 7 F.R. 4876, temporarily establishing the price classifications and minimum prices requested in the original petition for the run of mine coals produced in Subdistricts 1 and 2 in District No. 22 and conditionally providing that such price classifications and minimum prices should become final sixty (60) days from the date of the Order unless it should otherwise be ordered.

On August 13, 1942, the Bituminous Coal Consumers' Counsel filed an Intervention, Answer and Application for Termination or Modification of Temporary Relief in this matter praying (1) that the temporary relief in this proceeding be terminated, or modified, so that the minimum prices will be based on the costs as determined in General Docket 15 rather than on the cost determinations in General Docket 21, and (2) that the order conditionally granting final relief be rescinded until after a public hearing, or else modified so that the applicable minimum prices will be based on General Docket 15 cost determinations rather than General Docket 21 cost findings.

As stated in the Order Granting Temporary Relief and Conditionally Providing for Final Relief issued in this matter on June 29, 1942, it appeared that a reasonable showing of necessity had been made for the granting of temporary relief in the manner provided for therein. It does not appear that the continuation of the temporary relief granted in the above-mentioned Order of June 29, 1942, pending a hearing upon the issues raised by the original petition, will prejudice anyone.

However, in view of the question raised by the Bituminous Coal Consumers' Counsel, with respect to the propriety of permanently establishing the minimum prices requested by petitioner for the run of mine coals produced and shipped by rail from Subdistricts 1 and 2 of District No. 22, it appears that no permanent price classifications or minimum prices should be established for such coals without a hearing. Accordingly, it is deemed advisable that the

final relief conditionally provided for in the Order issued in this matter on June 29, 1942, should be terminated pending final determination of the issues raised by the original petition herein.

Now, therefore, it is ordered, That the temporary relief granted herein by the Order Granting Temporary and Conditionally Final Relief, dated June 29, 1942, 7 F.R. 4876, be and it hereby is continued pending further order in this matter.

It is further ordered, That the final relief conditionally provided for in the Order Granting Temporary Relief and Conditionally Providing for Final Relief dated June 29, 1942, 7 F.R. 4876, herein, be, and it hereby is, terminated.

It is further ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on October 1, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before September 26, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of the original petition.

The matter concerned herewith is in regard to the petition of District Board No. 22 for the establishment, both temporary and permanent, of the following

price classifications and minimum prices in cents per net ton for the run of mine coals produced from mines in Subdistricts 1 and 2 in District No. 22 for shipment by rail into all market areas:

	Size group 15
Subdistrict 1—Roundup .....	240
Subdistrict 2—Red Lodge.....	225

Dated: August 29, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-8585; Filed, September 1, 1942; 1:27 p. m.]

**TITLE 31—MONEY AND FINANCE:  
TREASURY**

**Chapter I—Monetary Offices**

**PART 135—GENERAL LICENSES ISSUED UNDER  
SECURITIES REGULATIONS OF THE GOVERNOR  
OF HAWAII**

[General License No. HS-4]

AUGUST 26, 1942

§ 135.4 General License No. HS-4.  
(a) A general license is hereby granted authorizing:

(1) The delivery of any stock certificate to the issuing corporation or its transfer agent, in the Territory of Hawaii, for immediate cancellation and the issuance of a new certificate in connection with the transfer thereof: *Provided*, That before the close of business of the day following its issuance such new certificate shall be perforated with the official symbol "H" by or at the direction of the issuing corporation or its transfer agent and delivered to a domestic bank, the Treasurer of the Territory of Hawaii, or such other person as may be authorized to hold securities in the Territory of Hawaii, for deposit in a securities custody account pursuant to the Regulations Relating to Securities, as amended; and

(2) The delivery of any bond or note to the issuer thereof or to the trustee for the holders of such bonds or notes, in the Territory of Hawaii, for the purpose of:

(i) Redemption; or

(ii) Change of name of registrant or conversion to a registered bond: *Provided*, That before the close of business of the day following the change of name of registrant or conversion, the bond shall be delivered to a domestic bank, the Treasurer of the Territory of Hawaii, or such other person as may be authorized to hold securities in the Territory of Hawaii, pursuant to the regulations relating to securities, as amended. If a new bond is issued it shall be perforated with the official symbol "H" promptly upon its issuance and prior to delivery.

(b) All stock transfer agents in the Territory of Hawaii (including corporations acting as their own transfer agents) are hereby authorized to obtain and use machines for perforating any stock certificates which they may issue with the official symbol "H": *Provided*, That such machines make perforations similar in size and form to those made by machines heretofore furnished to domestic banks.



(c) All securities dealers doing business in the Territory of Hawaii are hereby authorized to receive securities and to hold them for not more than five business days in connection with bona fide transactions in the normal course of business: *Provided*, That all securities so held shall be deposited at the close of business each day, and in any event, upon the sounding of any air raid alarm, in the securities vault of a domestic bank.

[SEAL] INGRAM M. STAINBACK,  
Governor of Hawaii.

[F. R. Doc. 42-8629; Filed September 2, 1942;  
11:40 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter VI—Selective Service System

#### PART 633—DELIVERY AND INDUCTION

[Amendment No. 76, 2d Ed.]

#### CLASSIFICATION AFTER MAN IS INDUCTED OR IS FOUND NOT ACCEPTABLE

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (b) of § 633.13<sup>1</sup> to read as follows:

§ 633.13 *Classification after man is inducted or is found not acceptable.*

(b) Upon receiving notice from the induction station that a selected man has not been accepted, the local board shall reopen his classification and classify him in Class IV-F unless, pursuant to instructions from the Director of Selective Service, he is retained in Class I-A or Class I-A-O and forwarded to another component of the armed forces.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,  
Director.

SEPTEMBER 1, 1942

[F. R. Doc. 42-8628; Filed, September 2, 1942;  
11:44 a. m.]

## Chapter IX—War Production Board

### Subchapter B—Director General for Operations

#### PART 3076—NOBLE FIR LOGS

[General Preference Order M-228]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Noble fir logs 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:

<sup>1</sup> 6 F.R. 6849; 7 F.R. 202, 654, 2092.

§ 3076.1 *General Preference Order M-228*—(a) *Definitions*. For the purposes of this order:

(1) "Noble fir logs" means logs of the botanical species of *Abies nobilis* (including cants and flitches of such logs), which are produced in those parts of Oregon and Washington lying west of the crest of the Cascade Mountain Range, or in Alaska.

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

(3) "Logger" means any person who produces Noble fir logs.

(b) *Restrictions on delivery*. (1) On and after September 11, 1942, no person shall make delivery of Noble fir logs, and no person shall accept delivery of, or consume or process noble fir logs, except as authorized by the Director General for Operations. This restriction shall apply to all stocks of Noble fir logs held within the continental limits of the United States (including Alaska) as of the date of issuance of this order, whether in private or in government hands; but shall not apply to cants and flitches held by manufacturers of aircraft for aircraft use. The Director General for Operations may from time to time allocate the supply of Noble fir logs or any part sawed therefrom, and specifically direct the manner and quantities in which deliveries to particular persons shall be made or withheld. He may also direct or prohibit particular uses of Noble fir logs, or any part sawed therefrom. Such allocations and directions will be made to insure the satisfaction of defense requirements of the United States, both direct and indirect, and they may be made in the discretion of the Director General for Operations, without regard to any preference ratings assigned to particular contracts or purchase orders. The Director General for Operations may also take into consideration the possible dislocation of labor and the necessity of keeping a plant in operation so that it may be able to fulfill war orders and essential civilian requirements.

(2) Notwithstanding the foregoing restrictions, Noble fir logs in transit on September 11, 1942, may be delivered to their immediate destination.

(c) *Applications and reports*. (1) Unless otherwise ordered by the Director General for Operations no person shall be entitled to receive an allocation of Noble fir logs after October 1, 1942 unless, not later than the 20th day of the month next preceding the month in which delivery is desired, he shall have filed with the Western Log and Lumber Administrator of the War Production Board an application on Form PD-651, which may be obtained from such administrator after September 10, 1942.

(2) Any person, other than a logger or aircraft manufacturer, who on September 11, 1942, has in his possession or under his control Noble fir logs in excess of 100,000 feet, log scale, shall file with the Western Log and Lumber Administrator

of the War Production Board, not later than the tenth day after such date, an inventory report on Form PD-650, which may be obtained from such administrator after September 10, 1942.

(3) Failure by a person to file an application pursuant to paragraph (c) (1) of this order may be construed as notice to the Director General for Operations that such person does not desire an allocation of Noble fir logs for the next succeeding month.

(4) All persons engaged in scaling Noble fir logs shall, when requested so to do, promptly forward to the Western Log and Lumber Administrator of the War Production Board, a copy of each scaling certificate issued by such person.

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

(e) *Appeal*. 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 Noble fir logs conserved, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board, by letter or other written communication, in duplicate, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(f) *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 the Western Log and Lumber Administrator, War Production Board, Portland, Oregon, Ref: M-228.

(g) *Violations*. Any person who willfully violates any provision of this order or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, the Director General for Operations may prohibit such person from making or obtaining further deliveries of or from processing or using material under priority control, may withhold from such person priorities assistance, and may take such other action as he deems appropriate.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of September 1942.

AMORY HOUGHTON,  
Director General for Operations.

[F. R. Doc. 42-8611; Filed, September 1, 1942;  
5:12 p. m.]

**PART 3077—WESTERN HEMLOCK  
AIRCRAFT LOGS**

[General Preference Order M-229]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Western hemlock aircraft logs 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:

§ 3077.1 *General Preference Order M-229*—(a) *Definitions*. For the purposes of this order:

(1) "Western hemlock aircraft logs" means logs of the botanical species of *Tsuga martensiana* or *Tsuga heterophylla* (including cants and fitches of such logs), which are produced in those parts of Oregon and Washington lying west of the crest of the Cascade Mountain Range, or in Alaska, and which meet the following specifications:

(i) Are from stands of timber of approximately 1200 feet or higher elevation and are medium to light in weight;

(ii) Are not less than 26 inches top diameter and not less than 12 feet long;

(iii) Are of straight grain so that the majority of the clear lumber can be produced with a slope of grain not greater than 1 in 15;

(iv) Are free of deep bark seams or other serious defects within the clear portion of the log;

(v) Have reasonably uniform annual rings, not fewer than eight to the inch within the clear portion of the log; and

(vi) Are of a character which will produce at least 50% No. 2 Clear and Better, or B and Better Clear lumber.

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

(3) "Logger" means any person who produces Western hemlock aircraft logs.

(b) *Restrictions on delivery*. (1) On and after September 11, 1942, no person shall make delivery of Western hemlock aircraft logs, and no person shall accept delivery of, or consume or process Western hemlock aircraft logs, except as authorized by the Director General for Operations. This restriction shall apply to all stocks of Western hemlock aircraft logs held within the continental limits of the United States (including Alaska) as of the date of issuance of this order, whether in private or in government hands; but shall not apply to cants and fitches held by manufacturers of aircraft for aircraft use. The Director General for Operations may from time to time allocate the supply of Western hemlock aircraft logs or any part sawed therefrom, and specifically direct the manner and quantities in which deliveries to particular persons shall be made or withheld. He may also direct or prohibit particular uses of Western hemlock aircraft logs, or any part sawed therefrom. Such allocations and directions will be made to insure the satisfaction of defense

requirements of the United States, both direct and indirect, and they may be made, in the discretion of the Director General for Operations, without regard to any preference ratings assigned to particular contracts or purchase orders. The Director General for Operations may also take into consideration the possible dislocation of labor and the necessity of keeping a plant in operation so that it may be able to fulfill war orders and essential civilian requirements.

(2) Notwithstanding the foregoing restrictions, Western hemlock aircraft logs in transit on September 11, 1942, may be delivered to their immediate destination.

(c) *Applications and reports*. (1) Unless otherwise ordered by the Director General for Operations, no person shall be entitled to receive an allocation of Western hemlock aircraft logs after October 1, 1942, unless, not later than the 20th day of the month next preceding the month in which delivery is desired, he shall have filed with the Western Log and Lumber Administrator of the War Production Board an application on Form PD-653, which may be obtained from such Administrator after September 10, 1942.

(2) Any person, other than a logger or aircraft manufacturer, who, on September 11, 1942, has in his possession or under his control Western hemlock aircraft logs in excess of 100,000 feet, log scale, shall file with the Western Log and Lumber Administrator of the War Production Board, not later than the 10th day after such date, an inventory report on Form PD-652, which may be obtained from such Administrator after September 10, 1942.

(3) Failure by a person to file an application pursuant to paragraph (c) (1) of this order may be construed as notice to the Director General for Operations that such person does not desire an allocation of Western hemlock aircraft logs for the next succeeding month.

(4) All persons engaged in scaling Western hemlock logs, shall, when requested to do so, promptly forward to the Western Log and Lumber Administrator of the War Production Board, a copy of each scaling certificate issued by such person.

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

(e) *Appeal*. 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 Western hemlock aircraft logs conserved, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board, by letter or other written communication, in duplicate, setting forth the pertinent facts and the reason

he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(f) *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 the Western Log and Lumber Administrator, War Production Board, Portland, Oregon, Ref: M-229.

(g) *Violations*. Any person who willfully violates any provision of this order or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, the Director General for Operations may prohibit such persons from making or obtaining further deliveries of or from processing or using material under priority control, may withhold from such person priorities assistance, and may take such other action as he deems appropriate.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of September 1942.

AMORY HOUGHTON,  
Director General for Operations.

[F. R. Doc. 42-8612; Filed, September 1, 1942;  
5:12 p. m.]

**PART 962—IRON AND STEEL**

[Interpretation 1 of M-21, as Amended]  
SALVAGED OR USED MATERIALS

The terms "steel" and "iron products" as defined in General Preference Order M-21, as amended<sup>1</sup> (§ 962.1), do not include salvaged or used materials. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of September 1942.

AMORY HOUGHTON,  
Director General for Operations.

[F. R. Doc. 42-8621; Filed, September 2, 1942;  
11:11 a. m.]

**PART 1054—LEAD AND TIN SCRAP**

[Supplementary Order M-72-a]

TINNED AND DETINNED SCRAP

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of tin for defense, for private account, and for

<sup>1</sup> 6 F.R. 4005, 4730, 5994, 6144; 7 F.R. 2992, 8150, 3881.

export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1054.2 *Supplementary Order M-72-a—(a) Additional definitions.*

(1) "Tinned scrap" means scrap consisting of tin plate, whether clippings, used tin cans, or in any other form.

(2) "Detinned scrap" means tin scrap which has been treated by a chemical or electro-chemical detinning process so that it contains not more than  $\frac{3}{10}$  of one percent of tin by weight.

(3) "Tin plate clippings" means tinned scrap consisting of new or reclaimed tin plate, generated in the manufacture of cans, closures, or other articles.

(b) *Restrictions on tinned scrap.* Except with specific permission of the Director General for Operations:

(1) *Iron and steel producers.* No person shall deliver tinned scrap to a producer of steel or iron products (as defined in Order M-21, as amended<sup>1</sup>), and no such producer shall accept delivery of tinned scrap from any person.

(2) *Tin plate clippings.* No person shall deliver or accept delivery of tin plate clippings except where delivery is made to a broker or dealer or a detinning plant. Subject to the restrictions of Order M-21-e,<sup>2</sup> and other applicable orders, the provisions of this paragraph (b) (2) do not prohibit a manufacturer from using himself, in further manufacturing operations, tin plate clippings generated in the course of his operations.

(3) *Tinned scrap.* No person shall deliver or accept delivery of tinned scrap except where delivery is made to or for the account of a broker or dealer for sale or resale by him in the form received, a municipal department or agency, a shredding or detinning plant or a plant engaged in the precipitation of copper.

The restrictions of this paragraph (b) (3) shall not apply to deliveries of used tin cans to or for the account of any person for reuse by him in packing any product; nor shall any of the provisions of this paragraph (b) (3) apply to crown or screw caps or similar closures for tin cans or other containers.

(4) *Used tin cans.* In appropriate cases, general permission to acquire used tin cans will be granted, upon such terms and conditions as the Director General for Operations may impose, to persons other than those permitted to accept delivery under paragraph (b) (3) of this order, who should make application for such permission by letter addressed to the War Production Board, Washington, D. C., Reference: M-72-a. If the applicant for such permission is a manufacturer of crown caps or is engaged in the business of bottling beverages, he shall execute and file with his letter of application a certificate substantially in the form of Exhibit 1 annexed to this order.

<sup>1</sup> 6 F.R. 4005, 4730, 5994, 6144; 7 F.R. 2992, 8150, 3881.

<sup>2</sup> 7 F.R. 5345.

(c) *Restrictions on sales of detinned scrap.* Except with specific permission of the Director General for Operations, no person producing detinned scrap at a detinning plant located in any of the counties listed in Schedule A hereto shall deliver detinned scrap produced at such plant except to a plant engaged in the precipitation of copper. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of September 1942.

AMORY HOUGHTON,  
Director General for Operations.

SCHEDULE A

California

Alameda.	San Diego.
Contra Costa.	San Francisco.
Fresno.	San Joaquin.
Imperial.	San Mateo.
Kern.	Santa Barbara.
Los Angeles.	Santa Clara.
Marin.	Santa Cruz.
Merced.	Solano.
Monterey.	Sonoma.
Orange.	Stanislaus.
Riverside.	Ventura.
Sacramento.	Yolo.
San Bernardino.	Yuba.

Kansas

Atchison.	Johnson.
Brown.	Leavenworth.
Doniphan.	Miami.
Douglas.	Osage.
Franklin.	Shawnee.
Jefferson.	Wyandotte.

Missouri

Buchanan.	Johnson.
Caldwell.	Lafayette.
Carroll.	Livingston.
Cass.	Pettis.
Clay.	Platte.
Clinton.	Ray.
Henry.	Saline.
Jackson.	

Texas

Anderson.	Hill.
Austin.	Hood.
Basque.	Hopkins.
Brazoria.	Hunt.
Brazos.	Jack.
Burleson.	Jasper.
Chambers.	Jefferson.
Cherokee.	Johnson.
Collin.	Kaufman.
Colorado.	Lamar.
Cooke.	Liberty.
Dallas.	Limestone.
Delta.	Madison.
Denton.	McLennan.
Ellis.	Matagorda.
Erath.	Montague.
Fall's.	Montgomery.
Fannin.	Navarro.
Fayette.	Orange.
Fort Bend.	Palopinto.
Freestone.	Parker.
Galveston.	Polk.
Grayson.	Rains.
Grimes.	San Jacinto.
Hardin.	Smith.
Harris.	Somervell.
Henderson.	Tarrant.

Texas—Continued

Trinity.	Washington.
Tyler.	Wharton.
Van Zandt.	Wise.
Walker.	Wood.
Waller.	

EXHIBIT 1—CERTIFICATE OF MANUFACTURER OF CROWN CAPS OR BOTTLER UNDER PARAGRAPH (b) (4) OF SUPPLEMENTARY ORDER M-72-a

NOTE.—This form may be reproduced for use by an applicant for permission to acquire used tin cans under the provisions of paragraph (b) (4) of the foregoing Supplementary Order M-72-a.

The undersigned hereby certifies to the War Production Board that in the event that the undersigned is granted permission to acquire used tin cans pursuant to the accompanying letter of application therefore, the following terms and conditions with respect to the handling and disposition of such cans by the undersigned, and all other terms and conditions which may be imposed by the War Production Board will be strictly complied with:

1. *No. 10 and Larger Cans.* The bodies of such cans may be used for the manufacture of crown caps provided that: in the preparation of the cans before use for the manufacture of crown caps the cans shall be cleaned; both ends shall be removed and delivered to shredding or detinning plants; the side seams and end rings shall also be removed and may be delivered to shredding plants, but must not be delivered to detinning plants; all residual scrap remaining after the manufacture of crown caps from the bodies of the cans shall be delivered to shredding or detinning plants; with the result that at least 50% by weight of the detinnable scrap represented by all such used cans when acquired will be finally received by shredding or detinning plants.

2. *All Other Cans.* All cans other than those of the size of No. 10 or larger are to be delivered to shredding or detinning plants. Such cans as are to be delivered to detinning plants are to be cleaned, both ends are to be removed and the bodies flattened.

-----  
(Name of Company)

-----  
(Name of Authorized Official)

-----  
(Date)

-----  
(Title of Authorized Official)

[F. R. Doc. 42-8630; Filed, September 2, 1942; 11:48 a. m.]

PART 1068—CANS MADE OF TINPLATE OR TERNEPLATE

[Supplementary Order M-81-b]

REVOCATION

§ 1068.3 *Supplementary Order M-81-b.*<sup>1</sup> Supplementary Order M-81-b is hereby revoked. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of September 1942.

AMORY HOUGHTON,  
Director General for Operations.

[F. R. Doc. 42-8622; Filed, September 2, 1942; 11:11 a. m.]

<sup>1</sup> 7 F.R. 5661.



**PART 1071 — INDUSTRIAL AND COMMERCIAL REFRIGERATION AND AIR CONDITIONING MACHINERY AND EQUIPMENT**

[Required Specifications Schedule III to Limitation Order L-126]

**COIL OR TUBE ASSEMBLIES FOR REFRIGERATION CONDENSERS OR COOLERS**

§ 1071.5 *Schedule III to Limitation Order L-126*—(a) *Definitions.* For the purpose of this schedule:

(1) "Producer" means any person who produces, manufactures, processes, fabricates or assembles any coil or tube assemblies for refrigeration condensers or coolers.

(2) A "coil or tube assembly for condensers" means an assembly used in "refrigerating and air conditioning equipment" as defined in paragraph (a) (1) of Limitation Order No. L-126 consisting of any arrangement of pipes, tubing, pressure vessels, or plates by means of which heat is removed from the vaporized refrigerant.

(3) A "coil or tube assembly for coolers" means an assembly used in "refrigerating and air conditioning equipment" as defined in paragraph (a) (1) of Limitation Order No. L-126 consisting of any arrangement of pipes, tubing, pressure vessels or plates by means of which heat is absorbed by either a volatile refrigerant or a non-volatile medium such as water.

(4) "Protective coating" means a surface coating applied to any or all parts of a "coil or tube assembly for condensers or coolers" for the purpose of retarding or preventing corrosion.

(5) "Integral fin tubing" means finned tubing, the fins and tubes of which are formed from the same piece of metal by extrusion or by any machine operation.

(6) "Metallic fin bond" means a tie between tubing and fins obtained through the use of a metallic base substance usually applied with heat. The fin surface of integral fin tubing shall be considered as having a metallic fin bond.

(7) "Mechanical fin bond" means a tie obtained between tubing and fins by physical contact and without the use of a metallic base substance.

(8) "Fin height" means the distance from the outside of a pipe or tube to the nearest outside edge of the fin.

(9) "Return bend" means a semi-circular section of tubing or pipe used to join parallel runs of tubing or pipe.

(10) "Lend-lease country" means the government of any foreign country receiving aid pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(b) *Required specifications.* Pursuant to Limitation Order No. L-126, the following required specifications are hereby

established for coil or tube assemblies for condensers or coolers:

(1) In the manufacture of any coil or tube assembly for air-cooled or evaporatively cooled condensers, any coil or tube assembly for water or brine coolers, or of any cooler coil or tube assembly for air-cooling, no producer shall, except for use aboard ship, (i) use any non-ferrous metals, except for soldering or brazing materials or for protective coatings;

(ii) Use any seamless steel tubing, except (a) to form integral fin tubing, or (b) that which has been made into return bends but only if the radius thereof is less than 1½ times the outside diameter of such tubing and the straight extensions thereof are not longer than 2 times the outside diameter of such tubing; or

(iii) Use any steel tubing (other than integral fin tubing) of wall thickness greater than the following:

Outside diameter of tubing	Wall thickness (inches) Maximum
(a) Up to and including 3/8"	0.028"
(b) Over 3/8" up to and including 1/2"	.035"
(c) Over 1/2" up to and including 3/4"	.049"
(d) Over 3/4" up to and including 1"	.065"
(e) Over 1" up to and including 1 1/4"	.083"
(f) Over 1 1/4" up to and including 2"	.095"
(g) Over 2" up to and including 2 1/2"	.120"

(2) In the manufacture of any coil or tube assembly for air-cooled condensers no producer shall (i) except for use aboard ship, use finned tubing (other than integral fin tubing) having an average fin thickness to the nearest U. S. standard gauge in excess of 4% of the fin height, or a maximum of 0.023", whichever is smaller;

(ii) Except for use aboard ship, use a metallic protective coating (other than paint) where a mechanical fin bond is employed;

(iii) Use a protective coating containing more than 7% tin where a metallic fin bond is employed;

(3) In the manufacture of any coil or tube assembly for water-cooled condensers, no producer shall, except for use aboard ship (i) use more than 7 lbs. of non-ferrous metals per condensing unit nominal h. p. for all self-contained refrigeration condensing units;

(ii) Use more non-ferrous metals per ton of refrigeration, for other than self-contained condensing unit condenser assemblies, than the following:

7 lbs. per ton of refrigeration for systems having saturated refrigerant vapor suction temperatures above 30° F.

8 lbs. per ton of refrigeration for systems having saturated refrigerant vapor suction temperatures from 0° to 30° F., inclusive.

9 lbs. per ton of refrigeration for systems having saturated refrigerant vapor suction temperatures below 0° F.

"Ton of refrigeration", as here used, means the removal of heat, at the low

side, at the rate of 12,000 B. T. U. per hour. Total tons to be based on the design operating load of the low side connected to the condensing unit or units with which the condenser is used.

(4) In the manufacture of any coil or tube assembly for evaporatively cooled condensers, no producer shall (i) use finned tubing (other than integral fin tubing) having an average fin thickness to the nearest U. S. standard gauge in excess of 4% of the fin height, or a maximum of 0.023", whichever is smaller; or

(ii) Use a combination protective coating and metallic fin bond containing more than 7% tin.

(5) In the manufacture of any cooler coil or tube assembly for air-cooling, no producer shall, except for use aboard ship in connection with food storage (i) use a metallic protective coating containing more than 7% tin: *Provided, however,* That when the coil is used in food storage and the air passing over the coil is in direct contact with the food, the foregoing shall not prohibit a hot-dipped galvanized coating or a coating containing not more than 35% tin; or

(ii) Use finned tubing (other than integral fin tubing) having an average fin thickness to the nearest U. S. standard gauge in excess of 4% of the fin height, or a maximum of 0.023", whichever is smaller.

(c) *Applicability of order.* (1) The required specifications established by paragraph (b), shall not prohibit:

(i) The production, fabrication, delivery, acceptance, or installation of coil or tube assemblies, the plans of which have already been drawn and accepted by or for the account of the Army or Navy of the United States, the Maritime Commission, the War Shipping Administration, or Lend-Lease countries, or

(ii) The use in the production or fabrication of, or the delivery, acceptance, or installation of any of the following materials in a producer's possession or control or in transit to a producer on the effective date of this Schedule III:

(a) Steel tubing.

(b) Coil or tube assemblies which on said date were in finished form or the parts for which had on said date been cast, machined or otherwise processed in such manner that the manufacture of such assemblies in conformance with this Schedule III would be impractical. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of September 1942.

AMORY HOUGHTON,  
Director General for Operations.

[F. R. Doc. 42-8623; Filed, September 2, 1942; 11:11 a. m.]

<sup>1</sup> 7 F.R. 5081, 5082, 5083, 6163.

## PART 1075—CONSTRUCTION

[Conservation Order L-41 as Amended  
September 2, 1942]

Conservation Order L-41<sup>1</sup> as heretofore amended is hereby amended to read as follows:

§ 1075.1 *Conservation Order L-41—*  
(a) *Definitions.* For the purpose 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) "Construction" means the erection, construction, remodeling or rehabilitation of any building, structure or project, or additions thereto or extensions or alterations thereof, but not including maintenance or repair as defined in paragraphs (a) (10) and (11) below.

(3) "Residential construction" means any construction where the principal designed function of the building, structure or project is or will be to provide living space or accommodations.

(4) "Multiple residential construction" means any residential construction where the principal designed function of the building, structure or project is or will be to provide living space or accommodations for more than five families, or which is divided or to be divided into more than five suites.

(5) "Agricultural construction" means any construction, other than residential construction, where the principal designed function of the building, structure or project is or will be the production of agricultural products including, but not limited to, those produced by farmers, planters, ranchmen, dairymen, poultrymen, or nut or fruit growers.

(6) "Industrial construction" means any construction where the principal designed function of the building, structure or project is or will be the manufacture, processing or assembling of goods or materials.

(7) "Other restricted construction" means any construction, other than residential, multiple residential, agricultural, or industrial construction, including, but not limited to, commercial, highway, roadway, sub-surface, and utilities construction, whether publicly or privately financed.

(8) "Begin construction" means to initiate construction by physically incorporating into any construction material which is an integral part of the construction.

(9) "Cost" is meant to include the total cost of labor and material, including equipment, architects', engineers' and contractors' fees, insurance charges and financing costs.

(10) "Maintenance" means the upkeep of a building, structure or project in sound working condition.

(11) "Repair" means the restoration without change of design, of any portion of a building, structure or project to sound working condition, when such portion has been rendered unsafe or unfit for service by wear and tear or other similar causes, but not including the reconstruction or restoration of construction damaged or destroyed by fire, flood, tornado, earthquake, act of God or the public enemy.

(b) *Prohibited construction.* No person shall begin construction or order, purchase, accept delivery of, withdraw from inventory or in any other manner secure or use material or construction plant in order to begin construction, unless the construction is within one of the following classes:

(1) The construction is to be the property of the Army or Navy of the United States, the United States Maritime Commission, Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, or the Office of Scientific Research and Development.

(2) The construction consists of any building, structure or project which is used directly in the discovery, development or depletion of mineral deposits.

(3) The construction is of a type subject to the provisions of any order in the M-68 series (Part 1047) relating to the production and distribution of petroleum. Any such construction is permitted only to the extent authorized by the applicable order in the M-68 series.

(4) The construction is of telephone facilities or equipment, other than buildings, and is authorized or permitted under the terms of Conservation Order L-50<sup>2</sup> § 1095.1).

(5) The construction is of facilities, other than buildings, to be owned by a producer as defined in Preference Rating Order P-46<sup>3</sup> (§ 978.1) pertaining to utilities and is to be used directly in providing one or more of the services set forth in paragraph (a) (1) of said order.

(6) Agricultural construction of irrigation pipe lines or drainage tile drains in which no materials except earth or other unprocessed material and clay or

non-reinforced concrete tile or pipe, not more than 12 inches in internal diameter, are incorporated.

(7) The construction can be completed with materials which are either on hand or can be obtained without making application for priorities assistance and upon completion will not require the incorporation of any materials, on site or off site, to supply electric, gas, water, steam, telephone or sewage disposal service, and

(i) The construction is residential (but not multiple residential) or is specifically listed on Schedule B, attached hereto, and the estimated cost is less than \$200, or

(ii) The construction is multiple residential, agricultural, or other restricted construction, is not specifically listed on Schedule B, and the estimated cost is less than \$1,000, or

(iii) The construction is industrial, is not specifically listed on Schedule B, and the estimated cost is less than \$5,000, or

(iv) The construction is to reconstruct or restore residential (but not multiple residential) construction damaged or destroyed after December 31, 1941, by fire, flood, tornado, earthquake, act of God or the public enemy.

(8) (i) The construction is to reconstruct or restore agricultural construction damaged or destroyed after September 7, 1942, by fire, flood, tornado, earthquake, act of God or the public enemy, where the immediate reconstruction thereof is determined by the United States Department of Agriculture, in accordance with such administrative procedures as may be from time to time prescribed, to be essential to the agricultural program, provided, that within two weeks of such determination Form PD-200 is filed in accordance with the provisions of paragraph (f) of this section.

(ii) The construction is to reconstruct or restore industrial or other restricted construction damaged or destroyed after September 7, 1942, by fire, flood, tornado, earthquake, act of God or the public enemy, where the immediate reconstruction thereof is necessary for the prosecution of the war or the protection of public health or safety; provided that within five days of the damage or destruction notice thereof is given by telegraph to the War Production Board setting forth (i) the cause of the damage or destruction, (ii) the function of the building, structure or project which has been damaged or destroyed, (iii) the type of construction, (iv) why immediate reconstruction or restoration is necessary, and (v) the estimated cost of reconstruction; and provided further, that within

<sup>1</sup> 7 F.R. 2730, 3712, 3774, 4326, 5651.

<sup>2</sup> 7 F.R. 3029, 4202, 4272.

<sup>3</sup> 7 F.R. 2348, 4699, 5272, 5903.

two weeks of the giving of such telegraphic notice, Form PD-200 is filed in accordance with the provisions of paragraph (f) of this section.

Nothing contained in this subparagraph (8) shall be interpreted as a commitment that priorities assistance will be accorded to any particular construction authorized by the provisions of this subparagraph and the Director General for Operations may at any time either order said construction to cease or require any modification thereof that seems to him to be proper.

(9) The construction has been or is hereafter authorized by the Director of Priorities of the Office of Production Management or by the Director of Industry Operations or the Director General for Operations of the War Production Board by the issuance of:

(i) One of the preference rating orders or certificates listed on Schedule A attached hereto, as that schedule may be amended from time to time, according priorities assistance to the construction; or

(ii) An order specifically authorizing the construction, *Provided, however*, That the exceptions set forth in paragraphs (b) (7) (i), (b) (7) (ii), and (b) (7) (iii) shall not be construed to authorize separate or successive construction operations the aggregate cost of which over any continuous twelve-month period exceeds the amount specified in the applicable paragraph for the particular building, structure or project; not including in said aggregate cost the cost of any construction thereon during said period authorized under the provisions of paragraph (b) (9).

(c) *Prohibited deliveries.* No person shall accept an order for, sell, deliver, or cause to be delivered, material or construction plant which he knows, or has reason to believe, will be used in violation of the terms of this order.

(d) *Further construction limitations.* Nothing in this order shall be construed to authorize the use or delivery of any material, or the application or extension of any preference rating, in violation of the provisions of any conservation, limitation or other order or regulation heretofore or hereafter issued by the Director of Priorities, Office of Production Management, or by the Director General for Operations.

(e) *Orders or certificates not constituting authorization.* The assignment of a preference rating by a PD-1, PD-1A, or other certificate, or by any order other than those listed in Schedule A, shall not constitute authorization to begin construction.

(f) *Applications for authority to begin construction.* (1) If the applicant requires priorities assistance for the proposed construction, an application shall be made for the appropriate preference rating order or certificate listed on Schedule A on the form referred to therein.

(2) Where the applicant does not require priorities assistance, application for the specific authorization to begin construction referred to in paragraph (b) (9) (ii) hereof may be made by filing

Forms PD-200 and PD-200A, or such other forms as may hereafter be prescribed, together with a statement showing (1) that no priorities assistance is requested, (2) whether any previous application for authorization has been denied, and, if so, the reasons therefor, and (3) the total value of all construction on the particular building, structure or project in the preceding twelve-month period. Such forms or statements are to be filed with the field office of the Federal Housing Administration having jurisdiction over the location of the site, or in such other place as may be prescribed.

(3) In applying either for priority assistance or for authorization to begin construction, the applicant should also submit additional information as to the necessity for the proposed construction, any exceptional hardships which the restrictions of this order impose upon him, the effect on employment conditions if the application is denied, and any other pertinent facts.

(g) *Violations.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to the Director General for Operations in connection with this order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries or from processing or using material under priority control and may be deprived of priorities

assistance by the Director General for Operations.

(h) *Communications.* Applications, communications and reports under this order shall, unless otherwise directed, be addressed to, War Production Board, Washington, D. C. Ref: L-41.

Those relating to residential construction shall in addition be conspicuously marked "Res.", those relating to multiple residential construction "M. R.", those relating to agricultural construction, "Agr.", those relating to industrial construction, "Ind.", and those relating to other restricted construction, "O. R."

This amendment shall become effective September 7, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of September 1942.

AMORY HOUGHTON,  
Director General for Operations.

Schedule A

The following preference rating orders and certificates are listed pursuant to paragraph (b) (9) (i) of the above order. A general description of the type of construction covered by each, the appropriate application form and where such form should be filed, are given solely for purposes of identification.

Preference rating order	Type of construction	Application forms	Where filed
P-14-a, P-14-b	Shipyards and shipways	No form	Maritime Commission, Washington, D. C.
P-19, P-19-a	Buildings, structures and projects important to the war effort and essential civilian needs, other than housing.	No further application accepted under P-19 and P-19-a. Apply for P-19-h or P-19-i.	
P-19-d, P-19-g	Publicly financed housing	Application is made only by the federal agency principally interested in the construction.	
P-19-e	Public roads	Application is made by or through the Public Roads Administration of PWA.	
P-19-h, P-19-l	Buildings, structures and projects important to the war effort and essential to civilian needs other than war housing.	Forms PD-200 and PD-200A.	With the field office of FHA having jurisdiction over the location of the site, or in such other place as may be prescribed.
P-41	Construction of air transport facilities.	See order	
P-55, P-55 amended	Privately financed war housing.	Form PD-105	With the field office of FHA having jurisdiction over location of the site.
P-98	Construction related to petroleum enterprises as defined and limited therein.	See orders in M-68 series	
P-110	Remodeling of housing in defense areas.	Form PD-406	With field office of FHA having jurisdiction over the location of the site.
Certificates PD-3, PD-3A	Principally buildings, structures and projects owned or to be owned by the Army, Navy or certain other governmental agencies.	Form PD-3A	With the contracting or procurement official having jurisdiction over the contract.

Schedule B

The following buildings, structures or projects are listed pursuant to paragraph (b) (7) (i) of the above order.

The building, structure or project has as its principal designed function:

(1) Public or private amusement, entertainment or recreation, with the exception of playgrounds for children.

(2) Occupancy by not more than five establishments selling or dispensing goods, merchandise, food or drink, or providing services.

(3) Use as a club, lodge, fraternity or sorority house, association, auditorium or assembly hall.

[F. R. Doc. 42-8624; Filed, September 2, 1942; 11:11 a. m.]



**PART 1149—IMPORTED EGYPTIAN COTTON**  
[Conservation Order M-117 as Amended  
September 2, 1942.]

Section 1149.1 *Conservation Order M-117*<sup>1</sup> is hereby amended to read as follows:

§ 1149.1 *Conservation Order M-117*—  
(a) *Definitions.* For the purposes of this order: (1) "Reserved Egyptian cotton" means raw cotton in unopened bales (including bales opened only for sampling or testing) of the following specifications:

Variety, Giza 7, Grade: "Good to fully good" and better. Staple: Nothing below "good" staple.

Variety, Sudan.

Variety, Sakha 4.

Variety, Sakellaridis.

Variety, Malaki (Giza 26).

Variety, Karnak (Giza 29).

All 5 varieties with grade—"fully good" and better and staple—nothing below "good" staple.

in accordance with the recognized Egyptian standards of gradings: *Provided, however,* That with respect to Egyptian cotton heretofore imported into the United States, the term "Reserved Egyptian cotton" shall include any Giza 7 cotton grading "good to fully good" and better and having a staple length of nothing below 1 $\frac{1}{10}$ " staple, and any of the other five above-mentioned varieties grading "fully good" and better and having a staple length of nothing below 1 $\frac{1}{10}$ " staple.

(2) "Stitching thread" means finished cotton thread used for stitching, including home sewing, in which reserved Egyptian cotton has heretofore been customarily used and shall also include any cotton yarns, single or plied and having a thread twist, in which such cotton has heretofore been customarily used, sold to another person to be manufactured solely into finished stitching thread, but shall not include crochet, embroidery or other fancy threads in which reserved Egyptian cotton may have heretofore been used.

(3) "Import" means to transport in any manner into the continental United States from any foreign country, and for purposes of this order, Egyptian cotton shall be deemed imported into the United States from the time it is released from the bonded custody of the United States Bureau of Customs.

(4) "Dealer" means any person regularly engaged in the business of purchasing raw cotton for resale, and shall include exporters, importers, agents or brokers, whether or not they hold title to the cotton.

(b) *Restrictions on sales, deliveries and uses.* No person shall, except as provided in paragraph (c) below, or as specifically authorized by the Director General for Operations, sell or deliver, or accept delivery of, or process, or use, any reserved Egyptian cotton.

(c) *General exceptions.* The prohibitions and restrictions of paragraph (b) above shall not apply to: (1) Sales and deliveries to dealers.

(2) Sales and deliveries to the Board of Economic Warfare, the Commodity Credit Corporation, or any corporation organized under the authority of Section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing:

(3) Sales and deliveries, and the processing or use of reserved Egyptian cotton for physical incorporation into material or equipment to be delivered to or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration.

(4) Sales and deliveries, and the processing or use of reserved Egyptian cotton for the manufacture of stitching thread subject, however, to the limitations of paragraph (d) below;

(5) The processing or use by any person within 45 days after September 2, 1942, of reserved Egyptian cotton to the extent necessary to fill orders on hand specifying delivery within such period, and sales or deliveries to any person of amounts necessary, in addition to amounts on hand, to fill such orders within such time, and the processing or use thereof in filling such orders;

*Provided, however,* That all sales and deliveries exempted from the prohibitions and restrictions of paragraph (b) above by subparagraphs (3), (4) and (5) of this paragraph (c) shall be made only upon the receipt by the vendor from the purchaser of a certificate signed by such purchaser or by a person authorized to sign in his behalf in substantially the following form:

The undersigned hereby certifies to his vendor and to the War Production Board subject to the provisions of Section 35 (A) of the United States Criminal Code (18 U.S.C. 80) that the reserved Egyptian cotton to be delivered on the annexed purchase order is to be used for one or more of the purposes specified in Conservation Order M-117 as amended, for such cotton and for no other purposes; and if used for the manufacture of stitching thread will not be used by the undersigned in an amount in excess of the amount permitted for such purposes by said order.

-----  
Name of purchaser  
By -----  
(Authorized person)  
-----  
Title  
Date -----

(d) *Restrictions on the manufacture of stitching thread.* (1) No person shall, during the period from July 1, 1942, to and including December 31, 1942, or if his books are so kept, and he so elects, during the period from July 1, 1942, to and including January 2, 1943, use more reserved Egyptian cotton in the manufacture of stitching thread for physical incorporation into products to be delivered on non-defense orders than 37 $\frac{1}{2}$ % of the amount of such cotton used by such person for the manufacture of stitching thread in the year 1941.

(2) No person manufacturing stitching thread shall sell or deliver any stitching thread made from reserved Egyptian cotton which such person does not wish

to be charged against the quota for non-defense uses established by subparagraph (1) of this paragraph (d), and in no event in excess of such quota, unless he shall have first received from the purchaser a certificate signed by such purchaser, or by a person authorized to sign in his behalf, in substantially the following form:

The undersigned hereby certifies to his vendor and to the War Production Board subject to the provisions of Section 35 (A) of the United States Criminal Code (18 U.S.C. 80) that the stitching thread to be delivered on the annexed purchase order is to be physically incorporated into material or equipment to be delivered to or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration, or resold for such incorporation.

-----  
Name of Purchaser  
By -----  
Authorized Person  
-----  
Title  
Date -----

and no person purchasing or accepting delivery of any stitching thread, to the order for which such a certificate was annexed, shall sell or deliver such stitching thread except upon receipt by him of such a certificate.

(e) *Grading.* The Director General for Operations may require that any lot of Egyptian cotton held in the United States be graded by referring representative samples thereof for classification to the Appeal Board of Review Examiners, United States Department of Agriculture, Washington, D. C., or at such office or offices of the said Board which may be designated for the purpose by the Department of Agriculture. The classification and findings of the said Appeal Board shall, for the purposes of this order only, be final in establishing whether any bale of cotton sample whereof has been so submitted, is or is not reserved Egyptian cotton. If upon the examination of any Egyptian cotton by representatives of the United States Customs Service, any doubt or dispute arises as to whether such cotton is reserved Egyptian cotton, samples thereof shall be referred for classification for the purposes of this order only to the said Appeal Board of Review Examiners. The said Appeal Board will, in every case examined by it, transmit one copy of its findings to the War Production Board.

(f) *Appeal.* 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 reserved Egyptian cotton 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, Reference M-117, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

<sup>1</sup> 7 F.R. 2539, 5640.

(g) *Reports.* Each person who, on July 27, 1942, holds or owns any reserved Egyptian cotton shall cause an inventory to be taken as of such date showing to the extent such information is known to him, the number of bales of each variety, staple length and grade of such cotton on hand and, to the extent known to each such person, the name of the owner or owners thereof and the address of each owner. All holders of such cotton shall execute and file with the War Production Board on form PD-597 a report of the amount of such cotton held or owned on the said date. Owners and holders of such cotton must be prepared to furnish or cause the original importer to furnish the War Production Board upon request with import documents relating thereto, including the customs invoices on which such cotton was entered into the United States and the grade or grades established for the purpose of levying customs duties thereon. In addition, all holders and users of such cotton must be prepared to execute and file with the War Production Board such monthly or quarterly reports on forms that may be prescribed for the purpose and in the detail that may be required by the War Production Board showing stocks on hand, additions to stocks, withdrawals from stocks, consumption by uses and such other reports or questionnaires as may be required by the War Production Board from time to time.

(h) *Records.* All owners and processors of reserved Egyptian cotton affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales, and copies of all invoices of both purchases and sales relating to such cotton.

(i) *Communications to the 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, Textile, Clothing and Leather Branch, Washington, D. C., Reference: M-117.

(j) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of September 1942

AMORY HOUGHTON,  
Director General for Operations.

[F. R. Doc. 42-8625; Filed, September 2, 1942; 11:12 a. m.]

#### PART 3018—AMERICAN EXTRA STAPLE COTTON

[Conservation Order M-197 as Amended September 2, 1942]

Section 3018.1 *Conservation Order M-197*<sup>1</sup> is hereby amended to read as follows:

§ 3018.1 *Conservation Order M-197*—(a) *Definitions.* For the purposes of this order:

(1) "Reserved American extra staple cotton" means any raw cotton in unopened bales (including bales opened only for the purposes of sampling or testing) of the following specifications, grown within the Western Hemisphere,

SXP Variety, grading No. 2 or higher and with staple of  $1\frac{7}{8}$ " or longer.

Pima Variety (including both United States and Peruvian), grading No. 2 or higher and with staple of  $1\frac{1}{2}$ " or longer.

Sea Island Variety, grading No. 2½ or higher and with staple of  $1\frac{1}{2}$ " or longer.

in accordance with the official grading standards of the United States.

(2) "Stitching thread" means finished cotton thread used for stitching including home sewing in which reserved American extra staple cotton or reserved Egyptian cotton as defined in Conservation Order No. M-117 has heretofore been customarily used and shall also include any cotton yarns, single or plied and having a thread twist, in which such cotton has heretofore been customarily used, sold to another person to be manufactured solely into finished stitching thread, but shall not include crochet, embroidery or other fancy threads in which reserved American extra staple cotton or reserved Egyptian cotton may have heretofore been used.

(3) "Import" means to transport in any manner into the continental United States from any foreign country, and for purposes of this order, American extra staple cotton shall be deemed imported into the United States from the time it is released from the bonded custody of the United States Bureau of Customs.

(4) "Dealer" means any person regularly engaged in the business of purchasing raw cotton for resale, and shall include exporters, importers, agents or brokers, whether or not they hold title to the cotton.

(b) *Restrictions on sales, deliveries and uses.* No person shall, except as provided in paragraph (c) below, or as specifically authorized by the Director General for Operations, sell or deliver, or accept delivery of, or process, or use, any reserved American extra staple cotton.

(c) *General exceptions.* The prohibitions and restrictions of paragraph (b) above shall not apply to:

(1) Sales and deliveries to dealers.

(2) Sales and deliveries to the Board of Economic Warfare, the Commodity Credit Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing.

<sup>1</sup> 7 F.R. 5644.

(3) Sales and deliveries, and the processing or use of reserved American extra staple cotton for physical incorporation into material or equipment to be delivered to or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration.

(4) Sales and deliveries, and the processing or use of reserved American extra staple cotton for the manufacture of stitching thread subject, however, to the limitations of paragraph (d) below.

(5) The processing or use by any person within 45 days after September 2, 1942 of reserved American extra staple cotton to the extent necessary to fill orders on hand specifying delivery within such period, and sales or deliveries to any person of amounts necessary, in addition to amounts on hand, to fill such orders within such time, and the processing or use thereof in filling such orders.

*Provided, however,* That all sales and deliveries exempted from the prohibitions and restrictions of paragraph (b) above by subparagraphs (3), (4) and (5) of this paragraph (c) shall be made only upon the receipt by the vendor from the purchaser of a certificate signed by such purchaser or by a person authorized to sign in his behalf in substantially the following form:

The undersigned hereby certifies to his vendor and to the War Production Board subject to the provisions of Section 35(A) of the United States Criminal Code (18USC80) that the reserved American extra staple cotton to be delivered on the annexed purchase order is to be used for one or more of the purposes specified in Conservation Order M-197, as amended, for such cotton and for no other purposes; and if used for the manufacture of stitching thread will not be used by the undersigned in an amount in excess of the amount permitted for such purposes by said order.

	-----	Name of purchaser	-----
By	-----	(Authorized person)	-----
Date	-----	Title	-----

(d) *Restrictions on the manufacture of stitching thread.* (1) No person shall during the period from July 1, 1942, to and including December 31, 1942, or, if his books are so kept, and he so elects, during the period from July 1, 1942, to and including January 2, 1943, use more reserved American extra staple cotton in the manufacture of stitching thread for physical incorporation into products to be delivered on nondefense orders than:

(i) 37½% of the total amount of reserved American extra staple cotton and reserved Egyptian cotton (as defined in Conservation Order M-117, sec. 1149.1) used by such person for the manufacture of stitching thread in the year 1941, minus

(ii) The actual amount of reserved Egyptian cotton used or scheduled to be used by such person in the second half of 1942 for the manufacture of stitching thread for nondefense uses pursuant to the limitations described in Conservation Order M-117.



(2) No person manufacturing stitching thread shall sell or deliver any stitching thread made from reserved American extra staple cotton which such person does not wish to be charged against the quota for nondefense uses established by subparagraph (1) of this paragraph (d), and in no event in excess of such quota, unless he shall have first received from the purchaser a certificate signed by such purchaser, or by a person authorized to sign in his behalf, in substantially the following form:

The undersigned hereby certifies to his vendor and to the War Production Board subject to the provisions of Section 35 (A) of the United States Criminal Code (18USC80) that the stitching thread to be delivered on the annexed purchase order is to be physically incorporated into material or equipment to be delivered to or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration, or resold for such incorporation.

-----  
 Name of purchaser  
 By -----  
 Authorized person  
 -----  
 Title  
 -----

Date -----

and no person purchasing or accepting delivery of any stitching thread, to the order for which such a certificate was annexed, shall sell or deliver such stitching thread except upon receipt by him of such a certificate.

(c) *Grading.* The Director General for Operations may require that any lot of American extra staple cotton held in the United States be graded by referring representative samples thereof for classification to the Appeal Board of Review Examiners, United States Department of Agriculture, Washington, D. C., or at such office or offices of the said Board which may be designated for the purpose by the Department of Agriculture. The classification and findings of the said Appeal Board shall, for the purposes of this order only, be final in establishing whether any bale of cotton sample whereof has been so submitted, is or is not reserved American extra staple cotton. If upon the examination of any American extra staple cotton by representatives of the United States Customs Service, any doubt or dispute arises as to whether such cotton is reserved American extra staple cotton, samples thereof shall be referred for classification for the purposes of this order only to the said Appeal Board of Review Examiners. The said Appeal Board will, in every case examined by it, transmit one copy of its findings to the War Production Board.

(f) *Appeal.* 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 reserved American extra staple cotton conserved, or that compliance with this order would disrupt or impair a program of conversion from nondefense to de-

fense work, may appeal to the War Production Board, by letter or telegram, Reference M-197, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(g) *Reports.* Each person who, on July 27, 1942, holds or owns any reserved American extra staple cotton shall cause an inventory to be taken as of such date showing, to the extent such information is known to him, the number of bales of each variety, staple length and grade of such cotton on hand, and, to the extent known to each such person, the name of the owner or owners thereof and the address of each owner. All holders of such cotton shall execute and file with the War Production Board on Form PD-597 a report of the amount of such cotton held or owned on the said date. Owners and holders of such cotton must be prepared to furnish or cause the original importer to furnish the War Production Board, upon request, with import documents relating thereto, including the customs invoices on which such cotton was entered into the United States and the grade or grades established for the purpose of levying customs duties thereon. In addition, all holders and users of such cotton must be prepared to execute and file with the War Production Board such monthly or quarterly reports on forms that may be prescribed for the purpose and in the detail that may be required by the War Production Board showing stocks on hand, additions to stocks, withdrawals from stocks, consumption by uses and such other reports or questionnaires as may be required by the War Production Board from time to time.

(h) *Records.* All owners and processors of reserved American extra staple cotton affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production, and sales and copies of all invoices of both purchases and sales relating to such cotton.

(i) *Communications to the 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, Textile, Clothing and Leather Branch, Washington, D. C.—Reference: M-197.

(j) *Violations.* Any person who willfully 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.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7

F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of September 1942.

AMORY HOUGHTON,  
 Director General for Operations.

[F. R. Doc. 42-8626; Filed, September 2, 1942;  
 11:12 a. m.]

## Chapter XI—Office of Price Administration

### PART 1300—PROCEDURE

#### [Procedural Regulation 2]

#### PROCEDURE FOR THE ADJUSTMENT OF MAXIMUM PRICES FOR RETAIL SELLERS OF COMMODITIES OR SELLERS OF SERVICES

Pursuant to the authority of sections 201 (d) and 203 (a) of the Emergency Price Control Act of 1942 (Public, No. 421, 77th Cong., 2d Sess., Jan. 30, 1942), the following rules of procedure are hereby prescribed for the adjustment of certain maximum retail prices of commodities and services established by any maximum price regulation and of all maximum prices of services established by Maximum Price Regulation No. 165 as amended (Services):

Sec.	
1300.121	Right to apply for adjustment.
1300.122	Place of filing.
1300.123	Authorized office.
1300.124	Form of application.
1300.125	Application must be verified.
1300.126	Joint applications.
1300.127	Investigation of application.
1300.128	Action by the authorized office on applications for adjustment.
1300.129	Requests for review.
1300.130	Action on review by Director of the Retail Trade and Services Division.
1300.131	Protest of denial of application.
1300.132	Treatment of application and petitions filed pursuant to other procedural regulations.
1300.133	Amendment of this regulation.
1300.134	Definitions.
1300.135	Effective date.
1300.136	Appendix A: Form OPA-2PR-1.

AUTHORITY: §§ 1300.121 to 1300.135, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1300.121 *Right to apply for adjustment.* Any person selling at retail commodities or services subject to any provision of a maximum price regulation, or any person selling any services subject to Maximum Price Regulation No. 165 as amended,<sup>1</sup> (Services) who seeks adjustment of a maximum price under an adjustment provision of any maximum price regulation shall make such application pursuant to the provisions of this Procedural Regulation No. 2.

§ 1300.122 *Place of filing.* All applications for adjustment shall be filed with a Regional, State or District office of the Office of Price Administration without regard to whether such office is authorized to consider such application. If the office with which the application is filed is not so authorized, it shall forward such application to the authorized office, and

<sup>1</sup> 7 F.R. 4734, 5028, 6428.



shall notify the applicant by mail of such forwarding.

§ 1300.123 *Authorized office.* The authorized office shall be the office of the Office of Price Administration which has been authorized to handle such an application for adjustment pursuant to a proper delegation of authority.

§ 1300.124 *Form of application.* Applications for adjustment shall be filed upon such forms as the Price Administrator shall from time to time prescribe. The number of copies required to be filed shall be stated on the face of the form. If no form is designated for applications for a particular type of adjustment the applicant shall submit a clear and concise statement of the facts which he feels entitles him to an adjustment under the provisions of the particular maximum price regulation, including the names and addresses of each establishment for which he seeks an adjustment and a statement of the specific adjustment or other relief which he seeks. Applications in cases for which no form has been designated shall be filed in duplicate.

§ 1300.125 *Applications must be verified.* An application for adjustment shall be signed by the applicant and shall contain a statement, signed and sworn to by the applicant, that the statements made in the application and attached thereto are true and correct to the best of his knowledge, information and belief. Unless otherwise prohibited by law, every employee of the Office of Price Administration who is authorized to administer oaths shall, without charge, administer the oath required by this section.

§ 1300.126 *Joint applications.* Two or more persons may file a joint application for adjustment where the basis or bases of the application are common to all persons joining in it. A joint application shall be filed and determined in accordance with the rules governing the filing and determination of applications filed by one person. A joint application shall be verified in accordance with § 1300.125 hereof by each applicant. Whenever the authorized office deems it to be necessary or appropriate for the determination of individual questions raised by joint applications, it may treat such joint applications as several, and, in any event, may require the filing of materials relevant to each person joining in it.

§ 1300.127 *Investigation of application.* Upon receipt of an application for adjustment, the authorized office or any office designated by the authorized office may make such investigation of the facts involved in the application, hold such conferences, and request the filing of such supplementary reports as may be necessary to the proper disposition of the application.

§ 1300.128 *Action by the authorized office on applications for adjustment.* Within a reasonable time after receiving an application, the authorized office shall by order either (a) grant or deny such application in whole or in part; (b) pro-

vide the applicant an opportunity to present further evidence; or (c) forward the official application file for advise either to the Regional Office for the region in which the authorized office is located, or if the authorized office is itself a Regional Office, to the Director of the Retail Trade and Services Division, Office of Price Administration, Washington, D. C. The decision of the authorized office granting or denying the application in whole or in part shall be accompanied by a statement of the reasons for such action. A copy of each order and opinion shall be forwarded to the applicant.

§ 1300.129 *Request for review.* Any applicant whose application for adjustment has been denied in whole or in part by a State or District Office may, within fifteen days after the date on which such order of denial was mailed to him, file with such office a request for review by the Regional Office of the order of denial. Any applicant whose application for adjustment has been denied in whole or in part by a Regional Office either on an original application or on a request for review may, within fifteen days after the date on which such order of denial was mailed to him, file with such Regional Office a request for review by the Director of the Retail Trade and Services Division of the order of denial. Requests for review shall be filed on form OPA-2PR-1, set out in Appendix A, incorporated as § 1300.136 of this Procedural Regulation No. 2. Such form may be obtained from any Regional, State or District Office or local War Price and Rationing Board or may be copied by the applicant from Appendix A.

§ 1300.130 *Action on review by Director of the Retail Trade and Services Division or by Regional Office.* After due consideration, the Director of the Retail Trade and Services Division or the Regional Office, as the case may be, shall by order grant or deny in whole or in part any application for adjustment which is properly before him on request for review of action by an authorized office. The order shall be accompanied by a statement of the reasons for his action. A copy of the order and opinion shall be forwarded to the applicant.

§ 1300.131 *Protest of denial of application.* Any applicant whose application for adjustment is denied in whole or in part by the Director of the Retail Trade and Services Division either on an original application or a request for review, may, within thirty days after the issuance of the director's order finally denying such application in whole or in part, file a protest against such order in accordance with the provisions of Procedural Regulation No. 1.<sup>2</sup>

§ 1300.132 *Treatment of application and petitions filed pursuant to other procedural regulations.* Every petition for amendment or petition for adjustment or exception filed by a seller at retail pursuant to Procedural Regulation No. 1,<sup>3</sup>

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

<sup>3</sup> *Supra* note 2.

and every application for adjustment filed pursuant to Temporary Procedural Regulation No. 2,<sup>4</sup> or Temporary Procedural Regulation No. 5,<sup>5</sup> may be treated as an application for adjustment filed pursuant to this Procedural Regulation No. 2 without redocketing and shall be disposed of in accordance with the form and substance of this Procedural Regulation No. 2 to the extent practicable. The fact that an application is filed pursuant to a specified provision of a maximum price regulation shall not prevent its consideration under any other provisions for relief, provided that the substantive facts set forth establish grounds for relief under any other provision.

§ 1300.133 *Amendment of this regulation.* Any provision of this Procedural Regulation No. 2 may be amended or rescinded by the Administrator at any time. Such amendment or rescission shall be published in the FEDERAL REGISTER and shall take effect from the date of its publication, unless otherwise specified.

§ 1300.134 *Definitions.* As used in this Procedural Regulation No. 2 the terms:

(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) "Price regulation" means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, a maximum price regulation or temporary maximum price regulation issued by the Office of Price Administration, or any amendment or supplement thereto or order issued thereunder.

(c) "FEDERAL REGISTER" means the publication provided for by the Act of July 26, 1935 (49 Stat. 500), as amended.

§ 1300.135 *Effective date.* This Procedural Regulation No. 2 shall become effective September 1, 1942.

Issued this 1st day of September 1942.

LEON HENDERSON,  
Administrator.

§ 1300.136 *Appendix A: Form OPA-2PR-1.*

[To be filed with authorized office which denied your application]

UNITED STATES OF AMERICA  
OFFICE OF PRICE ADMINISTRATION  
Form OPA-2PR-1

*Request for Review of the Order Denying Application for Adjustment*

-----, an applicant for adjustment of a maximum price established for a commodity or service selling at retail or for a service subject to Maximum Price Regulation No. 165, as amended, (Services) pursuant to Procedural Regulation

<sup>4</sup> 7 F.R. 3522, 3664, 60C2.

<sup>5</sup> 7 F.R. 4730, 5987, 6534.

No. 2 of the Office of Price Administration, hereby requests a review of the order of denial of such application for adjustment entered by the Office and mailed to the applicant on 194, pursuant to § 1300.129 of Procedural Regulation No. 2.

Name of commodity or service for which adjustment was required

The applicant's objections to such order of denials are as follows:

(Applicant should state briefly and concisely and separately number his objections)

Applicant
By Title
Date

[F. R. Doc. 42-8598; Filed, September 1, 1942; 4:34 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[Amendment 15 to Rationing Order 2A ]

NEW PASSENGER AUTOMOBILE RATIONING REGULATIONS

In § 1360.310 a new paragraph (k) is added; § 1360.335 (a), and paragraph (d) of § 1360.362 are amended to read as set forth below; new paragraph (d) is added to § 1360.361; and in § 1360.371 the text preceding paragraph (a) is amended to read as set forth below, and a new paragraph (c) is added:

Definitions

§ 1360.310 Definitions. \* \* \*

(k) "Family" means a grandparent, parent, brother, sister, spouse, child, or grandchild, whether or not residing in the same household with applicant; or any other person related by blood, marriage, or legal adoption, if regularly residing in the same household with applicant.

Restriction of Transfers

§ 1360.335 Sale or transfer of new passenger automobiles by certain persons serving in the armed forces. (a) Notwithstanding any other provision of Rationing Order No. 2 or 2A, as amended, any person who is serving with, or who has taken his oath of service for, any branch of the armed forces of the United States, or any person who is a member of any branch of the armed forces of the United States and who has been called for duty, may, upon compliance with the provisions of paragraphs (b) and (c) of this section, sell or transfer to any person any new passenger automobile owned by him for personal use: Provided, That, if the person desiring to

17 F.R. 1542, 1647, 1756, 2108, 2242, 2305, 2903, 3097, 3482, 4343.

transfer the automobile acquired it after August 17, 1942 while on duty with the armed forces of the United States the transfer permitted in paragraph (a) of this section may be made only to a member of that person's family.

Transfers Without Certificates

§ 1360.361 Persons eligible to acquire for use. \* \* \*

(d) Persons, other than trustees or receivers, acquiring all or substantially all of the assets of a business or institution when one or more new passenger automobiles constitute part of such assets, and when such new passenger automobiles are registered in the name of the transferor, or in the name of such business or institution, and have been used principally in connection with the operation of such business or institution, and will continue to be used in the same manner by the transferee.

§ 1360.362 Persons eligible to acquire only for purposes of transfer. \* \* \*

(d) Persons duly authorized by law to engage in the insurance business by exercise of the right of subrogation or in consequence of the payment of a claim: Provided, however, That a transfer pursuant to this subsection may be rescinded by the insurer and the insured and the automobile may be redelivered to the insured if, after the loss of such automobile, the latter has not acquired, or has not been authorized to acquire, a new passenger automobile.

§ 1360.371 Proof of need. Subject to the quota provisions of these regulations, an applicant described in § 1360.372 may obtain a certificate if he needs an automobile for the efficient performance of services specified in § 1360.372 and if he does not already have the use of an automobile or has not since January 1, 1942 transferred an automobile which is adequate for this purpose.

(c) An applicant who on or since January 1, 1942 owned an automobile which he has since transferred, must establish that the automobile was inadequate for his purposes, as described in paragraph (b) of this section unless other circumstances justified its transfer.

Effective Dates

§ 1360.442. Effective dates of amendments. \* \* \*

(o) Amendment No. 15 (§§ 1360.310, 1360.335, 1360.361, 1360.362, 1360.371) to Rationing Order No. 2A shall become effective September 3, 1942.

(Pub. Law 421, 77th Cong., W.P.B. Dir. No. 1, Supp. Dir. No. 1A, 7 F.R. 562, 695, 1493)

Issued this 1st day of September 1942.

LEON HENDERSON, Administrator.

[F. R. Doc. 42-8602; Filed, September 1, 1942; 4:37 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[Amendment 8 to Maximum Price Regulation 136, as Amended]

MACHINES AND PARTS AND MACHINERY SERVICES

SELECT-O-PHONE CO.

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.\*

New subparagraph (6) is added to paragraph (c) of § 1390.25, and new paragraph (h) is added to § 1390.31a as set forth below:

§ 1390.25 Petitions for amendment or adjustment. \* \* \*

(c) Amendments. \* \* \*

(6) Select-O-Phone Company, a division of Screw Machine Products Company, Inc. Notwithstanding the provisions of §§ 1390.5 and 1390.6, the maximum price applicable to the sale of any of the private automatic telephones and parts therefor, manufactured and sold by the Select-O-Phone Company, a division of Screw Machine Products Company, Inc., 1012 Eddy Street, Providence, Rhode Island, for which the Select-O-Phone Company had a published or confidential list price in effect on October 1, 1941, shall be the price contained in the January 15, 1942, price lists issued by said Select-O-Phone Company.

§ 1390.31a Effective dates of amendments. \* \* \*

(h) Amendment No. 8 (§ 1390.25 (c) (6)) to Maximum Price Regulation No. 136, as amended, shall become effective September 2, 1942.

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

Issued this 1st day of September 1942.

LEON HENDERSON, Administrator.

[F. R. Doc. 42-8601; Filed, September 1, 1942; 4:35 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[Amendment 9 to Maximum Price Regulation 136, as amended]

MACHINES AND PARTS AND MACHINERY SERVICES

FILTRATION ENGINEERS, INC.

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

New subparagraph (9) is added to § 1390.25(c) and new paragraph (i) is added to § 1390.31a as set forth below:

§ 1390.25 Petitions for amendment or adjustment. \* \* \*

\*Filed with the Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration. 17 F.R. 5047 5362, 5665, 5908.

(c) Amendments. \* \* \*

(9) *Filtration Engineers, Incorporated.* Notwithstanding the provisions of § 1390.7, the maximum price applicable to the sale by Filtration Engineers, Incorporated of any filter or part for which it had no published or confidential list price in effect on October 1, 1941, shall be determined in accordance with the provisions of § 1390.7, except that the price-determining method in effect on October 1, 1941, shall be modified in that manufacturing or factory overhead shall be calculated as 150% of direct labor cost (instead of 100%).

§ 1390.31a Effective dates of amendments. \* \* \*

(i) Amendment No. 9 (§ 1390.25 (c) (9)) to Maximum Price Regulation No. 136, as amended, shall become effective September 2, 1942.

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

Issued this 1st day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-8600; Filed, September 1, 1942; 4:35 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[Amendment 10 to Maximum Price Regulation 136,<sup>1</sup> as Amended]

MACHINES AND PARTS AND MACHINERY SERVICES

INTERNATIONAL TELEPHONE AND RADIO MFG. CORP.

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.\*

New subparagraph (8) is added to paragraph (c) of § 1390.25 and new paragraph (j) is added to § 1390.31a as set forth below:

§ 1390.25 Petitions for amendment or adjustment. \* \* \*

(c) Amendments. \* \* \*

(8) *International Telephone and Radio Manufacturing Corporation.* Notwithstanding the provisions of §§ 1390.5 and 1390.6 the maximum price applicable to the sale of any selenium rectifier stacks and parts manufactured and sold by the International Telephone and Radio Manufacturing Corporation, East Newark, New Jersey, for which said Corporation had a published or confidential list price in effect on October 1, 1941, shall be the price determined in accordance with the following method: Material costs as of October 1, 1941, plus labor rates in effect on March 31, 1942, plus factory overhead of 100% of direct labor costs at such rates, plus administrative, commercial and developmental expense of 15% of sales, plus a markup of 10% of the aggregate of the aforesaid factors. The discounts which the said corporation may use shall be the dis-

\*Filed with the Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration. <sup>1</sup> 7 F.R. 5047, 5362, 5665, 5903.

counts filed by it with the Office of Price Administration on or before July 14, 1942. A report of its new list prices computed in accordance with the aforesaid method, shall be filed by the Corporation, pursuant to § 1390.13.

§ 1390.31a Effective dates of amendments. \* \* \*

(j) Amendment No. 10 (§ 1390.25 (c) (8)) to Maximum Price Regulation No. 136, as amended, shall become effective September 2, 1942.

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

Issued this 1st day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-8599; Filed, September 1, 1942; 4:36 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 1 to Revised Supplementary Regulation 11<sup>1</sup> to General Maximum Price Regulation<sup>2</sup>]

EXCEPTIONS FOR CERTAIN SERVICES

STEVEDORING

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

In paragraph (a) of § 1499.46, subparagraph (1) is revoked and subparagraph (2) is redesignated (1); a new subparagraph (101) is added to paragraph (b); and a new subparagraph (2) is added to paragraph (d), as set forth below:

(b) \* \* \*

(101) Stevedoring, and car loading and unloading, when performed under a contract for any war procurement agency.

(d) Effective date. \* \* \*

(2) Amendment No. 1 (§ 1499.46 (a) (b) (d)) to Revised Supplementary Regulation No. 11 shall become effective this 1st day of September 1942.

(Pub. Law 421, 77th Cong.)

Issued and effective this 1st day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-8603; Filed, September 1, 1942; 4:34 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 18 to Supplementary Regulation 14<sup>1</sup> of the General Maximum Price Regulation<sup>2</sup>]

TRANSPORTATION OF PROPERTY IN TANK TRUCKS BY CERTAIN CARRIERS

The statement of the considerations involved in the issuance of this amend-

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

<sup>1</sup> 7 F.R. 6426.

<sup>2</sup> 7 F.R. 3153, 3330, 3660, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5783, 5784, 6058, 6081, 6007, 6216.

<sup>3</sup> 7 F.R. 5466.

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

A new subparagraph (18) is added to paragraph (a) of § 1499.73 as set forth below:

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

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

(18) *Transportation of property in tank trucks by carriers other than common carriers within the exemption conferred by section 302 (c) of the Emergency Price Control Act of 1942.* (i) The maximum price for transportation of property in tank trucks by any carrier other than a common carrier shall be either (a) the maximum price established for such service by § 1499.2 of the General Maximum Price Regulation or (b) a price agreed upon between the carrier and the shipper involved and reported to the Office of Price Administration by such carrier within ten (10) days of the agreement or the effective date of this amendment, whichever is later.

(ii) Maximum prices established pursuant to subdivision (i) (b) above shall be subject to adjustment by the Office of Price Administration at any time: *Provided*, That a maximum price so adjusted by the Office of Price Administration shall thereafter be subject to increase by the carrier only after specific authorization by the Office of Price Administration.

(iii) The report required in subdivision (i) (b) shall be mailed to the Office of Price Administration, Transportation Division, Washington, D. C. Such report shall be headed "Rate Report pursuant to Amendment No. 18 to Supplementary Regulation No. 14", shall be in duplicate, shall be signed under oath or affirmation, and shall contain the following information:

(a) Name and address of carrier, indicating whether an individual, partnership, or corporation.

(b) If a corporation, state and date of incorporation.

(c) Brief description of business indicating operating authority and permit numbers.

(d) Names and addresses of customers to be served.

(e) Commodity carried, points of origin and destination and distances over actual route of movement, and maximum price agreed upon.

(f) The price to which the carrier would have been limited under the General Maximum Price Regulation, except for subdivision (i).

(g) Description of any special service involved, such as split pick-ups and deliveries.

(h) Probable volume of movement under each price.

(i) Probable frequency of movement under each price.



(j) Common carrier rates for the same or similar deliveries, with reference to tariff authorities for such rates.

(k) Statement of facts in justification of price agreed upon, specifically indicating all relevant cost factors.

Such report shall also be accompanied by a statement, addressed to the Office of Price Administration and signed by the purchaser of the service, that any increase in the cost of the transportation service resulting from the reported price shall in no way be reflected in an increase in the price of the commodity being transported, and that such increase in the cost of transportation will not be used as the basis for a petition of amendment, adjustment or exception with respect to any price regulation issued by the Office of Price Administration.

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

(19) Amendment No. 18 (§ 1499.73 (a) (18)) to Supplementary Regulation No. 14 shall become effective September 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 1st day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-8604; Filed, September 1, 1942;  
4:38 p. m.]

**PART 1499—COMMODITIES AND SERVICES**  
[Amendment 1 to Maximum Price Regulation 165 as Amended<sup>1</sup>]

**SERVICES**

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

In § 1499.114 (a) and (b) the words "Temporary Procedural Regulation No. 5 issued June 23, 1942, by the Office of Price Administration" are amended to read "Procedural Regulation No. 2"; in paragraph (c) the words "Procedural Regulation No. 1" are amended to read "Procedural Regulation No. 2"; a new § 1499.121a is added, as set forth below:

§ 1499.121a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1499.114 (a) (b) (c), 1499.121a) to Maximum Price Regulation No. 165 as amended shall become effective September 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 1st day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-8608; Filed, September 1, 1942;  
4:38 p. m.]

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

<sup>1</sup> 7 F. R. 4734, 5028, 5567, 6428.

**PART 1499—COMMODITIES AND SERVICES**

[Order 34 Under § 1499.18 (b) of the General Maximum Price Regulation<sup>1</sup>—Docket 6F3-1706]

**COLORADO BEDDING CO.**

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

§ 1499.334 *Adjustment of maximum prices for sales of bedding by Colorado Mattress Company.* (a) Colorado Mattress Company is hereby authorized to sell and deliver, and any person may buy and receive from Colorado Mattress Company at prices not higher than those set forth below:

**ALL COTTON MATTRESSES**

Sizes 4-6, 3-6, 3-3

Pilot, Roll Edge, Art Cover..... 45# \$6.50  
Cotton Special, 4-Row, Self  
Border..... 50# 7.50

**SEMI-FELTED COTTON MATTRESSES**

Sizes 4-6, 3-6, 3-3

Texo, Roll Edge, Drill Cover.... 45# \$6.95  
Perfection, 4-Row, Sateen  
Border, Drill Cover..... 55# 8.50  
Home Comfort, 4-Row, Sateen  
Border, Sateen Cover..... 55# 9.50

**ALL FELTED COTTON MATTRESSES**

Sizes 4-6, 3-6, 3-3

Flexo, Roll Edge, Art cover.... 45# \$7.95  
Nap-On, 4-Row Sateen Border,  
Drill Cover..... 50# 9.95  
Daisy, 4-Row Border, Sateen  
Cover..... 50# 10.95  
Dreamland, 4-Row Border,  
Sateen Cover..... 50# 12.00  
Snow-Flake, Tufted, 4-Row,  
Sateen or Damask Cover..... 50# 21.00  
Snow-Flake, Tuftless, Sateen or  
Damask Cover..... 50# 21.00

**INNER-SPRING MATTRESSES & BOX SPRINGS**

Sizes 4-6, 3-6, 3-3

Ritz, Tape Roll Edge, Button Tuft,  
Drill or ACE Cover..... \$10.75  
Sleepwell, Tape Smooth Edge..... 12.75  
Companion Box Spring, Sateen,  
Damask, or ACA Covers..... 12.75  
Hotel Majestic, Inner-Roll Mattresses.  
Companion Box Spring, ACA Cover, or  
Brown Stripe..... 13.75  
Minerva, Inner-Roll, Quilted Border.  
Companion Box Spring, Sateen,  
Damask or ACA Covers..... 14.50

**DUOFOLD & DAVENO**

3-11 x 5-11

Cotton Slab..... \$3.95  
Felted Cotton Slab..... 5.00  
Felted Cotton, 2" Box..... 5.75  
Staple Felt Cotton, 2" Box..... 8.50  
Cotton, R. E., Art Cover, 32#..... 5.85  
Flexo, All Felt, R. E., 32#..... 7.50  
No. 1 Felt, R. E., Sateen 32#..... 9.00

**DAY BED PADS**

Cretonne Covers

Cotton Slab with Valance..... \$5.40  
Cotton Mattress, R. E., with Valance. 6.50  
Felt Mattress, R. E. with Valance..... 7.65

<sup>1</sup> 7 F. R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5445, 5484, 5565.

**PADS FOR STEEL COUCHES**

Cotton, No Hinge..... \$4.95  
Cotton, with Hinge..... 5.20  
Felted Cotton, No Hinge..... 6.00  
(With Valance, add 50¢)

**CRIB PUFFS WITH 2 INCH BOX**

	18 x 36	22 x 42	26 x 48	28 x 52	33 x 66
Cotton, Art or Juvenile Tick.....	\$1.35	\$1.65	\$2.00	\$2.35	\$3.00
Felted Cotton, Art or Juvenile Tick.....	1.70	2.15	2.50	2.85	4.05
No. 1 Cotton Felt, Sateen Cover.....	2.20	2.70	3.30	3.85	5.45
Staple Cotton Felt, Sateen Cover.....	3.00	3.85	4.35	5.45	6.60

**CRIB MATTRESSES, 3 1/4 INCH BOX, ROLL EDGE**

	27 x 51	33 x 66
Cotton, Art or Juvenile Tick.....	\$2.00	\$2.30
Felted Cotton, Art or Juvenile Tick.....	2.50	2.70
Staple Cotton, Sateen Cover.....	2.85	4.60
Staple Cotton, Sateen Cover.....	8.85	4.60
	5.45	6.55
	6.55	8.50

**SPRING-FILLED CRIB MATTRESSES, TAPE ROLL EDGE**

	27 x 51	33 x 66
Slumber, Roll Edge, Juvenile Cover, Button Tuft.....	\$5.50	\$6.50
Minerva, Sateen, or Water Repellent Covers, No Tuft.....	6.90	7.90
Diana, Sateen, or Water Repellent Covers, No Tuft.....	9.50	10.50

**PUFFS WITH 2 INCH BOX**

	4/6	3/3 or 3/6	3/0	2/6
Cotton Puff.....	\$4.65	\$4.20	\$3.60	\$3.00
Felted Cotton Puff, Drill Cover.....	6.75	6.05	4.70	4.10
No. 1 Felted Cotton Puff, Sateen or ACA.....	7.65	7.15	6.35	6.00
Staple Felt Cotton, Sateen, ACA or Damask.....	11.00	10.00	8.25	7.50

**PADS (NO BOXING)**

	\$4.40	\$3.85	\$3.10	\$2.80
Cotton Slab.....	4.40	3.85	3.10	2.80
Felted Cotton.....	6.00	5.25	4.15	3.85

**SPRING-FILLED MATTRESSES**

Sleepona, Spring-filled Roll Edge, Art Cover, Ventilators, Button Tuft, \$8.75.

Wearwell, Spring-filled, Tape Roll Edge, Drill Art and Stripe covers; Ventilators, Handles, Button Tuft, \$9.75.

Dependable, Spring-filled, Tape Smooth Edge, Woven Fancy Stripe and ACA Covers; Ventilators, Button Tuft, Metal Handholds, \$10.75.

Commander, Spring-filled, Tape Smooth Edge, Quilted Border, Cord Handholds, Ventilators, Button Tuft; Damask, or Heavy Fancy Fripes in latest shades and designs, \$11.75.

**COTTON MATTRESSES**

Leader, Cotton Linters, Roll Edge, Art Cover, 45 lbs., \$5.50.

Semi-Felt, Plated with Microtized Cotton Felt with loose cotton center, 4-row Sateen Border, Handholds, Fancy Drill cover, 55 lbs., \$6.50.

Felt-Special Microtized, All Cotton Felt, Roll Edge, Art cover, 45 lbs., \$6.95.  
Texas, Microtized, All Cotton Felt, 4-row Sateen Border, Handholds, Fancy Art Cover, 55 lbs., \$8.50.

SHODDY MATTRESSES

Junior, Roll Edge, Art cover, 45 lbs., \$4.50.  
Victor, 4-row, Sateen Border, Art cover, Handholds, 50 lbs., \$5.00.  
Reliable, 4-row, Sateen Border, Plated with Microtized cotton Felt, Fancy Art cover, 55 lbs., \$5.75.  
Cotton Daveno Mattress, R. E., \$4.10.  
Shoddy Duofold Pad, \$3.40.  
Cotton Couch Pad, No Hinge, \$3.95.  
Cotton Couch Pad, Hinged, \$4.24.  
Cotton Day Bed Mattress R. E., with valance, \$4.95.  
Cotton Day Bed Slab with valance, \$4.40.  
Shoddy Daveno Mattress R. E., \$3.60.  
Shoddy Duofold Pad, \$3.00.  
Shoddy Couch Pad, No Hinge, \$3.25.  
Shoddy Couch Pad, Hinged, \$3.50.  
Shoddy Day Bed Mattress R. E. with valance, \$4.35.  
Shoddy Day Bed Slab with valance, \$3.65.

PUFFS WITH 2" BOX

	4-6 and 4-0	3-3 and 3-6	3-0	2-6
Cotton Linters.....	\$4.00	\$3.60	\$3.00	\$2.65
Felted Cotton (Microtized).....	5.00	4.50	3.85	3.25
Shoddy.....	3.50	3.20	2.70	2.40

No boxing—deduct 15¢ from above prices.

Subject to the Colorado Mattress Company's customary allowances, discounts, or other price differentials from its regular quoted price list in effect during March, 1942.

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

(c) This Order No. 34 may be revoked or amended by the Administrator at any time.

(d) This Order No. 34 (§ 1499.334) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 34 (§ 1499.334) shall become effective September 2, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 1st day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-8605; Filed, September 1, 1942; 4:34 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 35 Under § 1499.18 (b) of the General Maximum Price Regulation—Docket GF3-30]

STANTON BREWERY, INC.

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

§ 1499.335 *Adjustment of maximum prices for fermented malt beverages man-*

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

No. 174—4

ufactured by The Stanton Brewery Inc.

(a) The Stanton Brewery Inc., 1431 Fifth Avenue, Troy, New York may sell and deliver and Champlain Valley Fruit Company may buy and receive from The Stanton Brewery Inc., fermented malt beverages manufactured by The Stanton Brewery Inc., at prices not higher than those set forth below:

\$1.09 per case of 24 twelve ounce bottles.  
\$1.27 per case of 24 pint bottles.  
\$1.27 per case of 12 quart bottles.  
\$1.27 per case of 6 half gallons.  
\$2.93 per ¼ barrel.  
\$5.80 per ½ barrel.

The maximum prices listed above are f. o. b. brewery platform, Troy, New York and apply to the contents of the containers only.

(b) Champlain Valley Fruit Company may sell and deliver and retailers doing business in the State of Vermont may buy and receive from Champlain Valley Fruit Company, fermented malt beverages manufactured by The Stanton Brewery Inc., at prices not higher than those set forth below:

\$1.75 per case of 24 twelve ounce bottles.  
\$2.05 per case of 24 pint bottles.  
\$2.05 per case of 12 quart bottles.  
\$2.05 per case of 6 one-half gallon bottles.  
\$4.78 per quarter barrel.  
\$9.50 per one-half barrel.

(c) Retailers doing business in the State of Vermont may sell and deliver and any person may buy and receive from retailers doing business in the State of Vermont fermented malt beverages manufactured by The Stanton Brewery Inc., at prices not higher than those set forth below:

12 oz. bottles..... 10¢ per bottle.  
pint bottles..... 13¢ per bottle or 2 bottles for 25¢.  
quart bottles..... 25¢ per bottle.  
½ gallon bottles..... 50¢ per bottle.

or the maximum prices established for the particular retailer under § 1499.2 of the General Maximum Price Regulation, whichever is higher.

(d) The adjustments granted to The Stanton Brewery Inc., and Champlain Valley Fruit Company in paragraphs (a) and (b) respectively are subject to the condition that The Stanton Brewery Inc., or Champlain Valley Fruit Company shall forthwith by circular or other appropriate means, notify all retailers doing business in the State of Vermont who sell fermented malt beverages manufactured by the Stanton Brewery Inc., of the maximum prices for such fermented malt beverages established for such retailers by the Office of Price Administration by paragraph (c) of this Order No. 35.

(e) All prayers of the petition not granted herein are denied.

(f) This Order No. 35 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 35 (§ 1499.335) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(h) This Order No. 35 (§ 1499.335) shall become effective September 2, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 1st day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-8606; Filed, September 1, 1942; 4:37 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 30 Under § 1499.18 (c) of the General Maximum Price Regulation—Docket GF3-838]

SHAMROCK TOWING COMPANY, INC.

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

§ 1499.380 *Adjustment of maximum price of Shamrock Towing Company, Inc., for transportation of refuse for the City of New York.* (a) Shamrock Towing Company, Inc., Pier 93, Foot of West 53d Street, New York, New York, may sell and deliver and the City of New York may buy and receive from Shamrock Towing Company, Inc., under a contract for towing services for which bids were received, publicly opened, and read in the Department of Sanitation of the City of New York on June 23, 1942, transportation services in the towing of refuse material in scows or barges owned by the City of New York between certain points in the City of New York and points in the Harbor and Port of New York, and return of the empty scows and barges, all as directed by the New York City Department of Sanitation at a price not higher than \$146,689 for the period from July 1, 1942 through June 30, 1943.

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

(c) This Order No. 30 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 30 (§ 1499.380) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 30 (§ 1499.380) shall become effective September 2, 1942.

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

Issued this 1st day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-8607; Filed, September 1, 1942; 4:36 p. m.]

PART 1300—PROCEDURE

[Amendment 2 to Procedural Regulation 1<sup>1</sup>]

PROCEDURE FOR THE ISSUANCE, PROTEST, AND AMENDMENT OF MAXIMUM PRICE REGULATIONS

A new sentence is added to § 1300.37 as set forth below and a new § 1300.59 is added.

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

§ 1300.37 *Action by the Administrator on petition.*

Whenever necessary or appropriate for the full and expeditious determination of common questions raised by two or more petitions for amendment the Administrator may consolidate such petitions.

§ 1300.59 *Joint protests and petitions.* Two or more persons may file a joint protest or petition for amendment. Joint protests and petitions shall be filed and determined in accordance with the rules governing the filing and determination of protests and petitions filed by one person. A joint protest shall be verified in accordance with Rule 14 (g) by each protestant. A joint protest or petition may be filed only where at least one ground is common to all persons joining in it. Whenever the Administrator deems it to be necessary or appropriate for the disposition of joint protests or petitions, he may treat such joint protests or petitions as several, and, in any event, he may require the filing of materials relevant to the individual position of each person joining in it.

§ 1300.58 *Effective dates of amendments.*

(b) Amendment No.-2 (§§ 1300.37 and 1300.59) to Procedural Regulation No. 1 shall become effective September 8, 1942. (Pub. Law 421, 77th Cong.)

Issued this 2d day of September 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-8638; Filed, September 2, 1942; 12:01 p. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS  
[Amendment 1 to Maximum Price Regulation 186<sup>1</sup>]

WESTERN WOODEN AGRICULTURAL CONTAINERS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\* In § 1377.114 (a), Table 1—Shook, the delivered prices of cannery trays in Group 8, apple, artichoke and rhubarb items in Group 5, and of trays 2' x 3'—Over 24", bottoms, in all groups, is amended; in § 1377.114 (b), Notes, item No. 1 is amended and item No. 3 is revoked; in § 1377.114 (c) Table 3, the note is amended and the list "extra charges on covers" is amended; in § 1377.114 (f) Table 6, item (6) is amended; and two new §§ 1377.113a and 1377.115 are added as set forth below.

§ 1377.114 *Appendix A: Maximum prices for western wooden agricultural containers.* (a) \* \* \*

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

<sup>1</sup> 7 F.R. 5776.

TABLE 1—SHOOK

Cannery: Trays, 1 piece bottom. Price in Group 8, \$63.00.

Deciduous: \* \* \*  
Apple, artichoke and rhubarb. Price in Group 5, \$45.25.

Trays: \* \* \*  
2' x 3'—over 24" bottoms:  
Add, bottoms only. Price in basic price column and in all group columns—\$10.00.

(b) \* \* \*

NOTES

1. The maximum price for any of the Northwest items set forth in Table 2 which are produced anywhere within the "Northwest region", but where delivery takes place outside the State of Washington, shall be the price set forth in Table 2 plus transportation charges to the point of delivery calculated from Spokane, Washington; the maximum price of any item produced in the "Northwest region" but not listed in Table 2 shall be determined in accordance with Table 1.

(c) \* \* \*

TABLE 3—COVERS

NOTE: No additional price for slight variation in length of covers, no lower price for narrower cleats or slats. Delivered price groups based on zones in Table 1. Basing points Klamath Falls, Oregon, or Weed, California, whichever is lower. Maximum for shipment beyond group 19 is basic price plus freight.

EXTRA CHARGES ON COVERS

Staining cleats:	Add
For black, any cover....	\$0.20 per C covers.
For red any cover.....	0.10 per C covers.
For vegetable & celery covers, except black...	0.10 per C covers.
For all other covers and other colors.....	0.05 per C covers.
When cleats are 1/2" or heavier add to above.	0.05 per C covers.
Additions for heavier cleats:	
When cleats are 1/4" on items 29 to 41 inclusive add .....	0.05 per C covers.
When cleats are 3/16" on items 29 to 41 inclusive add.....	0.15 per C covers.
Printing:	
For covers with slats 3 1/2" wide or less:	
When 1 slat printed in one color.....	0.125 per C covers.
Printing—Continued.	
For covers with slats 3 1/2" wide or less—Continued.	
When 1 slat printed in two colors.....	\$0.20 per C covers.
When 2 or more slats printed in one or two colors.....	0.125 per C slats.
For covers with slats 3 3/4" to 8" wide:	
When 1 or 2 slats printed in one or two colors.....	0.25 per C covers.
When 3 or more slats printed in one or two colors.....	0.125 per C slats.
When stock is thinner than 1/8", add to above.....	0.10 per C covers.

(f) \* \* \*

TABLE 6—WAREHOUSING AND DELIVERY CHARGES

(6) For delivering framed stock: Add \$4.00 per thousand feet, or actual cost, whichever is lower, for all items 1. c. 1.

§ 1377.115 *Method of calculating footage.* Where the maximum prices in this Maximum Price Regulation No. 186 are stated to be per thousand feet of shook, footage shall be determined according to the method set forth in "Tariff No. 1, Official Box and Crate Specifications of the Pacific Division of the National Wooden Box Association", as revised.

§ 1377.113a *Effective dates of amendments.* (a) Amendment No. 1, (§§ 1377.114 (a), (b), (c) and (f), 1377.113a and 1377.115) to Maximum Price Regulation No. 186 shall become effective September 8, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 2d day of September 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-8637; Filed, September 2, 1942; 12:00 m.]

PART 1365—HOUSEHOLD FURNITURE

[Maximum Price Regulation 213]

COIL AND FLAT BEDSPRINGS WITH NON-STEEL FRAMES

The purpose of this Maximum Price Regulation No. 213 is to set specific maximum prices for coil and flat bedsprings with non-steel frames at all levels. The Price Administrator has ascertained and given due consideration to the prices and the trade practices prevailing in the industry 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 the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

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

<sup>1</sup> 7 F.R. 9713, 663.



ministration, Maximum Price Regulation No. 213 is hereby issued.

**AUTHORITY:** §§ 1365.51 to 1365.75, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1365.51 *Prohibition against dealing in coil or flat bedsprings with non-steel frames above maximum prices.* On and after September 7, 1942, regardless of any contract or any other obligations, no person shall sell or deliver any coil or flat bedspring with a non-steel frame and no person in the course of trade or business shall buy or receive any such bedspring at prices higher than the maximum prices set forth in this Maximum Price Regulation No. 213, 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 such a bedspring to purchasers, if prior to September 7, 1942, such a bedspring has been received by a carrier, other than a carrier owned or controlled by the seller for shipment to such purchaser.

§ 1365.52 *Less than maximum prices.* Lower prices than those set forth in this Maximum Price Regulation No. 213 may be charged, demanded, paid or offered.

§ 1365.53 *F. O. B. factory maximum prices for the sale of coil bedsprings with wood frames by manufacturers.* (a) The F. O. B. factory, L. C. L. maximum price for the sale by a manufacturer of a coil bedspring with a wood frame shall be the price listed in this paragraph below:

Class	Description	Maximum price f.o.b. factory, i.e. 1. <sup>2</sup>
A.....	Single deck coil, crimp wire tie, bedspring with wood frame.....	\$5.45
B.....	Single deck coil, helical tie, bedspring with wood frame.....	6.00
C.....	Semidouble deck coil, helical tie, bedspring with wood frame.....	7.00
D.....	Double deck coil, bedspring with wood frame.....	7.30

<sup>1</sup>F. O. B. factory L. C. L. maximum prices in the Far West Zone shall be determined by adding \$.30 per bedspring to Class A and B coil bedsprings and \$.40 per bedspring to Class C and D coil bedsprings.

(b) To determine the F. O. B. factory carload maximum price of the class of coil bedspring with a wood frame listed in paragraph (a) hereof,

(1) A manufacturer who in March 1942 quoted both on an F. O. B. factory L. C. L. and an F. O. B. factory carload basis, shall deduct from the maximum price of such bedspring set forth in paragraph (a) hereof, an amount equal to the difference between the manufacturer's F. O. B. factory L. C. L. and F. O. B.

factory carload prices in effect during March 1942 for a bedspring in the nearest price bracket under the same conditions of sale.

(2) A manufacturer who in March 1942 did not quote on an F. O. B. factory L. C. L. basis, but did quote on an F. O. B. factory carload basis shall file an application in writing with the Office of Price Administration, Washington, D. C., for instructions and authorization to determine such a carload price.

(c) An F. O. B. factory maximum price established by paragraphs (a), or (b) hereof shall be subject to trade discounts, allowances, and differentials which reflect the same differentials the manufacturer made during March 1942 from his F. O. B. factory price (L. C. L. or carload respectively) of the most comparable bedspring with a steel frame for different types of purchasers or for purchases of different quantities of bedsprings.

§ 1365.54 *Delivered and warehouse maximum prices for manufacturers and jobbers.* (a) If a manufacturer customarily made free delivery of a bedspring to certain delivery points during March 1942 at a F. O. B. factory price, then such F. O. B. factory price established by this Maximum Price Regulation No. 213 for the most comparable bedspring with a wood frame shall include free delivery to the same delivery points.

(b) To determine a delivered or warehouse maximum price of a class of coil bedspring with a wood frame which is listed in § 1365.43 of this Maximum Price Regulation No. 213, a manufacturer or person selling at wholesale shall add,

(1) To the F. O. B. factory L. C. L. maximum price established in paragraph (a) of § 1365.53 of this Maximum Price Regulation No. 213, the dollar amount by which such seller's delivered or warehouse price exceeded the manufacturer's F. O. B. factory L. C. L. price for the most comparable bedspring with a steel frame during March 1942 under the same conditions of sales; or

(2) To the F. O. B. factory carload maximum price determined in accordance with § 1365.53 (b) of this Maximum Price Regulation No. 213, the dollar amount by which the seller's delivered or warehouse price exceeded the manufacturer's F. O. B. factory carload price for the most comparable bedspring with a steel frame during March 1942 under the same conditions of sale.

§ 1365.55 *Manufacturers' and jobbers' terms.* (a) No manufacturer or person selling at wholesale a class of coil bedspring with a wood frame listed in § 1365.53 (a) hereof may reduce his cash discounts below those which he had in effect during March 1942 for a bedspring in the most comparable price bracket.

§ 1365.56 *Additions to maximum prices.* There may be added to the maximum prices of the classes of coil bedsprings with wood frames determined by §§ 1365.53 and 1365.54 of this Maximum Price Regulation No. 213, \$1.05 for a full platform top, \$.60 for a partial platform top and \$.15 per pair for stabilizers.

§ 1365.57 *Specifications of classes of coil bedsprings with wood frames.* (a) Class "A," single deck coil, crimp wire tie, bedspring with wood frame means a bedspring manufactured in accordance with the following specifications:

Number and Type of Coils—80, 81, 88, or 90, single deck.

Gauge and Kind of Coil Wire—Minimum: #12 high carbon steel spring wire.

Top Assembly—Crimp wire.

Gauge and Kind of Border Wire—Minimum: #3 low carbon steel wire.

Frame—To be adequately braced and composed of the following members:

Side Rails— $\frac{1}{2}$ " x  $1\frac{3}{4}$ " Maple, Oak, Ash or wood of equivalent strength and serviceability.

Cross Members—9 for 81 coil bedspring, 10 for 80 or 90 coil bedspring and 11 for 88 coil bedspring;  $\frac{1}{2}$ " x  $1\frac{1}{4}$ " Maple, Oak, Ash, or wood of equivalent strength and serviceability, assembled with side rails by mortise and tenon or by notched and lap joint connection.

Frame Finish—Baked enamel with sealer undercoat; or a finish of equivalent quality.

Weight of wire (not including hardware and accessories)—Minimum: 20 lbs.

(b) Class "B" single deck coil, helical tie, bedspring with wood frame means a bedspring manufactured in accordance with the following specifications:

Number and Type of Coils—80, 81, 88, or 90, single deck.

Gauge and Kind of Coil Wire—Minimum: #12 high carbon steel spring wire.

Top Assembly—Cross Helical

Gauge and Kind of Helical Wire—Minimum: #17 high carbon steel spring wire.

Gauge and Kind of Border Wire—Minimum: #0 low carbon steel wire.

Frame—To be adequately braced and composed of the following members:

Side Rails— $1\frac{1}{2}$ " x  $1\frac{3}{4}$ " Maple, Oak, Ash, or wood of equivalent strength and serviceability.

Cross Members—9 for 81 coil bedspring, 10 for 80 or 90 coil bedspring and 11 for 88 coil bedspring;  $1\frac{1}{2}$ " x  $1\frac{1}{4}$ " Maple, Oak, Ash, or wood of equivalent strength and serviceability assembled with side rails by mortise and tenon or by notched and lap joint connection.

Frame Finish—Baked enamel with sealer undercoat; or a finish of equivalent quality.

Weight of Wire (not including hardware and accessories)—Minimum: 24 lbs.

(c) Class "C," semi-double deck coil, bedspring with wood frame means a bedspring manufactured in accordance with the following specifications:

Number and Type of Coils—88 or 90, semi-double deck (excepting border coils).

Gauge and Kind of Coil Wire—Minimum: #12 high carbon steel spring wire.

Top Assembly—Cross Helical.

Gauge and Kind of Helical Wire—Minimum: #17 high carbon steel spring wire.

Gauge and Kind of Border Wire—Minimum: #0 low carbon wire.

Center Wire Tie—Round wire through all semi-double deck coils.

Frame—To be adequately braced and composed of the following members:

Side Rails—13/16" x 1 1/4" Maple, Oak, Ash or wood of equivalent strength and serviceability.

Cross Members—10 for 90 coil bedspring and 11 for 88 coil bedspring; 13/16" x 1 1/4" Maple, Oak, Ash, or wood of equivalent strength and serviceability assembled with side rails by mortise and tenon or by notched and lap joint connection.

Frame Finish—Raked enamel with sealer undercoat; or a finish of equivalent quality.

Weight of Wire (not including hardware and accessories)—Minimum: 27 lbs.

(d) Class "D", double deck coil bedspring with wood frame means a bedspring manufactured in accordance with the following specifications:

Number and Type of Coils—88 or 90, close wound center double deck coils (excepting border coils).

Gauge and Kind of Coil Wire—Minimum: #12 high carbon steel spring wire.

Top Assembly—Cross helical.

Gauge & Kind of Helical Wire—#17 high carbon steel spring wire.

Gauge & Kind of Border Wire—#0 low carbon steel wire.

Center Wire Tie—Round or flat wire running two ways through all double deck coils.

Frame—To be adequately braced and composed of the following members:

Side Rails—1 1/4" x 1 3/4" Maple, Oak, Ash or wood of equivalent strength and serviceability.

Cross Members—10 for 90 coil bedspring and 11 for 88 coil bedspring; 1 1/4" x 1 3/4" Maple, Oak, Ash, or wood of equivalent strength and serviceability assembled with side rails by mortise and tenon or by notched and lap joint connection.

Frame Finish—Baked enamel with sealer undercoat; or a finish of equivalent quality.

Weight of Wire (not including hardware and accessories)—Minimum: 29 lbs.

(e) "Full platform top" means the steel bands on top of a coil spring of the following minimum specifications: Platform top to cover the entire coil area (excepting border coils) and to consist of the following number of 5/8" x .020" steel bands:

	Cross bands	Length bands
80 Coil Bedspring-----	8	6
81 Coil Bedspring-----	7	7
88 Coil Bedspring-----	9	6
90 Coil Bedspring-----	8	7

(f) "Partial platform top" means the steel bands on top of a coil spring of the following minimum specifications: Platform top to extend full length of coil surface (excepting border coils) and to consist of the following number of 5/8" x .020" steel bands:

	Length bands
80 Coil Bedspring-----	6
81 Coil Bedspring-----	7
88 Coil Bedspring-----	6
90 Coil Bedspring-----	7

or platform top to extend full width of coil surface (excepting border coils) and to consist of the following number of 5/8" x .020" steel bands:

	Cross bands
80 Coil Bedspring-----	8
81 Coil Bedspring-----	7
88 Coil Bedspring-----	9
90 Coil Bedspring-----	8

or Platform top to cover one third of the coil area of the spring and to consist of the following number of 5/8" x .020" steel bands:

	Cross bands	Short length bands
80 Coil Bedspring-----	4	6
81 Coil Bedspring-----	3	7
88 Coil Bedspring-----	5	6
90 Coil Bedspring-----	4	7

(g) The specifications set forth in paragraphs (a), (b), (c), (d), (e) and (f) hereof are for the full size 4'-6" bedspring. Other widths are to conform to above specifications except for the number of coils, weight of wire, and number of steel bands in a platform top which may vary in the same proportion as such specifications of the manufacturer's most comparable bedspring with a steel frame of any other width customarily varied from the specifications of the 4'-6" size during the most recent period of production provided such specifications conform to orders of the War Production Board.

(h) "Stabilizer" means a device fastened to and connecting the border frame to the base frame in a manner adequately to prevent sway.

(i) "Hardware and accessories" means any metal appurtenance attached to or used in the assembly of the bedspring, such as nails, screws, platform tops, stabilizers, etc., but does not include wire which is part of the bedspring proper.

§ 1365.58 Permitted variations of specifications. (a) Wood frames differing in specifications from those set forth in paragraphs (a), (b), (c) and (d) of § 1365.57 of this Maximum Price Regulation No. 213 may be substituted for those listed in such paragraphs: *Provided*, That they are equal in strength and serviceability and are specifically approved in writing by the Office of Price Administration prior to first offering the bedspring for sale.

(b) If a manufacturer is able to manufacture a bedspring fulfilling all of the specifications of a Class A, B, C, or D bedspring, as set out in § 1365.57 of this Maximum Price Regulation No. 213, except for the gauge of wire, then in case the prescribed wire is unavailable, the manufacturer may manufacture such bedspring with a different gauge of wire as long as the prescribed wire is unavailable: *Provided*, That the substitute wire does not cost less, does not lessen the serviceability of such bedspring and the following requirements of this paragraph have been fulfilled. Immediately upon the substitution of such wire, the manufacturer shall file, with the Office of Price Administration, Washington,

D. C., a statement setting forth (1) the specifications of the bedspring in which the substitution is necessary, (2) the reasons for the necessity of such substitution, (3) the gauge and amount of wire substituted, (4) explanation of why such substitution does not decrease the serviceability of such bedspring, and (5) the approximate number of bedsprings proposed to be made with such substitute wire. After such statement has been mailed to the Office of Price Administration, the manufacturer may sell the number of such bedspring set forth in said statement, subject to price adjustment which may be ordered by the Office of Price Administration at any time. If the manufacturer finds that he will exceed the number indicated, he shall file a supplementary statement setting forth the additional number to be so manufactured, and may sell such additional number subject to price adjustment which may be ordered by the Office of Price Administration.

§ 1365.59 Maximum prices for sales at retail. (a) The maximum cash prices for a sale at retail of the following classes of coil bedsprings with wood frames shall be the prices listed in the paragraph below:

Class and description:	Maximum cash price at retail
A. Single deck coil, crimp wire tie, bedspring with wood frame-----	\$9.50
B. Single deck coil, helical tie, bedspring with wood frame-----	10.50
C. Semi-double deck coil, helical tie, bedspring with wood frame-----	12.50
D. Double deck coil, bedspring with wood frame-----	13.00

(b) Carrying charges and credit terms for sales at retail of the classes of coil bedsprings listed in paragraph (a) hereof shall be no less favorable to the purchaser than those which such seller had in effect during March 1942 for the most comparable bedsprings to the extent that such terms are not in conflict with any law, regulation or order of the United States Government or agency thereof.

§ 1365.60 Additions to basic maximum retail prices. There may be added to the basic maximum cash prices of the classes of coil bedsprings with wood frames set forth in paragraph (a) of § 1365.59 of this Maximum Price Regulation No. 213, \$1.75 for a full platform top, \$1.00 for a partial platform top and \$.25 per pair for stabilizers.

§ 1365.61 Maximum prices for the sale of coil and flat bedsprings with non-steel frames other than those established in §§ 1365.53 and 1365.54. (a) The maximum price for a coil or flat bedspring with a non-steel frame other than one manufactured in accordance with the specifications set forth in § 1365.57 or which cannot be priced under §§ 1365.53

<sup>3</sup> There may be added for sales at retail in the Far West Zone a maximum of \$.50 to Class A and B bedsprings and \$.70 to Class C and D bedsprings.



and 1365.54 of this Maximum Price Regulation No. 213 shall be a price in line with those established by this Maximum Price Regulation No. 213, specifically authorized by the Office of Price Administration.

(b) Prior to first offering such bed-spring for sale, the manufacturer shall submit to the Office of Price Administration, Washington, D. C., a report applying for specific authorization of the maximum price. The report shall contain a description in detail of the article (including the manufacturing process), a statement of the facts which make it necessary to price the article under this Section and the proposed maximum F. O. B. factory, delivered and warehouse prices with a detailed explanation of their computation. The manufacturer shall also propose maximum prices for persons selling at wholesale and persons selling at retail in line with the differentials established in this Maximum Price Regulation No. 213 for the classes of coil bed-spring with wood frames listed in § 1365.53 (a) hereof. On the basis of this application, the Office of Price Administration may authorize by order maximum prices for sales by the manufacturer, for sales at wholesale, and sales at retail of such bed-spring. After receipt of the authorization, the manufacturer may sell the bed-spring if, by a communication in writing at the time of, or prior to his first invoice to a person purchasing for the purpose of resale, he informs each purchaser of the provisions of the authorization which establishes the maximum prices of such bed-spring, and if such manufacturer complies with the requirements of § 1365.62 of this Maximum Price Regulation No. 213.

§ 1365.62. *Retail price labels.* Before the delivery of any coil or flat bed-spring with a non-steel frame, the manufacturer must attach securely to such bed-spring so that it is clearly visible a durable tag containing in easily readable lettering the statement in the following form:

The Office of Price Administration has established a Retail Ceiling Price of \$\_\_\_\_\_ for this bed-spring. Lower prices may be charged. This tag may not be removed until after delivery to the consumer.

§ 1365.63 *Evasion.* The provisions of this Maximum Price Regulation No. 213 shall not be evaded either by direct or indirect methods in connection with the manufacturing or sale of a coil or flat bed-spring with a non-steel frame or in connection with an offer, solicitation, agreement, or sale of any such bed-spring, 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 trade understanding, or by any other means.

§ 1365.64 *Records.* (a) Every manufacturer and person selling at wholesale a coil or flat bed-spring with a non-steel frame after September 7, 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 sale of such bed-spring, name and

address of the buyer, name, number or other designation, and the price received for each such bed-spring, quantity sold, and discounts and allowances of any nature given.

(b) Every person selling at retail a bed-spring for which, upon sale by that person, maximum prices are established by this Maximum Price Regulation No. 213 shall keep, and make available for examination by the Office of Price Administration, records of the same kind as he has customarily kept, relating to the prices which he charged for such bed-springs as he sold after the effective date of this Maximum Price Regulation No. 213.

§ 1365.65 *Reports.* On or before September 7, 1942, every manufacturer and person selling at wholesale offering to sell a coil or flat bed-spring with a non-steel frame shall file with the Office of Price Administration in Washington, D. C., a statement giving specifications and the F. O. B. factory and delivered maximum price of such article, showing all allowances, discounts, charges and other differentials in effect at the time of filing of such statement. Such statement shall be kept up to date by such person filing on the 10th day of any month thereafter, a similar statement of any additional coil or flat bed-spring with a non-steel frame which was first manufactured and offered for sale during the preceding calendar month.

§ 1365.66 *Sales slips and receipts.* (a) Any seller of bed-springs who has customarily given a purchaser a flat or coil bed-springs with steel frames a sales slip, receipt, or similar evidence of purchase shall continue to do so to purchasers of flat or coil bed-springs with non-steel frames. Upon request from a purchaser any seller of a flat or coil bed-spring with a non-steel frame, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the name of such bed-spring sold, and the price received for it.

§ 1365.67 *Penalties.* Persons violating any provisions of this Regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Emergency Price Control Act of 1942, and proceedings for the suspension of licenses.

§ 1365.68 *Application for adjustment.* (a) The Office of Price Administration may by order adjust the maximum price established under this Maximum Price Regulation No. 213 for any seller who shows: (1) that due to the circumstances of his case the maximum prices established by this Maximum Price Regulation No. 213 cause a substantial hardship to him and (2) that the granting of relief in his case and in all like cases will not defeat or impair the policy of the Emergency Price Control Act of 1942 and of this Maximum Price Regulation No. 213 to eliminate danger of inflation.

(b) Applications for adjustment under this section shall be filed in accordance

with the provisions of the appropriate Procedural Regulation No. 1<sup>4</sup> or No. 2<sup>5</sup>

§ 1365.69 *Petitions for amendment.* Any person seeking a modification of any provision of this Maximum Price Regulation No. 213 may file a petition for amendment in accordance with provisions of the appropriate Procedural Regulation No. 1 or No. 2, issued by the Office of Price Administration.

§ 1365.70 *Licensing—applicability of the registration and licensing provisions of the General Maximum Price Regulation.* The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this Maximum Price Regulation No. 213 selling at wholesale or retail any bed-spring covered by this Maximum Price Regulation No. 213. When used in this Section, the terms "selling at wholesale", "selling at retail" and "seller" have the definitions given to them by §§ 1499.20 (p), 1499.20 (o) and 1499.20 (s) respectively of the General Maximum Price Regulation.

§ 1365.71 *Definitions.* (a) When used in this Maximum Price Regulation No. 213 the term:

(1) "Manufacturing" means the process of fabricating, or assembling a coil or flat bed-spring with a non-steel frame.

(2) "Manufacturer" means a person operating a business which fabricates or assembles a flat or coil bed-spring with a non-steel frame.

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

(4) "Records" includes books of accounts, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(5) "Sale at retail" or "selling at retail" means a sale or selling to an ultimate consumer.

(6) "Sale at wholesale" or "selling at wholesale" means a sale by a person who receives delivery of a coil or flat bed-spring with a non-steel frame and resells it, without substantially changing its form, to any person other than the ultimate consumer.

(7) "Far West Zone" means the states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, and the following counties in Texas: El Paso, Hudspeth, Culberson, Jefferson, Davis, Presidio, Brewster, Terrell, Pecos, Reeves.

(8) "F. O. B. factory L. C. L." means the manufacturer's list or other regularly quoted price for a bed-spring sold in less than carload lots for delivery

<sup>4</sup> 7 F.R. 663, 9713.

<sup>5</sup> 7 F.R. 3522, 3664.



F. O. B. his factory or local area surrounding his factory.

(9) "F. O. B. factory carload" means the manufacturer's list or other regularly quoted price for a bedspring sold in carload lots for delivery F. O. B. his factory or local area surrounding his factory.

(10) Coil or flat bedspring with non-steel frame as used in this order means an unupholstered bedspring in which materials other than steel are used in the supporting frame.

(11) "Most comparable bedspring" is a bedspring, the specifications of which, except for the supporting frame, are most nearly the same as those set forth in § 1365.57 hereof for the bedspring being compared.

§ 1365.72 *Applicability of General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 213 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

§ 1365.73 *Export sales.* The maximum price at which a person may export flat or coil bedsprings with wood frames shall be determined in accordance with the provisions of the Maximum Export Price Regulation<sup>6</sup> issued by the Office of Price Administration.

§ 1365.74 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 213 shall be applicable to the forty-eight states and the District of Columbia.

§ 1365.75 *Effective date.* This Maximum Price Regulation No. 213 (§§ 1365.51 to 1365.75, inclusive) shall become effective September 7, 1942.

Issued this 2d day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-8636; Filed, September 2, 1942; 12:02 p. m.]

#### PART 1389—APPAREL

[Amendment 2 to Maximum Price Regulation 177<sup>1</sup>]

##### MEN'S AND BOYS' TAILORED CLOTHING

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

The text of § 1389.104 (a) (2) is redesignated § 1389.104 (a) (3). Sections 1389.102 (b); 1389.103 (a) (3) (1) and (b) (3) (i); 1389.104 (a) (1), (a) (2) and (b) (1); 1389.115 (b); 1389.116 (c); 1389.119 (a) (9) are amended as set forth below:

§ 1389.102 *Categories of men's and boys' tailored clothing.* \* \* \*

(b) *Same and similar garments.* (1) One garment shall be considered similar

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

<sup>1</sup> 7 F.R. 5182, 5475.

<sup>6</sup> 7 F.R. 5059.

to another garment if the first is in the same classification as the second, has the same use, is made with equivalent workmanship, and contains materials and trimmings which are of the same type and quality, and would ordinarily sell at substantially the same price; differences merely in color or design shall be disregarded.

(2) A garment which is the same as, or similar to, a garment dealt in during the applicable base period, except for simplification in compliance with War Production Board Conservation Order No. M 73A of March 2, 1942 (§ 1055.2), shall be considered the same as, or similar to such base period garment, except that a one-pant suit shall be considered the same as, or similar to, a two-pant suit.

§ 1389.103 *Maximum prices for sales at retail of ready-made garments.* (a)

(3) \* \* \*

(i) Selecting from the same classification and nearest price range that garment, priced under paragraph (a) (1) of this section, of which the seller delivered the largest number of units during March 1942; \* \* \*

(b) \* \* \*

(3) \* \* \*

(i) Selecting from the same classification and nearest price range that garment, priced under paragraph (b) (1) of this section of which the seller delivered the largest number of units during September, October, and November 1941; \* \* \*

§ 1389.104 *Maximum prices for sales of ready-made garments otherwise than at retail.* (a) \* \* \*

(1) In those cases in which the same or similar garments were booked during July, August, September, October or November 1941, and in which subparagraph (2) does not apply:

The price at which the largest number of units of the same and similar garments were booked during such months, plus the amount indicated in Appendix A (§ 1389.121);

(2) In those cases in which the same or similar garments were booked during July, August, September, October or November 1941, and in which more than 60 percent of the garments so booked were delivered before December 1, 1941.

The price at which the largest number of units of the same and similar garments so booked were delivered during such months, plus nine percent of that portion of such price which does not exceed thirty dollars in the case of suits, twenty dollars in the case of separate coats and ten dollars in the case of separate pants and vests, and by five percent of that portion of such price which exceeds such limits. To this figure shall be added the amount indicated in Appendix A (§ 1389.121); \* \* \*

(b) \* \* \*

(1) In those cases in which the seller delivered the same or similar garments during July, August, September, October, and November 1941:

The price at which the seller during such months delivered the largest number

of units of the same and similar garments, plus the amount indicated in Appendix B (§ 1389.122);

§ 1389.115 *Records of sellers of ready-made garments otherwise than at retail, and of all manufacturers.* \* \* \*

(b) *Statements to be filed.* (1) On or before October 10, 1942, every person who sells men's and boys' ready-made tailored clothing otherwise than at retail, and every person who retails men's and boys' ready-made tailored clothing of which he is the manufacturer, shall file a statement with the Office of Price Administration, Washington, D. C., on a form to be prescribed. The statement shall contain such information relating to garments sold during the applicable base period, and to garments sold on and after July 11, 1942, as the form requires.

(2) On or before the tenth day of the month of November 1942, and of each succeeding month, every person who sells men's and boys' ready-made tailored clothing shall file a supplemental statement. This statement shall be subject to the same requirements as the original statement, but shall relate only to garments sold, delivered or offered for sale during the preceding calendar month, and not previously reported. When there is nothing new to report, no supplemental statement need be filed.

(3) The requirements of subparagraphs (1) and (2) are subject to the following exceptions:

(i) No statement need be filed by any person whose total sales of all men's and boys' tailored clothing during the year ended June 30, 1942, did not exceed one hundred thousand dollars.

(ii) No statement need be filed with respect to ceremonial and religious vestments other than suits, coats, pants and vests.

§ 1389.116 *Records of sellers of "tailored to the trade" and "made to measure" garments.* \* \* \*

(c) *Statements to be filed by manufacturers.* (1) On or before October 10, 1942, every manufacturer of men's and boys' "tailored to the trade" and "made to measure" clothing shall file a statement with the Office of Price Administration, Washington, D. C., on a form to be prescribed. The statement shall contain such information relating to garments sold during the applicable base period, and to garments sold on and after July 11, 1942, as the form requires.

(2) On or before the 10th day of November 1942, and of each succeeding month, every manufacturer of men's and boys' "tailored to the trade" and "made to measure" clothing shall file a supplemental statement. This statement shall be subject to the same requirements as the original statement, but shall relate only to garments sold, delivered or offered for sale during the preceding calendar month, and not previously reported. When there is nothing new to report, no supplemental statement need be filed.

(3) The requirements of subparagraphs (1) and (2) are subject to the following exceptions:

(i) No statement need be filed by any person whose total sales of all men's and boys' tailored clothing during the year ended June 30, 1942, did not exceed one hundred thousand dollars.

(ii) No statement need be filed with respect to ceremonial and religious vestments other than suits, coats, pants and vests.

§ 1389.119 *Definitions.* (a) \* \* \*

(9) A "price" at which any person booked, delivered or offered any garments during any base period shall be the net price at which such garment was booked, delivered or offered to purchasers of the same class; but if a garment was not booked or delivered to any purchaser of a particular class, the price at which it was actually booked or delivered to purchasers of another class, adjusted to reflect the seller's customary differentials between the two classes of purchasers, shall be taken as the price at which it was booked or delivered to purchasers of such particular class.

\* \* \* \* \*  
§ 1389.120a *Effective dates of corrections and amendments.* \* \* \*

(c) Amendment No. 2 (§§ 1389.102 (b); 1389.103 (a) (3) (i) and (b) (3) (i); 1389.104 (a) (1), (a) (2), (a) (3) and (b) (1); 1389.115 (b); 1389.116 (c); 1389.119 (a) (9)) to Maximum Price Regulation No. 177 shall become effective September 8, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 2d day of September 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-8639; Filed, September 2, 1942; 12:02 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[Amendment 14 to Maximum Price Regulation 136, as Amended]

MACHINES AND PARTS AND MACHINERY SERVICES

COUNTIES OF THE STATE OF MICHIGAN

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

New subparagraph 10 is added to § 1390.25 (c) and new paragraph (n) is added to § 1390.31a as set forth below:

§ 1350.25 *Petitions for amendment or adjustment.* \* \* \*

(c) *Amendments.* \* \* \*

(10) *Counties of the State of Michigan.* Notwithstanding the provisions of §§ 1390.5 and 1390.12, the maximum price applicable to the rental of any machine or part to the State of Michigan by the Board of County Road Commissioners of any County of the State of Michigan shall be the price agreed upon between the State of Michigan and its Counties

on July 21, 1942, as set forth in the rate sheets filed with the office of Price Administration on August 17, 1942.

§ 1390.31a *Effective dates of amendments.* \* \* \*

(n) Amendment No. 14 (§ 1390.25 (c) (10)) to Maximum Price Regulation No. 136, as amended, shall become effective September 8, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 2d day of September 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-8640; Filed, September 2, 1942; 12:00 m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[Amendment 12 to Maximum Price Regulation 136, as Amended]

MACHINES AND PARTS AND MACHINERY SERVICES

RADIO TRANSMITTING APPARATUS, ETC.

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

The item "radio transmitting and receiving apparatus" in paragraph (c) of § 1390.33 is amended and new paragraph (l) is added to § 1390.31a as set forth below:

§ 1390.33 *Appendix B: Machines and parts to which the March 31, 1942, date is applicable.* \* \* \*

(c) *Miscellaneous:* \* \* \*

Radio transmitting and receiving apparatus and parts (whether or not referred to in § 1390.32, Appendix A), including electronic devices for sound recording, sound and direction detection, communication, controlling, and measuring, electronic tubes, vacuum and gas filled, and similar light-sensitive devices, for applications other than sun lamps, light sources, and domestic radio receivers (see Revised Price Schedules No. 83—Radio Receivers and Phonographs<sup>2</sup> and No. 84—Radio Receiver and Phonograph Parts.)

\* \* \* \* \*  
§ 1390.31a *Effective dates of amendments.* \* \* \*

(l) Amendment No. 12 (§ 1390.33(c)) to Maximum Price Regulation No. 136, as amended, shall become effective September 8, 1942.

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

Issued this 2d day of September 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-8635; Filed, September 2, 1942; 12:00 m.]

<sup>1</sup> 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682.  
<sup>2</sup> 7 F.R. 1360, 1836, 2000, 2182, 2302, 3125, 3820.

<sup>3</sup> 7 F.R. 1362, 1836, 2000, 2132, 2169, 2303, 2512, 2543, 3821.

PART 1410—WOOL

[Amendment 4 to Maximum Price Regulation 163<sup>1</sup>]

WOOLEN AND WORSTED CIVILIAN APPAREL FABRICS

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

Paragraphs (a), (c) and (d) and subparagraph (1) of paragraph (f) of § 1410.102 and subparagraphs (3) and (5) of paragraph (a) of § 1410.115 are amended, paragraphs (h) and (i) and subparagraph (3) of paragraph (f) of § 1410.102, subparagraphs (11) and (12) of paragraph (a) of §§ 1410.115 and 1410.119 are added, and read as set forth below. Subparagraphs (4) and (6) of paragraph (a) of § 1410.115 are hereby revoked.

§ 1410.102 *Maximum prices for woolen and worsted apparel fabrics sold by the manufacturer—(a) Fabrics sold by the manufacturer during the applicable base period.* (1) Except as provided in paragraph (b) of this § 1410.102, the maximum price for a woolen or worsted apparel fabric which was sold by the manufacturer during the applicable base period shall be the manufacturer's standard opening price for such fabric in such period plus the applicable percentage of such standard opening price set forth below:

(i) *Classification No. 1.* The applicable base period for all stock-dyed woolen or worsted apparel fabrics sold for the spring season only or for both the spring and fall seasons, shall be the selling period for the spring season of 1942, and the applicable percentage shall be 12½%.

(ii) *Classification No. 2.* The applicable base period for all piece-dyed woolen or worsted apparel fabrics sold for the spring season only or for both the spring and fall seasons, shall be the selling period for the spring season of 1942, and the applicable percentage shall be 10%.

(iii) *Classification No. 3.* The applicable base period for all stock-dyed woolen or worsted apparel fabrics sold only for the fall season shall be the selling period for the fall season of 1941, and the applicable percentage shall be 22½%.

(iv) *Classification No. 4.* The applicable base period for all piece-dyed woolen or worsted apparel fabrics, other than the types enumerated in subparagraph (v) of this paragraph, sold only for the fall season shall be the selling period for the fall season of 1941, and the applicable percentage shall be 20%.

(v) *Classification No. 5.* The applicable base period for manipulated piece-dyed ski or snow cloth (all wool, cotton warp or cotton filling) and piece-dyed cotton warp or cotton filling meltons shall be the selling period for the fall season of 1941 and the applicable percentage shall be 30%: *Provided*, That in no

<sup>1</sup> 7 F.R. 4513, 4733, 4734, 5827, 5872.

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

<sup>1</sup> 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682.



case shall the maximum price for such fabrics exceed \$1.50 per yard.

(2) For the purposes of this paragraph (a), the "standard opening price" for a fabric shall be determined as follows: The gross selling prices at which sales of the fabric were made during the applicable base period shall be converted to "standard prices" by deducting from the gross selling prices the amount of all term discounts in excess of 1% offered by the manufacturer. The "standard opening price" shall be the "standard price," determined in accordance with the preceding sentence, at which the largest quantity of the fabric was sold by the manufacturer during the applicable base period.

(c) *Comparable fabrics.* (1) Except as provided in paragraph (i) of this § 1410.102, the maximum price for a woolen or worsted apparel fabric comparable to a fabric sold by the manufacturer during the applicable base period shall be the maximum price for such fabric determined in accordance with paragraph (a) of this § 1410.102, increased or decreased by the difference in the cost of raw materials used therein: *Provided*, That raw material costs for both the comparable fabric and the fabric to which it is compared shall be calculated at the highest cost which the manufacturer would have incurred for such raw material if purchased from his customary source of supply for delivery during March 1942.

(2) One fabric shall be deemed "comparable" to another fabric if the first has the same weave as the second, contains substantially the same total number of ends and picks per finished inch, substantially the same yarn sizes, weight per yard, width and finish, and belongs to the same classification,<sup>2</sup> but is manufactured from different blends of raw material: *Provided*, That one fabric shall not be deemed "comparable" to another fabric if the first differs from the second in respect to any one or more of the following elements of construction in excess of the amount of variance allowed:

Elements of construction:	Amount of variance allowed, percent
The sum of ends and picks per finished inch.....	10
Weight per finished yard.....	10
Yarn sizes.....	10
Finished width.....	4

(d) *New woolen or worsted apparel fabrics.* (1) The maximum price for a woolen or worsted apparel fabric for which a maximum price cannot be determined pursuant to paragraph (a), (b), (c) or (i) of this § 1410.102, shall be computed by multiplying the sum of (i) the cost of the raw materials used in the fabric and (ii) the manufacturing cost thereof, by the 1941 ratio of the manufacturer's weighted average selling price

<sup>2</sup> As set forth in § 1410.102 (a).

to his weighted average manufacturing cost of all woolen and worsted apparel fabrics.

(2) For the purposes of this paragraph (d):

(i) The cost of raw materials and the manufacturing cost shall not exceed such costs, determined in accordance with the customary accounting practice of the manufacturer, which the manufacturer would have incurred if the raw materials had been purchased from his customary source of supply for delivery during March 1942 and the fabric manufactured during such month;

(ii) The weighted average selling price shall be determined by dividing the total amount received during 1941 from the sale of all woolen and worsted apparel fabrics by the total number of yards thereof sold during 1941;

(iii) The weighted average manufacturing cost shall be determined by dividing the total manufacturing costs, including the cost of raw materials, of all woolen and worsted apparel fabrics manufactured during 1941 by the number of yards thereof so manufactured.

(f) *Customary discounts, trade practices, and transportation costs.* (1) Every manufacturer of woolen or worsted apparel fabrics shall continue his customary terms of sale, allowances, discounts and other price differentials to different purchasers and different classes of purchasers: *Provided*, That in no case need the terms of sale be more favorable to the purchaser than a discount of 1% for payment within ten days of the date of invoice, the gross amount payable within sixty days of such date.

(3) Every manufacturer of woolen or worsted apparel fabrics making sales subject to this § 1410.102, shall determine his maximum prices to the closest 2½¢ per yard.

(h) *Decorations.* In any case where a manufacturer adds decorations to a fabric the maximum price for which is determined pursuant to paragraphs (a), (c), (d) or (i) of this § 1410.102, the maximum price for such fabric shall be increased or decreased by the difference between the actual cost of the decorations added and the cost of the yarn replaced: *Provided*, That in computing the maximum price for a comparable, new or similar fabric pursuant to paragraphs (c), (d) or (i) of this § 1410.102, respectively, the cost of the decorations added to such fabric shall not be included in the cost of the raw materials used therein: *Provided further*, That in the case of sales of woolen or worsted apparel fabrics to which decorations have been added, the invoice or similar document required by paragraph (g) of this § 1410.102 shall also set forth a statement of the amount by which the maximum price for the fabric was increased or decreased by the addition of the decorations.

(i) *Similar fabrics.* (1) The maximum price for a woolen or worsted apparel fabric similar to a fabric sold by the manufacturer during the applicable base period shall be the maximum price for such fabric determined in accordance with paragraph (a) of this § 1410.102, increased or decreased by (i) the difference in the cost of the raw materials used therein and (ii) by the difference in the manufacturing cost thereof: *Provided*, That the raw material and manufacturing costs for both the fabric priced under this paragraph (i) and the fabric to which it is similar shall be calculated at the highest costs which the manufacturer would have incurred if the raw material had been purchased from his customary source of supply for delivery during March 1942, and the fabrics manufactured during such month: *Provided further*, That in any case in which the maximum price for a fabric which was not sold by the manufacturer during a base period can be determined pursuant to either this paragraph (i) or paragraph (c) of this § 1410.102, the maximum price therefor shall be determined in accordance with that paragraph which results in the lower maximum price.

(2) One fabric shall be deemed "similar" to another fabric if the first is used for the same purpose as, and is regarded as a satisfactory substitute for, the second, affords fairly equivalent serviceability, has approximately the same "handle," finish and appearance, and belongs to the same classification:<sup>3</sup> *Provided*, That one fabric in which the blend contains other than woolen fibers shall not be deemed "similar" to a fabric in which the blend is made entirely of woolen fibers: *Provided further*, That one fabric shall not be deemed "similar" to another fabric if the first differs from the second in respect to any one or more of the following elements of construction in excess of the amount of variance allowed:

Elements of construction:	Amount of variance allowed, percent
Ends per finished inch.....	17½
Picks per finished inch.....	17½
Weight per finished yard.....	12
Yarn sizes.....	17½
Finished width.....	4
Cost of raw materials used in the blend.....	20

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

(3) "Woolen or worsted apparel fabrics" means domestic, men's, women's, children's and infants' suitings, dress goods, topcoatings, overcoatings, cloakings, ski or snow cloths, mackinaws, bathrobe fabrics, necktie fabrics, shirtings and meltons, containing 25% or more of woolen fiber by weight and woven on looms; the term is applicable only to such fabrics for civilian use and does not include pile fabrics.

<sup>3</sup> As set forth in § 1410.102 (a)



(5) "New woolen or worsted apparel fabric" means a woolen or worsted apparel fabric not sold by the seller during the applicable base period and neither comparable nor similar to any such fabric.

(11) "Pile fabric" means a three dimensional fabric composed of backing warp, filling, and pile warp woven at right angles to the backing warp and filling.

(12) "Decorations" means silk, rayon, worsted or cotton threads added to a fabric to enhance its style value.

§ 1410.119 *Maximum prices for woolen or worsted apparel fabrics which cannot be priced under § 1410.102 or § 1410.103.* The maximum price for a woolen or worsted apparel fabric sold by a person who cannot determine the maximum price therefor under § 1410.102 or § 1410.103 shall be a price determined by the seller after specific authorization from the Office of Price Administration. A seller who seeks an authorization to determine a maximum price under the provision of this § 1410.119, shall file with the Office of Price Administration in Washington, D. C. an application setting forth (a) a description in detail of the fabric for which a maximum price is sought, and (b) a statement of the reasons why such fabric cannot be priced under § 1410.102 or § 1410.103 of this Maximum Price Regulation No. 163. If such authorization is given, it will be accompanied by instructions as to the method for determining the maximum price. Within ten days after such price has been determined, the seller shall report the price to the Office of Price Administration in Washington, D. C. The price so reported shall be subject to adjustment at any time by the Office of Price Administration.

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

(f) Amendment No. 4 (§§ 1410.102 (a), (c), (d), (f), (h) and (i), 1410.115 (a) (3), (5), (11) and (12) and 1410.119) to Maximum Price Regulation No. 163 shall become effective September 8, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 2d day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-8634; Filed, September 2, 1942; 12:01 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 36 Under § 1499.18 (b) of The General Maximum Price Regulation—Docket No. GF3-1259]

GOLDEN COOKIE COMPANY

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

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

No. 174—5

§ 1499.336 *Adjustment of maximum prices for cookies sold by Rudolph R. Ellingson doing business as Golden Cookie Company, Watertown, Massachusetts.*

(a) Rudolph R. Ellingson doing business as Golden Cookie Company may sell and deliver and any person may buy and receive from Rudolph R. Ellingson, doing business as Golden Cookie Company, the following commodities at prices not higher than the following:

Cookies packed 7½ ounce in cellophane boat packages, eighty cents (\$.80) per dozen packages to wholesalers and eighty-six cents (\$.86) per dozen packages to Supermarkets. All prices are f.o.b. factory.

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

(c) This Order No. 36 may be revoked or amended by the Price Administrator at any time.

(d) Incorporation of Order No. 36 in Supplementary Regulation No. 14. This Order No. 36 (§ 1499.336) is hereby incorporated as a part of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 36 (§ 1499.336) shall become effective September 3, 1942.

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

Issued this 2d day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-8633; Filed, September 2, 1942; 12:02 p. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 8—RULES GOVERNING SHIP SERVICE

LIFEBOAT INSTALLATIONS

REQUIREMENTS FOR ALL COMPULSORY LIFEBOAT RADIO INSTALLATIONS

The Commission on August 27, 1942, effective immediately, adopted the following new §§ 8.201 to 8.210, inclusive, to be substituted for the now existent §§ 8.201 to 8.210, inclusive.

§ 8.201 *Inspection and maintenance of lifeboat radio installation.* (a) The lifeboat radio installation shall be inspected and tested<sup>1</sup> by a qualified representative of the licensee within twenty-four hours prior to departure to sea from each port (except not necessarily more than once each week) and at least once each year

<sup>1</sup> Subject to such limitations as may be imposed by United States Naval Authority or by foreign governments at foreign ports. It is necessary that each lifeboat transmitter be licensed by the Commission to insure compliance with the Rules and Regulations of the Commission, during the required tests with an actual antenna. Operation of a lifeboat transmitter is ordinarily authorized by the regular ship station license when it has been described in the application for such license and the authorization has been approved by the Commission.

with the lifeboat afloat in a harbor or port of the United States. The results of the inspections and tests shall be made known to the master of the vessel and shall be entered in the ship's radio station log or recorded in the ship's log if the ship is not provided with a radio telegraph station. The records of all inspections and tests shall be made available to duly authorized representatives of the Commission upon request. The annual inspection afloat shall include an actual test of the transmitter (and receiver when required) connected to the regular lifeboat antenna erected to determine that each is in effective operating condition. When testing with the lifeboat not afloat, the transmitter may be connected to an artificial antenna, in lieu of the regular lifeboat antenna, having electrical characteristics approximately equal to those of the regular lifeboat antenna. To avoid interference, any transmission tests using an actual antenna shall be conducted<sup>1</sup> under the same procedure and regulations as prescribed for testing a ship's regular radio-station transmitting equipment; when using an actual antenna, an automatic device for transmitting the international distress signal or any other emergency signal shall not be operated nor shall any transmitting tests be made during an international silent period. In addition to the foregoing requirements, the lifeboat radio installation shall be made available for inspection by duly authorized representatives of the Commission and for demonstration of satisfactory performance to these representatives at any reasonable time and at such intervals as within the discretion of the Commission will insure compliance with applicable regulations.

(b) When the vessel is under way, provision shall be made for adequate charging of the storage batteries and the routine inspection of all batteries used to supply the power to lifeboat radio installations. Except for portable lifeboat radio installations not required to be located in lifeboats at all times, the charging and routine inspection of such batteries shall not require their removal from the lifeboats in which they are installed. The necessary charging equipment shall be arranged so as not to interfere with the launching of the lifeboats, and for this purpose shall be easily and quickly removable. Inspection of the batteries shall be made at least once every seven days by a qualified representative of the licensee and a statement in regard to the condition and specific gravity in the case of a lead-acid battery, or voltage under normal load in the case of Edison batteries (or dry batteries when such batteries are permitted) shall be reported to the master and entered in the ship's radio station log or recorded in the ship's log if the ship is not provided with a radiotelegraph station. Any storage battery provided as a power supply or as a spare power supply shall be kept fully charged at all times.

§ 8.202 *Demonstration of the power supply for lifeboat installations.* The shipowner, operating company, or station licensee, if directed by the Commission or its authorized representative, shall prove by demonstration as may be deemed necessary, that a storage battery used for a required lifeboat radio installation is capable of energizing this installation for the required period of time as stipulated in § 8.120.

§ 8.203 *Radio installation requirements.* (a) For new radio installations completed after January 1, 1940, in motor lifeboats of oceangoing passenger vessels, and for new lifeboat radio installations (other than in motor lifeboats of oceangoing passenger vessels) completed after January 1, 1943, on vessels provided with a licensed radiotelegraph station, the charging circuit for the lifeboat radio storage battery or batteries when used as a source of power, shall be routed through the main radiotelegraph operating room of the vessel. A device which, during charge of the lifeboat radio battery or batteries, gives a continuous indication of the polarity and the rate of such charge, shall be connected in this charging circuit and shall be located in the main radiotelegraph operating room for purposes of frequent observation. This provision, however, shall not apply as a requirement with respect to storage batteries used to supply power for portable lifeboat radio installations.

(b) The use of metal masts and stays, unless broken by insulators, or of any structure at electrical ground potential at the masthead(s) is not permitted: *Provided, however,* That this limitation shall not prohibit the use of a metal mast or masts used as the antenna. Provision shall be made for the expeditious erection of the antenna system under adverse weather and sea conditions.

#### REQUIREMENTS FOR RADIO INSTALLATIONS IN MOTOR LIFEBOATS OF PASSENGER VESSELS

§ 8.204 *Lifeboat radio station.* The radio installation on motor lifeboats of vessels navigated in the open sea, designated in accordance with section 355 of the Communications Act of 1934, as amended, as requiring a radio installation shall consist of an efficient installation, for emergency use, in good operating condition which shall comply with the following requirements:

(a) Frequency of operation of transmitter: 500 kilocycles.

(b) Type of emission of transmitter: A-2.

(c) Frequency tolerance of transmitter: 0.5 per cent.

(d) Power of transmitter: Not less than 75 watts plate input power to the oscillator or amplifier supplying power to the antenna when such oscillator or amplifier is effectively coupled to an antenna equivalent to that described in the following paragraph (e).

(e) Antenna: A single wire inverted L type not less than 20 feet above the

waterline with a horizontal section of the maximum practicable length.

(f) Receiver: Electron tube type. Continuous frequency range of at least 350 to 550 kilocycles and capable of reception of types A-1, A-2, and B emissions.

(g) The type of power supply shall be—

For the transmitter: A storage battery.

For the receiver: Dry cell battery and/or storage battery.

The necessary power for the transmitter and receiver, at voltages other than the battery voltages, may be obtained by the use of a dynamotor or other suitable device approved by the Commission.

(h) The lifeboat radio transmitter shall be fitted with a radio frequency ammeter of suitable range and scale, connected so as to indicate the current in the antenna circuit.

§ 8.205 *Availability and use of lifeboat radio power.* The power supply of a lifeboat radio installation shall be capable at all times of operating the entire lifeboat radio installation for a period of at least 6 continuous hours in accordance with § 8.115 (d). With the exception of the electric start of the lifeboat motor the storage battery or batteries may also be used to operate equipment other than radio: *Provided,* The additional use of the battery or batteries will not affect, adversely, the ability of the installation to fulfill the foregoing six-hour radio-operating requirement. All individual circuits connected to the transmitter storage battery shall be independently and properly fused.

§ 8.206 *Details of lifeboat radio installation.* The components and assembly of the entire installation shall insure, primarily, the utmost dependable operation, and the design shall be such that heavy vibration and physical shocks to which a lifeboat is subject will cause no damage. All components shall be housed and treated so as to withstand saline dampness for extended periods without damage and to minimize the adverse effect of prolonged exposure to salt water or salt spray. Storage batteries shall be mounted in cabinets that will provide protection from salt water spray, and also allow proper ventilation, subject to approval of the U. S. Coast Guard. Provision shall be made to protect the operator from the elements when the lifeboat is afloat in a heavy sea. Antenna lead-in insulators shall be of a type approved by the Commission. Auxiliary equipment and spare parts prescribed for motor lifeboat radio stations by § 8.235 shall be retained within the radio-equipped lifeboat at all times while the vessel is in active service.

§ 8.207 *Lifeboat radio instructions.* Instructions shall be plainly marked on the apparatus in sufficient detail which will inform inexperienced or uninstructed personnel how to place the radio equipment in operation and how to transmit

appropriate signals for a sufficient period of time to enable vessels or land stations, within communication range and equipped with radio direction finders, to determine the position of the lifeboat.

#### REQUIREMENTS FOR PORTABLE RADIO INSTALLATIONS FOR USE IN LIFEBOATS

§ 8.208 *Portable lifeboat radio installation—general.* Portable radio installations required aboard oceangoing vessels for emergency use in lifeboats shall include the following components:

(a) An efficient and reliable transmitter in good operating condition, an emergency power supply, an artificial antenna capacitor, an antenna wire and insulator assembly; and a grounding conductor, all enclosed in a single portable watertight container; and such auxiliary equipment and spare parts as are prescribed in § 8.235.

(b) At least one mast<sup>2</sup> and one complete antenna wire and insulator assembly for each lifeboat: *Provided,* That not more than four such masts and assemblies<sup>3</sup> need be provided on board any vessel.

§ 8.209 *Technical requirements for portable lifeboat radio transmitter and associated equipment.* (a) The component described in § 8.208 (a) shall comply with the following requirements:

(1) It shall be of sufficient buoyancy to float in sea water and shall be sufficiently rugged in construction to withstand physical shocks and rough handling. This component shall be deemed to comply with this requirement if, after being dropped into sea water from a height of at least 12 feet, it can be immediately operated without any repair or adjustment (other than normal antenna circuit tuning) and without any perceptible departure from its normal performance. The container shall be deemed watertight if it can be submerged in sea water for at least two hours without leaking.

(2) Frequency of operation of transmitter: 500 kilocycles.

(3) Frequency tolerance of transmitter: 0.5 per cent.

(4) The transmitter radio frequency control circuit(s) shall be pretuned to 500 kilocycles and shall be of such design and construction that the operating frequency is maintained within 0.5 per cent of 500 kilocycles under varying antenna circuit characteristics and conditions of adjustment. The frequency control circuit adjustment shall not be readily available to the person using the transmitter.

(5) Type of emission of transmitter: A-2 (amplitude modulation) or B.

(6) Modulation: The frequency of modulation shall be not less than 450

<sup>2</sup> This mast may be a mast which is normally supplied in the lifeboat for purposes other than the support of a radio antenna, provided it has the required height or can be extended to the required height.

<sup>3</sup> In addition to the antenna wire and insulator assembly enclosed with the transmitter.



nor greater than 1250 cycles per second and the percentage of modulation shall be at least 70 per cent.

(7) Power output of transmitter: Not less than 5 watts, A-2 or B emission, into an artificial antenna having an effective capacitance of 100 micromicrofarads and an effective resistance of 10 ohms at 500 kilocycles. In addition, the power output of the transmitter when installed in any lifeboat for which it is intended, using the required mast(s) and antenna wire-insulator assembly shall be such that the product of the antenna current in amperes and the maximum height in meters of the antenna above the water is not less than 5.

(8) The emergency power supply shall be a storage battery, adequately protected against spilling of electrolyte, or a manually operated electric generator, or both; capable of efficiently energizing the transmitter at the specified output power of 5 watts. When the transmitter is developing the prescribed output power not more than 250 watts mechanical power (0.335 horsepower) shall be required at the crank handle(s) or propelling lever(s) at any temperature of the generator and associated driving mechanism between zero and 75° Fahrenheit. Under these conditions the speed of rotation of the crank handle(s) shall not exceed 60 revolutions per minute or the cycles of operation of the propelling lever(s) shall not exceed 60 per minute. When a manually operated electric generator is used automatic means of voltage regulation shall be provided to protect the transmitter against damage due to excessive generator potentials.

(9) Provision shall be made for keying the transmitter manually and by automatic means so as to transmit the international distress signal "SOS" in groups of three consecutive "SOS" signals with these groups interspersed at frequent intervals by a dash not exceeding four seconds in length (for direction finding purposes). The speed of automatic transmission of the international distress signal shall be at a rate not in excess of 16 words per minute. Not more than one manual switch shall be provided to place the transmitter in operation for telegraphy. If a storage battery is employed as a source of power, this switch shall be self-releasing (such as a push button) to prevent inadvertent operation and the duration of any cycle of automatic operation shall not exceed three minutes.

(10) The transmitter shall be equipped with a reliable visual indicator (such as a neon tube) to indicate when the antenna circuit is tuned to resonance at the operating frequency. Failure of this indicator shall not have any effect upon the actual operation of the transmitter.

(11) A reliable 100 micromicrofarad artificial antenna capacitor of the "transmitting" type (for purpose of routine tests) shall be provided with the transmitter at all times.

(12) A length of not less than 40 feet of extra-flexible stranded copper wire, having a cross section of not less than 10,000 circular mils, the antenna insula-

tors necessary for effective insulation of the antenna, and a grounding conductor consisting of not less than 20 feet of low resistance stranded copper wire or braid weighted at one end, for immersion in the sea or attachment to a prepared ground terminal on the lifeboat shall be provided. This material shall be stowed in the watertight container at all times while the vessel is at sea.

(13) Panel control(s) (not more than two) shall be provided for adjustment of the antenna circuit so as to obtain electrical resonance with any antenna capacitance between the limits of 60 and 250 micromicrofarads at 500 kilocycles.

(14) The required portable watertight container shall be fitted with durable handles or grips. The handles or grips shall be so arranged and the distribution of weight in the container shall be such as to provide for convenient carrying of the container by either one or two persons. Not less than 40 feet of 15-thread manila or sisal rope, or the equivalent thereof shall be securely attached to the container at all times while the vessel is at sea.

(15) The radio transmitter in its portable water-tight container together with the emergency power supply, artificial antenna capacitor, antenna wire, insulators, and conductor for making the ground connection shall weigh not more than 65 pounds.

(16) If a storage battery is used for the emergency power supply, the capacity of such battery shall be sufficient to operate the transmitter while automatically keyed at not less than the required output power for a continuous period of at least one and one-half hours.

(17) If a storage battery is used as a power supply, a notice in large letters shall be permanently placed on an outer surface of the required water-tight container designating the position of the container for stowing to prevent leakage of the battery electrolyte.

(18) Suitable printed instructions (which have been approved by the Commission) for the installation and operation of the equipment (including the manual transmission of the distress signal and the auto alarm signal) by unskilled personnel shall be permanently and conspicuously attached to the transmitter or its container. These instructions shall be durable and water-proof and shall include sketches or diagrams showing a method of properly installing an antenna on the lifeboats concerned. An instruction manual covering maintenance of the transmitter and power supply shall be supplied with the installation.

(19) Each portable lifeboat radio transmitter shall be equipped with a durable nameplate showing at least the following:

- (i) The type or model number.
- (ii) The name of the manufacturer.
- (iii) Rated power into the artificial antenna specified in § 8.209 (a) (7).
- (iv) The month and year of manufacture.

(b) Specific requirements for mast(s) and antenna - wire - antenna - insulator assemblies.

(1) The mast(s) required by § 8.208 (b) shall be capable of supporting the radio antenna at not less than 26 feet at the highest point above the water line.<sup>4</sup>

(2) Each antenna-wire and insulator assembly required by § 8.208 (b) shall consist of a length of at least 40 feet of extra-flexible stranded copper wire having a cross-section area of not less than 10,000 circular mils together with attached antenna insulators necessary for effective insulation of the antenna, means for fastening to the antenna supports, and provision for making an electrical connection to the transmitter.

(3) The masts and the antenna wire and insulator assemblies required by § 8.208 (b) shall be securely stowed in the lifeboats in which they are to be used, at all times while the vessel is outside a harbor or port.

(4) Each metal-hulled lifeboat for which an antenna mast is required shall be permanently fitted with one or more ground terminals at an accessible position or positions for use in electrically grounding the portable radio installation. The ground terminal shall make good electrical connection with the sea water and for the purpose of making such connection shall be welded or securely bolted to the bare metal of the hull of the lifeboat. The ground terminal shall be resistant to corrosion due to sea water. The entire installation shall be so designed and constructed that no tools are necessary to place it in operation for routine tests or for emergency use.

#### REQUIREMENTS FOR RADIO INSTALLATIONS PROVIDED IN LIEU OF PORTABLE INSTALLATIONS FOR USE IN LIFEBOATS

§ 8.210 (a) *Technical requirements.* Radio installations required in lieu of a portable radio installation for emergency use in lifeboats of oceangoing vessels (other than radio installations covered by § 8.204 of these Rules), shall consist of an efficient and reliable emergency transmitter in good operating condition, an emergency power supply, an artificial antenna capacitor, a complete antenna wire and insulator assembly and ground system, at least one antenna mast,<sup>5</sup> and such auxiliary equipment and spare parts as are prescribed in § 8.235, and shall comply with the following requirements:

- (1) Frequency of operation: 500 kilocycles.
- (2) Frequency tolerance: 0.5 per cent.
- (3) The transmitter radio frequency control circuits shall be pretuned to 500 kilocycles, and shall be of such design and construction that the operating frequency is maintained within 0.5 per cent

<sup>4</sup> A suitable topmast may be used as an extension to a sailing mast for compliance with this requirement if provision is made for its attachment to the sailing mast.

<sup>5</sup> This mast may be a mast which is normally supplied in the lifeboat for purposes other than the support of a radio antenna, provided it has the required height or can be extended to the required height.



of 500 kilocycles under varying antenna circuit characteristics and conditions of adjustment.

(4) Type of emission of transmitter: A-2 (amplitude modulation) or B.

(5) Modulation: For type A-2 and type B emission the frequency of modulation shall be not less than 450 nor greater than 1250 cycles per second and the percentage of modulation shall be at least 70 per cent.

(6) Power output of transmitter: Not less than 5 watts, type A-2 or type B emission into an artificial antenna having an effective capacitance of 100 micromicrofarads and an effective resistance of 10 ohms at 500 kilocycles.

(7) The emergency power supply shall be a storage battery properly ventilated and adequately protected against salt water spray, or a manually operated electric generator; or both, capable of efficiently energizing the transmitter at the required output power and emission. When the transmitter is developing the required output power, not more than 250 watts (0.335 horsepower) shall be required at the crank handle(s) or propelling lever(s) at any temperature of the generator and associated driving mechanism between zero and 75 degrees Fahrenheit. Under these conditions the speed of rotation of the crank handle(s) shall not exceed 60 revolutions per minute or the cycles of operation of the propelling lever(s) shall not exceed 60 per minute. When a manually operated generator is used, automatic means of voltage regulation shall be provided to protect the transmitter against damage due to excessive generator potentials.

The emergency power supply, whether a storage battery or a manually operated electric generator or both, shall be considered as part of the required lifeboat radio installation and shall be installed and retained in the lifeboat together with the required radio transmitter. When a storage battery is used for the emergency power supply, the capacity of the battery shall be sufficient at all times to operate the transmitter (while automatically keyed as provided in paragraph (8) at not less than the required output power for a continuous period of at least 6 hours.

(8) Provisions shall be made for keying the transmitter manually and in addition, means shall be provided for automatic keying so as to transmit the international distress signal "SOS" in groups of three consecutive "SOS" signals with these groups interspersed at frequent intervals by a dash not exceeding four seconds in length (for direction finding purposes). The speed of automatic transmission of the international distress signal shall be at a rate not in excess of 16 words per minute.

Not more than one manual switch shall be provided to place the transmitter in operation for A-2 emission except that when A-3 emission is provided, an additional manual switch may be employed to select either A-2 or A-3 emission. If a storage battery is employed as a source

of power, this switch shall be self-releasing (such as a push button) to prevent inadvertent operation, and the duration of any cycle of automatic operation shall not exceed three minutes.

(9) The transmitter shall be equipped with a reliable visual indicator (such as a neon tube) to indicate when the antenna circuit is tuned to resonance at the operating frequency. Failure of this indicator shall not have any effect upon the actual operation of the transmitter.

(10) A reliable 100 micromicrofarad artificial antenna capacitor of the "transmitting" type (for purpose of routine tests) shall be provided with the transmitter at all times.

(11) An antenna wire and insulator assembly consisting of not less than 40 feet of flexible stranded copper wire, having a cross-section of not less than 10,000 circular mils and the number of antenna insulators necessary for efficient insulation of the antenna shall be provided. Also, there shall be provided a grounding conductor consisting of not less than 20 feet of low resistance stranded copper wire or braid, weighted at one end, for immersion in the sea; or in lieu thereof, the transmitter shall be electrically grounded, by means of a low resistance conductor, to a permanently installed ground on the lifeboat. A permanently installed ground for this purpose shall make good electrical connection with the sea water and shall be resistant to corrosion. The required antenna and insulator assembly and the required grounding conductor shall be securely stowed in the lifeboat with the radio transmitter at all times while the vessel is at sea.

(12) Suitable printed instructions (which have been approved by the Commission) for the erection of the antenna and the operation of the equipment (including the manual transmission of the distress signal and the international auto-alarm signal and proper use of the microphone if A-3 emission is provided) by unskilled personnel shall be permanently and conspicuously attached to the transmitter or its container. These instructions shall be durable and waterproof and shall include sketches or diagrams showing a method of properly erecting an antenna system on the lifeboat concerned. An instruction manual covering maintenance of the transmitter and power supply shall be provided with the installation.

(13) Each lifeboat radio transmitter shall be equipped with a durable nameplate showing at least the following:

- (i) The type or model number.
- (ii) The name of the manufacturer.
- (iii) Rated power into the artificial antenna specified in § 8.210 (a) (6).
- (iv) The month and year of manufacture.

(14) Two masts shall be provided in each lifeboat compulsorily fitted with a radio installation which shall be capable of supporting a radio antenna of the inverted "L" type at not less than 18 feet above the waterline with a horizontal

section of the maximum practicable length, or in lieu thereof, one mast shall be provided capable of supporting a suitable antenna at not less than 26 feet at the highest point above the waterline.

(15) All components of the lifeboat radio installation shall be sufficiently rugged in construction and so fitted in the lifeboat as to withstand the physical shocks and vibration to which a lifeboat is subject. All components shall be housed and treated so as to withstand saline dampness for extended periods without damage and to minimize the adverse effect of prolonged exposure to salt spray and to salt water such as may be encountered by an occasional flooding of the lifeboat.

(16) The maximum weight of the complete lifeboat radio installation (not including antenna and ground system) shall not exceed 140 pounds, and the space occupied by the installation shall be the minimum amount required to properly enclose the necessary components in a suitable container or containers.

(17) Tuning control(s) (not more than two, one of which shall be accessible from the exterior of the transmitter container) shall be provided for adjustment of the antenna circuit so as to obtain electrical resonance with the antenna intended for use in the particular lifeboat when this antenna is erected to any height within the range of height provided by the antenna support(s), provided that the minimum height for this purpose shall not be less than 14 feet above the waterline.

(18) The design and construction of the entire installation shall be such that no tools are necessary to place it in operation for routine tests and for use in an actual emergency.

(b) *Departure from requirements.* The requirements in § 8.210 (a) (6) relating to power output, §§ 8.210 (a) (8) and 8.210 (a) (14) relating to height of masts, may be waived by the Commission with respect to a radio installation for which authorization is requested prior to January 1, 1943 only if satisfactory evidence is presented to the Commission that the construction of such radio installation was completed prior to August 27, 1942 or satisfactory evidence is presented to the Commission that prior to August 27, 1942 construction of such installation was commenced by the manufacturer and the materials used in such construction were allocated by the War Production Board. With respect to any such installation, provision shall be made for a transmitter power output of not less than 3 watts, for supporting a radio antenna of the inverted "L" type at not less than 16 feet above the waterline where the inverted "L" type of antenna is used, and for manual keying of the transmitter. Any other departure from the requirements of §§ 8.204 to 8.210 (a) inclusive, will be considered by the Commission only upon a satisfactory showing that such departure will not reduce the required efficiency, reliability, and effectiveness of the installation.

The Commission also amended § 8.235 (e) as follows:

§ 8.235 *Additional spare parts in general.* \* \* \*

(e) *Radio-equipped motor lifeboats of passenger vessels navigated in the open sea (spare parts).* (1) At least 35 feet of insulated wire suitable for use as antenna wire.

(2) Two antenna insulators.  
(3) One artificial antenna capacitor.  
(4) Two tubes for radiotelegraph transmitters, except when transmitter employs a single transmitting tube, in which case one tube is required.

(5) One complete set of tubes for the radiotelegraph receiver.

(6) One panel electric light bulb, if used.

(7) Renewable fuse-cartridges of each type used in connection with the units of the lifeboat radio installation in the amount of at least one-half the number of each size and type in actual use. For each renewable fuse-cartridge in actual use, there shall be available six spare fuse links of appropriate capacity. For each nonrenewable fuse in use, there shall be available six spare fuses of the same type and of appropriate capacity. If fuse wire is used, sufficient wire shall be provided to permit six complete fuse replacements.

The following new paragraphs (f) and (g) to § 8.235 were adopted:

(f) *Portable radio installations for use in lifeboats (spare parts).* (1) Where a storage battery is used as the emergency power supply of one or more portable installations one spare battery of the type used and interchangeable therewith: *Provided, however,* That only one such spare battery need be supplied on board any one vessel.

(2) One spare electron tube of each type used for radiotelegraph transmission, including neon or any other type of tube employed as a resonance indicator.

(g) *Radio installations provided in lieu of portable installations for use in lifeboats.* (1) One electron tube of each type used for radiotelegraph transmission including neon or any other type of tube or lamp employed as a resonance indicator.

(2) Six fuses of each type used of the same rating and interchangeable therewith. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-8619; Filed, September 2, 1942; 10:42 a. m.]

**Notices**

**DEPARTMENT OF JUSTICE.**

Office of the Attorney General.

**PLAN AND AGREEMENT EXECUTED BY CERTAIN OIL COMPANIES**

Certain details of the Plan and Agreement referred to in Certificate No. 11, of

<sup>5</sup> F. R. 747.

the Chairman, War Production Board, dated August 31, 1942.

Pursuant to section 12 of Public Law No. 603, approved June 11, 1942, I do hereby make public the following paragraph of the Plan and Agreement referred to in the above certificate:<sup>1</sup>

(3) *Additional parties.* Any person or corporation who in the first six months of 1942 was engaged in the business of refining crude oil in District Three or transporting either crude oil from District Three to be refined in District One, or petroleum products from the said District Three for distribution in District One shall have the privilege to become a party hereto, for sixty days from the date there is published in the Federal Register, Certificate of the Chairman of the War Production Board pursuant to Section 12 of an Act approved June 11, 1942, Public Law 603, 77th Congress, as required herein, and become a subscriber for the stock of Project Five Pipe Line Corporation on such fair and equitable basis with respect to duties and liabilities thereby assumed as may be agreed between such person or corporation and parties hereto. In event of failure to agree as here provided, the basis for participation of such additional parties shall be determined by arbitration as provided in paragraph eight hereof.

A copy of the Plan and Agreement has been filed with the Division of the Federal Register for public inspection. Any person or corporation eligible for participation under the above quoted paragraph may obtain a copy of the Plan and Agreement upon application to the Petroleum Coordinator for War.

FRANCIS BIDDLE,  
Attorney General.

AUGUST 31, 1942.

[F. R. Doc. 42-8631; Filed, September 2, 1942; 12:07 p. m.]

**DEPARTMENT OF THE INTERIOR.**

**Bituminous Coal Division.**

JOSEPH BARNA ET AL.

**ORDER REVOKING CERTAIN REGISTRATIONS**

In the matter of the revocation of registrations as distributors of Joseph Barna, Chicago Fuel & Ice Co. (A. H. Rosen), J. M. Henry, The Moores-Coney Corporation, Rafael Rios, Phillip Revard (West Virginia Coal Sales Co.).

The registered distributors, whose names are set forth in Exhibit A, attached hereto and made a part hereof, having requested revocation of registration, having discontinued or disposed of their distribution business, having been reorganized under a new name, having been otherwise succeeded in their business or for other reasons being no longer engaged in business, the registrations previously granted to them should be revoked and their names withdrawn from the List of Registered Distributors.

Accordingly, it is so ordered.

Dated: August 29, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

<sup>1</sup> See War Production Board, *infra*.

**Exhibit A**

Registration No.	Name	Address
0444	Joseph Barna.....	2085 Valentine Ave., New York, N. Y.
1560	Chicago Fuel & Ice Co., (A. H. Rosen).	722 Palace Bldg., Min- neapolis, Minn.
4227	J. M. Henry.....	713 5th Ave., Juniata, Altoona, Pa.
6567	The Moores-Coney Corporation.	Southeast corner 3d and Walnut Sts., Cincin- nati, Ohio.
7727	Rafael Rios.....	1107 Gloucester St., Brunswick, Ga.
6608	Phillip Revard, (West Virginia Coal Sales Co.).	505 Howland Ave., To- ledo, Ohio.

[F. R. Doc. 42-8588; Filed, September 1, 1942; 1:27 p. m.]

[Docket No. A-1551]

**DISTRICT BOARD NO. 7**

**NOTICE OF AND ORDER FOR HEARING**

In the matter of the petition of District Board No. 7 for a change in price classifications in minimum prices in Size Group 7 for all shipments except truck and Size Group 4, for truck shipments, for the coals of Hunter No. 2 Mine, Mine Index No. 84, of Fire Creek Fuel Company.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on October 6, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Sections in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is



sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before September 25, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a petition filed with the Division by District Board No. 7 requesting that the price classification of "C" in Size Group 7, now established for the coals of Hunter No. 2 Mine, Mine Index No. 84, be changed to "B" for all shipments except truck and that the minimum price of \$2.05 in Size Group 4 be changed to \$2.15 for truck shipments for the coals of the said mine.

Dated: August 29, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-8589; Filed, September 1, 1942;  
1:27 p. m.]

[Docket No. A-1572]

ONTARIO GAS COAL CORP. OF VA.

NOTICE OF AND ORDER FOR HEARING AND  
ORDER GRANTING TEMPORARY RELIEF

In the matter of the petition of Ontario Gas Coal Corporation of Virginia for the establishment of price classifications and minimum prices for the coals of its Tidewater No. 2 Mine, Mine Index No. 316, in District No. 7.

The petition, and amended petition, pursuant to the Bituminous Coal Act of 1937, were duly filed with this Division by the above-named party, requesting the establishment of price classifications and minimum prices for the coals of its Tidewater No. 1, Mine, Mine Index No. 289, in District No. 7.

It appears from the records of the Division that Mine Index No. 289 is a deep mine and that the mine for which the petitioner proposes price classifications and minimum prices is a strip operation and therefore must be identified as Tidewater No. 2 Mine, Mine Index No. 316.

The petition alleges that the coals of the said mine, although produced in the same vicinity and seam as the coals of the Robious Mine, Mine Index No. 703, District No. 7, are analytically superior to the coals of that mine. The petition proposes a minimum price of 280 cents per net ton for the coals of the said Mine Index No. 316 in Size Group 8 for rail shipment from Midlothian, Virginia, only to within the switching limits of Richmond, Virginia, in Market Area 100, and minimum prices of 425, 410, 420, 325, 300, and 280 cents per net ton in Size Groups 1 to 6, inclusive, respectively, for truck shipments.

The amended petition proposes minimum prices of \$5.25, \$4.25 and \$4.00 in Size Groups 1, 7 and 8, respectively, and in Size Group 8 a price of \$3.80 per ton f. o. b. railroad cars at Midlothian, Virginia, for shipment only to within the switching limits of Richmond, Virginia, in Market Area 100 for all shipments except truck, and minimum prices of \$5.25, \$5.10, \$5.20, \$4.25, \$4.00 and \$3.80 in Size Groups 1 to 6, inclusive, respectively, for truck shipments.

The proposed minimum prices for the coals of the said mine for truck shipments are substantially higher than those heretofore established for other mines in District No. 7 for truck shipments. Moreover, the proposed minimum prices for the coals of the said mine in Size Group 8 for rail shipment and in all other sizes for truck shipment differ substantially from the customary minimum price relationships for other coals for such shipments. Accordingly, it appears that the necessity for the proposed price classifications and minimum prices should be clearly shown at a hearing.

It appears, however, that a reasonable showing of necessity has been made for the granting of temporary relief, that no petitions of intervention have been filed with the Division in the above-entitled matter, opposing the granting of temporary relief, and that the granting of temporary relief is necessary in order to effectuate the purposes of the Act. It further appears, however, that, pending a hearing, the minimum prices hereinafter established for truck shipments should not be higher than the highest minimum prices heretofore established for coals produced in District No. 7, and that the minimum prices for rail shipments should be proper.

It is, therefore, ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules and regulations of the Division be held on October 1, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing is to be held.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and a recommendation of an appropriate order in the premises and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party

herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before September 25, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Ontario Gas Coal Corporation of Virginia for the establishment of price classifications and minimum prices for the coals of its Tidewater No. 2 Mine, Mine Index No. 316, in District No. 7; and more particularly for the establishment for the coals of the said mine of a minimum price of 280 cents per net ton in Size Group 8, for rail shipment from Midlothian, Virginia, only to within the switching limits of Richmond, Virginia, in Market Area 100, and minimum prices of 425, 410, 420, 325, 300, and 280 cents per net ton in Size Groups 1 to 6, inclusive, respectively, for truck shipments.

It is further ordered, That pending final disposition of the above-entitled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 7 for All Shipments Except Truck is supplemented to include a provision that the Mine Index No. 316 coals of Size Group 8 shall have a minimum price of \$1.86 per net ton f. o. b. railroad cars at Midlothian, Virginia, applicable only on shipments for delivery to within the switching limits of Richmond, Virginia, in Market Area 100, and the Schedule of Effective Minimum Prices for District No. 7 for Truck Shipments is supplemented to include for the coals of Mine Index No. 316 prices of 315, 250, 280, 215, 186, and 181 cents per net ton in Size Groups 1 to 6, inclusive, respectively.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: August 29, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-8590; Filed, September 1, 1942;  
1:27 p. m.]



[General Docket No. 21]

## REVIEW OF PRICE DETERMINATIONS

## ORDER FOR PROCEDURE

In the matter of determining the extent of change, if any, in excess of 2 cents per net ton in the weighted average of the total costs of any of the minimum price areas; and of revising the effective minimum prices as may be required by reason of any such change in costs.

By Findings of Fact, Conclusions of Law and Opinion and an accompanying order in this matter all dated August 28, 1942, the Acting Director determined effective minimum prices for all shipments of bituminous coal produced in each minimum price area, for shipments by all methods of transportation into various groups of market areas.

In that Opinion it was stated that:

A procedure is being devised whereby parties may request the Secretary of the Interior to review my determinations herein on specified questions of law and policy of general application, and may present briefs to him on such questions. Parties will be permitted to accompany their requests for review and briefs with a request that the Secretary stay the effective date of my order herein. An appropriate order will issue setting forth this procedure.

Now therefore it is ordered, as follows:

1. Parties to this proceeding who desire to do so may file with the Secretary of the Interior requests that he review specific questions of law and policy of general application that pertain to the determinations embodied in the order of the Acting Director herein, dated August 28, 1942. Such requests for review and briefs in support of the matters sought to be reviewed must be filed by September 10, 1942. Interested parties may file with such requests and briefs, applications for a stay of the effective date of the Order of the Acting Director, herein, dated August 28, 1942. Such applications shall set forth fully whether it is sought to stay said order in whole or in part and the reasons on the basis of which it is urged that a stay be granted.

2. Since any review herein is not a matter of right and is purely a matter within the discretion of the Secretary of the Interior, such requests should indicate each specific determination of law and policy of which review is sought, together with a brief statement of the considerations which are believed to warrant reviewing such determination.

3. Since the Secretary will at the same time and in the same order and opinion, announce the determinations of law and policy which he decides to review and review such designated determinations, briefs filed by interested parties should be addressed to all of the matters concerning which they seek a review.

4. Any requests, statements or briefs filed pursuant to this order shall be filed

with the Secretary of the Interior, Washington, D. C. Ten copies of all such documents shall be filed.

Dated: August 28, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

Approved: August 28, 1942.

ABE FORTAS,  
Acting Secretary of the Interior.

[F. R. Doc. 42-8591; Filed, September 1, 1942;  
2:31 p. m.]

[Docket No. B-211]

C. H. AMSLER AND C. W. AMSLER

## ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW OF THE EXAMINER, AND CEASE AND DESIST ORDER

In the matter of C. H. Amsler and C. W. Amsler, individually and as co-partners, doing business as C. H. and C. W. Amsler, Partnership, code member.

This proceeding having been instituted upon a complaint filed on February 10, 1942, with the Bituminous Coal Division, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by the Bituminous Coal Producers Board for District No. 1 against C. H. Amsler and C. W. Amsler, co-partners, doing business as C. H. and C. W. Amsler, a partnership code member alleging that code member had wilfully violated the Bituminous Coal Act of 1937, or the rules and regulations promulgated thereunder and praying that the Division either cancel and revoke the code membership, or, in its discretion, direct the code member to cease and desist from violation of the Bituminous Coal Act of 1937 and the rules and regulations thereunder;

Pursuant to an order of the Acting Director dated February 21, 1942, a hearing having been held on March 27, 1942 before Joseph A. Huston, a duly designated Examiner of the Division at a hearing room thereof in Altoona, Pennsylvania, at which time all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise participate fully in the hearing; District Board No. 1 and C. H. and C. W. Amsler having appeared at the hearing;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated July 29, 1942, in which he found that code member wilfully violated the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipment, particularly Price Instruction No. 6 thereto by:

(1) Selling and delivering between the dates of June 23, and August 5, 1941, both dates inclusive, 62,895 tons of run of mine coal (Size Group No. 3) at \$2.30

per net ton f. o. b. Oil City, Pennsylvania, when the effective minimum price established therefore was \$2.20 per net ton f. o. b. the mine; and

(2) Selling and delivering between the dates of July 11 and July 15, 1941, both dates inclusive, approximately 12 tons of run of mine coal (Size Group No. 3) at \$3.00 per net ton f. o. b. Smethport, Pennsylvania, when the effective minimum price therefor was \$2.30 per net ton f. o. b. the mine; and

(3) Selling and delivering between August 11 and August 15, 1941, both dates inclusive, approximately 19 tons of run of mine coal (Size Group 3) at \$2.30 per net ton f. o. b. Oil City, Pennsylvania, when the effective minimum price established therefor was \$2.15 per ton f. o. b. the mine;

The Examiner having found that in each of these transactions the code member failed to add the actual cost of transporting the coal from its mine to the point of delivery as required by Price Instruction No. 6, and having recommended that the code member be ordered to cease and desist from violating the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments or from otherwise violating the provisions of the Act, the Code and the rules and regulations promulgated thereunder;

An opportunity having been afforded to all parties to file exceptions and supporting briefs to the said Examiner's Report and no such exceptions or supporting briefs having been filed;

The undersigned having considered the record of this proceeding and having determined that the proposed findings of fact and proposed conclusions of law of the Examiner should be approved and adopted as his findings of fact and conclusions of law;

Now, therefore, it is ordered, That the proposed findings of fact and proposed conclusions of law 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 the code member, C. H. Amsler and C. W. Amsler, individually and as partners, their representatives, agents, servants, employees, attorneys, successors or assigns, and all persons acting or claiming to act for or in their behalf, cease and desist from selling coal below the applicable minimum price therefor, plus the actual cost of transportation and from otherwise violating the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments, and any provisions of the Bituminous Coal Act of 1937.

It is further ordered, That the Division may, upon the failure of code member herein to comply with this order, apply to the Circuit Court of Appeals of the United States within any circuit wherein the code member resides or carries on business for the enforcement

hereof or take such further action as may be appropriate in the premises.

Dated: September 1, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-8620; Filed, September 2, 1942  
11:29 a. m.]

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

[Administrative Order No. 157]

#### CONVERTED PAPER PRODUCTS INDUSTRY

#### ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO INDUSTRY COMMITTEE NO. 48

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, William B. Grogan, Acting Administrator of the Wage and Hour Division, U. S. Department of Labor,

do hereby accept the resignation of Mr. Earl Taylor from Industry Committee No. 48 for the Converted Paper Products Industry and do appoint in his stead as representative of the employees on such Committee, Mr. Henry Segal, of Philadelphia, Pennsylvania.

Signed at New York, New York this 1st day of September 1942.

WILLIAM B. GROGAN,  
Acting Administrator.

[F. R. Doc. 42-8613; Filed, September 2, 1942;  
9:37 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6398]

### HERALD PUBLISHING CO. (WALB)

#### NOTICE OF HEARING

In re application of Herald Publishing Company (WALB), dated June 29, 1942, for renewal of license; class of service, broadcast; class of station, broadcast; location, Albany, Georgia; operating assignment specified; frequency, 1590 kc. power, 1 kw (DA-night); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for a consolidated hearing with the applications of the Herald Publishing Company, Dockets Nos. 6399, and 6400, for the following reasons:

1. To determine the qualifications of the licensee, its officers, directors and stockholders, with respect to continued operations of station WALB.
2. To determine whether the licensee, its officers, directors or stockholders have at any time made false or misleading statements to the Commission.
3. To obtain full information concerning the establishment, financing, ownership, control, and management of station WALB.

4. To determine whether the licensee, its officers, directors and stockholders, have permitted any unlicensed person to use or operate Station WALB in violation of section 301 of the Communications Act of 1934, as amended.

5. To determine whether rights under any construction permit for Station WALB have been assigned or otherwise transferred to any person without the approval of the Commission in violation of section 319 (b) of the Communications Act of 1934, as amended.

6. To determine whether the license of Station WALB or any of the rights therein granted have been transferred, assigned or in any manner disposed of without the prior written consent of the Commission in violation of section 310 (b) of the Communications Act of 1934, as amended.

7. To determine whether, in view of the foregoing and in view of the proceedings upon application No. B3-AL-346 (Docket No. 6400), public interest, convenience or necessity would be served by a grant of this application.

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

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

The applicant's address is as follows: Herald Publishing Company, Radio Station WALB, 138 Pine Avenue, Albany, Georgia.

Dated at Washington, D. C., August 31, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-8614; Filed, September 2, 1942;  
10:42 a. m.]

[Docket No. 6399]

### HERALD PUBLISHING CO. (WALB)

#### NOTICE OF HEARING

In re application of Herald Publishing Company, (WALB), dated October 29, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Albany, Georgia; operating assignment specified. Frequency, 1550 kc, power, 1 kw (DA-night), hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for a consolidated hearing with the applications of the Herald Publishing Company, Docket Nos. 6398, and 6400 for the following reasons:

1. To determine whether this application seeks an authorization involving the use of any materials to construct or change the transmitting facilities of station WALB and whether the granting of this application would be consistent with the policy announced in the Commission's Memorandum Opinion dated April 27, 1942.

2. To determine whether, in view of the foregoing and in view of the proceedings upon Applications Nos. B3-R-1134 and B3-AL-346 (Docket Nos. 6398 and 6400), public interest, convenience or necessity would be served by a grant of this application.

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

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

The applicant's address is as follows: Herald Publishing Company, Radio Station WALB, 138 Pine Avenue, Albany, Georgia.

Dated at Washington, D. C., August 31, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-8615; Filed, September 2, 1942;  
10:43 a. m.]

[Docket No. 6400]

### HERALD PUBLISHING CO. (WALB)

#### NOTICE OF HEARING

In re application of Herald Publishing Company (WALB), dated June 27, 1942, for voluntary assignment of license; class of service, broadcast; class of station, broadcast; location, Albany, Georgia; operating assignment specified: Frequency, 1590 kc; power, 1 kw (DA-night); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for a consolidated hearing with the applications of the Herald Publishing Company, Dockets Nos. 6398 and 6399, for the following reasons:

1. To determine the qualifications of Albany Herald Broadcasting Company, the proposed assignee, and of its officers, directors and stockholders, with respect to the proposed operation of Station WALB.
2. To obtain full information concerning the formation, financing, ownership, control, management and activities of Albany Herald Broadcasting Company and of its relationships with the licensee,

Herald Publishing Company, and Station WALB.

3. To determine whether Albany Herald Broadcasting Company has heretofore used or operated Station WALB without a license therefor in violation of section 301 of the Communications Act of 1934, as amended.

4. To determine whether, in view of the foregoing and in view of the proceedings upon Application No. B3-R-1134 (Docket No. 6398), public interest, convenience or necessity would be served by a grant of this application.

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

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

The applicant's address is as follows: Herald Publishing Company, Radio Station WALB, 138 Pine Avenue, Albany, Georgia.

Dated at Washington, D. C., August 31, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-8616; Filed, September 2, 1942; 10:43 a. m.]

[Docket No. 6403]

BREMER BROADCASTING CORP. (WAAT)

NOTICE OF HEARING

In re Application of Bremer Broadcasting Corporation (WAAT), dated October 31, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Jersey City, New Jersey; operating assignment specified: frequency, 970 kc; power, 5 kw (DA-night); hours of operation, unlimited.

You are hereby notified that the Commission on August 11, 1942 denied the petition of the applicant filed pursuant to the Memorandum Opinion of the Commission of April 27, 1942, and designated the above-entitled matter for hearing upon the following issues:

1. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its Memorandum Opinion dated April 27, 1942.

2. To determine whether, in view of the foregoing, public interest, convenience and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in

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favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

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

The applicant's address is as follows: Bremer Broadcasting Corporation, Radio Station WAAT, 50 Journal Square, Jersey City, New Jersey.

Dated at Washington, D. C., August 31, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-8617; Filed, September 2, 1942; 10:43 a. m.]

[Docket No. 6404]

JOHN W. CHOATE, ET AL.

NOTICE OF HEARING

In re application of John W. Choate, Leonore V. Choate, E. P. Nicholson, Jr. & John Wallbrecht, (a partnership) (New), dated April 28, 1942; for construction permit; class of service, broadcast; class of station, broadcast; location, Middlesboro, Kentucky; operating assignment specified: frequency, 1230 kc; power, 250 w; hours of operation, unlimited.

You are hereby notified that the Commission on August 11, 1942 denied the petition of the applicant filed pursuant to the Memorandum Opinion of the Commission of April 27, 1942, and designated the above-entitled matter for hearing upon the following issues:

1. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its Memorandum Opinion dated April 27, 1942.

2. To determine whether, in view of the foregoing, public interest, convenience and necessity would be served through the granting of this application.

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

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

The applicant's address is as follows: John W. Choate, Leonore V. Choate, E. P.

Nicholson, Jr., and John Wallbrecht, (a Partnership), Middlesboro, Kentucky.

Dated at Washington, D. C., August 31, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-8618; Filed, September 2, 1942; 10:44 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G-257, G-242]

EL PASO NATURAL GAS CO., ET AL.

ORDER POSTPONING AND TRANSFERRING PLACE OF HEARING

SEPTEMBER 1, 1942.

In the matter of El Paso Natural Gas Company, Western Gas Company, El Paso Gas Transportation Corporation, The State of Arizona, Complainant, v. Western Gas Company and El Paso Natural Gas Company, Defendants.

The Commission, upon reconsideration of its order of August 15, 1942, denying the motion of El Paso Natural Gas Company, Western Gas Company, and El Paso Gas Transportation Corporation, Respondents and Defendants in the above-entitled matters, filed August 12, 1942, requesting a postponement of the hearing in such matters for a period of one hundred and twenty days from September 9, 1942, and transfer of the place of the said hearing from Washington, D. C., finds that:

Good cause exists for the postponement of such hearing for a period of three weeks, and for the transfer of the place of the hearing from Washington, D. C., to Phoenix, Arizona;

Wherefore, the Commission orders, That:

(a) The hearing in the above-entitled matters be and the same is hereby postponed until September 30, 1942, at 9:45 a. m. in Room 212, U. S. Court House at Phoenix, Arizona;

(b) The application filed August 27, 1942, by Defendants and Respondents requesting a rehearing of their motion filed August 12, 1942, be and the same is hereby dismissed.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 42-8642; Filed, September 2, 1942; 12:09 p. m.]

[Docket Nos. IT-5696, IT-5697 and IT-5698]

ALUMINUM CO. OF AMERICA AND CAROLINA ALUMINUM CO.

ORDER POSTPONING DATE OF ORAL ARGUMENT

SEPTEMBER 1, 1942.

In the matters of Aluminum Company of America and Carolina Aluminum Company.

For good cause, the Commission orders, That: Oral argument before the Commission *en banc*, heretofore set for Sep-



tember 8, 1942, be and it is hereby postponed to September 18, 1942, at 10 a. m. (EWT) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C. By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 42-8641; Filed, September 2, 1942;  
12:09 p. m.]

#### OFFICE OF PRICE ADMINISTRATION.

[Administrative Order 25]

##### REGIONAL ADMINISTRATORS

##### DELEGATION OF AUTHORITY TO ACT FOR THE PRICE ADMINISTRATOR

Pursuant to the authority conferred upon the Price Administrator by the Emergency Price Control Act of 1942, the following Order is prescribed:

(a) Each Regional Administrator is hereby authorized to exercise within his region the functions, duties, powers and authority conferred upon the Price Administrator, for the purpose of acting upon such applications for adjustment, issuing such orders adjusting maximum prices and making such determinations of or affecting maximum prices as are set forth herein, except where such action affects selling units located in more than one region.

(1) Applications for adjustment of maximum prices pursuant to § 1499.18 (a) of the General Maximum Price Regulation, or any identical provision of any maximum price regulation, or pursuant to § 1499.114 of Maximum Price Regulation No. 165, as amended, (Services), or pursuant to §§ 1393.8 (a) and 1393.8 (b) of Maximum Price Regulation No. 154, as amended, (Ice).

(2) Orders of adjustment of the maximum prices reported by sellers pursuant to § 1499.3 (a) of the General Maximum Price Regulation, or any identical provision of any maximum price regulation, or § 1499.4b of the General Maximum Price Regulation, or §§ 1499.102 (c) or 1499.102 (d) or 1499.103 (d) of Maximum Price Regulation No. 165, as amended, (Services).

(3) Determinations of maximum prices pursuant to § 1499.3 (c) of the General Maximum Price Regulation or § 1389.154 (a) of Maximum Price Regulation No. 178, as amended, (Women's Fur Garments).

(b) Each Regional Administrator may, by issuing an "Order of Delegation under Administrative Order No. 25," delegate in whole or in part to a State Director or District Manager within his region the functions, duties, powers and authority conferred upon the Regional Administrator for the purpose of acting upon such applications for adjustment, issuing such orders adjusting maximum prices and making such determinations of or affecting maximum prices as are set forth herein. Within ten days after

the issuance of such an order of delegation, a copy thereof shall be sent by the Regional Administrator to the Executive Officer for Price, Washington, D. C.

(1) Applications for adjustment of maximum prices pursuant to § 1499.18 (a) of the General Maximum Price Regulation or of any identical provisions of any maximum price regulation, or pursuant to § 1499.114 of Maximum Price Regulation No. 165, as amended, (Services), or pursuant to §§ 1393.8 (a) and 1393.8 (b) of Maximum Price Regulation No. 154, as amended, (Ice).

(2) Orders of adjustment of the maximum prices reported by sellers pursuant to § 1499.3 (a) of the General Maximum Price Regulation, or any identical provision of any maximum price regulation, or § 1499.4b of the General Maximum Price Regulation, or §§ 1499.102 (c) or 1499.102 (d) or 1499.103 (d) of Maximum Price Regulation No. 165, as amended, (Services).

(3) Determinations of maximum prices pursuant to § 1389.154 (a) of Maximum Price Regulation No. 178, as amended, (Women's Fur Garments).

(c) Any order issued or other action taken by any duly authorized officer pursuant to this delegation of authority shall have the same force and effect as if issued or taken by the Price Administrator.

Issued and effective this 1st day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-8609; Filed, September 1, 1942;  
4:38 p. m.]

[Order 15 Under Supplementary Regulation No. 1 of the General Maximum Price Regulation]

##### CHEMICAL SERVICE COMPANY DISAPPROVAL OF REGISTRATION

An opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

The following company applied for registration and approval of the Office of Price Administration in order that its sales and deliveries might be excepted from the provisions of the General Maximum Price Regulation pursuant to § 1499.26 (b) (1) of Supplementary Regulation No. 1.

Chemical Service Company, 235 Fourth Avenue, New York, N. Y.

Due consideration has been given to the application for registration and approval of Chemical Service Company and it has been found that said company does not meet the requirements of § 1499.26 (b) (1) of Supplementary Regulation No. 1. Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 it is hereby ordered:

17 F.R. 3158, 3486, 3892, 4183, 4419, 4428, 4487, 4488, 4493, 4669, 5066, 5192, 5276, 5366.

(a) That the said application for registration and approval of Chemical Service Company, 235 Fourth Avenue, New York, N. Y., be, and the same is, denied and disapproved.

(b) This Order No. 15 shall become effective September 2, 1942.

Issued this 1st day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-8610; Filed, September 1, 1942;  
4:36 p. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

[File No. 7-676]

##### CLEVELAND STOCK EXCHANGE—JONES & LAUGHLIN STEEL CORP.

##### ORDER SETTING HEARING ON APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

In the matter of application of the Cleveland Stock Exchange to extend unlisted trading privileges to Jones & Laughlin Steel Corporation common stock, no par value.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 31st day of August, A. D. 1942.

The Cleveland Stock 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 security; 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 Thursday, October 8, 1942, at the office of the Securities and Exchange Commission, 1370 Ontario Street, Cleveland, Ohio, 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 C. J. Odenweller, Jr., or any other officer or officers of the Commission named by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, 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] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 42-8593; Filed, September 1, 1942;  
3:34 p. m.]

[File No. 1-1798]

## HELVETIA OIL COMPANY

## ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

In the matter of Helvetia Oil Company \$1 par value common stock.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of August, A. D. 1942.

The Boston Stock Exchange pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the \$1 Par Value Common Stock of Helvetia Oil Company; 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, September 29, 1942, at the office of the Securities and Exchange Commission, 82 Devonshire Street, Boston, Massachusetts, 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 Frank Kopolman, 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] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 42-8595; Filed, September 1, 1942; 3:34 p. m.]

[File No. 70-588]

## THE NORTH AMERICAN COMPANY

## ORDER PERMITTING DECLARATION 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 31st day of August, A. D. 1942.

The North American Company, a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935 particularly section 12 (b) thereof and Rule U-43 thereunder regarding a proposed distribution on or about October 1, 1942 in payment of a dividend on its common stock of not more than 155,000 shares of the capital stock of The Detroit Edison Company; and

Said declaration having been filed on the 13th day of August, 1942 and notice

of said filing having been duly given in the form and manner prescribed by Rule U-23 under said Act and the Commission not having received a request for hearing with respect to said declaration within the period specified within such notice or otherwise and not having ordered a hearing thereon; and The North American Company having requested that said declaration as filed become effective forthwith; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective pursuant to said section 12 (b) and said Rule U-43, and being satisfied that the effective date of said declaration should be advanced;

*It is hereby ordered,* Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, That the aforesaid declaration be and the same is hereby permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 42-8594; Filed, September 1, 1942; 3:35 p. m.]

[File No. 59-12]

## AMERICAN POWER &amp; LIGHT CO.

## ORDER REQUIRING DISSOLUTION

In the matter of Electric Bond and Share Company, American Power & Light Company, Pacific Power & Light Company, Electric Power & Light Corporation, Utah Power & Light Company, National Power & Light Company, and Ebasco Services, Incorporated, respondents.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 22nd day of August, A. D. 1942.

The Commission having on May 9, 1940 issued its Notice of and Order for Hearing instituting this proceeding pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 and having issued supplementary orders dated June 7, 1940, and June 17, 1940; and

After hearings had been held in the above matter, the Commission having issued its order dated August 23, 1941, requiring the dissolution of Respondent National Power & Light Company and reserving jurisdiction as to the issues in the proceeding with respect to the other Respondents; and

Further hearings have been held in the above matter, and Counsel for the Respondents and for the Public Utilities Division having stipulated that the record may be closed with respect to Respondent American Power & Light Company, and that the Commission may

proceed to enter its findings, opinion, and order with respect to the aforesaid Respondent; and

Counsel for the Respondent having waived any right to a trial examiner's report or to submit proposed findings of fact, oral argument or briefs with respect to the issues herein as respects the aforesaid Respondent; and

The Commission having examined the record herein and having considered all motions and objections urged by the Respondents and having this day made and filed its findings and opinion thereon, finding inter alia that the action hereinafter directed to be taken is necessary to ensure that the corporate structure and continued existence of Respondent American Power & Light Company shall not unduly or unnecessarily complicate the structure, or unfairly or inequitably distribute voting power among security holders, of the holding-company system of Electric Bond and Share Company;

*It is ordered,* That the motion filed by Counsel for Respondents to dismiss the Commission's notice of and order for hearing dated May 9, 1940 and supplementary order dated June 7, 1940, and to dismiss the within proceeding, be, and the same hereby is, denied as to Respondent American Power & Light Company; and that the motion filed by Respondents to strike various exhibits introduced in evidence by Counsel for the Public Utilities Division be, and the same hereby is denied as to Respondent American Power & Light Company; and that the exceptions noted by Respondents to rulings of the trial examiner during the course of the hearings be, and the same hereby are, overruled as to Respondent American Power & Light Company; and

*It is further ordered,* That the motion of Respondents to consolidate with the within proceeding a certain "Application for approval of Plan Under section 11 (e) of the Public Utility Holding Company Act of 1935" heretofore filed with this Commission by American Power & Light Company be, and the same hereby is denied; and

*It is further ordered,* Pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935, That the existence of American Power & Light Company shall be terminated and that said company shall be dissolved;

*It is further ordered,* That Respondent American Power & Light Company and Respondent Electric Bond and Share Company shall proceed with due diligence to submit to this Commission a plan or plans for the effectuation of this order, and shall take such other and further steps as may be necessary or appropriate to effectuate this order; and

*It is further ordered,* That jurisdiction be, and the same hereby is, reserved to enter such further orders as may be necessary or appropriate for the purpose of ensuring that the provisions of this order are carried out in a manner consistent with the public interest and the provi-

sions of the Act; and that jurisdiction be, and the same hereby is, reserved with respect to all issues in the within proceeding not resolved by the provisions of this order above set forth.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-8597; Filed, September 1, 1942;  
3:34 p. m.]

[File No. 59-12]

**ELECTRIC POWER & LIGHT CORP.**

**ORDER REQUIRING DISSOLUTION**

In the matter of Electric Bond and Share Company, American Power & Light Company, Pacific Power & Light Company, Electric Power & Light Corporation, Utah Power & Light Company, National Power & Light Company, Ebasco Services Incorporated, Respondents.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania on the 22nd day of August A. D., 1942.

The Commission having on May 9, 1940, issued its Notice of and Order for Hearing instituting this proceeding pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 and having issued supplementary orders dated June 7, 1940, and June 17, 1940; and

After hearings had been held in the above matter, the Commission having issued its order dated August 23, 1941, requiring the dissolution of Respondent National Power & Light Company and reserving jurisdiction as to the issues in the proceeding with respect to the other Respondents; and

Further hearings have been held in the above matter, and Counsel for the Respondents and for the Public Utilities Division having stipulated that the record may be closed with respect to Respondent Electric Power & Light Corporation, and that the Commission may proceed to enter its findings, opinion, and order with respect to the aforesaid Respondent; and

Counsel for the Respondent having waived any right to a trial examiner's report or to submit proposed findings of fact, oral argument or briefs with respect to the issues herein as respects the aforesaid Respondent; and

The Commission having examined the record herein and having considered all motions and objections urged by the Re-

spondents and having this day made and filed its findings and opinion thereon, finding inter alia that the action hereinafter directed to be taken is necessary to ensure that the corporate structure and continued existence of Respondent Electric Power & Light Corporation shall not unduly or unnecessarily complicate the structure, or unfairly or inequitably distribute voting power among security holders, of the holding company system of Electric Bond and Share Company:

*It is ordered,* That the motion filed by Counsel for Respondents to dismiss the Commission's notice of and order for hearing dated May 9, 1940 and supplementary order dated June 7, 1940, and to dismiss the within proceeding, be, and the same hereby is, denied as to Respondent Electric Power & Light Corporation; and that the motion filed by Respondents to strike various exhibits introduced in evidence by Counsel for the Public Utilities Division, be, and the same hereby is denied as to Respondent Electric Power & Light Corporation; and that the exceptions noted by Respondents to rulings of the trial examiner during the course of the hearings be, and the same hereby are, overruled as to Respondent Electric Power & Light Corporation; and

*It is further ordered,* That the motion of Respondents to consolidate with the within proceeding a certain "Application for approval of Plan Under section 11 (e) of the Public Utility Holding Company Act of 1935" heretofore filed with this Commission by Electric Power & Light Corporation be, and the same hereby is denied; and

*It is further ordered,* Pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935, That the existence of Electric Power & Light Corporation shall be terminated and that said company shall be dissolved;

*It is further ordered,* That Respondent Electric Power & Light Corporation and Respondent Electric Bond and Share Company shall proceed with due diligence to submit to this Commission a plan or plans for the effectuation of this order, and shall take such other and further steps as may be necessary or appropriate to effectuate this order; and

*It is further ordered,* That jurisdiction be, and the same hereby is, reserved to enter such further orders as may be necessary or appropriate for the purpose of ensuring that the provisions of this order are carried out in a manner consistent with the public interest and the provisions of the Act; and that jurisdiction be, and the same hereby is, reserved with respect to all issues in the within pro-

ceeding not resolved by the provisions of this order above set forth.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-8598; Filed, September 1, 1942;  
3:34 p. m.]

**WAR PRODUCTION BOARD.**

[Certificate No. 11]

**PLAN AND AGREEMENT EXECUTED BY  
CERTAIN OIL COMPANIES**

**THE ATTORNEY GENERAL:**

Pursuant to the provisions of section 12 of Public Law 603, approved June 11, 1942, I enclose Plan and Agreement, dated July 4, 1942,<sup>1</sup> executed by Gulf Refining Company, Socony-Vacuum Oil Company, Incorporated, The Texas Company, Lion Oil Refining Company, and Premier Oil Refining Company of Texas.

The Plan and Agreement provides for the acquisition, financing, construction, completion, operation and maintenance of a ten-inch common carrier products pipeline, originating in the vicinity of El Dorado, Arkansas, and extending in a northeasterly direction approximately one hundred and fifty miles to a point on the Mississippi River near Helena, Arkansas.

The activities provided for in such Plan and Agreement have been undertaken by the affected persons, pursuant to the direction of the Petroleum Coordinator for War, issued under date of August 13, 1942, addressed to the above-named five signatory parties to the Plan and Agreement, and to Mr. W. Alton Jones, Chairman of the Temporary Joint Pipeline Managing Subcommittee, 122 East 42nd Street, New York, New York.

I hereby approve said Plan and Agreement for the purposes of section 12 of Public Law No. 603, approved June 11, 1942, and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with my approval herein expressed, is requisite to the prosecution of the war.

DONALD M. NELSON,  
Chairman.

AUGUST 31, 1942.

[F. R. Doc. 42-8632; Filed, September 2, 1942;  
12:07 p. m.]

<sup>1</sup>Filed as part of the original document. See also Department of Justice, Office of the Attorney General, *supra*.