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FEDERAL REGISTER

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Washington, Tuesday, September 22, 1942

The President

EXECUTIVE ORDER 9248

AMENDING EXECUTIVE ORDER No. 9240 ENTITLED "REGULATIONS RELATING TO OVERTIME WAGE COMPENSATION"

By virtue of the authority vested in me by the Constitution and the statutes, it is ordered that Section V of Executive Order No. 9240 of September 9, 1942,¹ entitled "Regulations Relating to Overtime Wage Compensation", be, and it is hereby, amended to read as follows:

"All Federal departments and agencies affected by this order shall refer to the Secretary of Labor for determination questions of interpretation and application arising hereunder. In any industry or occupation in which the Secretary finds that a wage stabilization agreement approved by a Government department or agency is operating satisfactorily, or in any industry or occupation in which the Secretary finds that the nature and exigencies of operations make such action necessary or advisable for the successful prosecution of the war, the Secretary may determine that any or all of the provisions of this order shall not apply to such industry or occupation or to any classes of employees therein."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

September 17, 1942.

[F. R. Doc. 42-9277; Filed, September 18, 1942; 2:27 p. m.]

¹ 7 F. R. 7159.

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Commodity Credit Corporation

[Amendment 3 to 1937 CCC Cotton Form SFE]

PART 224—TERMS AND CONDITIONS OF COTTON SALES FOR EXPORT PROGRAM

MISCELLANEOUS AMENDMENTS

1937 CCC Cotton Form SFE—Terms and Conditions of Cotton Sales for Export Program, issued October 3, 1941, as amended, is hereby further amended as follows:

Section 224.10 *Registration of sales*, is amended by adding paragraph (h), reading as follows:

(h) The terms of sales contracts filed with Commodity Credit Corporation may be amended to provide for exportation of the cotton prior to November 30, 1942, by filing with Commodity Credit Corporation certified copies of the agreement between the parties to such contracts.

Section 224.13 *Liquidated damages*, is amended to read as follows:

§ 224.13 *Liquidated damages*. In all cases in which (a) cotton is sold by the Corporation in reliance upon registered sales for future delivery and satisfactory evidence of the exportation, prior to November 30, 1942, of an equivalent quantity of cotton in fulfillment of such sales is not filed within the prescribed time with the Corporation or (b) cotton as to which satisfactory evidence of exportation has been submitted re-enters the United States or its possessions (other

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than the Philippine Islands) in raw cotton form, the purchaser shall pay to the Corporation, as liquidated damages, the sum of 12½ cents per pound for each pound of such cotton: *Provided*, That the purchaser shall not be liable for liquidated damages under paragraph (b) of this section with respect to raw cotton re-entering the United States or its possessions (other than the Philippine Islands) under the provisions of the Proclamation of the President of the United States, No. 2544, dated March 31, 1942.

These amendments shall be applicable to all cotton purchased under the Cotton Sales for Export Program.

Issued this 25th day of August 1942 at Washington, D. C.

(Sec. 302 (a) and sec. 381 (c) 52 Stat. 43; 7 U.S.C., 1940 ed. 1302, and 1381 (c))

[SEAL]

J. B. HUTSON,
President.

Attest:

FRANK L. WALSTON,
Secretary.

[F. R. Doc. 42-9306; Filed, September 19, 1942; 11:00 a. m.]

[Amendment 1 to 1942 C.C.C. Soybean Form 1—Instructions]

PART 230—1942 SOYBEAN LOANS

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of Title III, section 302 (a) of the Agricultural Adjustment Act of 1938, as amended, (52 Stat. 43; 7 U.S.C., Sup., 1302), Commodity Credit Corporation has authorized the making of loans on farm-stored soybeans or the purchase of soybeans stored in approved warehouses or delivered to designated delivery points in accordance with the regulations in this part (1942 C.C.C. Soybean Form 1—Instructions). Such regulations are amended as follows:

Section 230.2 *Loans*, paragraphs (a) and (b) are hereby amended to read as follows:

(a) *Amount*. The basic loan values for No. 1 and No. 2 soybeans shall be in accordance with the following schedules:

(1) Soybeans of classes I and II (green and yellow):

(i) \$1.67 per bushel for high oil content.
(ii) \$1.57 per bushel for medium oil content.

(2) Soybeans of classes III, IV, and V (brown, black, and mixed):

(i) \$1.57 per bushel for high oil content.
(ii) \$1.47 per bushel for low oil content.

(3) Soybeans of any class grading No. 3 with respect to factors other than moisture and having not more than 14 percent moisture shall be discounted 3 cents per bushel below the basic loan value for No. 1 or No. 2.

(b) *Maturity and interest*. Loans on eligible soybeans will be available after the 1942 harvest begins and through March 31, 1943. Loans will mature on demand, but not later than June 30, 1943. Consent for storage of the soybeans on the farm until September 1, 1943, will be required. The loan rate includes a 7-cent per bushel storage allowance which may be retained by the borrower if the soybeans are delivered to Commodity Credit Corporation in payment of the loan at maturity or prior thereto if payment is demanded for a reason other than damage to the collateral or misrepresentation by the borrower. If delivery is made prior to maturity due to damage or threatened damage to the collateral, the producer shall refund to the Corporation an amount equal to 1 cent per bushel per month for each month or fraction thereof he fails to store the beans, to June 30, 1943, not to exceed a total of 7 cents per bushel. Loans will be made on a note and chattel mortgage basis, using C. C. C. Grain Form A (Revised) (note) and C. C. C. Grain Form AA (Revised) (chattel mortgage).

Dated August 6, 1942.

[SEAL] J. B. HUTSON,
President.

[F. R. Doc. 42-9307; Filed, September 19, 1942; 11:00 a. m.]

[Amendment 2 to 1942 C. C. C. Soybean Form 1—Instructions]

PART 230—1942 SOYBEAN LOANS

INCREASE IN BASIC PRICE TO BE PAID FOR NO. 1 AND NO. 2 SOYBEANS PURCHASED SUBSEQUENT TO JANUARY 1, 1943

Pursuant to the provisions of Title III, section 302 (a) of the Agricultural Adjustment Act of 1938, as amended, (52 Stat. 43; 7 U. S. C., Sup., 1302), Commodity Credit Corporation has authorized the making of loans on farm-stored soybeans or the purchase of soybeans stored in approved warehouses or delivered to designated delivery points in accordance with the regulations in this part (1942 C. C. C. Soybean Form 1—Instructions). Such regulations are amended as follows:

Section 230.3 *Purchases*, is amended by adding between paragraphs (b) and (c) thereof the following language:

The basic price will apply to all purchases made prior to January 1, 1943, at which time the basic price shall be advanced 1 cent per bushel, and on each succeeding first day of February, March, April, May, and June the basic price shall be increased 1 cent per bushel over the price applicable for the immediately preceding month:

Dated August 6, 1942.

[SEAL] J. B. HUTSON,
President.

[F. R. Doc. 42-9308; Filed, September 19, 1942; 11:00 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Administration

PART 161—REGULATIONS FOR THE ENFORCEMENT OF THE INSECTICIDE ACT

AMENDMENT OF WORDING

By virtue of the authority vested in the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce by The Insecticide Act (36 Stat. 331, as amended; 7 U. S. C. 1940 ed. 121-134), the following amendments to Title 7, Chapter 1, Part 161, Code of Federal Regulations, as published in the FEDERAL REGISTER on September 25, 1941 (6 F.R. 4878), are promulgated:

Section 161.2 (c) is amended to read:

(c) "Administrator" means the Administrator of the Agricultural Marketing Administration of the United States Department of Agriculture or any officer or employee of that Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

In §§ 161.3 and 161.9, the words "Chief of Service" are stricken and the word "Administrator" is substituted therefor.

Wherever they occur in Part 161, the words "Agricultural Marketing Service" are stricken and the words "Agricultural Marketing Administration" substituted therefor.

Done at Washington, D. C. this 19th day of September, 1942.

Witness my hand and the seal of the Treasury Department.

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

Witness my hand and the seal of the Department of Commerce.

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 42-9305; Filed, September 19, 1942; 10:59 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Marketing Administration

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

SUPERIOR SALES COMPANY, SUPERIOR, NEBRASKA

NOTICE UNDER PACKERS AND STOCKYARDS ACT¹

SEPTEMBER 18, 1942.

Whereas, in accordance with the provisions of section 302 (b) of the Packers and Stockyards Act, 1921 (7 U. S. C. sec. 202 (b)), the Secretary of Agriculture posted the stockyard known as the McKee Sales Company, Superior, Nebraska, as being subject to the provisions of said Act; and

Whereas, it appears that said stockyard is now known as The Superior Sales Company, and is being operated by J. L. Miller, doing business as The Superior Sales Company:

Now, therefore, *It is ordered*, That the notice of the posting of said stockyard be, and it hereby is, amended to show that the correct name of the stockyard is The Superior Sales Company, Superior, Nebraska.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-9312; Filed, September 19, 1942; 10:59 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 50722]

PART 4—APPLICATION OF CUSTOMS LAWS TO AIR COMMERCE

CALEXICO MUNICIPAL AIRPORT, CALEXICO, CALIFORNIA

DESIGNATION AS AIRPORT OF ENTRY REVOKED²

SEPTEMBER 17, 1942.

The designation of the Calexico Municipal Airport, Calexico, California, as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States is hereby revoked, effective this date.

(Sec. 7 (b), 44 Stat. 572; 49 U.S.C. 177 (b)).

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42-9280; Filed, September 18, 1942; 4:42 p. m.]

[T. D. 50723]

PART 4—APPLICATION OF CUSTOMS LAWS TO AIR COMMERCE

CHALKS FLYING SERVICE AIRPORT, MIAMI, FLORIDA

REDESIGNATION AS AIRPORT OF ENTRY FOR ONE YEAR¹

SEPTEMBER 17, 1942.

The Chalks Flying Service Airport, Miami, Florida, is hereby redesignated as

¹ Modifies list posted stockyards 9 CFR 204.1.

² This document affects the tabulation in 19 CFR 4.13.

an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U.S.C. title 49, sec. 179 (b)), for a period of one year from September 17, 1942.

(Sec. 7 (b), 44 Stat. 572; 49 U.S.C. 177 (b))

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42-9279; Filed, September 18, 1942;
4:42 p. m.]

[T. D. 50724¹]

PART 6—INVOICES, ENTRY AND ASSESSMENT
OF DUTIES

INVOICES—FISH AND FISH LIVERS

NOTICE OF ADDITIONAL DATA REQUIRED ON INVOICES OF FISH AND FISH LIVERS IMPORTED IN AIR-TIGHT CONTAINERS

Pursuant to the provisions of article 274 (e) (2) of the Customs Regulations of 1937, as amended by (1938) T. D. 49426 [sec. 6.1 (c)], notice is hereby given that there shall be included on all customs invoices covering fish and fish livers imported in air-tight containers a statement whether the articles contain an oil, fat, or grease which has had a separate existence as an oil, fat, or grease. The name and quantity of any oil, fat, or grease which has been added shall be stated. The requirements set out in (1938) T. D. 49640 shall be complied with in respect of any added oil, fat, or grease which is subject to an import tax under section 2491 (c) of the Internal Revenue Code.

This requirement shall be effective as to invoices certified after 30 days after publication of this document in the weekly Treasury Decisions. (Sec. 481 (a) (10), 46 Stat. 719; 19 U.S.C. 1481 (a) (10))

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

Approved September 17, 1942.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42-9315; Filed, September 19, 1942;
11:28 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter III—Proclaimed List of Certain
Blocked Nationals

SUPPLEMENT 2 TO REVISION III OF AUGUST
10, 1942

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Board of Economic Warfare, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F.R. 3555), the following Supplement 2 containing certain additions to, amendments to, and

deletions from The Proclaimed List of Certain Blocked Nationals, Revision III¹ of August 10, 1942 (7 F.R. 6282) is hereby promulgated

By direction of the President:

CORDELL HULL,
Secretary of State.
JESSE H. JONES,
Secretary of Commerce.
H. MORGENTHAU, Jr.,
Secretary of the Treasury.
MILO PERKINS,
Executive Director,
Board of Economic Warfare.
CHARLES FAHY,
Acting Attorney General.
PERCY L. DOUGLAS,
Acting Coordinator of
Inter-American Affairs.

SEPTEMBER 18, 1942.

GENERAL NOTES: (1) The Proclaimed List is divided into two parts: part I relates to listings in the American republics; part II relates to listings outside the American republics.

(2) In part I titles are listed in their letter-address form, word for word as written in that form, with the following exceptions:

If the title includes a full personal name, that is, a given name or initial and the surname, the title is listed under the surname.

Personal-name prefixes such as *de*, *la*, *von*, etc., are considered as part of the surname and are the basis for listing.

The listing is made under the next word of the title when the initial word or phrase, or abbreviation thereof, is one of the following Spanish forms or similar equivalent forms in any other language:

Compañía; Cía.; Comp.
Compañía Anónima; C. A.; Comp. Anón.
Sociedad; Soc.
Sociedad Anónima; S. A.; Soc. Anón.

(3) The indication of an address for a name on the list is not intended to exclude other addresses of the same firm or individual. A listed name refers to all branches of the business in the country.

(4) For an explanation of the use of the symbol following each addition in this supplement see General Notes, Revision III.

PART I—LISTINGS IN AMERICAN REPUBLICS

ADDITIONS

Argentina

Argentina de Navegación, "Lloyd Argentina" S. A., Cía.—Florida 440, Buenos Aires. III-2.

Atlantis Sociedad Anónima de Préstamos y Edificación.—San Martín 195, Buenos Aires. III-2.

Bernezzo, Victorio Asnari di.—San Martín 232, Buenos Aires. III-2.

Bini, J. Carlos.—Carlos Calvo 2526, Buenos Aires. III-2.

Clerici, Angelo.—Avenida Roque Sáenz Peña 555, Buenos Aires. III-2.

Cochico Sociedad Anónima Agrícola Ganadera.—Guamini, Provincia de Buenos Aires; and Cangallo 456, Buenos Aires. III-2.

Crefin, Sociedad Anónima Créditos y Financiaciones.—Bartolomé Mitre 311, Buenos Aires. III-2.

de Alarcón y Cía., Francisco.—Salcedo 490 y Mitre 5958 Wilde, F. C. S. III-2.

Eder José.—Corrientes 923, Buenos Aires. III-2.

Edificio Germánico Compañía Inmobiliaria S. A.—Leandro N. Alem 150, Buenos Aires. III-2.

"El Argentino".—Uspallata 981, Buenos Aires. III-2.

Fantoni, Mario.—Avenida Roque Sáenz Peña 555, Buenos Aires. III-2.

Fernández, Juan Antonio.—Rojas 1047, Buenos Aires. III-2.

Fischer, Máximo.—Venezuela 2047, Buenos Aires. III-2.

Fouquet, Paul.—Buenos Aires. III-2.

Fratelli Branca S. de R. L.—Independencia 2838, Buenos Aires. III-2.

Gartner, Eberhard.—Tabaré 1040, Buenos Aires. III-2.

Gómez, Antonio.—Salta 323 y Patagones 2756, Buenos Aires. III-2.

Guerra, Virgilio.—Chile 424, Buenos Aires. III-2.

Herrero, Samuel de Dios.—Avenida Presidente Roque Sáenz Peña, Buenos Aires. III-2.

Herrero y Cía.—Avenida Presidente Roque Sáenz Peña 1119, Buenos Aires. III-2.

Imprenta El Argentino.—Uspallata 981, Buenos Aires. III-2.

Insua, Carlos.—Bartolomé Mitre 311, Buenos Aires. III-2.

Jobke, Alfredo.—Lafayette 1735, Buenos Aires. III-2.

Jobke & Neidig.—Lafayette 1735, Buenos Aires. III-2.

Klapproth, Augusto.—Belgrano 263, Buenos Aires. III-2.

Librería Goethe.—Corrientes 366, Buenos Aires. III-2.

Lima, Luis.—Avenida Presidente Roque Sáenz Peña 1119, Buenos Aires. III-2.

Lowengard, Enrique Guido.—Avenida Presidente Roque Sáenz Peña 1119, Buenos Aires. III-2.

Mercantil Argentina S. A. C., Cía.—Bartolomé Mitre 430, Buenos Aires. III-2.

Midzuno, T.—Uspallata 981, Buenos Aires. III-2.

Moreira, Alberto.—Reconquista 134, Buenos Aires. III-2.

Moreira, Enrique.—Reconquista 134, Buenos Aires. III-2.

Mosqueda, Obedulio.—Cochabamba 2362, Buenos Aires. III-2.

Mostachi, Juan.—25 de Mayo 87, Paraná, Provincia de Entre Ríos. III-2.

Mourgues, Armando.—Belgrano 263, Buenos Aires. III-2.

Mourgues & Klapproth.—Belgrano 263, Buenos Aires. III-2.

Neidig, Carlos.—Lafayette 1735, Buenos Aires. III-2.

Pairolat y Bianchi.—25 de Mayo 11, Buenos Aires. III-2.

Pfeiffer Sáenz, Christian Edmundo.—San Martín 235, Buenos Aires. III-2.

"Rhenania" Sociedad Anónima Comercial y Financiera.—Avenida Presidente Roque Sáenz Peña 933, Buenos Aires. III-2.

Rodríguez y Cía.—Nicasio Orono 691-93, Buenos Aires. III-2.

Saibene, Miguel Etchegaray.—Cangallo 460, Buenos Aires. III-2.

Salbach & Landoni.—Sarmiento 2580, Buenos Aires. III-2.

Salgado, José Manuel. Díaz Vélez 4912, Buenos Aires. III-2.

¹ This document affects 19 CFR 6.1 (c).

¹ 7 F.R. 6282, 6847.

Schnitzler, Ricardo.—Corrientes 923, Buenos Aires. III-2.

Schnitzler y Eder.—Corrientes 923, Buenos Aires. III-2.

Schoeller, Carlos J.—Ríoja 1584, Rosario. III-2.

Schuhmann y Schrenk. Victoria 1922, Buenos Aires, III-2.

Storch, Guillermo.—Corrientes 366, Buenos Aires. III-2.

Talleres Gráficos La Aurora.—Chile 424, Buenos Aires. III-2.

Talleres Mecánicos "JONE".—Lafayette 1735, Buenos Aires. III-2.

Thenée, José.—Belgrano 774 y Ramella 127 Bernal, Provincia de Buenos Aires. III-2.

Tsuda, Masao.—Junín 1479, Buenos Aires. III-2.

Wolff, Bruno.—Tabaré 1040, Buenos Aires. III-2.

Wolff, Eckard.—Tobaré 1040, Buenos Aires. III-2.

Wolff, S. de R. L., Bruno.—Tabaré 1040, Buenos Aires. III-2.

Bolivia

Benthin, Max.—Cochabamba. III-2.

Casa Universal.—Loaiza 88 (Casilla 478), La Paz. III-2.

"El Louvre".—Potosí 393 (Casilla 26), La Paz. III-2.

Schulz, Erich M.—Sánchez Lima 596, La Paz. III-2.

Siebels, Gerardo.—Calle Mercado (Casilla 914), La Paz. III-2.

Siebels, Fiambrería Alemana de Gerardo.—Mercado 74, La Paz. III-2.

Snitovsky, Szalem.—Loaiza 88 (Casilla 478), La Paz. III-2.

Spreckels, Teodoro.—Potosí 393 (Casilla 26), La Paz. III-2.

Steiner, Robert.—Cochabamba. III-2.

Brazil

Blanco Prior e Cia., F.—Rua Amador Bueno 101, Santos. III-2.

Casa Alemã, Tecidos, Moveis e Tapeçarias, S. A.—Rua do Ouvidor 158, Rio de Janeiro. III-2.

Dima S. A., Distribuidora de Máquinas Brasileiras.—São Paulo. III-2.

Foto Optica Adro.—Rua 15 de Novembro 357, Curitiba. III-2.

Frey, Oficina Fred.—Rua Thiers 136, São Paulo. III-2.

Marquardt, Julius.—Avenida Almirante Barroso 81, Rio de Janeiro. III-2.

Chile

Albertz, G. y R.—Lautaro 866, Santiago. III-2.

Ankelen H., Juan.—Pedro Montt 1895, Valparaíso. III-2.

Aragón, Fermín.—Ramírez 818, Osorno. III-2.

Aubel Renz, Jorge.—Calle República, Osorno. III-2.

Barrio, Basilio.—Ramírez, 818, Osorno. III-2.

Becker y Cia. Ltda., A.—Santo Domingo 1158, Santiago. III-2.

Bischoffshausen y Fuchslocher Ltda.—Ramírez 641, Osorno. III-2.

Böker, Carlos.—Serrano 498, Valparaíso. III-2.

Botica Alemana.—Arturo Prat 850 (Casilla 26), Valparaiso. III-2.

Botica Central.—Calle Ramírez, Osorno. III-2.

Botica Matthei.—Calle Ramírez esquina Bulnes, Osorno. III-2.

Brain, Demartini Ltda.—San Antonio 579 (Casilla 1740), Santiago. III-2.

Campos Araya, Carlos.—Arauco 350, Santiago. III-2.

Casa Escocesa.—Serrano 498, Valparaíso. III-2.

Cigarrería Delicias.—Calle Bulnes, Temuco. III-2.

Dominguez, Ricardo.—Libertad 173, Valdivia. III-2.

"El Danubio Azul".—Prat 466, Antofagasta. III-2.

Farmacia Germania.—Pedro Montt 1895, Valparaíso. III-2.

Figueroa, Felicia.—Calle Bulnes, Temuco. III-2.

Franz, Werner.—Carrera 863, Osorno. III-2.

Fuchslocher, Egon.—Prat 780, Osorno. III-2.

Fundición Volcán.—Freire 359, Osorno. III-2.

García Serdio, Arsenio.—Puente 676, Santiago. III-2.

Giacaman, Musa Jiries.—Prat 466, Antofagasta. III-2.

Grote, Pablo.—Matta esquina Carrera, Osorno. III-2.

Haenel Rabenau, Arturo.—Estado 260, Santiago. III-2.

Hilgers y Weis.—Carrera esquina Colón, Osorno. III-2.

Hubach, Fernando.—Osorno and Riachuelo. III-2.

Inducación Wagner - Beckers y Cia., Ltda.—R. Phillippi 341 (Casilla 125), Valparaíso. III-2.

Kunstmann Ribbeck, Erico.—Calle Arturo Prat esquina Libertad (Casilla 175), Valdivia. III-2.

"La Riojana".—Ramírez 818, Osorno. III-2.

Lehmann, Alberto.—Egaña 807-847, Puerto Montt. III-2.

"Lucelys".—Ramírez 1013, Osorno. III-2.

Marini Monteverde, Silvio.—Avenida Pedro Montt 1844, Valparaíso. III-2.

Matthei, Eduardo.—Ramírez 754, Osorno. III-2.

Mercería Puente.—Puente 676, Santiago. III-2.

Molino Rahue.—República 272, Osorno. III-2.

Morawitz, Max.—Freire 314, Osorno. III-2.

Nolff, Max.—Arturo Prat 850 (Casilla 26), Valparaiso. III-2.

Radio Maipo.—Huérfanos 1055, Santiago. III-2.

Scheuch Fritz, Augusto.—Calle República, Osorno. III-2.

Schuck, Ricardo.—Carrera 979, Osorno. III-2.

Schuller Flaig, Otto.—General Lagos 1356, Valdivia. III-2.

Seeger, Alberto.—Calle Ramírez, Osorno. III-2.

Troeger, Kurt.—Cochrane 843, Piso 3, Valparaíso. III-2.

Vega y Cia, Ltda., José.—Vicuña Mackenna 801, Santiago. III-2.

von Bischoffshausen, Ernesto.—Ramírez 643, Osorno. III-2.

Wagner, Carlos.—Picarte 453, Valdivia. III-2.

Wagner, Carlos.—Picarte 453, Valdivia. III-2.

Wagner, Carlos.—Picarte 453, Valdivia. III-2.

Wagner, Carlos.—Picarte 453, Valdivia. III-2.

Wagner, Carlos.—Picarte 453, Valdivia. III-2.

Wagner, Carlos.—Picarte 453, Valdivia. III-2.

Wagner, Carlos.—Picarte 453, Valdivia. III-2.

* Formerly known as Radio Hucke.

Weil Gardeweg, Carlos.—Varas 880, Puerto Montt. III-2.

Colombia

Pardo, Jesús.—Bogotá. III-2.

Parra, Saul.—Calle 12 No. 4-88, Bogotá. III-2.

Ruehle, Wilhelm.—Medellín. III-2.

Costa Rica

Aronne Filomena, Luis.—San José. III-2.

Botica Quirós.—San José. III-2.

Bruno Mainieri, José.—San José. III-2.

Bruno Mainieri, Nicolás.—San José. III-2.

Cersósimo Gugliotta, Francisco.—San José. III-2.

Cersósimo Gugliotta, José.—San José. III-2.

Cersósimo Gugliotta, Juan.—San José. III-2.

Croceri y Cía.—San José. III-2.

Delcore Belucci, Domingo.—San José. III-2.

Delcore Belucci, Nicolás.—San José. III-2.

Delcore & Aronne.—San José. III-2.

Guidi Santarelli, Corrado.—San José. III-2.

Luisi y Cía., Marmolería, U.—San José. III-2.

Neurohr, Julio.—San José. III-2.

Neurohr, Aserradero Julio.—San José. III-2.

Quirós, Marta viuda de.—San José. III-2.

Rímolo D'Agostino, Fidel.—San José. III-2.

Rímolo D'Agostino, José.—San José. III-2.

Rímolo D'Agostino, Leonardo.—San José. III-2.

Rímolo d'Agostino, Luis.—San José. III-2.

Rímolo Hermanos.—San José. III-2.

Ulloa Z., Miguel Angel. San José. III-2.

Zapateria La Renaciente.—San José. III-2.

Ecuador

Costa, Guido.—Guayaquil. III-2.

Neira, Alberto.—Ayacucho 202, Guayaquil. III-2.

Orrantía González, Joaquín.—Guayaquil. III-2.

Salón "Viena".—García Moreno 47, Quito. III-2.

von Gizitzky, Bernardo.—Manta. III-2.

von Gizycki, Bernardo.—Manta. III-2.

Witte, Fritz.—Manta. III-2.

El Salvador

Schmidt, Arthur Max.—Delgado 26, San Salvador. III-2.

Haiti

Caprio, Raphael. — Port - au - Prince. III-2.

de Matteis, Attilio.—Rue du Peuple, Port-au-Prince. III-2.

Farber, Alfred.—Pétionville. III-2.

Gaetjens, Raoul. — Port - au - Prince. III-2.

Lajat, Louis.—Rue des Cesars (Boîte Postale 111), Port-au-Prince. III-2.

Lajat & Co.—Rue des Cesars (Boîte Postale 111), Port-au-Prince. III-2.

Leonhardt, Martin.—Port-au-Prince. III-2.

Maglio, Joseph (Giuseppe).—Avenue Président Trujillo, Port-au-Prince. III-2.

Maglio, Joseph (Mme.).—Avenue Président Trujillo, Port-au-Prince. III-2.

Maimone, Louis (Luigi).—Rue Roux, Port-au-Prince. III-2.

Maimone & Fils, François.—Rue Roux, Port-au-Prince. III-2.

Salimbene, Edouard.—Port-au-Prince. III-2.

Salimbene Frères.—Port-au-Prince. III-2.

Schmid, Louis Ferdinand.—Port-au-Prince. III-2.

Panama

Vargas, Eugenio.—Colón. III-2.

Peru

Amemiya, Pedro Toshio.—Santa Catalina 640, Lima. III-2.

Arakawa, Sempu.—Recuay 218, Lima. III-2.

Araki, Takeshi.—Francisco Pizarro 404, Lima. III-2.

Asay, K.—Zamudio 699, Lima. III-2.

Chinen Co., H.—Manco Capac 900, Lima. III-2.

Doy, N.—Hoyos 806, Lima. III-2.

Fujishin, H.—San Diego 738, Lima. III-2.

Ginocchio & Co., J.—Paita. III-2.

Gnam, Fritz.—Arequipa. III-2.

Haraba, Isabel T.—Ayacucho 839, Lima. III-2.

Haraba, S.—Ayacucho 839, Lima. III-2.

Higa, J.—Camaná 849, Lima. III-2.

Hirata, T.—Cajamarca 523, Lima. III-2.

Hojata, Juan.—Hoyos y Capón, Lima. III-2.

Horiba, Juan K.—Vitarte. III-2.

Ichicawa & Co., T.—Divorciadas 605, Lima. III-2.

Ikeda, Pedro.—Libertad 301, Lima. III-2.

Ishii, Augusto Ch.—Zavala 565, Lima. III-2.

Kaigai Kogyo Kabushiki Kaisha.—Callao 202, Lima. III-2.

Kaneko, Jimatsu.—Andahuaylas 1110, Lima. III-2.

Kishimoto, Kenjun.—Pachitea 388, Lima. III-2.

Koda, Minoru.—Trujillo 805, Lima. III-2.

Kondo, K.—Arequipa 736, Lima. III-2.

Konno, Terakatsu.—Hoyos 899, Lima. III-2.

Maderera Tulumayo, S. A., Cía.—Tingo Maria and Lima. III-2.

Matsuda, Carlos.—Pueblo Libre, Hacienda Cueva. III-2.

Matsufuji, Julio.—José Gálvez 551, Lima. III-2.

Nakanichi, M.—Colmena 256, Lima. III-2.

Nishi, Tadiemon.—20 de Setiembre 101, Lima. III-2.

Nishimura, Tomkichi.—Andahuaylas 1057, Lima. III-2.

Okada & Tanimoto.—Sinchí Roca 459, Lima. III-2.

Oshiro, Magosei.—Manco Capac 944, Lima. III-2.

Sasaki, Pablo T.—Esperanza 150, Miraflores. III-2.

Sato, K.—Petit Thouars 2111, Lima. III-2.

Sato, T.—Luna Pizarro 320, Lima. III-2.

Sato, Y.—Cuzco 773, Lima. III-2.

Shijara, Masaki.—Amazonas 299, Lima. III-2.

Shimiya, Y.—Cuzco 630, Lima. III-2.

Susuki & Co., Y.—Virreyna 415, Lima. III-2.

Takeshi, Gasaku.—Cotabambas 299, Lima. III-2.

Tamashiro, Kohe.—Santa Ana 901, Lima. III-2.

Taniguchi Tanino y Cía.—Judíos 276, Lima. III-2.

Uda, M.—Aumente 425, Lima. III-2.

Watanabe & Co., K.—Esperanza 156, Lima. III-2.

Yagui, Masanori.—Nazca 252, Lima. III-2.

Yagui, S.—Independencia 485, Lima. III-2.

Yamakawa, S.—Huanta 1232, Lima. III-2.

Yamashiro, Hanjiu.—Zárate 460, Lima. III-2.

Yanakowa, M.—Zamudio 661, Lima. III-2.

Yoshimoto, Pedro.—Huiracocha 1824, Lima. III-2.

Ywanami, Maryama.—Surquillo, San Diego 124, Lima. III-2.

Uruguay

Bianchi, Erminia Locotelli de.—Carmelo 1424, Montevideo. III-2.

Fils, Armin.—Camino Castro 595, Montevideo. III-2.

Turcatti, Félix.³—Lavelleja 2112, Montevideo. III-2.

Turri Hermanos.—Burgues 3217, Montevideo. III-2.

Venezuela

Debis, Emilia.—Avenida Libertador 50 Oeste, Maracaibo. III-2.

Hermann, Emil.—Maracaibo. III-2.

AMENDMENTS

Argentina

For Barral, Andrés.—Pasaje Judío 2070, Piñeyro, Avellaneda, substitute Barral, Andrés.—Cabillo 607 esquina Pasaje Indio 2070, Avellaneda.

For Bergdolt, Alberto.—Piedras 736-44, Buenos Aires, substitute Bergdolt, Alberto.—Avenida de Mayo 1437, Buenos Aires.

For Di Toma, Nicolás.—Méjico 936, Buenos Aires, substitute Di Toma, Nicolás.—Bernardo de Irigoyen 584, Buenos Aires.

Relative to "Italóptica".—Corrientes 571, Buenos Aires, see footnote 4.

Relative to Perfumerias Tosca, S. A.—Blanco Encalada 3145, Buenos Aires, see footnote 5.

For Seculi, Gahn y Cía.—General Mitre 1563, Rosario, substitute Seculi & Gahn.—General Mitre 1563, Rosario.

³ Not to be confused with Turcatti & Casalia.

⁴ Owned by Santos Zaghi.

⁵ Distributors of eau de cologne "NO. 4711".

Bolivia

For Zehl, Albert.—Plaza 14 de Septiembre, Cochabamba; and Oruro, substitute Zehl, Albert.—Plaza 14 de Septiembre, Cochabamba.

For Zehl y Cía., Albert.—Plaza 14 de Septiembre, Cochabamba; and Oruro, substitute Zehl y Cía., Albert.—Plaza 14 de Septiembre, Cochabamba.

Brazil

For Romano, Adolpho.—Praça Coronel Eneas 38, Curitiba, and all branches in Brazil, substitute Romano, Adolpho.—Praça Coronel Eneas 38 e Rua 15 de Novembro 357, Curitiba.

Chile

For CB 93 (ex-Radio Hucke).—Huérfanos 1055, Santiago, substitute CB 93 Radio Maipo.⁶—Huérfanos 1055, Santiago.

For CE 1174 (ex-Radio Hucke).—Huérfanos 1055, Santiago, substitute CE 1174 Radio Maipo.⁶—Huérfanos 1055, Santiago.

Colombia

Relative to Iannini Buraglia, Genaro.—Calle 13 No. 7-20, Bogotá, see footnote 7.

Relative to Iannini y Cía.—Calle 13 No. 7-20, Bogotá, see footnote 7.

For Núñez B., Emilio.—Apartado Nacional 648, Barranquilla, substitute Núñez Vargas, Emilio.—Apartado Nacional 648, Barranquilla.

Cuba

For Pinks, Gerhard.—Habana, substitute Pinks, Ernst Gerhard.⁸—Calle D no. 5, Habana.

Ecuador

For Zohrer, Adolf.—Casilla 277, Guayaquil, substitute Zohrer Tama, Adolf E.—Pedro Carbo 707-715 (Casilla 277), Guayaquil.

Mexico

For Abe, J.—M. Ocampo 321, Mazatlán, substitute Abbe, Shoji (Luis).—

Peru

Relative to "La Papelera".—Junín (Zárate) 442 (Casilla 337), Lima, see footnote 9.

DELETIONS

Argentina

Racca, Angel.—Rosario.
"Sudamsteel" Soc. de Resp. Ltda.—Sarmiento 459, Buenos Aires.

Bolivia

Copa Pérez, Marcelino.—Oruro.

Colombia

Elaboradora de Artículos de Seda S. A. Soc.—Calle 33 No. 6-37, Bogotá.

Fábrica Nacional de Artículos de Aluminio S. A.—Apartado 568, Barranquilla.

"FANAL" Fábrica Nacional de Artículos de Aluminio, S. A.—Apartado 568, Barranquilla.

⁶ Formerly known as Radio Hucke.

⁷ Not to be confused with Genaro Iannini & Hnos., Carrera 7 No. 16-28, Bogotá.

⁸ Not to be confused with Dr. Gerhard Paul Pink, Calle F no. 507, Vedado, Habana.

⁹ Not to be confused with La Papelera Peruana S. A., Huallaga 489, Lima.

Henriquez y Cia., S. D. C.—Ríohacha. "SEDAS" Sociedad Elaboradora de Artículos de Seda S. A.—Calle 33 No. 6-37, Bogotá.

Costa Rica

Los Baños.—Puntarenas.

Cuba

Pharmaceutical Importers, S. A.—Habana.

Química Lissa S. A.—Línea 552, Vedado, Habana.

Química Schering S. A.—Avenida Wilson 552, Habana.

Schering Pharmaceutical Corporation of Cuba S. A.—Habana.

Schering S. A., Química.—Avenida Wilson 552, Habana.

Peru

Naeman, Andrey.—Lima.
Preutsky, Jaime.—Avenida Progreso 977, Lima.

PART II—LISTINGS OUTSIDE AMERICAN REPUBLICS

ADDITIONS

Iran

Miskerzadeh & Bros., Haji Ali.—Tabriz. III-2.

Miskerzadeh, Haji Ali.—Tabriz. III-2.

Morocco

Spanish Morocco

Almadraba Marroqui.—Larache. III-2.

Tangier International Zone

Almadraba del Cabo Spartel.—Ave. de Espana, Tangier. III-2.

Ravella, Lorenzo.—Rue du Statut 56, Tangier. III-2.

Sociedad General de Pesquerias y Conservas de Marueccos.—Plage, Tangier. III-2.

Societe Generale de Pecheries et Conservas au Maroc.—Plage, Tangier. III-2.

Portugal and Possessions

Portugal

Bacelar, Luiz, Ribeiro Pinto.—Rua dos Douradores 100, Lisbon. III-2.

Centeio, Francisco Xavier.—Travessa das Salgadeiras 7, Lisbon. III-2.

Cunha, Elisio M. da.—Rua Cecilia de Sousa 23, Lisbon. III-2.

Empresa Mercantil de Importacao e Exportacao Ltda.—Rua dos Douradores 100, Lisbon. III-2.

Fabrica de Conservas Leixoes Ltda. ("Facole").—Rua Guerra Jungeiro 209, Matozinhos, Oporto. III-2.

"Facole"—Fabrica de Conservas Leixoes Ltda.—Rua Guerra Jungeiro 209, Matozinhos, Oporto. III-2.

Franco, Virgilio Lino.—Rua Ramalho Ortigao 16, Lisbon. III-2.

Franco Ltda., Virgilio.—Rua Ramalho Ortigao 16, Lisbon. III-2.

Guimaraes, Fernando Vasconcelos.—Praca dos Restauradores 13, Lisbon, and Rua da Fabrica 45, Oporto. III-2.

Guimaraes & Co., Ltda., F. Vasconcelos.—Praca dos Restauradores 13, Lisbon, and Rua da Fabrica 45, Oporto. III-2.

Heine, Edgar.—Rua Ramalho Ortigao 16, Lisbon. III-2.

Leal, Antonio Firmino.—Rua de Arroios 77, Lisbon. III-2.

Leitao, Miguel Teixeira.—Praca dos Restauradores 13, Lisbon. III-2.

Litographia Lusitania.—Matozinhos, Oporto. III-2.

Prata, U. M. da Costa.—Oporto. III-2.

Ribeiro, Carlos Augusto.—Rua de Mocambique 42, Lisbon. III-2.

Ribeiro, Estevao Augusto.—Rua de Mocambique 42, Lisbon. III-2.

Schultz, Wilma.—Rua do Carvalhido 153, Oporto. III-2.

Uva, Domingos, Sancho de Sousa.—Rua Serpa Pinto 122, and Rua Guerra Jungeiro, Matozinhos, Oporto. III-2.

Azores

Camara, Dr. Antonio da.—Rua Tavares Rezende, Ponta Delgada, São Miguel. III-2.

Exportadora Ltda.—Ponta Delgada, São Miguel. III-2.

Soares, Cristovao da Mota.—Capellas, São Miguel. III-2.

Madeira

Branco, Jose Maria.—Funchal. III-2.

Corte, Joao da.—Rua das Murcas, Funchal. III-2.

Dantas, Francisco.—Camara de Lobos. III-2.

Fernandes, Joao.—Caminho de S. Martinho, Funchal. III-2.

Goncalves, Luciano Anselmo de Jesus.—Casa Coimbra, Rua 31 de Janeiro, Funchal. III-2.

Gouveia, Renato.—Rua Serpa Pinto 23-25, Funchal. III-2.

Jesus, Antonio Martins de.—Casa Coimbra, Rua 31 de Janeiro, Funchal. III-2.

Moreira, Joao.—Machico. III-2.

Pereira, Alberto Faria.—Casa Coimbra, Rua 31 de Janeiro, Funchal. III-2.

Soares, Antonio.—Camara de Lobos. III-2.

Souza, Agostinho.—Camara de Lobos, and Casa Coimbra, Rua 31 de Janeiro, Funchal. III-2.

Souza, Joao.—Camara de Lobos, and Casa Coimbra, Rua 31 de Janeiro, Funchal. III-2.

Souza, Tome.—Camara de Lobos, and Casa Coimbra, Rua 31 de Janeiro, Funchal. III-2.

Teixeira, Jose.—Rua Serpa Pinto 23-25, Funchal. III-2.

Viana, Luiz.—Rua Serpa Pinto 23-25, Funchal. III-2.

Mozambique

Dahlmann, Georg.—Mehagane-Ancuabe, and Macarara, Porto Amelia, Niassa. III-2.

Freier, Karl von.—Mareja-Metuge, Porto Amelia, Niassa. III-2.

Huttig, Emil O.—Negolen - Ancuabe, Porto Amelia, Niassa. III-2.

Lohr, Justus Robert.—Narrussa-Ancuabe, Porto Amelia, Niassa. III-2.

Siemers, Fritz—Merique and Secubir, Antonio Enes, Niassa. III-2.

Siemers, Hans.—Merique and Secubir, Antonio Enes, Niassa. III-2.

Tepper, Johannes.—Membra-Ancuabe, Porto Amelia, Niassa. III-2.

Trepte, Max Kurt.—Joga-Ancuabe and Mihali, Porto Amelia, Niassa. III-2.

Zipfel, Albert.—Mugua-Muaguide, Quissanga, Niassa. III-2.

Spain

Aduanas y Transportes Jose Herrero S. A.—Barcelona. III-2.

Aralai S. A., Cia. de Explotaciones Mineras.—Calle Zumalcarequi, Tolosa (Guipuzcoa). III-2.

Assicurazioni Generali.—Ave. Jose Antonio 16, Madrid, and all branches in Spain. III-2.

Baquera Segalerva, Rafael.—Plaza de las Cortes 3, Madrid, and at Malaga. III-2.

Beselin, Val H.—Plaza de las Cortes 3, Madrid. III-2.

Calza Bini, Gino.—Madrid. III-2.

"Cites"—Casa Italiana Transporti e Spedizioni.—Alcala 61, Madrid. III-2.

"Colonsa".—Plaza de Colon 3, Madrid. III-2.

Corradi, Felipe.—Alcala 61, Madrid. III-2.

Cuartero, Arturo.—Madrid. III-2.

Draeger, Gustavo.—Seville. III-2.

Errausqui, Victoria.—Irun. III-2.

Escalante, Enrique.—Primo de Rivera 7, Irun. III-2.

Espanola de Comercio con el Extranjero, S. A.—Plaza de Colon 3, Madrid. III-2.

Fabricaciones y Repuestos Aeronauticas S. A. (S. A. F. I. R. A.).—Marques de Riscal 10, Madrid. III-2.

Gomes de Sa, Henrique Alberto.—Madrid. III-2.

Grilli, D. Renato (Owner of S. T. "Primer Enrique" and S. T. "Segundo Enrique").—Irun. III-2.

Herrero S. A. Jose, Aduanas y Transportes.—Barcelona. III-2.

Instituto Nazionale delle Assicurazioni.—Montera 53, Madrid, and Calle Navarra 1, Bilbao.—III-2.

Italiana Transporti e Spedizioni, Casa ("Cites").—Alcala 61, Madrid. III-2.

Labourdette, Juan Batista.—Ave. Salis, Irun. III-2.

Lazarovich, Jorge.—Hotel Valencia, Madrid. III-2.

Le Assicurazioni d'Italia.—Montera 53, Madrid, and Calle Navarra 1, Bilbao. III-2.

Leopardi, Conde Corrado.—Lagasca 95, Madrid. III-2.

Lopez Uribe, Luis.—General Mola 50, Saragossa. III-2.

Maissa, Elio Francisco.—Madrid. III-2.

Mampel, Gaspar.—Consejo de Ciento 221, Barcelona. III-2.

Margareto Vazquez, Dr. Jose.—Fuen-carrel 88, Madrid. III-2.

Mato, Pedro.—Calle Alba, 49, San Juan de Palamos. III-2.

Montes de Galicia, Explotadora de Minas S. A.—Policarpo Sanz 35, Vigo, and at Orense. III-2.

Nortes.—Seville. III-2.

Orsolini, Alberto.—Bailen 149, Barcelona. III-2.

Prager, Hans.—c/o Banco Germanico de la America del Sud, Madrid. III-2.

Reuss, Otto Pablo.—Alarcon 7, Madrid. III-2.

Riveras de la Portilla, Angel.—Goya 67, Madrid. III-2.

Riveras de la Portilla, Senora Angel.—Goya 67, Madrid. III-2.

Riveras Soc. Ltda.—Goya 67, Madrid. III-2.

Rosell, Antonio.—Tarragona. III-2.

Rosell y Herrero.—Rambla Cataluna 1, Barcelona. III-2.

S. A. F. I. R. A.—Fabricaciones y Repuestos Aeronauticas S. A.—Marques de Riscal 10, Madrid. III-2.

Sa, Henrique de (Henrique Alberto Gomes de Sa).—Madrid. III-2.

Salvador, Juan.—Rambla Santa Monica 2, Barcelona. III-2.

Schuenemann, Otto Louis.—Plaza de Compostela 24-25, Vigo. III-2.

Schul, Guillermo.—Jose Antonio Primo de Rivera 733, Madrid. III-2.

Tovani, Camilo.—Plaza Nueva 5, Seville. III-2.

Walter, Kurt.—Calle Alba 49, San Juan de Palamos. III-2.

Sweden

Bergslagsvarden A/B.—Drottninggatan 11, Stockholm. III-2.

Deutsche Lufthansa A. G.—Alviksgvagen 121, Appelviken. III-2.

Deutsches Nachrichtenburo Vertretung.—Birger Jarlsgatan 53, Stockholm. III-2.

Knieriem, Baron Ottokar Von.—Kungstradgardsgatan 10, Stockholm. III-2.

Knorre, Dr. Werner Von.—Brahevagen 3, Stockholm. III-2.

Koch, Dr. Carl Fabian Richert Von.—Smedsbacksgatan 14, Stockholm. III-2.

Von Knieriem, Baron Ottokar.—Kungstradgardsgatan 10, Stockholm. III-2.

Von Knorre, Dr. Werner.—Brahevagen 3, Stockholm. III-2.

Von Koch, Dr. Carl Fabian Richert.—Smedsbacksgatan 4, Stockholm. III-2.

Switzerland

Adler, Max Erich.—Sihlstr. 1, and Doufourstr. 49, Zürich. III-2.

Babaeff, Ervand.—Ave. Bertrand 7, Geneva. III-2.

Bianchi, John.—Zwischenweg 3, Zollikon, Zürich. III-2.

Haniel A. G., Franz.—Zentralbahnstr. 9, Basel. III-2.

Hunziker, Ernst.—Gutenbergstr. 10, and Altstetterstr. 194, Zürich. III-2.

Koehlin, F.—Binningen. III-2.

Menetrey, Frau.—Villa Duboschet 14, Clarens (Vaud). III-2.

Miniere S. A., Cia.—Place des Alpes 1, Geneva. III-2.

Mummenthaler, Max.—Bahnhofstr. 61, Zürich. III-2.

Mummenthaler, Walter.—Bahnhofquai 7, Zürich. III-2.

Ocean Stamp Ltd.—Ozean Briefmarken A. G.—Stadlhausstr. 3, Lucerne. III-2.

Ozean Briefmarken A. G. (Ocean Stamp Ltd.).—Stadlhausstr. 3, Lucerne. III-2.

Prager, Hans.—Geneva. III-2.

Staiger, Franz.—Sihlstr. 1, Bahnhofstr. 67, Zürich. III-2.

Stauffenegger, R. C.—Spluegenstr. 13, St. Gallen. III-2.

Vetterli, Julius J.—Scheuchzerstr. 210, Zürich. III-2.

Weil, Sophia.—Via Clemente Marain 9, Lugano. III-2.

Zumstein & Co.—Marktgasse 50, Bern. III-2.

Turkey

Bayrakdaroglu, Fikret.—Germania Hans 28-9, Istanbul. III-2.

Bayrakdaroglu ve Seriki, Fikret.—Germania Han 28-9, Istanbul. III-2.

Fantasia, Jacques.—Izmir. III-2.

Filipucci, Eduar.—Kurtulus 854, Ncu S 35, Izmir. III-2.

Gioskun, Joseph.—Mersin. III-2.

Gless, Gerhalt.—Birinci Kordon 124, Izmir. III-2.

Haniotis, T. H.—Persembepazar 45, Hakki Bey Han, Galata, Istanbul. III-2.

Missir, Albert.—Izmir. III-2.

Momm, Eberhard Ernst.—Germania Han 28-9, Istanbul. III-2.

"Pak Is".—Mersin. III-2.

Ricci, J. (Josef Ricci).—Hilal Elektrik Magazasi, Voyvoda Cad. 10, Galata, Istanbul. III-2.

AMENDMENTS

Iran

Relative to Tabrizchi, Djaffer, for Tehran, substitute Boozarjomehri St., Tehran.

Portugal and Possessions

Portugal

For Bote I. Iho, Joaquim Serrano de Sousa, substitute Botelho, Joaquim Serrano de Sousa.

For Leopardi, Corrado, substitute Leopardi, Conde Corrado.

Relative to Serra, Eduardo da Silva for Oporto, substitute and Rua Miguel Bombarda 456, Oporto.

Mozambique

For Lair, Manoel Ribeiro, substitute Lair (Laia), Manoel Ribeiro.

Spain

Relative to Pares y Cia. S. en C. for Ave. Marques Argentina 15, substitute Ave. Marques Argentina (Ave. Eduard Maristany) 15.

Switzerland

For Baeumlin & Cie., Ernst, substitute Baeumlin, Ernst & Cie.

Relative to Naruva S. A., add and Bahnhofstr. 77, Zürich.

For Zimmermann, N. J., Basel, substitute Zimmermann, Niklaus J.—Mythenquai 26, Zürich.

DELETIONS

Portugal and Possessions

Portugal

Machado, Olivia.—Rua Conde S. Salvador 106, Matozinhos, Oporto.

Mozambique

Correia & Martins Ltda.—Caixa Postal 373, Lourenço Marques.

Portuguese Guinea

Souleiman & Co., Aly.—Bafata, Bissau, and all branches in Portuguese Guinea.

Spain and Possessions

Canary Islands

Ceballos, Andres S. (Owner of S. S. "San Miguel").—Las Palmas, Grand Canary.

Switzerland

Rohner A. G., Chemische Fabrik.—Pratteln.

[F. R. Doc. 42-9316; Filed, September 19, 1942; 11:35 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division

PART 621—MINIMUM WAGE RATE AND REGULATIONS APPLICABLE TO THE EMPLOYMENT OF HOME WORKERS IN THE GLOVES AND MITTENS INDUSTRY

EFFECT OF HOME-WORKER CERTIFICATES ISSUED BY NEW YORK LABOR DEPARTMENT

The following amendment adding a new section, § 621.113, to Part 621¹ is hereby issued.

§ 621.113 *Effect of home work certificates issued by the New York State Department of Labor.* Any certificate issued to an industrial home worker by the New York State Department of Labor under Paragraph II of Home Work Order No. 4 Restricting Industrial Home Work in the Glove Industry dated June 28, 1941, will be given effect by the Administrator as a certificate permitting the employment of the home worker under the terms of § 621.3 of the Gloves and Mittens Industry Minimum Wage Order for the period during which such certificate shall continue in force: *Provided*, That, in accordance with § 621.109 of the Regulations Applicable to The Employment of Home Workers in The Gloves and Mittens Industry, wages at a rate of not less than 40 cents per hour shall be paid by every employer to each of his home work employees who is engaged in commerce or in the production of goods for commerce except if subminimum employment of specific handicapped workers has been provided for by special certificates issued by the Wage and Hour Division pursuant to Regulations, Part 524, and provided that, all hours worked by such employees in excess of 40 in any work-week shall be compensated for at one and one-half times the regular rate of pay.

This amendment shall become effective on September 21, 1942, and shall be in force and effect until repealed or modified by regulations hereafter made and published.

Signed at New York, New York, this 18th day of September 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-9337; Filed, September 21, 1942; 10:29 a. m.]

¹ 7 F.R. 6713, 6714.

§ 322.9 *Special prices—(c) Railroad fuel*—Supplement R-IV. In § 322.9 (c) in Minimum Price Schedule, add the mine index numbers in groups shown. Group No. 2: 670; Group No. 8: 3027.

FOR TRUCK SHIPMENTS

§ 322.23 *General prices*

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

Code member index	Mine index No.	Mine	Seam	Base sizes										
				Lump over 4"	Lump 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Stove 1" x 4"	Pea ¾" x 1¼"	Run of mine	2" N/S	1¼" slack	¾" slack
				1	2	3	4	5	6	7	8	9	10	11
ALLEGHENY COUNTY														
Detwiler, E. B.....	2534	Detwiler.....	Redstone.....	275	265	255	230	215	215	210	220	180	170	160
FAYETTE COUNTY														
Doorley, T. L. & J. T. (John T. Doorley), Galiardi Coal & Coke Company (Philip Galiardi).	2528	Doorley Strip (s)	Pittsburgh.....	290	280	270	250	230	220	215	220	205	200	175
	2533	Crawford #9(s)	Pittsburgh.....	290	280	270	250	230	220	215	220	205	200	175
GREENE COUNTY														
Aeklin Lumber Co. (S. P. Aeklin)	2529	Mather, S. D....	Pittsburgh.....	275	265	255	245	230	220	215	220	190	180	165
WESTMORELAND COUNTY														
Adams, H. P. (Western Pennsylvania Coal Co.)	2525	Byers.....	Pittsburgh.....	310	300	290	270	250	240	235	245	210	200	175
Adams, H. P. (Western Pennsylvania Coal Co.)	2522	Summy.....	Redstone.....	280	270	260	245	240	230	210	215	195	185	175
Dillon, C. W.	2532	Neiderheiser.....	Pittsburgh.....	290	280	270	260	240	230	230	225	205	195	175
Loyalhanna Fuel Co. (R. H. Jamison, Jr.)	2531	Mauß #7 (d)....	Pittsburgh.....	275	265	255	235	225	220	215	215	195	185	175
Zelmore, Fred B.....	2527	Rose.....	Pittsburgh.....	310	300	290	270	250	240	235	245	210	200	175

[F. R. Doc. 42-9265; Filed, September 18, 1942; 11:58 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices

[Public Circular 4C, Amendment]

PART 130—REGULATIONS RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, TRANSFERS OF CREDIT, PAYMENTS, AND THE EXPORT AND WITHDRAWAL OF COIN, BULLION AND CURRENCY; AND TO RE- PORTS OF FOREIGN PROPERTY INTERESTS IN THE UNITED STATES; APPENDIX

REPORTS BY CERTAIN NATIONALS AND THEIR REPRESENTATIVES

SEPTEMBER 18, 1942.

Amendment of Public Circular No. 4C¹ under Executive Order No. 8389, April 10, 1940, as amended, and regulations issued pursuant thereto, relating to transactions in foreign exchange, etc.²

¹ 7 F.R. 7274.

² Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress; Ex. Order 8389, April 10, 1940, as amended by Ex. Order 8785; June 14, 1941, Ex. Order 8832, July 26, 1941, Ex. Order 8963, Dec. 9, 1941, and Ex. Order 8998, Dec. 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.

Public Circular No. 4C is amended as follows:

Subdivision (2) (a) in Instruction G under section II shall read:

(2) *Time.* (a) Reports by a national entering the United States after October 31, 1941, and prior to September 1, 1942, shall be filed on or before October 31, 1942. Reports by a national entering the United States on or after September 1, 1942, shall be filed on or before the thirtieth day succeeding the day on which the national entered the United States.

Subdivision (2) (e) in Instruction G under section II shall read:

(e) Reports by a person having custody, control, or possession of property of another person whose name appeared in the Proclaimed List of Certain Blocked Nationals on September 1, 1942, shall be filed on or before October 31, 1942. Reports with respect to property of a person whose name is added to the List after September 1, 1942, shall be filed within fifteen days from the date on which the addition of the person's name to the List is promulgated.

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 42-9281; Filed, September 18, 1942; 4:43 p. m.]

[General Ruling HS-1]

PART 133—REGULATIONS OF THE GOVERNOR OF HAWAII; APPENDIX

BISHOP NATIONAL BANK

JULY 7, 1942.

Bishop National Bank of Hawaii at Honolulu is hereby authorized to be treated as a domestic bank for the purpose of the definition contained in § 133.2 (d) (6) (i) of the Regulations Relating to Securities, issued July 3, 1942.¹

[SEAL] CHAS. M. HITE,
Acting Governor of Hawaii.

[F. R. Doc. 42-9282; Filed, September 18, 1942; 4:42 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Order No. 56]

WALDPORF PROJECT

DESIGNATION FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Waldport Project to be work of national importance, to be known as Civilian Public Service Camp No. 56. Said camp, located at Waldport, Lincoln County, Oregon, will be the base of operations for forestry work in the Siuslaw National Forest, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to Civilian Public Service Camp No. 56 will consist of fire suppression; fire hazard reduction; fire suppression; construction of telephone lines, truck trails and minor roads; field planting; and forest stand improvement, and shall be under the technical direction of the Forest Service of the United States Department of Agriculture insofar as concerns the planning and direction of the work program. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

SEPTEMBER 17, 1942.

[F. R. Doc. 42-9352; Filed, September 21, 1942; 11:43 a. m.]

¹ 7 F.R. 5808, 6463.

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment No. XXXIX]

PART 802—GENERAL LICENSES

MISCELLANEOUS AMENDMENTS

Section 802.9 General intransit licenses¹ is hereby amended in the following particulars:

1. Subparagraph (1) of paragraph (b) is amended by adding to the table set forth at the end thereof the following:

*General License
Designations*

From U. S. S. R. to U. S. S. R.----- GIT-R/R

2. Paragraph (d) is amended by adding to the list of commodities set forth therein the following:

<i>Department of Commerce Schedule B or F Number</i>	<i>Commodity</i>
Quinine sulphate-----	8127.3

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

Dated: September 18, 1942.

A. N. ZIEGLER,
*Deputy Chief, Export Control
Branch, Office of Exports.*

[F. R. Doc. 42-9319; Filed, September 19, 1942; 12:15 p. m.]

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATION OF AUTHORITY

[Amendment 4 to Supplementary Directive 1-a]

Paragraph (a) of § 903.2, *Supplementary Directive 1-a*,² is hereby amended to read as follows:

(a) In order to permit the efficient rationing of new passenger automobiles, the authority delegated to the Office of Price Administration by Directive No. 1 (§ 903.1), is hereby extended to the exercise of control over the sale, transfer, or other disposition of new passenger automobiles to, and the use or alteration of new passenger automobiles by, any person except those specified in paragraphs (a) (1) and (2) of said Directive No. 1. The exercise of such authority shall be subject to the terms and conditions specified in said Directive No. 1.

(E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; E.O. 9125, Apr. 7, 1942, 7 F.R. 2719; Sec. 2 (a) Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess., and by Pub. No. 507, 77th Cong., 2d Sess.; WPB Dir. No. 1, Jan. 24, 1942, 7 F.R. 562; W.P.B. Reg. No. 1, Jan. 26, 1942, 7 F.R. 561, as amended March 14, 1942, 7 F.R. 2126, and July 9, 1942, 7 F.R. 5395.)

Issued this 19th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9320; Filed, September 19, 1942; 12:23 p. m.]

¹ 7 F.R. 5509, 5745, 7167.

² 7 F.R. 698, 1493, 2229, 2729.

Subchapter B—Director General for Operations

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Amendment 4 to Priorities Regulation 11]

PRODUCTION REQUIREMENTS PLAN

Priorities Regulation No. 11 (§ 944.32)¹ is hereby amended as follows:

1. Paragraph (e) is amended to read as follows:

(e) *Interim procedure for Class I producers.* Any Class I producer who has filed his PRP application for the fourth quarter of 1942 but has not received his PRP certificate for such quarter may apply or extend preference ratings for delivery during such quarter, and, in case he shall have included advance quarter applications, may apply or extend preference ratings for delivery during only the first advance quarter, as follows:

(1) If he has been operating under the Production Requirements Plan, he may apply the same preference ratings he was authorized to apply during the preceding quarter (on his PRP certificates or under Priorities Regulation No. 12) to not more than 40% during the first month of the quarter, and not more than 70% during the entire quarter, of the amount of each material which he has indicated on his PRP application as his anticipated requirements for the fourth quarter, but in no event to more than the total amount of each material he put into production during July and August, 1942.

(2) If he has not been operating under the Production Requirements Plan, he may continue to apply and extend ratings under any applicable preference rating orders or preference rating certificates in the same manner as permitted prior to the beginning of the fourth quarter; and, notwithstanding the termination of any preference rating order on or after the end of the third quarter the same shall be deemed to continue in effect as to any such person until he receives his PRP certificate: *Provided, however,* That he shall not apply or extend ratings to the delivery in the fourth quarter of any material in an aggregate quantity greater than 40% during the first month of the quarter, nor greater than 70% during the entire quarter, of the amount of such material which he has indicated as his anticipated requirements on his PRP application for the fourth quarter, but in no event to more than the total amount of each material he put into production during July and August, 1942, subject to any further restrictions contained in the preference rating certificates or orders assigning the ratings which he is applying or extending.

(3) A Class I producer who applies or extends any preference rating pursuant to subparagraphs (1) or (2) of this paragraph (e), shall deduct the amount of any material which he has received or to which he has applied or extended such rating from the amount rated or otherwise authorized by his PRP certificate when issued to him.

(4) On or before October 5, 1942, each Class I producer shall, either by cancellation or by postponing deliveries, reduce

¹ 7 F.R. 4423, 4615, 4693, 4898, 5359, 6147.

the amount of each material which he has on order for delivery during the fourth quarter as follows:

(i) If he has received his PRP certificate for the fourth quarter, then to a total amount for the quarter which shall not exceed the amount of each such material he is authorized to receive during the entire quarter under such certificate.

(ii) If he has not received his PRP certificate for the fourth quarter, then to a total amount for the quarter which shall not exceed the amount of each such material he is authorized to receive during the quarter under subparagraphs (1) and (2) of this paragraph (e). Thereafter, upon receipt of his PRP certificate for the fourth quarter he shall make any further adjustments necessary to conform to the provisions of paragraph (d) (1) of this regulation.

The reduction required by this subparagraph (4) need be made only to the aggregate amount for the quarter as provided above, without regard to distribution of deliveries as between the first month of the quarter and the entire quarter.

(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 19th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9334; Filed, September 19, 1942; 12:48 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-102]

RELIABLE TOOL AND WIRE PRODUCTS CORP.

Reliable Tool and Wire Products Corporation, New York, New York, is a corporation engaged in the manufacture and sale of steel hooks which are used in the assembling of dolls. During the period from April 1, 1942 through June 30, 1942, Louis Rubin, the president of the company, endorsed on purchase orders for approximately 11,840 pounds of steel wire the certification that the material was for maintenance, repair or operating supplies and that delivery thereof was entitled to a rating of A-10 under Preference Rating Order P-100. Such material did not constitute maintenance, repair or operating supplies as defined in this order and the certifications constituted a misrepresentation to the War Production Board in violation of Priorities Regulation No. 1 and Preference Rating Order P-100.¹ In making these certifications, Rubin relied upon advice given by persons outside the War Production Board which he had reason to believe was erroneous. By means of such misrepresentations, the company received deliveries of approximately 11,840 pounds of steel wire, which constituted a violation of Preference Rating Order P-100.

¹ 7 F.R. 925, 1009, 1626, 1794, 2236, 2660, 6825.

These violations of Priorities Regulation No. 1 and Preference Rating Order P-100 have impeded and hampered the war effort of the United States by diverting scarce material to uses unauthorized by the War Production Board. In view of the foregoing, *It is hereby ordered, That:*

§ 1010.102 *Suspension Order S-102.*

(a) Deliveries of material to Reliable Tool and Wire Products Corporation, its successors and assigns, or to Louis Rubin, his successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other order or regulation of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to Reliable Tool and Wire Products Corporation, its successors and assigns, or to Louis Rubin, his successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Reliable Tool and Wire Products Corporation, its successors and assigns, and Louis Rubin, his successors and assigns, shall not purchase, put into process, sell or otherwise dispose of any steel wire except as specifically authorized by the Director General for Operations.

(d) Nothing contained in this order shall be deemed to relieve Reliable Tool and Wire Products Corporation or Louis Rubin from any restriction, prohibition or provision contained in any of the orders or regulations of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on September 21, 1942, and shall expire on November 21, 1942, at which time the restrictions contained in this order shall be of no further effect.

(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 19th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9322; Filed, September 19, 1942;
12:25 p. m.]

PART 1026—PRODUCTION OF CHEMICALS,
MAINTENANCE, REPAIR, AND OPERATING
SUPPLIES

[Amendment 3 to Preference Rating Order
P-89, as Amended]

Section 1026.1 *Preference Rating Order
P-89,* as amended, as hereby amended
in the following respects:

¹ 7 F.R. 541, 1640, 2384, 3850, 4729.

(1) Paragraph (b) is amended to read:

(b) *Assignment of preference ratings.* Subject to the terms of this order, and provided that nothing herein contained shall prevent the use of any other or higher rating to which the producer shall be entitled by reason of any other preference rating certificate or order, the following preference ratings are hereby assigned to deliveries to the producer of material for repair, maintenance, and operating supplies:

(1) Up to and including A-1-a to deliveries of metals in any form appearing in Materials List No. 1, Revised, in Form PD-25A for the fourth quarter of 1942, and of fabricated parts and equipment having a unit cost of \$250 or less. Parts and equipment, and components thereof, which are ordered for use together shall be treated as a single unit for the purpose of determining unit cost in this subparagraph.

(2) Up to and including A-1-c to deliveries of material not included in paragraph (b) (1).

(3) Such other preference ratings as the Director General for Operations may from time to time assign to particular orders for any material for repair, maintenance and operating supplies, upon application by the producer to the War Production Board, Chemicals Branch, Washington, D. C., Ref: P-89, by letter or telegram, stating plant location and serial number, material needed, the weight, value and function of such material, name and address of supplier (if known), purchase order number and date, product or products affected, percentage curtailment of production, nature of the emergency, rating requested, and delivery date promised by supplier on basis of rating requested.

(2) Paragraph (c) is amended to read:

(c) *Conditions on assignment of ratings.* The preference ratings assigned by or pursuant to paragraph (b) are assigned subject to the following conditions:

(1) That the producer shall have filed with the War Production Board, Chemicals Branch, Washington, D. C., Ref: P-89, a statement (in triplicate) properly executed on Form PD-315, and shall have received from the War Production Board a serial number under this order.

(2) That the producer shall not apply any preference rating assigned by paragraph (b) hereof to any purchase order for metal containers, metal parts for containers or material for the manufacture of metal containers unless and until he shall have communicated with the War Production Board, Chemicals Branch, Washington, D. C., Ref.; Chemicals Transportation and Packaging Section, and shall have received from the Director General for Operations specific authorization to apply such rating.

(3) That the producer shall not apply any preference rating hereunder unless the material to be delivered cannot be secured when required with a lower rating.

(4) That the producer shall not apply any preference rating hereunder to obtain scarce material if its use can be eliminated without serious loss of effi-

ciency by substitution of less scarce material or by simplification of design.

(3) Paragraph (d) is amended to read:

(d) *Application and extension of ratings.* Preference ratings assigned by or pursuant to this order shall be applied by the producer and extended by the supplier in accordance with the terms of Priorities Regulation No. 3, as now or hereafter amended.

(4) Paragraphs (e) and (f) are each deleted in their entirety.

(5) Paragraph (g) is amended to read:

(g) *Inventory provisions.* The producer shall not accept deliveries (whether rated hereunder or not) of material for repair and maintenance or operating supplies which will increase the inventory or stores available to the producer for such purpose to an amount greater than the minimum necessary for repair and maintenance and to sustain the current level of operations of the producer, and the ratio of such inventory and stores to current operations shall in no event exceed the ratio of average inventory to average operation for the years 1938, 1939 and 1940. For purpose of calculating these ratios, and only for such purpose, the value of inventory and stores of material for maintenance, repair and operating supplies shall exclude all fuels, containers, parts for containers and material for the manufacture of containers, and all materials listed in § 1255.1, General Inventory Order M-161, as amended from time to time. Nothing contained in this paragraph (g) shall prevent the acceptance of delivery of any quantity of any material subject to § 1103.1, General Inventory Order No. M-97, or § 1255.1, General Inventory Order M-161, as amended from time to time.

(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 19th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9321; Filed, September 19, 1942;
12:25 p. m.]

PART 1095—COMMUNICATIONS

[Interpretation 1 of Order L-50, as Amended
September 7, 1942]

TO LIMIT THE USE OF SCARCE AND CRITICAL
MATERIALS BY THE WIRE TELEPHONE
INDUSTRY

The following interpretation is hereby issued by the Director General for Operations with respect to § 1095.1 General Conservation Order L-50, as amended September 7, 1942.¹

Question has arisen as to whether the term "operator" as defined in paragraph (a) (1) includes private and nonpublic telephone communication systems.

The term "operator" includes all persons to the extent engaged in rendering telephone communication service (and

¹ 7 F.R. 7087.

such telegraph and teletypewriter service as may be conducted by an operator) without regard to whether such service is private or public in character.

(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 19th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9324; Filed, September 19, 1942;
12:23 p. m.]

PART 1099—BEDS, SPRINGS AND MATTRESSES
[Amendment 1 to Limitation Order L-49 as Amended August 4, 1942]

Section 1099.1 *General Limitation Order L-49*¹ is hereby amended in the following particular:

(1) Paragraph (d) (3) is hereby amended by changing the period at the end of the paragraph to a comma and by adding the following words:

except that manufacturers may, after November 1, 1942, process, fabricate, work on or assemble final fabric covers on any such studio couch, sofa bed or lounge, provided that any such studio couch, sofa bed or lounge has otherwise been completely processed, fabricated, worked on or assembled prior to November 1, 1942.

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

Issued this 19th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9323; Filed, September 19, 1942;
12:23 p. m.]

PART 1245—WOOD UPHOLSTERED FURNITURE

[Amendment 1 to General Limitation Order L-135]

Section 1245.1 *General Limitation Order L-135*² is hereby amended in the following particulars:

(1) Paragraph (a) is hereby amended by adding at the end thereof the following new subparagraph:

(5) "Reupholsterer" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not, who repairs, renovates or reupholsters used wood upholstered furniture.

(2) Paragraph (b) (2) is hereby amended by changing the period at the

¹ 7 F.R. 6044.

² 7 F.R. 6207.

end thereof to a comma and by adding the following words:

except that wood upholstered furniture manufacturers may, after November 1, 1942, process, fabricate, work on or assemble final fabric covers on any new wood upholstered furniture: *Provided*, That any such new wood upholstered furniture has otherwise been completely processed, fabricated, worked on or assembled prior to November 1, 1942.

(3) Paragraph (b) is hereby amended by adding at the end thereof the following new subparagraphs:

(4) On and after the effective date of this amendment no steel upholstery springs manufacturer shall process, fabricate, work on or assemble any steel upholstery springs.

(5) On and after November 1, 1942 no reupholsterer shall replace more than 25% of the steel upholstery springs contained in the wood upholstered furniture being repaired, renovated or reupholstered with either new or used steel upholstery springs.

(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 19th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9325; Filed, September 19, 1942;
12:23 p. m.]

PART 3014—ARMORED CABLE

[General Limitation Order L-165]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of copper, zinc, iron, steel and other materials for defense, for private account and for export, and the following order designed to prevent unnecessary use of copper and its alloys by the manufacture of armored cable is deemed necessary and appropriate to the public interest and to promote the national war effort:

§ 3014.1 *General Limitation Order L-165*—(a) *Definitions*. For the purpose of this order:

(1) "Armored cable" means a flexible metal covered cable (commonly known as "BX" cable) used as a conductor of electricity in the interior of a building structure and which cable is designed and constructed to be used with bushings or the equivalent at cut ends.

(2) "Manufacturer" means any person who makes, fabricates, assembles, casts, or in any way processes material for the manufacture of armored cable.

(b) *General restrictions*. Notwithstanding any contract or agreement to the contrary:

(1) On and after the fifth day subsequent to the date of issuance of this order, no manufacturer shall acquire any copper, steel, or other material of any type to be used in the manufacture of

armored cable except material in transit on such fifth day.

(2) On and after the thirtieth day subsequent to the date of issuance of this order, no manufacturer shall make, manufacture or assemble armored cable.

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

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

(e) *Reports*. Each manufacturer to whom this order applies shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

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

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

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

(i) *Applicability of other orders*. Insofar as any other order issued by the Director General for Operations, or to be issued by him hereafter, limits the use of any material to a greater extent than the limits imposed by this order, the restrictions of such other order shall govern, unless otherwise specified therein.

(j) *Communications*. Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Building Materials Branch, Washington, D. C., Ref: L-165. (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 19th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9326; Filed, September 19, 1942;
12:24 p. m.]

PART 3023—OIL AND GAS BURNING DOMESTIC SPACE HEATERS

[Amendment 1 to Limitation Order L-173]

Paragraph (a) (1) of § 3023.1 *General Limitation Order L-173* is amended to read as follows:

(1) "Domestic space heaters" means any device (except electric) for the direct heating of the space in and adjacent to that in which the device is located, designed for use without heat distribution pipes or ducts as integral parts of such heating devices, and includes but is not limited to circulating heaters, radiant heaters, floor furnaces and wall furnaces: *Provided*, That "Domestic space heaters" does not include direct fired gas unit heaters.

(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. 239; 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 19th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9327; Filed, September 19, 1942; 12:24 p. m.]

PART 3064—COTTON TEXTILES FOR AGRICULTURAL AND FOOD PROCESSING USES

[General Preference Order M-218]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of cotton textiles for use in the handling and processing of agricultural products and foodstuffs, 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:

§ 3064.1 *General Preference Order M-218*—(a) *Issuance of schedules covering cotton textiles for various types or classifications of agricultural and food processing uses.* The Director General for Operations may from time to time issue schedules establishing definitions, allocations of looms or yardages, assignments of preference ratings, purchase quotas for manufacturers or users, as well as regulations upon inventories, manufacture and sale, and such other matters pertaining to cotton textiles for various types or classifications of agricultural and food processing uses, as may be necessary and appropriate in the public interest and to promote the national defense.

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

(c) *Restrictions on the use of material obtained pursuant to any schedule.* Except as otherwise expressly provided in any schedule issued hereunder, and subject to any more restrictive provisions contained therein, no person shall use or dispose of any cotton textile material, whether in the original mill state or par-

tially processed state, which was obtained by him pursuant to the application of a preference rating assigned by any such schedule, or pursuant to the use of any certification required by any schedule for the acquisition thereof, except as follows:

(1) For the manufacture of the end products covered by said schedule.

(2) For sale to any person on an order bearing a rating of A-2 or better; or

(3) For sale to or for the account of, or for physical incorporation into products to be delivered to, or for the account of, the Army of the United States, the United States Navy, the United States Maritime Commission, the War Shipping Administration or its Operating or General Agents: *Provided*, That no person shall sell or deliver, on an order rated less than A-2, any such material for physical incorporation into products for any of said governmental agencies 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 that he requires the material covered by the annexed order for physical incorporation into material or equipment to be delivered to or for the account of, the Army of the United States, the United States Navy, the United States Maritime Commission, the War Shipping Administration or its Operating or General Agents.

(d) *Records.* All persons affected by this order shall keep and preserve for a period of not less than two years accurate and complete records concerning inventories, production and sales, and showing the yardage of each class of fabric, as indicated by the headings in the schedules, sold pursuant to the application of the rating assigned by each schedule, and any other records as may be required to be kept by any such person in accordance with the provision or provisions of the respective schedule or schedules issued by the Director General for Operations pursuant to this order.

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

(f) *Reports.* All persons affected by this order shall execute and file with the War Production Board such other reports and questionnaires as may be required by the War Production Board from time to time in accordance with the provision or provisions of the respective schedule or schedules issued by the Director General for Operations pursuant to this order.

(g) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of cotton textiles for agricultural and food processing uses conserved or made available, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal in writing to the War Production Board, Reference M-218, setting forth the pertinent facts and the reasons he con-

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

(h) *Communications to the War Production Board.* All communications concerning this order, or any reports required to be filed hereunder, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Branch, Washington, D. C., Reference: M-218.

(i) *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 by the Director General for Operations. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; 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 19th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9328; Filed, September 19, 1942; 12:24 p. m.]

[Schedule I to General Preference Order M-218]

DAIRY SUPPLIES

§ 3064.2 *Schedule I to General Preference Order M-218*—(a) *Definitions.* For the purposes of this schedule:

(1) "Dairy supplies" shall mean cheese bandages, cheese circles, cheese press cloths, milk strainers and milk filters for use as such.

(2) "Dairy textiles" shall mean the cotton textile constructions listed below:

Sheetings:	40"	48/48	2.85 yd.
Flannels: Bleached or unbleached; single or double napped			
Print cloth yarn fabrics:	38½"	44/40	8.20 yd.
	38½"	40/32	9.80 yd.
Any Class C print cloth, gray or bleached, with not more than 28 sley and 24 picks per inch			

and shall also include pro rata widths of like count and weight to the above constructions.

(3) "Dairy supplies manufacturer" shall mean any person engaged in the manufacture of dairy supplies.

(4) "Intermediate processor" shall mean any person engaged in the bleaching, finishing or processing of dairy textiles for resale either to another intermediate processor, or to a dairy supplies manufacturer, or for his own use as a dairy supplies manufacturer.

(5) "Partially processed fabrics" shall mean any of the above defined dairy textiles after they have been bleached, finished, or processed in preparation for manufacture into dairy supplies.

¹ 7 F.R. 6075.

¹ *Supra*.

(6) "Inventory" shall mean the total yardage of dairy textiles and of partially processed fabrics owned by any dairy supplies manufacturer or intermediate processor and held by him in any warehouse, place of storage or manufacturing plant. For the purposes of this schedule, such merchandise shall not be considered as being in inventory while it is in transit.

(b) *Assignment of preference rating.* Purchase or manufacturing orders for dairy textiles placed by dairy supplies manufacturers or by intermediate processors are hereby assigned a preference rating of A-2.

(c) *Restrictions on inventories of dairy supplies fabrics and of partially processed fabrics.* In addition to the restrictions on inventory contained in Priorities Regulation No. 1 (§ 944.14):

(1) No dairy supplies manufacturer shall after thirty (30) days after the effective date of this order, hold in his inventory, unless in his capacity as an intermediate processor, any dairy textiles or any partially processed fabrics in excess of the aggregate yardage of such fabrics which will be completely manufactured by him into dairy supplies within sixty (60) days after the receipt thereof in inventory.

(2) No intermediate processor shall after thirty (30) days after the effective date of this order, hold in his inventory any dairy textiles or any partially processed fabrics in excess of the aggregate yardage of all such fabrics which is scheduled to be shipped by him within sixty (60) days after receipt thereof in inventory, or will be completely manufactured by him into dairy supplies within such period.

(d) *Application of preference rating.* Any dairy supplies manufacturer or intermediate processor, in order to apply the preference rating assigned by paragraph (b) to deliveries of material to him, must endorse on or attach to each purchase or manufacturing order placed by him to which the rating is to be applied, a certification in the following form, signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an official duly authorized for such purpose:

CERTIFICATION

The undersigned purchaser hereby represents to the supplier and to the War Production Board that he is entitled to apply the preference ratings indicated opposite the items shown on this purchase order, and that such application is in accordance with Priorities Regulation No. 3, as amended, with the terms of which the undersigned is familiar. Furthermore, the undersigned certifies that the fabrics hereby ordered will be used in the manufacture of dairy supplies or otherwise disposed of only as permitted in General Preference Order M-218 and/or Schedule I thereto.

 (Name of Dairy Supplies Manufacturer or Intermediate Processor) (Address)

 By -----
 (Signature and Title of Duly Authorized Officer) (Date)

Such endorsement shall constitute a representation to the War Production Board

and the supplier with whom the purchase or manufacturing order is placed that such purchase or manufacturing order is duly rated in accordance herewith.

Each person applying ratings must maintain at his regular place of business all documents, including purchase or manufacturing orders, preference rating orders and certificates, upon which he relies as entitling him to apply or extend such ratings, segregated and available for inspection by representatives of the War Production Board, or filed in such manner that they can be readily segregated and made available for such inspection. (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 19th day of September 1942.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 42-9329; Filed, September 19, 1942; 12:25 p. m.]

[Schedule II to General Preference Order M-218]

CROP CULTIVATION FABRICS

§ 3064.3 *Schedule II to General Preference Order M-218*—(a) *Definitions.* For the purposes of this schedule:

(1) "Crop cultivation fabrics" shall mean the construction listed below:

Osnaburg:

30" 40/30 7 oz.

Tobacco cloth:

- 36" 22/18 plain or wide selvage, as piece goods or ready made covers
- 36" 28/24 plain or wide selvage, as piece goods or ready made covers
- 36" 32/28 plain or wide selvage, as piece goods or ready made covers
- 12/16 approximately 14 sq. yds. per pound, wide woven
- 22/22 approximately 12½ sq. yds. per pound, wide woven
- 8/8 approximately 12 to 12½ sq. yds. per pound, wide reinforced weave
- 8/10 approximately 11 to 11½ sq. yds. per pound, wide reinforced weave
- 196" 18 to 19 x 13 to 14 approximately 7.00 sq. yds. per pound, reinforced weave when used in the cultivation and harvesting of cotton, tobacco or other crops,

and shall also include pro rata widths of like count and weight to the above constructions.

(2) "Cloth merchant" shall mean any person engaged in the business of buying crop cultivation fabrics for purposes of resale, either in the condition in which purchased or after manufacture by him into covers for use in the cultivation or harvesting of cotton, tobacco or other crops.

(3) "Inventory" shall mean the total square yardage of crop cultivation fabrics owned by any cloth merchant and held by him in any warehouse, place of storage or salesroom. For the purposes of this Schedule such merchandise shall not be considered as being in inventory while it is in transit.

(b) *Assignment of preference rating.* Purchase orders for crop cultivation fab-

rics placed by cloth merchants are hereby assigned a preference rating of A-2.

(c) *Restriction on inventories of cloth merchants.* No cloth merchant shall accept any delivery of crop cultivation fabrics to his inventory which, based upon his past experience and upon the current Department of Agriculture crop forecasts for the area to be served by him, he may not reasonably expect to resell and redeliver in the ordinary course of his business for use in the cultivation or harvest of that crop which, in the normal agricultural cycle, is due to be cultivated or harvested next following the date on which he accepts such delivery to his inventory.

(d) *Sales of crop cultivation fabrics.* In addition to the use and disposition permitted by paragraph (c) of General Preference Order M-218 for crop cultivation fabrics obtained pursuant to the application of the preference rating assigned by paragraph (b), cloth merchants may sell and deliver such fabrics to any person not engaged in the manufacture of crop cultivation fabrics into products for sale without requiring any preference rating from him.

(e) *Application of preference rating.* Any cloth merchant, in order to apply the preference rating assigned by paragraph (b) to deliveries of material to him, must endorse on or attach to each contract or purchase order placed by him to which the rating is to be applied, a certification in the following form, signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an official duly authorized for such purpose:

CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply the preference ratings indicated opposite the items shown on this contract or purchase order, and that such application is in accordance with Priorities Regulation No. 3 as amended, with the terms of which the undersigned is familiar. Furthermore, the undersigned certifies that the fabrics hereby ordered will be used in the manufacture of covers for use in the cultivation or harvesting of crops or otherwise disposed of only as permitted by General Preference Order M-218 and/or Schedule II thereto.

 (Name of Purchaser) (Address)
 By -----
 (Signature and Title of Duly Authorized Officer) (Date)

Such endorsement shall constitute a representation to the War Production Board and the supplier with whom the contract or purchase order is placed that such contract or purchase order is duly rated in accordance herewith.

Each person applying ratings must maintain at his regular place of business all documents, including purchase or manufacturing orders, preference rating orders and certificates, upon which he relies as entitling him to apply or extend such ratings, segregated and available for inspection by representatives of the War Production Board, or filed in such manner that they can be readily segregated and made available for such inspection. (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.

¹ *Supra.*

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

Issued this 19th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9330; Filed, September 19, 1942;
12:25 p. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Supplementary Order 19]

LICENSING DISTRIBUTORS OF PAPER AND PAPER PRODUCTS

A statement of the reasons for this Supplementary Order No. 19 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Pursuant to the authority of the Emergency Price Control Act of 1942, including section 205 (f) (1) thereof, it is hereby ordered:

§ 1305.23 *Provisions licensing distributors of paper and paper products—(a) License required.* Effective September 24, 1942 a license as a condition of selling is hereby required of every distributor now or hereafter selling any paper or paper product for which maximum prices are established by Price Regulations Nos. 114, 130, 140, 182,¹ as now or hereafter amended or supplemented, or by any price regulation now or hereafter issued, amended or supplemented by the Office of Price Administration making applicable by reference the provisions of this Supplementary Order No. 19.

(b) *License granted.* Every distributor now or hereafter selling any paper or paper products for which maximum prices are established by Price Regulations Nos. 114, 130, 140, 182, as now or hereafter amended or supplemented, or by any price regulation now or hereafter issued, amended or supplemented by the Office of Price Administration making applicable by reference the provisions of this Supplementary Order No. 19, is hereby granted a license as a condition of selling such paper or paper products.

The provisions of every price regulation of the Office of Price Administration to which this order now is or may hereafter become applicable shall be deemed to be incorporated in the license hereby granted, and any violation of any provision so incorporated shall be a violation of the provisions of said license. The license granted by this order shall become effective September 24, 1942, or when any person becomes subject to the provisions of this order, and shall, unless suspended as provided in the Act, continue in force so long as and to the extent that any such regulation or any applicable part, amendment or supplement remains in effect.

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

¹ 114 Wood pulp, 7 F.R. 2843, 3576, 5059, 5564. 130 Standard Newsprint Paper, 7 F.R. 3183, 3521, 5139. 140 Sanitary Napkins, 7 F.R. 3410, 5563. 182 Kraft Wrapping Papers and Certain Kraft Bag Papers, 7 F.R. 5712, 6048.

(c) *Exclusions.* This order shall not apply to sales at retail.

(d) *Licensing section of General Maximum Price Regulation superseded.* This Supplementary Order No. 19 supersedes the provisions of § 1499.16 of the General Maximum Price Regulation insofar as said § 1499.16 may be applicable to sales for which a license is required by this Order 19. The licensing provisions of § 1499.16 of the General Maximum Price Regulation shall, however, continue to apply to sales at retail.

(e) *Registration of licensees.* Every person hereby licensed may be required to register with the Office of Price Administration at such time and in such manner as the Administrator may hereafter prescribe.

(f) *License not transferable.* The license hereby granted is not transferable.

(g) *Suspension of license.* Licensees violating any of the provisions of this order or of the license hereby granted, or violating any of the provisions of the price regulations specified in paragraph (b) hereof, or violating the provisions of any applicable regulation, order or requirement under section 202 (b) of the Act, are subject to the license suspension proceedings provided in the Act: *Provided, however,* That no proceedings for the suspension of a license, and no suspension, shall confer any immunity from any other provision of the Act.

(h) *Definitions.* When used in this Supplementary Order No. 19 the term:

(1) "Distributor" means a person who buys for the purpose of resale (whether as jobber, agent, broker, dealer, merchant, or any similar person), any commodity subject to a price regulation specified in paragraph (b): *Provided,* That, "distributor" shall include a person making "resales" as defined in Price Regulation No. 114, a "merchant or distributor" as defined in Price Regulation Nos. 130 and 182, a "converter" as defined in Price Regulation No. 130, a "wholesaler" as defined in Price Regulation No. 140. "Distributor" shall also include any producer insofar as such producer acts as a distributor of any such paper or paper products or operates any warehouse, branch, subsidiary or affiliate which acts as such a distributor.

(2) "Sales at retail" means a sale to an ultimate consumer other than an industrial or commercial user.

(3) "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, any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(4) "Price regulation" means a 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 order issued pursuant to any such regulation or schedule.

(5) "Act" means the Emergency Price Control Act of 1942.

(1) *Effective date of Supplementary Order No. 19.* This Supplementary Order No. 19 (§ 1305.23) shall become effective September 24, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 18th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9284; Filed, September 18, 1942;
5:16 p. m.]

PART 1306—IRON AND STEEL

[Amendment 3 to Revised Price Schedule No. 41¹]

STEEL CASTINGS

A statement of the considerations involved in the issuance of this Amendment No. 3 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1306.109 (c) is amended to read as set forth below:

§ 1306.109 *Definitions.* When used in Price Schedule No. 41, the term: * * *

(c) "Steel castings" means any cast steel object, whether rough or machined, that has been initially cast into the desired shape of the finished product, and which contains less than 1.70% carbon and/or alloys totaling not more than 8%, and includes miscellaneous steel castings and steel castings produced for railroads other than the railroad specialties defined in paragraph (d) below:

§ 1306.110a *Effective date of amendment.* * * *

(c) Amendment No. 3 (§ 1306.109 (c)) to Revised Price Schedule No. 41 shall become effective September 24, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 18th day of September, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9285; Filed, September 18, 1942;
5:17 p. m.]

PART 1316—COTTON TEXTILES

[Amendment 4 to Revised Price Schedule 11¹]

FINE COTTON GREY GOODS

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

Section 1316.11 (b) is amended and in § 1316.13 (d) (4) Table I, footnote 2 is amended and Table III is added, all as set forth below:

§ 1316.11 *Definitions.* * * *

(b) "Fine cotton goods" means cotton grey goods made wholly or in part of

¹ 7 F.R. 1281, 1836, 2001, 2132, 4667.

² 7 F.R. 1231, 1836, 2000, 2132, 2737, 3163, 5519.

combed yarn and unfinished box-loom clip-spot marisettes whether or not made of combed yarn, but, unless otherwise specified, refers only to goods of the types and specifications for which maximum prices are established in § 1316.13, Appendix A;

§ 1316.13 Appendix A: Maximum prices for fine cotton goods.

(d) Fine cotton goods not covered by contract prior to December 24, 1941.

(4) Maximum price tables.

Name of manufacturing process	Premium (cents per yd.)
Clipping	1 ²

² This premium shall not be charged in connection with clip-spot marisettes, for which maximum prices are set forth in Table III of this subparagraph.

TABLE III

The following provisions shall apply, and the General Maximum Price Regulation shall not apply, to unfinished box-loom clip-spot marisettes.

As used herein, the term "standard" means having a width of 35", 39½", 46", or 48" and a total count per inch of 37 to 48 sley and 14 to 34 picks (including roving), inclusive. The term "base construction" means 39½" 40 x 18, 40s or 50s combed warp, 40s or 50s combed filling, 2 picks of 6.00 hank grey roving, 10 jumpers and/or 15 harnesses or less.

The base maximum price for standard unfinished box-loom clip-spot marisettes shall be 8½ cents per yard. For any standard construction other than the base construction the maximum price shall be the base maximum price adjusted upward or downward by the following per yard differentials.

For seconds of standard unfinished box-loom clip-spot marisettes the maximum prices shall be 5 percent less than those set forth herein.

For any construction other than a standard construction the maximum prices shall be the price issued by the Office of Price Administration upon application by the seller.

A. Width Differentials.

35", deduct	\$. 0059
46", add	. 0084
48", add	. 0224

B. Warp Differentials—Ground.

	35"	39½"	46"	48"
40s or 50s combed, where ground ends are more or less than 40 per inch:				
Grey, add or subtract for each two ends per inch	\$. 0013	\$. 0015	\$. 0017	\$. 0018
Pastel colors, add per end per inch	. 00041	. 00047	. 00054	. 00057
Empire colors, add per end per inch	. 00054	. 00062	. 00072	. 00075
40s or 50s carded, subtract from combed for two ends per inch	. 00012	. 00014	. 00016	. 00017

C. Filling Differentials.

	35"	39½"	46"	48"
1. Ground:				
40s or 50s combed, where ground picks are more or less than 18 per inch:				
Grey, add or subtract for two picks per inch	\$. 0033	\$. 0035	\$. 0037	\$. 0047
Pastel colors, add per pick per inch	. 00046	. 00052	. 00060	. 00063
Empire colors, add per pick per inch	. 00059	. 00067	. 00078	. 00082
40s or 50s carded, subtract from combed for one pick per inch	. 000053	. 000060	. 000070	. 000072
2. Roving, subtract \$.009 and add per pick per inch:				
Grey:				
4 hank	. 0053	. 0058	. 0067	. 0074
6 hank	. 0041	. 0045	. 0051	. 0057
8 hank	. 0033	. 0036	. 0041	. 0046
10 hank	. 0028	. 0031	. 0035	. 0040
12 hank	. 0027	. 0029	. 0032	. 0038
Pastel:				
4 hank	. 0091	. 0101	. 0116	. 0126
6 hank	. 0066	. 0073	. 0084	. 0092
8 hank	. 0052	. 0057	. 0066	. 0072
10 hank	. 0044	. 0048	. 0054	. 0061
12 hank	. 0039	. 0043	. 0049	. 0055
Empire:				
4 hank	. 0101	. 0113	. 0130	. 0140
6 hank	. 0073	. 0081	. 0093	. 0101
8 hank	. 0057	. 0063	. 0072	. 0079
10 hank	. 0048	. 0053	. 0060	. 0067
12 hank	. 0043	. 0047	. 0054	. 0060

D. Pattern Differentials.

	35"	39½"	46"	48"
Over 10 jumpers and/or 15 harness:				
Per yard per pick—				
2 shuttles	\$. 000114	\$. 000114	\$. 000140	\$. 000140
Per yard per pick—				
3 and 4 shuttles	. 000140	. 000140	. 000175	. 000175

20/2 carded cords (other than selvage):

Add per end:	All widths
Grey	\$. 000055
Pastel colors	. 000095
Empire colors	. 000110

E. Loop cutting.

E. Loop cutting \$. 0033

F. Production Differential.

After applying all necessary differentials, add or subtract for each pick over or under an overall count of 20 picks \$. 0003

§ 1316.12a Effective dates of amendments.

(d) Amendment No. 4 (§§ 1316.11 (b), 1316.13 (d) (4), Tables I and III) to Revised Price Schedule No. 11 shall become effective September 24, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 18th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9292; Filed, September 18, 1942; 5:15 p. m.]

PART 1339—BURLAP AND BURLAP PRODUCTS

[Amendment 3 to Revised Price Schedule 18¹]

BURLAP

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 § 1339.11 paragraph (a) is amended by revoking footnote 3 thereof and by adding new items thereto, and paragraph (b) is redesignated (b) (1) and a new paragraph (b) (2) is added to read as set forth below:

§ 1339.11 Appendix A: Maximum prices for burlap. (a) Prices per yard, ex dock port of discharge,² duty paid.

Quality of Burlap	Construction		Cents
	Width (Inches)	Weight (ounces per yard)	
Common burlap	38	5	5.75
	57	5	8.55
	58	5	8.70
	48	9	11.60
	30	10	8.35
	72	10	20.90
	45	12	14.50
	48	12	15.45
	60	12	19.55
	72	12	23.50
	48	14	18.55
	48	16	22.00
SPECIAL FINISHES			
Double calendered	40	11	12.60
	45	11	14.20
	57	11	17.05
	40	14	15.65
Crop and mangled	44	15	17.00
	40	11	12.85
	36	12	13.00
	40	12	13.80
	45	12	15.40
44	15	17.30	

(b) Charges for war risk insurance in excess of 2½%.

(2) The maximum premium rate which may be used in calculating such charges for excess war risk insurance on any lot of burlap shipped from a foreign port after September 23, 1942, shall be the War Shipping Administration's war risk insurance premium rate on the identical shipment. For the purpose of this paragraph the War Shipping Administration's war risk insurance premium rate shall include, in addition to the basic rate, the premium rate for extended transshipment coverage.

1339.10a Effective dates of amendments.

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

¹ 7 F.R. 1241, 1600, 1836, 2000, 2132, 5138.

(c) Amendment No. 3 (§ 1339.11 (a) and (b)) to Revised Price Schedule No. 18 shall become effective September 24, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 18th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9294; Filed, September 18, 1942;
5:16 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR
VEHICLE EQUIPMENT

[Amendment 5 to Revised Price Schedule
85¹]

NEW PASSENGER AUTOMOBILES

A statement of the considerations involved in the issuance of this Amendment has been prepared and filed with the Division of the Federal Register.* Section 1360.52 (c) is amended and new paragraph (e) is added to § 1360.60a as set forth below:

§ 1360.52 *Maximum retail price for new passenger automobiles.* * * *

(c) An allowance for transportation which shall not exceed the actual rail freight charge at carload rate, by the most direct route, for the transportation of the automobile from the factory to the place of business of the dealer making delivery to the purchaser: *Provided*, That, in the case of sale by a distributor or dealer located in any of the territories or possessions of the United States, the allowance for transportation may include the actual cost of shipment by all types of transportation outside the territorial boundaries of the United States actually used to deliver the automobile to such distributor or dealer, and may include expenses incurred for packing, crating, dunnage, drayage, lighterage, war risk insurance, and wharfage.

* * * * *

§ 1360.60a *Effective dates of amendment.* * * *

(c) Amendment No. 5 (§ 1360.52 (c)) to Revised Price Schedule No. 85 shall become effective September 24, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 18th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9293; Filed, September 18, 1942;
5:16 p. m.]

PART 1381—SOFTWOOD LUMBER
[Maximum Price Regulation 222]

NORTHERN SOFTWOOD LUMBER

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales of Northern softwood lumber by a specific maximum price regulation. The Price Administrator has ascertained and given due consideration to the prices of Northern softwood lumber prevailing between October

1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgement 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 the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with the Procedural Regulation No. 1,¹ issued by the office of Price Administration, Maximum Price Regulation No. 222 is hereby issued.

AUTHORITY: §§ 1381.251 to 1381.267, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1381.251 *Maximum prices for Northern softwood lumber.* (a) On and after September 23, 1942, regardless of any contract or other obligation, no person shall sell or deliver any Northern softwood lumber, where shipment originates at the mill rather than at a distribution yard, and no person shall buy or receive in the course of trade or business any Northern softwood lumber so shipped, at prices higher than the maximum prices set forth in Appendices A to E hereof, inclusive, incorporated herein as §§ 1381.263 to 1381.267, inclusive; and no person subject to this Maximum Price Regulation No. 222 shall agree, offer, solicit or attempt to do any of the foregoing.

(b) The provisions of this Maximum Price Regulation No. 222 shall not be applicable to retail sales as defined in paragraph (a) (7) of § 1381.259.

(c) The provisions of this Maximum Price Regulation No. 222 shall not be applicable to sales or deliveries of Northern softwood lumber to a purchaser, if prior to September 23, 1942, such lumber had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(d) The maximum prices established in this Maximum Price Regulation No. 222 shall not be increased by any charges for the extension of credit or by any decrease in the time customarily allowed for payment, and shall be decreased for prompt payment to the same extent that the sale price would have been decreased on October 1, 1941.

§ 1381.252 *Less than maximum prices.* Lower prices than those established in this Maximum Price Regulation No. 222 may be charged, demanded, paid or offered.

§ 1381.253 *Conditional agreements.* No seller subject to this Maximum Price Regulation No. 222 shall enter into an agreement permitting the adjustment of the price of Northern softwood lumber to prices which may be higher than the maximum prices in effect on the date of

the agreement: *Provided*, That if a petition for amendment has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception should be made in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.

§ 1381.254 *Evasion* (a) The price limitations set forth in this Maximum Price Regulation No. 222 shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to Northern softwood lumber, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

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

(1) Unnecessarily routing lumber through a distribution yard;

(2) Unreasonably refusing to ship lumber on standard grades;

(3) Falsely or wrongly grading or invoicing lumber;

(4) Grading as a special grade lumber which normally is graded by the seller as a standard grade;

(5) Making charges for delivery which exceed the actual cost to the seller of such delivery (except as provided in paragraph (d) of § 1381.267).

§ 1381.255 *Records and reports.* (a) Every seller and purchaser subject to this Maximum Price Regulation No. 222 making sales or deliveries or purchases of Northern softwood lumber to the value of \$500.00 or more in any one month, after September 23, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than two years a complete and accurate record of each sale or delivery or purchase of Northern softwood lumber, showing the date of purchase or sale, the name and address of the buyer and seller, the quantities and grades purchased or sold, and the price paid or received.

(b) Such persons shall keep such other records in addition to or in place of the records required in paragraph (a) of this section and shall submit such reports to the Office of Price Administration as that Office may from time to time require or permit.

§ 1381.256 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 222 are subject to the criminal penalties, civil enforcement actions, proceedings for suspension of licenses and suits for treble damages provided for by the Emergency Price Control Act of 1942: *Provided*, That no war procurement agency, or any contracting or paying finance officer thereof, shall be subject to any liability, civil or criminal, imposed by this Maximum Price Regulation No. 222 or the Emergency Price Control Act of 1942.

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

¹ 7 F.R. 664, 1009, 1364, 1675, 1836, 2134, 2132, 6048, 6897.

¹ 7 F.R. 971, 3663, 6967.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 222 or any price schedule, regulation or order issued by the Office of Price Administration or any acts or practices which constitute such a violation are urged to communicate with the nearest district, state, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1381.257 *Licensing.* The provisions of Supplementary Order No. 18 (§ 1305.-22) licensing persons selling lumber, lumber products or building materials, are applicable to every person, except mills, making sales of Northern softwood lumber for which maximum prices are established by this regulation.

§ 1381.258 *Petitions for amendment or adjustment*—(a) *Government contracts or subcontracts.* Any person who has entered into or proposes to enter into a contract with the United States or any agency thereof, or with the Government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States", or any agency of any such Government, or a subcontract under any such contract, who believes that the maximum price impedes or threatens to impede production of Northern softwood lumber which is essential to the war program and which is or will be the subject of such contract or subcontract, may file an application for adjustment of the maximum prices established by this Maximum Price Regulation No. 222 in accordance with Procedural Regulation No. 6,² issued by the Office of Price Administration.

(b) *Special relief.* Any person seeking special relief for which no provision is made in paragraph (a) of this section, from a maximum price established under this Maximum Price Regulation No. 222, may present the special circumstances of his case in an application for an order of adjustment. Such an application shall be filed in accordance with Procedural Regulation No. 1,¹ issued by the Office of Price Administration, and shall set forth the facts relating to the hardship to which such maximum price subjects the applicant together with a statement of the reasons why he believes that the granting of relief in his case and in all like cases will not defeat or impair the policy of the Emergency Price Control Act of 1942 and of this Maximum Price Regulation No. 222 to eliminate the danger of inflation.

(c) *General amendments and adjustments.* Persons seeking any general modification of this Maximum Price Regulation No. 222 or any general adjustment or exception not provided for therein may file petitions for amendment in accordance with Procedural Regulation No. 1,¹ issued by the Office of Price Administration.

§ 1381.259 *Definitions.* (a) When used in Maximum Price Regulation No. 222 the term:

¹ *Supra* note 1.

² 7 F.R. 5087, 5664.

(1) "Person" includes an individual, corporation, partnership, association, or any other organized groups 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 the foregoing.

(2) "Feet" means board feet of lumber except that with reference to lumber in thicknesses of 1/2", 3/4", and 5/8", the term "feet" means surface feet.

(3) "Northern softwood lumber" means lumber:

(i) Produced from the botanical species of Northern white pine (*Pinus strobus*), Norway pine (*Pinus resinosa*), Northern white cedar (*Thuja occidentalis*), Eastern spruce (*Picea glauca*, *Picea mariana*, and *Picea rubra*), Western white spruce (*Picea canadensis*), and Northern hemlock (*Tsuga canadensis*); and

(ii) Processed into lumber at mills located in the states of Michigan, Minnesota, and Wisconsin; or

(iii) Processed into lumber at mills located in the Canadian provinces of British Columbia, Alberta, Saskatchewan, and Manitoba and sold in the United States or its territories or possessions.

(4) "Mill" means any establishment:

(i) Which processes into the items of lumber covered by this Maximum Price Regulation No. 222, by sawing or planing, or ships to milling-in-transit operations for such processing by sawing, planing, or kiln drying, at least 25 percent of the volume of Northern softwood lumber or logs purchased or received by it; or

(ii) Which resembles the following described establishment more nearly than that described under the definition of "distribution yard" in subparagraph (5) (ii) of this paragraph: An establishment which concentrates and prepares lumber for commercial shipment, which keeps in stock primarily Northern softwood and Northern hardwood lumber, which has its lumber brought in chiefly in rough green form by truck from small local sawmills and sells chiefly for rail shipment, and which has been located at its particular site in order to be near the lumber producing area.

(5) "Distribution yard" means an establishment:

(i) Which processes into the items of lumber covered by this Maximum Price Regulation No. 222, by sawing or planing, or ships to milling-in-transit operations for such processing by sawing, planing, or kiln drying, less than 25 percent of the volume of Northern softwood lumber purchased or received by it; and

(ii) Which resembles the following described establishment more nearly than that described under the definition of "mill" in subparagraph (4) (ii) of this paragraph: A wholesale or retail lumber yard which purchases or receives lumber from a mill or another distribution yard for purposes of unloading, sorting, and resale or redistribution, which regularly maintains a miscellaneous stock of lumber from different regions, which obtains its lumber primarily by rail shipment and sells primarily for truck shipment, which is equipped to make quick deliveries of

many different items of lumber, and which has been located at its particular site primarily in order to be near a lumber consuming area.

(6) "Volume" means the board feet volume of lumber processed from logs, processed from other lumber, or sold, as the case may be, within the six months immediately prior to the transaction subject to this Maximum Price Regulation No. 222.

(7) "Retail sale" means a sale which satisfies all of the following tests:

(i) It must be a sale of not more than 5,000 feet of lumber;

(ii) It must be a sale in which the purchaser requests delivery to a point not more than 20 miles from the mill at which shipment originates;

(iii) It must be a sale of lumber to a contractor or consumer for use in construction, remodeling, repair, maintenance, fabrication, or remanufacture, and not for resale in substantially the same form.

(8) "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, and the Lend-Lease Section in the Procurement Division of the Treasury Department or any agency of the foregoing.

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

§ 1381.260 *Applicability of the General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 222 supersede the provisions of the General Maximum Price Regulation³ with respect to sales and deliveries of Northern softwood lumber for which maximum prices are established by this regulation.

§ 1381.261 *Export sales.* The maximum price at which a seller may make an export sale of Northern softwood lumber shall be determined in accordance with the provisions of the Maximum Export Price Regulation⁴ issued by the Office of Price Administration. An "export sale" is any sale between a seller in the Continental United States and a purchaser outside thereof in which the commodity sold is transported from the Continental United States to a point outside thereof and includes any sale of a commodity outside the Continental United States by an agent of the exporter or by a corporation owned or controlled by the exporter within a period of two years after the date of shipment of the commodity from the Continental United States.

§ 1381.262 *Effective date.* This Maximum Price Regulation No. 222 (§§ 1381.-251 to 1381.267, inclusive) shall become effective September 23, 1942.

§ 1381.263 *Appendix A: Maximum prices for domestic Northern hemlock*

³ 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5278, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093.

⁴ 7 F.R. 5059.

lumber in standard or near standard grades—(a) Application of Appendix A.

The provisions of this section shall apply to Northern hemlock lumber which is:

- (1) sold on the specifications and on the grades designated in this section; and
- (2) shipped to the purchaser from mills located in the states of Wisconsin, Michigan, and Minnesota.

(b) Grading rules. Grade terms used herein have the meaning set forth in the "Official Grading Rules for Hemlock and

Tamarack Lumber and White Cedar Shingles" published by the Northern Hemlock and Hardwood Manufacturers' Association, effective June 27, 1941.

(c) Maximum prices. The maximum price, f. o. b. mill, for 1,000 feet (or for 1,000 pieces, where so designated herein) of domestic Northern hemlock lumber in a rough air dried condition shall be the price set forth in the following paragraphs of this section.

(d) Dimension.

NO. 1 PIECE STUFF (ROUGH)

Thickness and width	Length							
	6'	8'	10'	12'	14'	16'	18 & 20'	22 & 24'
2 x 3" & 2 x 4".....	\$31.50	\$39.00	\$38.00	\$38.00	\$38.00	\$39.00	\$42.00	\$44.00
2 x 6".....	30.50	37.00	37.00	37.00	37.00	37.00	42.00	44.00
2 x 8".....	31.50	38.00	38.00	38.00	38.00	38.00	42.00	44.00
2 x 10".....	32.50	40.00	41.00	41.00	41.00	41.00	44.00	46.00
2 x 12".....	33.50	41.00	42.00	42.00	42.00	42.00	44.00	46.00

MERCHANTABLE PIECE STUFF (ROUGH)

Thickness and width	Length							
	6'	8'	10'	12'	14'	16'	18 & 20'	22 & 24'
2 x 3" & 2 x 4".....	\$30.50	\$38.00	\$37.00	\$37.00	\$37.00	\$38.00	\$41.50	\$43.50
2 x 6".....	29.50	36.50	36.50	36.50	36.50	36.50	40.50	42.50
2 x 8".....	30.50	37.00	37.00	37.00	37.00	37.00	41.50	43.50
2 x 10".....	31.50	38.50	39.50	39.50	39.50	39.50	42.50	44.50
2 x 12".....	31.50	38.50	39.50	39.50	39.50	39.50	42.50	44.50

NO. 2 PIECE STUFF (ROUGH)

Thickness and width	Length							
	6'	8'	10'	12'	14'	16'	18 & 20'	22 & 24'
2 x 3" & 2 x 4".....	\$29.50	\$37.00	\$36.00	\$36.00	\$36.00	\$37.00	\$40.00	\$42.00
2 x 6".....	29.00	34.50	34.50	34.50	34.50	34.50	38.00	40.00
2 x 8".....	29.50	35.50	35.50	35.50	35.50	35.50	39.00	41.00
2 x 10".....	30.00	36.50	37.50	37.50	37.50	37.50	39.50	41.50
2 x 12".....	30.00	36.50	37.50	37.50	37.50	37.50	39.50	41.50

NO. 3 PIECE STUFF (ROUGH)

Thickness and width	Length							
	6'	8'	10'	12'	14'	16'	18 & 20'	22 & 24'
2 x 3" & 2 x 4".....	\$25.50	\$33.00	\$32.00	\$32.00	\$32.00	\$33.00	\$35.00	\$37.00
2 x 6".....	25.50	31.00	31.00	31.00	31.00	31.00	34.00	36.00
2 x 8".....	25.50	32.00	32.00	32.00	32.00	32.00	35.00	37.00
2 x 10".....	25.50	32.00	32.00	32.00	32.00	32.00	36.00	38.00
2 x 12".....	25.50	32.00	32.00	32.00	32.00	32.00	36.00	38.00

NO. 3 AND BETTER PIECE STUFF (ROUGH)

2 x 4" and wider, 4' long.....	\$23.00
2 x 4" and wider, 6' long.....	25.00

NO. 4 PIECE STUFF (ROUGH)

Thickness and width	Length						
	6'	8'	10'	12'	14'	16'	
2 x 3" & 2 x 4".....	\$23.00	\$27.00	\$25.00	\$25.00	\$25.00	\$26.00	
2 x 6".....	22.50	23.50	23.50	23.50	23.50	24.50	
2 x 8".....	23.00	25.00	25.00	25.00	25.00	26.00	
2 x 10".....	23.00	25.00	25.00	25.00	25.00	26.00	
2 x 12".....	23.00	25.00	25.00	25.00	25.00	26.00	

NOTES

1. 7' lengths: Add \$1.00 to 14' price.
2. 9' lengths: Use same price as 18'.
3. Random lengths, 8' to 16': Use same price as 14'.
4. S1E, S2E, S1S, or S2S: Add \$1.00 to rough price.
5. S1S1E or S4S: Add \$1.50 to rough price.
6. Special construction grade: Add \$2.00 to the price for No. 3 piece stuff of same size and length.
7. Dimension, surfaced to 1 1/16" hit or miss: Deduct \$3.00.

(e) Boards-

NO. 1 COMMON (ROUGH)

Thickness and width	Length						
	6'	8'	10'	12'	14'	16'	6 to 16'
1 x 4".....	\$30.50	\$35.00	\$36.00	\$36.00	\$36.00	\$38.00	\$36.00
1 x 6".....	33.00	37.50	38.50	38.50	38.50	40.00	38.50
1 x 8".....	33.00	37.50	38.50	38.50	38.50	40.00	38.50
1 x 10".....	34.50	39.00	40.00	40.00	40.00	41.50	40.00
1 x 12".....	35.50	40.00	41.00	41.00	41.00	42.50	41.00

MERCHANTABLE (ROUGH)

Thickness and width	Length						
	6'	8'	10'	12'	14'	16'	6 to 16'
1 x 4".....	\$29.00	\$33.50	\$34.50	\$34.50	\$34.50	\$36.50	\$34.50
1 x 6".....	31.00	35.50	36.50	36.50	36.50	38.00	36.50
1 x 8".....	31.50	36.00	37.00	37.00	37.00	38.50	37.00
1 x 10".....	31.50	36.00	37.00	37.00	37.00	38.50	37.00
1 x 12".....	32.50	37.00	38.00	38.00	38.00	39.50	38.00

NO. 2 COMMON (ROUGH)

Thickness and width	Length						
	6'	8'	10'	12'	14'	16'	6 to 16'
1 x 4".....	\$28.50	\$31.00	\$31.00	\$31.00	\$31.00	\$33.00	\$31.00
1 x 6".....	29.50	34.00	35.00	35.00	35.00	36.50	35.00
1 x 8".....	30.00	35.00	36.00	36.00	36.00	37.50	36.00
1 x 10".....	31.00	35.00	36.00	36.00	36.00	37.50	36.00
1 x 12".....	31.00	36.00	37.00	37.00	37.00	38.50	37.00

NO. *3* COMMON (ROUGH)

Thickness and width	Length						
	6'	8'	10'	12'	14'	16'	6 to 16'
1 x 4".....	\$27.50	\$30.50	\$30.50	\$30.50	\$30.50	\$31.50	\$30.50
1 x 6".....	29.00	33.50	34.00	34.00	34.00	35.00	34.00
1 x 8".....	29.50	34.50	35.00	35.00	35.00	36.00	35.00
1 x 10".....	30.50	34.50	35.00	35.00	35.00	36.00	35.00
1 x 12".....	30.50	35.00	35.00	35.00	35.00	36.00	35.00

NO. 3 COMMON AND BETTER (ROUGH)

1 x 4" and wider, 4' long.....	\$23.50
1 x 4" and wider, 6' long.....	25.50

NO. 4 COMMON (ROUGH)

Thickness and width	Length						
	6'	8'	10'	12'	14'	16'	6 to 16'
1 x 4".....	\$20.50	\$23.50	\$23.50	\$23.50	\$23.50	\$24.50	\$23.50
1 x 6".....	21.50	24.50	24.50	24.50	24.50	25.50	24.50
1 x 8".....	22.50	25.50	25.50	25.50	25.50	26.50	25.50
1 x 10".....	22.50	25.50	25.50	25.50	25.50	26.50	25.50
1 x 12".....	22.50	25.50	25.50	25.50	25.50	26.50	25.50

NOTES

1. Industrial yard No. 3 grade: Deduct \$1.00 from No. *3* price.
2. S1E, S2E, S1S, or S2S: Add \$1.00 to rough price.
3. S1S1E or S4S: Add \$1.50 to rough price.
4. "D" Selects: Add \$5.00 to No. 1 price.

(f) *Plank and timbers.*
 MERCHANTABLE (ROUGH)

Thickness and width	Length			
	10'	12' to 16'	18' & 20'	22' & 24'
3 x 6" & 3 x 8".....	\$39.00	\$36.00	\$41.00	\$43.00
3 x 10".....	41.00	38.00	43.00	45.00
3 x 12".....	42.00	39.00	44.00	46.00
4 x 4" & 4 x 6".....	39.00	36.00	41.00	43.00
6 x 6" & 8 x 8".....	40.00	37.00	42.00	44.00
4 x 10" to 10 x 10".....	39.50	36.50	41.50	43.50
4 x 12" to 12 x 12".....	40.50	37.50	42.50	44.50

NOTES

- No. 1: Add \$3.00 to merchantable price.
- No. 2: Deduct \$2.00 from merchantable price.
- S1E, S2E, S1S, or S2S on 3 and 4 x 4" to 8 x 8": Add \$1.50 to rough price; on 4 x 10" to 12 x 12": Add \$2.00 to rough price.
- S1S1E on 3 and 4 x 4" to 8 x 8": Add \$2.00 to rough price; on 4 x 10" to 12 x 12": Add \$2.50 to rough price.
- S4S on 3 and 4 x 4" to 8 x 8": Add \$2.00 to rough price; on 4 x 10" to 12 x 12": Add \$3.00 to rough price.
- D&M or shiplap on 3" thicknesses: Add \$2.50 to rough price.

(g) *Grain and coal door boards.*

Grain door boards 6' long.....	\$26.50	Coal door boards 6' long.....	\$22.50
Grain door boards 7' long.....	29.50	Coal door boards 7' long.....	24.50

(h) *Patent sheathing lath.*

Worked from:	Merchant-			
	No. 1	able	No. 2	No. 3
4" 4' and longer, mixed, bundled.....	\$38.50	\$37.00	\$35.50	\$35.00
6" 4' and longer, mixed, bundled.....	39.50	37.50	36.00	34.50

(i) *Lath (maximum prices per 1,000 pieces).*

48" No. 1.....	\$6.15	48" No. 3.....	\$4.40
48" No. 2.....	5.40	32" merchantable.....	3.35

(j) *General notes.* (Applying to entire appendix)

- No. 2 and better, 1" or 2" thicknesses: use same price as merchantable in same length.
- "Thin and miscut": use 75% of price of 1" thickness in same length and grade.
- 1 x 2": add \$1.00 to price of 1 x 4" in same length and grade.
- 1 x 3": add \$1.00 to 1 x 6" price in same length and grade.
- 2 x 2": add \$1.00 to price of 2 x 4" in same length and grade.
- Random lengths shorter than 6': use same price as 4' in same grade and thickness.
- Barky crating: use same price as No. 3 common in same length and thickness.
- Ripping, resawing, or cut to length: add \$1.00 for each cut.
- Shiplap, D&M, or S2S and CM (except on thicker than 2"): add \$1.50 to rough price.
- Drop siding, ceiling, fancy shiplap, grooved roofing or partition (except on thicker than 2"): add \$3.00 to rough price.
- Odd or fractional widths, not listed: use same price as next wider even width and compute footage on even width.
- Odd or fractional lengths, not listed: use same price as next longer even length and compute footage on even length.
- Lengths longer than listed: add \$2.00 for each additional two feet to the

specified length price of the longest listed length.

14. Widths wider than listed: add \$2.00 for each additional two inches to the specified width price of the widest listed width.

15. Patterns not listed (including log siding, silo staves and well curbing): add \$5.00 to rough price.

16. Regular loading of random lengths or widths shall be in accordance with the standard practice of the Northern Hemlock and Hardwood Manufacturers' Association.

17. No addition may be made for kiln drying.

§ 1381.264 *Appendix B: Maximum prices for domestic and imported Northern white pine, Norway pine, Northern white cedar, and Eastern spruce lumber in standard or near standard grades—*

(a) *Application of Appendix B.* The provisions of this section shall apply to Northern white pine, Norway pine, Northern white cedar, and Eastern spruce lumber which is:

- Sold on the specifications and on the grades designated in this section; and
- Shipped to the purchaser from mills located in the states of Wisconsin, Michigan, and Minnesota, and in the Canadian provinces of Saskatchewan and Manitoba.

(b) *Grading rules.* (1) With reference to domestically produced lumber, grade terms used herein have the meaning set forth in the "Standard Grading Rules

for Northern White Pine, Norway Pine, Jack Pine, Eastern Spruce, Western White Spruce, Balsam, Tamarack, and Aspen Lumber", published by the Northern Hemlock and Hardwood Manufacturers' Association, effective June 27, 1941.

(2) With reference to imported lumber, grade terms used herein have the meaning set forth in the "Standard Grading Rules for Northern White Pine, Norway Pine, Jack Pine, Eastern Spruce, Western White Spruce, Balsam, Tamarack, and Aspen Lumber", published by the Northern Pine Manufacturers' Association, effective May 1, 1939.

(c) *Maximum prices.* The maximum price, f. o. b. mill, for 1,000 feet (or for 1,000 pieces, or for a square, where so designated herein) of Northern white pine, Norway pine, Northern white cedar, or Eastern spruce lumber in a rough air dried condition shipped to the purchaser from mills located in Wisconsin, Michigan, and Minnesota, and the maximum price, f. o. b. Baudette, Minnesota, for such lumber shipped to the purchaser from mills located in Saskatchewan and Manitoba, shall be the price set forth in the following paragraphs of this section.

(d) *Northern white pine selects (rough).*

6 to 16' lengths	B and better	"C"	"D"
1 x 4".....	\$85.00	\$75.00	\$60.00
1 x 5".....	98.00	88.00	77.00
1 x 6".....	90.00	80.00	62.00
1 x 8".....	90.00	80.00	62.00
1 x 10".....	98.00	88.00	77.00
1 x 12".....	130.00	120.00	100.00
1 x 13" & wider.....	135.00	125.00	105.00
1 x 6" & wider.....	97.00	87.00	68.00
1 x 8" & wider.....	102.00	92.00	73.00
5/4 & 6/4 x 4".....	123.50	108.50	83.50
5/4 & 6/4 x 5".....	133.50	118.50	93.50
5/4 & 6/4 x 6".....	123.50	108.50	83.50
5/4 & 6/4 x 8".....	128.50	113.50	88.50
5/4 & 6/4 x 10".....	133.50	118.50	93.50
5/4 & 6/4 x 12".....	143.50	128.50	103.50
5/4 & 6/4 x 13" & wider.....	148.50	133.50	108.50
5/4 & 6/4 x 6" & wider.....	128.50	113.50	88.50
5/4 & 6/4 x 8" & wider.....	133.50	118.50	93.50
8/4 x 4".....	128.50	113.50	88.50
8/4 x 5".....	138.50	123.50	93.50
8/4 x 6".....	128.50	113.50	88.50
8/4 x 8".....	133.50	118.50	93.50
8/4 x 10".....	138.50	123.50	98.50
8/4 x 12".....	148.50	133.50	103.50
8/4 x 13" & wider.....	153.50	138.50	108.50
8/4 x 6" & wider.....	133.50	118.50	93.50
8/4 x 8" & wider.....	138.50	123.50	98.50
10/4 & 12/4 x 8" & wider.....	181.50	166.50	131.50
16/4 x 8" & wider.....	201.50	186.50	141.50

4 to 6' lengths:	D and better
4/4.....	\$48.00
5/4 and 6/4.....	65.00
8/4.....	70.00

NOTES

- Specified lengths:
 - 8 to 14' lengths in 4, 6, and 8" widths: No addition.
 - 8 to 14' lengths, 10" and wider: Add \$5.00.
 - 16' lengths in 4, 6, and 8" widths: Add \$5.00.
 - 16' lengths, 10" and wider: No addition.
- S1S or S2S: Add \$1.00 to rough price.
- S1S1E or S4S: Add \$1.50 to rough price.

(e) Northern white pine bevel and bungalow siding.

Thickness, width	B and better	C and better	"C"	"D"	"E"
1/2 x 4"	\$40.50	\$39.00	\$37.50	\$27.50	\$19.50
1/2 x 6"	45.50	44.50	43.50	33.50	26.50
1/2 x 8"	49.50	47.50	46.50	37.50	31.50
3/4 x 8"	79.00	-----	72.00	60.00	-----
3/4 x 10"	92.00	-----	79.00	65.00	-----
3/4 x 12"	96.00	-----	83.00	-----	-----

(g) Northern white pine shop (rough).

Thickness	No. 1—6" & wider; 8' & longer	No. 2—6" & wider; 8' & longer	No. 3—4" & wider; 4' & longer
4/4	\$69.00	-----	-----
5/4	91.50	\$64.50	\$48.50
6/4	91.50	68.50	48.50
8/4	96.50	73.50	53.50
10/4	131.50	103.50	53.50
12/4	131.50	103.50	53.50
16/4	141.50	129.50	70.50

4/4 Shop Common:
 1 x 6" & wider, 8 to 16'----- \$47.00
 1 x 8" & wider, 8 to 16'----- 52.00

NOTE

1. S1S or S2S: add \$1.00 to rough price.

(f) Northern white pine mouldings. Maximum prices shall be the prices listed in the 4th edition of the 8,000 series of the Standard Moulding Book published by Shattock and McKay Company of Chicago, Illinois, revised on March 1, 1940, less the following discounts:

Where list price is less than \$2.00: 30% discount.

Where list price is \$2.00 or more: 25% discount.

(h) Northern white pine lath (maximum prices per 1,000 pieces).

	Length	
No. 1	4'	\$7.25
No. 1	32"	4.00
No. 2	4'	6.75
Merchantable	32"	3.75
No. 3 (mixed woods)	4'	5.25

(i) Northern white pine thick common (rough).

5/4, 6/4, AND 8/4 THICKNESSES; 8 TO 16' LENGTHS

	4"	6"	8"	10"	12"	13" & wider	6" & wider
No. 1 Common	\$68.50	\$66.50	\$66.50	\$79.50	\$100.50	\$105.50	\$77.50
No. 2 Common	62.50	60.50	60.50	62.50	69.50	79.50	62.50
No. 3 Common	47.50	48.50	48.50	49.50	50.50	52.50	48.50

No. 1, 2, and 3 common, 4 to 6' lengths, \$43.50

10/4 AND 12/4 THICKNESSES; 8 TO 16' LENGTHS

	4"	6"	8"	10"	12"	6" & wider	8" & wider
No. 1 common	\$80.50	\$80.50	\$80.50	\$85.50	\$109.50	\$81.50	\$86.50
No. 2 common	62.50	62.50	62.50	65.50	68.50	62.50	65.50
No. 3 common	48.50	48.50	48.50	49.50	52.50	47.50	49.50

NOTES

1. Specified lengths: 8 to 14': add \$5.00. 16': add \$2.00.

2. SIS or S2S: add \$1.00 to rough price; S1S1E or S4S: add \$1.50 to rough price.

(j) Northern pine boards—(1) Northern white pine.

NO. 1 COMMON (ROUGH)

Thickness and width	6'	8'	10'	12'	14'	16'	6 to 16'
1 x 4"	\$46.00	\$58.00	\$58.00	\$58.00	\$58.00	\$60.00	\$58.00
1 x 6"	46.00	56.00	56.00	56.00	56.00	58.00	56.00
1 x 8"	46.00	56.00	58.00	58.00	56.00	56.00	56.00
1 x 10"	56.00	66.00	68.00	68.00	66.00	66.00	66.00
1 x 12"	81.00	87.00	89.00	89.00	87.00	87.00	87.00
1 x 13" & wider	86.00	92.00	94.00	94.00	92.00	92.00	92.00

NO. 2 COMMON (ROUGH)

Thickness and width	6'	8'	10'	12'	14'	16'	6 to 16'
1 x 4"	\$44.00	\$55.00	\$55.00	\$55.00	\$55.00	\$57.00	\$55.00
1 x 6"	44.00	51.00	51.00	51.00	51.00	53.00	51.00
1 x 8"	44.00	51.00	53.00	53.00	51.00	51.00	51.00
1 x 10"	50.00	54.00	56.00	56.00	54.00	54.00	54.00
1 x 12"	56.00	61.00	63.00	63.00	61.00	61.00	61.00
1 x 13" & wider	60.00	65.00	67.00	67.00	65.00	65.00	65.00

NO. 3 COMMON (ROUGH)

Thickness and width	6'	8'	10'	12'	14'	16'	6 to 16'
1 x 4"	\$35.00	\$42.00	\$42.00	\$42.00	\$42.00	\$44.00	\$42.00
1 x 6"	37.00	45.00	45.00	45.00	45.00	47.00	45.00
1 x 8"	38.00	45.00	47.00	47.00	45.00	45.00	45.00
1 x 10"	38.50	45.50	47.50	47.50	45.50	45.50	45.50
1 x 12"	42.00	47.00	49.00	49.00	47.00	47.00	47.00
1 x 13" and wider	43.00	48.00	50.00	50.00	48.00	48.00	48.00

SHORT LENGTHS (ROUGH)

No. 1, 2, and 3 Common, Random Widths, 4 to 6' lengths: \$40.50.

NOTE: Not over 50% No. 3 Common.

(2) NORWAY PINE

No. 1 Common: Use same price as No. 1 White Pine.

No. 2 Common: Deduct \$2.00 from price of No. 2 White Pine.

No. 3 Common: Deduct \$1.00 from price of No. 3 White Pine.

NOTES

1. 1 x 6" Fence or Gate Boards: Add \$2.00 to price of 1 x 6" boards in same species, grade and length.

2. 1 x 5": Add \$1.00 to price of 1 x 10" boards in same species, grade and length.

3. Specified lengths of 18' and 20':

In 4 and 6" widths: Use same price as 16'.

In 8, 10, and 12" widths: Add \$2.00 to 16' price.

4. S1S or S2S: Add \$1.00 to rough price; S1S1E or S4S: Add \$1.50 to rough price.

(k) Northern pine thin boards. (S1S, S2S, or S4S, or shiplap; hit or miss to 11/16")

8 to 16' lengths	No. 2 com- mon	No. 3 com- mon	No. 4 com- mon (mixed softwoods)
11/16" x 6 to 12"	\$45.00	\$37.00	\$31.00

(l) Mixed northern softwoods common boards (rough). (Box or crating)

6' and longer	No. 4 com- mon	No. 5 com- mon
1 x 4"-----	\$36.00	\$28.00
1 x 6"-----	37.00	29.00
1 x 8"-----	38.00	31.00
1 x 10"-----	38.00	31.00
1 x 12"-----	38.00	31.00
1 x 12" & wider-----	39.00	32.00
1 x 4" & wider-----	37.00	30.00
1 x 6" & wider-----	37.50	30.50
5/4, 6/4 & 8/4 x 4" & wider-----	38.50	31.50

4' & Longer: No. 6 Common
1 x 4" & wider----- \$16.00
1 x 6" & wider----- 17.00

NOTES:

- Specified lengths:
4/4: Add \$1.00.
5/4, 6/4, and 8/4: Add \$2.00.
- Specified widths in 5/4, 6/4, and 8/4 thicknesses: Add \$3.00.
- All 6' and 8' lengths: Deduct \$2.00.
- S1S or S2S: Add \$1.00 to rough price; S1S1E or S4S: Add \$1.50 to rough price.
- 4' & longer in No. 4 Common or No. 5 Common: Deduct \$1.00 from price of 6' and longer.
- 10' & longer in No. 4 Common or No. 5 Common: Add \$1.00 to price of 6' and longer.

(m) Northern softwoods dimension—(1) Mixed Norway pine and Eastern spruce No. 1 common (rough)

Thickness and width	Length							
	6'	8'	10'	12'	14'	16'	18 and 20'	22 and 24'
2 x 4"-----	\$33.50	\$41.00	\$40.00	\$40.00	\$40.00	\$41.00	\$44.00	\$46.00
2 x 6"-----	32.50	39.00	39.00	39.00	39.00	39.00	44.00	46.00
2 x 8"-----	33.50	40.00	40.00	40.00	40.00	40.00	44.00	46.00
2 x 10"-----	34.50	43.00	43.00	43.00	43.00	43.00	46.00	48.00
2 x 12"-----	35.50	44.00	44.00	44.00	44.00	44.00	46.00	48.00

(2) Northern White Pine

Add \$5.00 to Mixed Norway Pine and Eastern Spruce price.

NOTES

1. Select Common: Add \$5.00 to No. 1 price. Merchantable: Deduct \$1.00 from No. 1 price.

No. 2: Deduct \$2.00 from No. 1 price. No. 3: Deduct \$6.00 from No. 1 price.

2. Random Lengths, 8 to 16': Use same price as 14'.

3. All Norway Pine: Add \$1.50.

4. S1S or S2S: Add \$1.00 to rough price; S1S1E or S4S: Add \$1.50 to rough price.

(n) Mixed Norway pine and Eastern spruce plank and timbers (rough).

NO. 1

Thickness and width	Length	
	10' to 16'	18' to 21'
3 x 6 & 8"-----	\$39.00	\$41.00
3 x 10"-----	40.00	42.00
3 x 12"-----	40.00	42.00
4 x 4" to 8 x 8"-----	39.00	41.00
4 x 10" to 10 x 10"-----	41.00	43.00
4 x 12" to 12 x 12"-----	41.00	44.00
3 x 14" & wider-----	42.00	45.00

NOTES

1. Select Common: Add \$6.00 to No. 1 price.

2. S1S or S2S: Add \$1.50 to rough price; S1S1E: Add \$2.50 to rough price; S4S: Add \$3.00 to rough price.

3. All Norway pine: Add \$3.00.

(o) Norway pine selects (rough).

	"C" and better	"D"
10 to 20' lengths:		
1 x 4"-----	\$61.00	\$52.00
1 x 5"-----	71.00	61.00
1 x 6"-----	66.00	54.00
1 x 8"-----	66.00	56.00
1 x 10"-----	74.00	61.00
1 x 12"-----	82.00	76.00
1 x 4" and wider-----	67.00	59.00
10 to 16' lengths:		
5/4 x 4" and wider-----	73.50	59.50
6/4 x 4" and wider-----	75.50	59.50
8/4 x 4" and wider-----	72.50	61.50
18 to 24' lengths:		
5/4 x 4" and wider-----	78.50	59.50
6/4 x 4" and wider-----	80.50	59.50
8/4 x 4" and wider-----	77.50	61.50

NOTES

- Stained: Deduct \$5.00.
- Specified lengths: Add \$5.00.
- Specified widths (5/4 and thicker): Add \$5.00.

4. S1S or S2S: Add \$1.00 to rough price; S1S1E or S4S: Add \$1.50 to rough price.

(p) Norway pine bevel siding.

C and Better

1/2 x 4"----- \$29.50
1/2 x 6"----- 36.50

(q) Eastern spruce boards (rough)

6 to 16" Lengths...No. 3 Common and better
1 x 4"----- \$43.00
1 x 6"----- 46.00
1 x 8"----- 46.00
1 x 10"----- 47.00
1 x 12"----- 55.00
4" & wider----- 42.00

NOTES

- Specified lengths: Add \$5.00.
- No. 2 common and better: Add \$2.00; No. 3 common: Deduct \$2.00.
- S1S or S2S: Add \$1.00 to rough price; S1S1E or S4S: Add \$1.50 to rough price.

(r) White cedar (rough).

1 x 4" & wider—8' & longer.
Shop and better----- \$123.00
No. 4 boards----- 33.00
No. 5 boards----- 26.00

NOTE

1. S1S or S2S: Add \$1.00; S1S1E or S4S: Add \$1.50.

(s) White cedar shingles. (Prices per square).

Extra "A"----- \$3.60
Standard----- 3.05
Sound butt----- 2.30

(t) General notes. (Applying to entire Appendix.)

1. Drop Siding or Ceiling: Add \$2.00 to rough price.

2. Shiplap, D&M, S2S & CM: For 2" and thinner add \$1.50 to rough price; For 3" and thicker: Add \$3.50 to rough price.

3. Resawing: Add \$1.00 for each cut.

4. Ripping: Add \$1.00 for each rip.

5. Bundling: Add \$1.00.

6. Crosscutting: Add \$1.00 for each cut.

7. Width narrower than listed: Add the ripping charge to the price of the width from which it is ripped.

8. Standard casing, jambs, base, sill stock, pulley stiles, log cabin and similar patterns: Add \$5.00.

9. Odd or fractional widths not listed: Use same price as next wider even width and compute footage on even width.

10. Odd or fractional lengths not listed: Use same price as next longer even

length and compute footage on even length.

11. Lengths longer than listed: Add \$2.00 for each additional two feet to the specified length price of the longest length listed.

12. Widths wider than listed: Add \$2.00 for each additional two inches to the specified width price of the widest width listed.

13. Regular loading of random lengths and random widths shall be in accordance with the standard practice of the Northern Pine Manufacturers' Association.

14. Kiln drying the lumber to a moisture content not exceeding 7% as of the time the lumber leaves the kiln, add:

Thickness:	
1/2", 5/8" and 3/4"	\$5.00
1"	6.00
1 1/4"	7.00
1 1/2"	8.00
2"	9.00
2 1/2"	11.00
3"	13.00

No charge may be made for kiln drying to a higher moisture content.

15. Inspecting, grading and measuring after kiln drying to a moisture content not exceeding 7%: add 5% of the f. o. b. mill price of the lumber in a rough air-dried condition. (This addition may be made only when the seller performs all three of these services, at the request of the purchaser, after kiln drying.)

§ 1381.265 Appendix C: Maximum prices for imported Western white spruce lumber in standard or near standard grades—(a) Application of Appendix C. The provisions of this section shall apply to imported Western white spruce lumber which is:

(1) Sold on the specifications and on the grades designated in this section; and

(2) Shipped to the purchaser from mills located in the Canadian provinces of British Columbia, Alberta, Saskatchewan, and Manitoba.

(b) Grading rules. Grade terms used herein have the meaning set forth in the "Standard Grading Rules for Northern White Pine, Jack Pine, Eastern Spruce, Western White Spruce, Balsam, Tamarack, and Aspen Lumber", published by the Northern Pine Manufacturers' Association, effective May 1, 1939.

(c) Maximum prices. The maximum price, f. o. b. Spokane, Washington, for 1,000 feet (or for 1,000 pieces, where so designated herein) of imported Western white spruce lumber in a rough air dried condition shipped to the purchaser from mills located in British Columbia and Alberta, and the maximum price, f. o. b. Baudette, Minnesota, for such lumber shipped to the purchaser from mills located in Saskatchewan and Manitoba, shall be the price set forth in the following paragraphs of this section.

(d) Western white spruce selects and boards (rough). (1) Shipped to the purchaser from mills located in British Columbia and Alberta:

Thickness and Width	Length	"D" and Better	No. 2 Common	No. 3 Common	No. 4 Common	No. 5 Common
1 x 4"	6 to 16'	\$43.75	\$32.75	\$29.75	\$23.75	\$21.75
1 x 6"	6 to 16'	46.75	34.75	32.75	26.75	23.75
1 x 8"	6 to 16'	49.75	34.75	32.75	26.75	23.75
1 x 10"	6 to 16'	52.75	35.75	32.75	26.75	23.75
1 x 12"	6 to 16'	59.75	43.25	33.75	27.75	23.75
1 x 4" and wider.	R/L				26.00	23.25
1 x 6" and wider.	R/L				26.75	23.75
LENGTH ADDITIONS TO ABOVE GRADES						
For 8 to 16' add.....		2.00	None	None	1.00	1.00
For specified lengths 8 to 16' add.....		3.00	1.00	1.00	2.00	2.00
For specified lengths 18 to 20' add.....		5.00	3.00	2.00	2.00	2.00
For R/L 10' and longer add.....		None	1.00	1.00	None	None

NOTES

1. S1S, S2S, S1S1E or S4S: Add \$1.50 to rough price.

2. 5/4, 6/4, or 8/4 thickness: Add \$4.00 to one inch price.

3. 6/4 heavy cut: Add \$5.75 to one inch price.

4. All 6' lengths:—

"D" and Better: Deduct \$5.00

Common: Deduct \$1.50

No. 4 and Better, including at least 35% of No. 3 and Better: Add \$2.00 to No. 4 price.

(2) Shipped to the purchaser from mills located in Saskatchewan and Manitoba:

(i) Add \$9.00 to the prices established in subdivision (1) above.

(ii) Use same length additions as in subdivision (1) above.

(iii) Use same notes as in subdivision (1) above, except add \$1.00 to addition permitted in Note 2 and add \$.50 to addition permitted in Note 3.

(e) Western white spruce dimension (rough). (1) Shipped to purchaser from mills located in British Columbia and Alberta:

NO. 1

Thickness and width	Length					
	6'	8'	10', 12', 14'	16'	18/20'	22/24'
2 x 4"	\$21.75	\$29.25	\$25.25	\$29.25	\$32.25	\$34.25
2 x 6"	20.75	27.25	27.25	28.75	32.25	34.25
2 x 8"	21.75	28.25	28.25	28.25	32.25	34.25
2 x 10"	22.75	31.25	31.25	31.25	34.25	36.25
2 x 12"	23.75	32.25	32.25	32.25	34.25	36.25

NOTES

1. S1S, S2S, S1S1E, or S4S: add \$1.50.

2. Select Common:

2 x 4, 6 and 8": add \$6.00 to price of same length in No. 1.

2 x 10 and 12": add \$7.00 to price of same length in No. 1.

3. No. 2 and Better, including at least 35% No. 1: deduct \$2.00 from price of No. 1 in same width and length.

4. No. 2:

2 x 4, 6 and 8": deduct \$3.00 from price of same length in No. 1.

4. No. 2—Continued.

2 x 10 and 12": deduct \$4.00 from price of same length in No. 1.

5. No. 3, all widths: deduct \$7.00 from price

of same length in No. 1.

6. Random lengths, 8 to 16': use same price as 14' in same width and grade.

7. Dimension S4S to 1-9/16" hit or miss: deduct \$3.00 from price of same length, width and grade dressed S4S.

(2) Shipped to purchaser from mills located in Saskatchewan and Manitoba:

(i) Add \$10.00 to the prices established in subdivision (1) above.

(ii) Use same notes as in subdivision (1) above.

(f) Western white spruce planks and timbers (rough). (1) Shipped to the purchaser from mills located in British Columbia and Alberta:

Thickness and width	Length	
	8 to 16'	18 to 24'
3 x 6 and 8"	\$25.00	\$27.00
3 x 10"	26.00	28.00
3 x 12"	26.00	28.00
4 x 4" to 8 x 8"	25.00	27.00
4 x 10" to 10 x 10"	27.00	28.00
4 x 12" to 12 x 12"	27.00	30.00
3 x 14" and wider.	28.00	31.00

NOTES

1. Select Common: Add \$6.00 to No. 1 price.

2. S1S or S2S: Add \$1.50 to rough price; S1S1E: Add \$2.50 to rough price; S4S: Add \$3.00 to rough price.

(2) Shipped to the purchaser from mills located in Saskatchewan and Manitoba:

(i) Add \$11.00 to the prices established in subdivision (1) above.

(ii) Use same notes as in subdivision (1) above.

(g) General notes. (Applying to entire appendix):

1. Drop Siding or Ceiling: Add \$2.00 to rough price.

2. 4/4 shiplap, D&M or S2S & CM: Add \$1.50 to rough price; for 5/4 and thicker: Add \$3.00 to rough price.

3. Resawing: Add \$1.00 for each cut.

4. Ripping: Add \$1.00 for each rip.

5. Bundling: Add \$1.00 per 1,000 feet.

6. Crosscutting: Add \$1.00 for each cut.

7. Widths narrower than listed: Add the ripping charge to the price of the width from which it is ripped.

8. Standard casings, jambs, base, sill stock, pulley stiles, log cabin and similar patterns: Add \$5.00.

9. Odd or fractional widths not listed: Use same price as next wider even width and compute footage on even width.

10. Odd or fractional lengths not listed: Use same price as next longer even length and compute footage on even length.

11. Lengths longer than listed: Add \$2.00 for each additional two feet to the specified length price of the longest length listed.

12. Widths wider than listed: Add \$2.00 for each additional two inches to the specified width price of the widest width listed.

13. Regular loading of random lengths and random widths shall be in accordance with the standard practice of the

(i) Where shipment is by rail followed by truck delivery, the amount added for transportation may include, in addition to the amount added for rail transportation, the actual cost of truck delivery, provided such cost is shown separately on the invoice.

(ii) Where a truck haul precedes the rail shipment, as where a mill located away from a railhead hauls lumber by truck to the railhead, no addition may be made for such truck haul: *Provided*, That the seller may apply to the Lumber Branch of the Office of Price Administration, Washington, D. C., for an exception if the seller can demonstrate that a separate and identifiable charge for the truck haul was customarily made by the seller during the year 1940.

(b) *Delivered prices for imported Western white spruce lumber shipped from the Canadian provinces of British Columbia and Alberta.* A delivered price in excess of the maximum prices, f. o. b. Spokane, Washington, set forth in Appendix C, § 1381.265, for imported Western white spruce lumber shipped to the purchaser from the Canadian provinces of British Columbia and Alberta may be charged, consisting of such prices plus transportation costs at the carload rail rate from Spokane, Washington to the point of delivery designated by the purchaser: *Provided*, That the invoice shows the point of origin of the shipment, the destination, and the carload rail rate from Spokane, Washington to the destination.

(c) *Delivered prices for imported Western white spruce, Northern white pine, Norway pine, Northern white cedar, and Eastern spruce lumber shipped from the Canadian provinces of Saskatchewan and Manitoba.* A delivered price in excess of the maximum prices, f. o. b. Baudette, Minnesota, set forth in Appendices B and C, §§ 1381.264 and 1381.265, for imported Western white spruce, Northern white pine, Norway pine, Northern white cedar, and Eastern spruce lumber shipped to the purchaser from the Canadian provinces of Saskatchewan and Manitoba may be charged, consisting of such prices plus transportation costs at the carload rail rate from Baudette, Minnesota to the point of delivery designated by the purchaser: *Provided*, That the invoice shows the point of origin of the shipment, the destination, and the carload rail rate from Baudette, Minnesota to the destination.

(d) *Trade practices.* In computing transportation costs, the following practices are permitted:

(1) The computation of transportation costs on the basis of the applicable freight rate and the estimated average weights set forth in paragraph (e) of this section.

(2) The charging of a sum equivalent to the one-quarter of a dollar nearest to the transportation cost per 1,000 feet of

lumber computed in accordance with subparagraph (1) of this paragraph.

(e) *Estimated average weights.* (1) The estimated average weights for Northern softwood lumber in a green or air dried condition, shall be as follows:

	White pine	Western white spruce and eastern spruce	Norway pine
4/4—per MBM	Lbs.	Lbs.	Lbs.
Rough.....	2,400	2,400	2,500
S1S and S2S.....	1,900	1,900	2,000
S4S, S2S & CM, Ceiling Drop Siding, Shiplap.....	1,800	1,800	1,900
5/4 and Thicker—per MBM			
Rough.....	2,500	2,500	2,600
S1S, S2S, S1S1E.....	2,200	2,000	2,200
S4S, S2S, & CM.....	2,100	1,900	2,100
Plank & Timbers—per MBM			
Rough.....		3,000	3,200
S1S, S2S, S1S1E, S4S, S2S & CM.....		2,400	2,700
Bevel Siding—per MBM	800		
Lath (dry)—per M pcs.			
4'.....	500		
32'.....	350		
White Cedar Shingles—per square.....	180		

HEMLOCK

	Lbs. per MBM
3" plank, rough.....	3,000
3" plank & 4 x 4 to 8 x 8, S1S1E.....	2,700
3" plank, S4S or D&M.....	2,500
4 x 10" to 12 x 12", rough.....	3,500
4 x 10" to 12 x 12", S1S1E.....	3,200
4 x 10" to 12 x 12", S4S.....	3,000
4 x 4" to 8 x 8", rough.....	3,000
2" piece stuff, S1S1E.....	2,200
2" piece stuff, S1S or S2S.....	2,200
2" piece stuff, rough or S1E.....	2,500
2" piece stuff, S4S or D&M.....	2,000
1" boards, rough.....	2,500
1" boards, S1S or S2S.....	2,000
Shiplap, D&M, or drop siding.....	1,800
Sheathing lath.....	1,500
	Per M Pcs.
Lath.....	500
32" lath.....	325

(2) The estimated average weights for Northern softwood lumber in a kiln dried condition shall be the average weights established in subparagraph (1) of this paragraph decreased by the average difference in weight between air dried lumber and kiln dried lumber in the particular species shipped. This average difference shall be calculated on the basis of the experience of the mill which produced the lumber shipped.

Issued this 18th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9295; Filed, September 18, 1942; 5:20 p. m.]

PART 1382—HARDWOOD LUMBER

[Maximum Price Regulation 223]

NORTHERN HARDWOOD LUMBER

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales of

Northern hardwood lumber by a specific maximum price regulation. The Price Administrator has ascertained and given due consideration to the prices of Northern hardwood lumber prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of 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 the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1¹, issued by the Office of Price Administration, Maximum Price Regulation No. 223 is hereby issued.

AUTHORITY: §§ 1382.151 to 1382.166, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1382.151 *Maximum prices for Northern hardwood lumber.* (a) On and after September 23, 1942, regardless of any contract or other obligation, no person shall sell or deliver any Northern hardwood lumber, where shipment originates at the mill rather than at a distribution yard, and no person shall buy or receive in the course of trade or business any Northern hardwood lumber so shipped, at prices higher than the maximum prices set forth in Appendices A to D hereof, inclusive, incorporated herein as §§ 1382.163 to 1382.166, inclusive; and no person subject to this Maximum Price Regulation No. 223 shall agree, offer, solicit or attempt to do any of the foregoing.

(b) The provisions of this Maximum Price Regulation No. 223 shall not be applicable to retail sales as defined in paragraph (a) (7) of § 1382.159.

(c) The provisions of this Maximum Price Regulation No. 223 shall not be applicable to sales or deliveries of Northern hardwood lumber to a purchaser, if prior to September 23, 1942, such lumber had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(d) The maximum prices established in this Maximum Price Regulation No. 223 shall not be increased by any charges for the extension of credit or by any decrease in the time customarily allowed for

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

¹ 7 F.R. 971, 3663, 6967.

payment, and shall be decreased for prompt payment to the same extent that the sale price would have been decreased on October 1, 1941.

§ 1382.152 *Less than maximum prices.* Lower prices than those set forth in this Maximum Price Regulation No. 223 may be charged, demanded, paid, or offered.

§ 1382.153 *Conditional agreements.* No seller subject to this Maximum Price Regulation No. 223 shall enter into an agreement permitting the adjustment of the price of Northern hardwood lumber to prices which may be higher than the maximum prices in effect on the date of the agreement: *Provided*, That if a petition for amendment has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception should be made in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.

§ 1382.154 *Evasion.* (a) The price limitations set forth in this Maximum Price Regulation No. 223 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation agreement, sale delivery, purchase, or receipt of or relating to Northern hardwood lumber, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

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

- (1) Unnecessarily routing lumber through a distribution yard;
- (2) Unreasonably refusing to ship lumber on standard grades and in grade-rule range widths and lengths;
- (3) Falsely or wrongly grading or invoicing lumber;
- (4) Grading as a special grade lumber which normally is graded by the seller as a standard grade;
- (5) Making charges for delivery which exceed the actual cost to the seller of such delivery (except as provided in § 1382.166).

§ 1382.155 *Records and reports.* (a) Every seller and purchaser subject to this Maximum Price Regulation No. 223 making sales or deliveries or purchases of Northern hardwood lumber to the value of \$500.00 or more in any one month, after September 23, 1942, shall

keep for inspection by the Office of Price Administration for a period of not less than two years a complete and accurate record of each sale or delivery or purchase of Northern hardwood lumber, showing the date of purchase or sale, the name and address of the buyer and seller, the quantities and grades purchased or sold, and the prices paid or received.

(b) Such persons shall keep such other records in addition to or in place of the records required in paragraph (a) of this section and shall submit such reports to the Office of Price Administration as that Office may from time to time require or permit.

§ 1382.156 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 223 are subject to the criminal penalties, civil enforcement actions, proceedings for suspension of licenses, and suits for treble damages provided for by the Emergency Price Control Act of 1942: *Provided*, That no War Procurement Agency, or any contracting or paying finance officer thereof, shall be subject to any liability, civil or criminal, imposed by this Maximum Price Regulation No. 223 or the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 223 or any price schedule regulation or order issued by the Office of Price Administration or any acts or practices which constitute such a violation are urged to communicate with the nearest district, state, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1382.157 *Licensing.* The provisions of Supplementary Order No. 18 (§ 1305.22) licensing persons selling lumber, lumber products or building materials, are applicable to every person, except mills, making sales of Northern hardwood lumber for which maximum prices are established by this regulation.

§ 1382.158 *Petitions for amendment or adjustment*—(a) *Government contracts or subcontracts.* Any person who has entered into or proposes to enter into a contract with the United States or any agency thereof, or with the Government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States", or any agency of any such Government, or a subcontract under any such contract, who believes that the maximum price impedes or threatens to impede production of Northern hardwood lumber which is essential to the war program and which is or will be the subject of such contract or subcontract, may file an ap-

plication for adjustment of the maximum prices established by this Maximum Price Regulation No. 223 in accordance with Procedural Regulation No. 6,² issued by the Office of Price Administration.

(b) *Special relief.* Any person seeking special relief for which no provision is made in paragraph (a) of this section, from a maximum price established under this Maximum Price Regulation No. 223, may present the special circumstances of his case in an application for an order of adjustment. Such an application shall be filed in accordance with Procedural Regulation No. 1,³ issued by the Office of Price Administration, and shall set forth the facts relating to the hardship to which such maximum price subjects the applicant together with a statement of the reasons why he believes that the granting of relief in his case and in all like cases will not defeat or impair the purpose of the Emergency Price Control Act of 1942 and of this Maximum Price Regulation No. 223 to eliminate the danger of inflation.

(c) *General amendments and adjustments.* Persons seeking any general modification of this Maximum Price Regulation No. 223 or any general adjustment or exception not provided for therein may file petitions for amendment in accordance with Procedural Regulation No. 1,⁴ issued by the Office of Price Administration.

§ 1382.159 *Definitions.* (a) When used in Maximum Price Regulation No. 223, the term:

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

(2) "Feet" means board feet of lumber except that with reference to lumber in thicknesses of $\frac{1}{2}$ ", $\frac{3}{4}$ ", and $\frac{5}{8}$ ", the term "feet" means surface feet.

(3) "Northern hardwood lumber" means lumber:

(i) Produced from the botanical species of brown ash (*Fraxinus nigra*), beech (*Fagus americana*), rock elm (*Ulmus thomasi*), hard maple (*Acer saccharum*), and the commercial species of the genera basswood (*Tilia*), birch (*Betula*), soft elm (*Ulmus*), soft maple (*Acer*), and oak (*Quercus*).

(ii) Processed into lumber at mills located in the states of Michigan, Minnesota and Wisconsin.

² 7 F.R. 5087, 5664.

³ *Supra*, note 2.

⁴ *Supra*, note 2.

(4) "Mill" means any establishment:

(i) Which processes into the items of lumber covered by this Maximum Price Regulation No. 223, by sawing or planing, or ships to milling-in-transit operations for such processing by sawing, planing, or kiln drying, at least 25 percent of the volume of Northern hardwood lumber or logs purchased or received by it, or

(ii) Which resembles the following described establishment more nearly than that described under the definition of "distribution yard" in subparagraph (5) (ii) of this paragraph: An establishment which concentrates and prepares lumber for commercial shipment, which keeps in stock primarily Northern hardwood and Northern softwood lumber, which has its lumber brought in chiefly in rough green form by truck from small local sawmills and sells chiefly for rail shipment, and which has been located at its particular site in order to be near the lumber producing area.

(5) "Distribution yard" means an establishment:

(i) Which processes into the items of lumber covered by this Maximum Price Regulation No. 223, by sawing or planing, or ships to milling-in-transit operations for such processing by sawing, planing, or kiln drying, less than 25 percent of the volume of Northern hardwood lumber purchased or received by it; and

(ii) Which resembles the following described establishment more nearly than that described under the definition of "mill" in subparagraph (4) (ii) of this paragraph: A wholesale or retail lumber yard which purchases or receives lumber from a mill or another distribution yard for purposes of unloading, sorting, and resale or redistribution, which regularly maintains a miscellaneous stock of lumber from different regions, which obtains its lumber primarily by rail shipment and sells primarily for truck shipment, which is equipped to make quick deliveries of many different items of lumber, and which has been located at its particular site primarily in order to be near a lumber consuming area.

(6) "Volume" means the board feet volume of lumber processed from logs, processed from other lumber, or sold, as the case may be, within six months immediately prior to the transaction subject to this Maximum Price Regulation No. 223.

(7) "Retail sale" means a sale which satisfies all of the following tests:

(i) It must be a sale of not more than 2,000 feet of lumber;

(ii) It must be a sale in which the purchaser requests delivery to a point not more than 20 miles from the mill at which shipment originates;

(iii) It must be a sale of lumber to a contractor or consumer for use in construction, remodeling, repair, maintenance, fabrication, or remanufacture, and not for resale in substantially the same form.

(8) "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any agency of the foregoing.

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

§ 1382.160 *Applicability of General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 223 supersede the provisions of the General Maximum Price Regulation⁵ with respect to sales and deliveries of Northern hardwood lumber for which maximum prices are established in this regulation.

§ 1382.161 *Export sales.* The maximum price at which a seller may make an export sale of Northern hardwood lumber shall be determined in accordance with the provisions of the Maximum Export Price Regulation,⁶ issued by the Office of Price Administration. An "export sale" is any sale between a seller in the continental United States and a purchaser outside thereof in which the commodity sold is transported from the continental United States to a point outside thereof and includes any sale of a commodity outside the continental United States by an agent of the exporter or by a corporation owned or controlled by the exporter within a period of two years after the date of shipment of the commodity from the continental United States.

§ 1382.162 *Effective date.* This Maximum Price Regulation No. 223 (§§ 1382.151 to 1382.166, inclusive) shall become effective September 23, 1942.

§ 1382.163 *Appendix A: Maximum prices for Northern hardwood lumber in*

⁵ 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6215, 6794, 6939, 7093.

⁶ 7 F.R. 5059.

standard or near standard grades—(a) *Application of Appendix A.* The provisions of this section shall apply to Northern hardwood lumber which is sold in the species and on the grades designated in this section. Lumber sold on such grades shall be deemed to include lumber in:

(1) Grade-rule range widths and lengths;

(2) Widths and lengths substantially the same as grade-rule range widths and lengths; or

(3) Specified average widths or specified average lengths which are substantially run-of-the-log.

(b) *Maximum prices.* The maximum f. o. b. mill price for 1,000 feet of Northern hardwood lumber in standard or near standard grades in a rough air dried condition shall be as follows:

(1) BROWN ASH

Thickness (inch)	FAS	Selects	No. 1 Common	No. 2 Common	No. 3 Common
1	\$75.00	\$60.00	\$47.00	\$36.00	\$27.00
1 1/4	80.00	65.00	52.00	40.00	28.00
1 1/2	85.00	70.00	55.00	43.00	28.00
2	90.00	75.00	59.00	45.00	29.00
2 1/2	100.00				
3	110.00				
4	120.00				

(2) BASSWOOD

Thickness (inch)	FAS	Selects	No. 1 Common and Selects	No. 2 Common	No. 3 Common
1/2	\$55.00	\$49.00	\$33.00	\$24.00	
5/8	64.00	56.00	38.00	28.00	
3/4	72.00	64.00	43.00	31.00	
1	85.00	75.00	50.00	37.00	\$28.00
1 1/4	90.00	80.00	54.00	41.00	29.00
1 1/2	93.00	83.00	58.00	43.00	29.00
2	98.00	88.00	60.00	44.00	29.00
2 1/2	104.00	94.00	76.00	52.00	
3	109.00	99.00	81.00	57.00	

(3) BEECH

Thickness (inch)	No. 2 Common and better	No. 3 Common
1/2	\$29.00	
5/8	34.00	
3/4	38.00	
1	45.00	\$27.00
1 1/4	49.00	28.00
1 1/2	54.00	28.00
2	58.00	28.00
2 1/2	66.00	
3	78.00	

(4) BIRCH

Thickness (inch)	FAS	Selects	No. 1 Common	No. 2 Common	No. 3A Common and Sound	No. 3 Common
¾	\$86.00	\$74.00				
1	97.00	84.00				
1¼	114.00	99.00	\$65.00	\$43.00	\$36.00	\$28.00
1½	119.00	104.00	73.00	50.00	37.00	29.00
2	121.00	106.00	79.00	56.00	38.00	29.00
2½	123.00	113.00	89.00	61.00	39.00	29.00
3	125.00	115.00	93.00	62.00		
3½	127.00	117.00	98.00	67.00		

(5) ROCK ELM

Thickness (inch)	FAS	No. 1 Common	No. 2 Common	No. 3 Common
1	\$60.00	\$40.00	\$34.00	\$26.00
1¼	65.00	47.00	38.00	27.00
1½	75.00	55.00	38.00	28.00
2	80.00	63.00	43.00	30.00
2½	90.00	73.00	50.00	33.00
3	100.00	83.00	55.00	35.00

(6) SOFT ELM

Thickness (inch)	FAS	No. 1 Common and Selects	No. 2 Common	No. 3 Common
1	\$60.00	\$50.00	\$39.00	\$27.00
1¼	63.00	52.00	40.00	28.00
1½	65.00	53.00	41.00	28.00
2	68.00	56.00	42.00	29.00
2½	71.00	59.00	44.00	
3	76.00	64.00	49.00	

(7) HARD MAPLE

Thickness (inch)	FAS	Selects	No. 1 Common	No. 2 Common	No. 3A Common and Sound	No. 3 Common
1	\$93.00	\$78.00	\$58.00	\$43.00	\$30.00	\$26.00
1¼	99.00	83.00	63.00	46.00	33.00	27.00
1½	102.00	86.00	67.00	48.00	34.00	28.00
2	110.00	93.00	74.00	50.00	36.00	28.00
2½	120.00	101.00	84.00			
3	135.00	121.00	97.00			
4	160.00	140.00	115.00			
Miscut						
1	88.00	73.00	53.00	40.00		

(8) SOFT MAPLE

Thickness (inch)	FAS	No. 1 Common and Selects	No. 2 Common	No. 3 Common
1	\$71.00	\$61.00	\$37.00	\$27.00
1¼	76.00	56.00	41.00	28.00
1½	84.00	61.00	46.00	29.00
2	91.00	66.00	47.00	30.00

(9) OAK

Thickness (inch)	FAS	Selects	No. 1 Common	No. 2 Common	No. 3A Common	No. 3 Common
1	\$79.00	\$64.00	\$53.00	\$39.00	\$30.00	\$25.00
1¼	85.00	70.00	58.00	42.00	32.00	26.00
1½	90.00	75.00	63.00	43.00	33.00	27.00
2	100.00	85.00	70.00	45.00	35.00	28.00
2½	120.00	100.00	85.00	55.00		

(10) MIXED HARDWOODS

Dunnage or No. 4 Common.—Lumber of any hardwood species of standard widths and lengths but poorer in quality than No. 3B Common... \$15.00

(11) 1" HARDWOOD TIE SIDES

	FAS	No. 1 Common	No. 2 Common	No. 3A Common	No. 3B Common
Birch	\$85.00	\$54.00	\$37.00	\$29.00	\$24.00
Maple	80.00	50.00	36.00	26.00	22.00
Oak	60.00	44.00	33.00	25.00	22.00

For 1¼" and thicker items in each species, add to the above prices the same amounts by which the prices for those thicknesses, in standard lumber grades, exceed the prices for 1" stock in the same standard grades.

(12) HARDWOOD HEARTS

Size (inch)	Length (feet)	No. 3 Common	Crossing plank and structural stock
2 x 4	6 to 16	\$26.00	\$31.00
2 x 5	6 to 16	27.00	31.00
2 x 6	6 to 16	26.00	31.00
2 x 8	6 to 16	26.00	30.00
2 x 5 & wider	6 to 16	26.00	31.00
3 x 3	6 to 16	27.00	30.00
3 x 4	6 to 16	26.00	30.00
3 x 6	6 to 16	26.00	30.00
3 x 8	6 to 16	28.00	32.00
3 x 10	6 to 16	32.00	37.00
3 x 12	6 to 16	38.00	47.00
4 x 4	6 to 16	27.00	30.00
4 x 6	6 to 16	27.00	31.00
4 x 8	6 to 16	32.00	36.00
6 x 6	6 to 16	27.00	31.00
6 x 8	6 to 16	32.00	36.00
8 x 8	6 to 16	37.00	46.00

For all one length, 8' or longer, add \$2.00.
For all 10' to 16', add \$0.50.
For all 12' to 16', add \$1.00.
For all 14' to 16', add \$1.50.

Species	½", ¾", 1" thick	1" thick	1¼" thick	1½" thick	2" thick	2½" thick	3" thick
Basswood	\$5.00	\$6.00	\$7.00	\$8.00	\$9.00	\$11.00	\$13.00
Soft Elm							
Soft Maple							
Ash							
Beech	5.50	7.50	9.00	10.50	13.00	16.00	20.50
Birch							
Rock Elm							
Hard Maple							
Oak							

(2) Kiln drying the lumber to a moisture content greater than 7 percent but not exceeding 20 percent as of the time the lumber leaves the kiln: One-half of the addition permitted in subparagraph (1) above or \$4.00, whichever is the greater sum.

(13) HARDWOOD BLOCKING

Size (inch)	(No. 3 Common)					
	2'	3'	4'	5'	6'	2' to 6', mixed lengths
2 x 3, 2 x 4, 2 x 6	\$24.00	\$25.00	\$24.00	\$24.00	\$24.00	\$23.00
3 x 3, 3 x 4, 3 x 6	24.00	25.00	24.00	25.00	25.00	24.00
4 x 4, 4 x 5, 4 x 6	24.00	25.00	24.00	25.00	25.00	24.00
6 x 6, 6 x 8	26.00	27.00	26.00	26.00	26.00	25.00

(14) GRAIN AND COAL DOOR BOARDS

	6'	7'
Grain door boards	\$20.00	\$20.00
Coal door boards	18.00	18.00

(15) HARDWOOD SQUARES

Length (inches)	1"	1¼"	1½"
12 to 16	\$45.00	\$53.00	\$58.00
18 to 40	48.00	58.00	63.00
42 to 48	63.00	68.00	73.00
54 to 60	73.00	78.00	88.00

(c) Green lumber. The maximum f. o. b. mill price for 1,000 feet of Northern hardwood lumber in a rough green condition shall be the maximum price established in paragraph (b) above for rough air dried lumber, less the deduction which the seller customarily made during the last six months of 1941 for furnishing green rather than air dried stock.

(d) Additions for kiln drying and working. The following additions per 1,000 feet of Northern hardwood lumber may be charged for the specified treatments and workings:

(1) Kiln drying the lumber to a moisture content not exceeding 7 percent as of the time the lumber leaves the kiln.

(3) Inspecting, grading, and measuring after kiln drying: 5 percent of the f. o. b. mill price of the lumber in a rough air dried condition. This addition may be made only where the seller performs all three of these services, at

the request of the purchaser, after kiln drying.

(4) Anti-stain treatment: 50 cents.
(5) Millworking:

§ 1382.164 Appendix B. Maximum prices for Northern hardwood lumber in "standard special" grades or items—(a) Application of Appendix B. The provisions of this section shall apply to Northern hardwood lumber which is sold in the species and on the "standard special" grades or specifications designated in this section.

(b) Maximum prices. The maximum f. o. b. mill price for 1,000 feet of Northern hardwood lumber in "standard special" grades or items in a rough air dried condition shall be as follows:

Species	Surfacing 1 or 2 sides	Surfacing 1 or 2 sides and resawing 1 cut	Surfacing 1 or 2 sides and resawing 2 cuts	Surfacing 4 sides	Dressed and matched	Resawing one cut	Resawing two cuts	Ripping per cut	Bundling
Ash.....	\$2.00	\$4.00	\$6.00	\$4.00	\$5.00	\$2.00	\$4.00	\$1.50	\$1.50
Beech.....									
Birch.....									
Rock Elm.....									
Soft Elm.....									
Hard Maple.....	1.50	3.00	4.50	3.00	3.00	1.50	3.00	1.50	1.50
Soft Maple.....									
Oak.....									
Basswood.....									

(1) STANDARD SPECIAL GRADES, SPECIFIED WIDTHS, AND SPECIFIED LENGTHS

[In specified hardwood species]

Species	Grade or designation	Thickness	Widths	Lengths	Maximum price	Maximum additions to maximum price established in § 1382.163 for lumber in corresponding standard grade and thickness	
							Inches
Basswood.....	No. 2 Common and Better.....	1.....	Regular.....	4 and 6.....	\$38.00.....		
	No. 2 Common.....	1.....	3 1/2 to 5 1/2.....	Regular.....	\$35.00.....		
	All.....	1.....	Regular.....	10 and 12.....		\$5.00.	
	All.....	1 1/4 and thicker.....	Regular.....	10 and 12.....		\$6.00.	
	No. 1 Common and Better.....	All.....	7 and wider.....	Regular.....		\$7.00.	
	No. 1 Common and Better.....		10 and wider.....	Regular.....		\$15.00.	
	No. 1 Common and Better.....		12 and wider.....	Regular.....		\$30.00.	
	No. 1 Common and No. 2 Common.....	1.....		8 and longer (Long cutting).....		\$4.00.	
	Venetian Blind Stock.....	1 and 1 1/4.....				\$5.00.	
	FAS Key Stock.....	1.....			\$105.00.....		
	No. 1 Common Key Stock.....	1.....			\$85.00.....		
	FAS Key Stock.....	1 1/4.....			\$110.00.....		
	No. 1 Common Key Stock.....	1 1/4.....			\$90.00.....		
	1 and 2 Face Clear.....	1.....	4.....	6 to 16.....	\$75.00.....		
	1 and 2 Face Clear.....	1.....	5.....	6 to 16.....	\$82.00.....		
Selects and Better.....	1 and 1 1/4.....	45% 8 and wider (10% to 15% 10 and wider).....	45% 14 and 16.....		For each 10% of 8' and wider in excess of 45%.....	\$2.50.	
Selects and Better.....	1 and 1 1/4.....	45% 8 and wider (10% to 15% 10 and wider).....	45% 14 and 16.....		For each 10% of 14' and 16' in excess of 45%.....	\$2.00.	
Birch.....	Straight-grained, free from cross-grained or curly stock:					\$20.00.	
	Knotty.....	1.....	4 to 8.....	8 to 16.....	\$80.00.....		
	No. 1 Common and Better.....	1.....	4 and wider.....	4 and 6.....	\$65.00.....		
	No. 2 Common and Better.....	1.....	4 and wider.....	4 and 6.....	\$48.00.....		
	No. 2 Common.....	1.....	4 and wider.....	4 and 6.....	\$43.00.....		
	No. 2 Common and Better.....	1 1/4.....	4 and wider.....	4 and 6.....	\$58.00.....		
	1 and 2 Face Clear.....	1.....	4.....	6 to 16.....	\$89.00.....		
	1 and 2 Face Clear.....	1.....	5.....	6 to 16.....	\$94.00.....		
	2 Face Clear.....	1.....	4.....	6 to 16.....	\$99.00.....		
	2 Face Clear.....	1.....	5.....	6 to 16.....	\$104.00.....		
	No. 1 Common.....	1.....	4.....	Any.....	\$65.00.....		
	No. 2 Common.....	1.....	4.....	Any.....	\$43.00.....		
	No. 3 Common.....	1.....	4.....	Any.....	\$28.00.....		
	No. 1 Common.....	1.....	6.....	Any.....	\$66.00.....		
	No. 2 Common.....	1.....	6.....	Any.....	\$44.00.....		
	No. 3 Common.....	1.....	6.....	Any.....	\$29.00.....		
	Selected Red Birch.....					\$20.00.	
	Hard Maple.....	1 and 2 Face Clear.....	1.....	4.....	6 to 16.....	\$93.00.....	
		1 and 2 Face Clear.....	1.....	5.....	6 to 16.....	\$99.00.....	
		1 and 2 Face Clear.....	1 1/4.....	4.....	6 to 16.....	\$99.00.....	
		No. 1 Common and Better—Curly.....	1 and thicker.....	Regular.....	Regular.....	\$165.00.....	
		FAS—Birdseye.....	1 and thicker.....	Regular.....	Regular.....		\$25.00.
		No. 1 Common and Better Heel Stock.....	1 1/2 to 2 1/2.....	Regular.....	Regular.....		\$10.00.
		No. 1 Common Flooring Stock.....	1.....	4 and wider.....	4 and longer.....	\$49.00.....	
		No. 2 Common Flooring Stock.....	1.....	4 and wider.....	4 and longer.....	\$39.00.....	
No. 3A Common Flooring Stock.....		1.....	4 and wider.....	4 and longer.....	\$29.00.....		
No. 1 Common Flooring Stock.....		1 1/4.....	4 and wider.....	4 and longer.....	\$52.00.....		
No. 2 Common Flooring Stock.....		1 1/4.....	4 and wider.....	4 and longer.....	\$42.00.....		
No. 3A Common Flooring Stock.....		1 1/4.....	4 and wider.....	4 and longer.....	\$32.00.....		
No. 1 White.....						\$20.00.	
No. 1 and No. 2 White.....						\$15.00.	
No. 2 White.....						\$10.00.	
Sap 1 Face.....					\$7.00.		
Straight Grain (except in conjunction with No. 1 White, No. 2 White or No. 1 and No. 2 White).....					\$20.00.		
Straight Grain (in conjunction with No. 1 White, No. 2 White or No. 1 and No. 2 White).....					\$10.00.		

(2) STANDARD SPECIAL WIDTHS AND LENGTHS IN ALL HARDWOOD SPECIES

[Except as otherwise provided in Appendix A, § 1382.163]

Width and/or length	Grade	Maximum addition to maximum prices established in § 1382.163 for lumber in corresponding standard grade and thickness
5" or 6" and wider; 8' and longer	No. 1 Common and No. 2 Common	\$2.00
10' and longer or 12' and longer	No. 2 Common	2.00
7" and wider; standard lengths	No. 1 Common and Better	8.00
8" and wider; standard lengths	No. 1 Common and Better	12.00
9" and wider; standard lengths	No. 1 Common and Better	25.00
10" and wider; standard lengths	No. 1 Common and Better	30.00
12" and wider; standard lengths	No. 1 Common and Better	35.00
11" and wider; standard lengths	Step Flank	1 35.00
12" and wider; standard lengths	Step Flank	1 40.00

¹ Add to FAS price.

All one width. Same price as for the same width and wider, except as specifically provided for in Appendix A, § 1382.163.
6' and shorter. Deduct \$2.00 except where otherwise specifically provided for in Appendix A, § 1382.163.

(c) **Additions.** Additions to the maximum prices established in this section may be charged in accordance with provisions of paragraph (d) of § 1382.163, Appendix A.

§ 1382.165 *Appendix C: Maximum prices for Northern hardwood lumber in "non-standard special" grades or items—(a) Application of Appendix C.* (1) This section shall apply to Northern hardwood lumber which is sold on special specifications not covered by Appendix A or B, §§ 1382.163 or 1382.164.

(2) For purposes of this section the term "Northern hardwood lumber" shall include all items of lumber in the species set forth in paragraph (a) (3) (i) of § 1382.159, but shall not include the following items: (The term "items" includes specifications, workings, services and/or extras.)

- (i) Glued stock.
- (ii) Moulding.
- (iii) Shiplap.
- (iv) Risers, step treads, thresholds, handrails.
- (v) Bevel and drop siding.
- (vi) Flooring.
- (vii) Switch, cross, and mine ties.
- (viii) Mine material.
- (ix) Small dimension stock.
- (x) Lath.

(b) *Maximum prices for combination grades.* Where Northern hardwood lumber is sold on a Log Run, Mill Run, or No. 1 Common and Better grade for which no maximum price has been established in Appendix A, § 1382.163, the maximum price shall be the maximum price established in that section for the lowest grade of lumber contained in the stock that is sold on such special inspection grade. The seller, however, may grade and ship the lumber on the standard grades included in such special inspection grade and invoice the footage in each of the standard grades at a price not to exceed the maximum price established in this Maximum Price Regulation No. 223 for the respective standard grades.

(c) *Maximum prices for "non-standard special" grades and items other than combination grades.* The maximum price (for any seller) for Northern hardwood

lumber in a "non-standard special" grade or item, other than a combination grade, shall be computed by adjusting the maximum price established in Appendix A or B, §§ 1382.163 or 1382.164, of this Maximum Price Regulation No. 223 for the most comparable standard or "standard special" grade or item in accordance with the differential or differentials which were employed or would have been employed by the producing mill during the period of October 1 to 15, 1941, subject to the following conditions:

(1) The mill must, within thirty days of entering into a contract for sale of stock subject to the provisions of this paragraph, file a report with the Lumber Branch of the Office of Price Administration, Washington, D. C., on Form 323:1 setting forth full details of the transaction, including (i) the name and address of the purchaser, (ii) the point of origin and the point of delivery of the stock, (iii) the species and grades of lumber ordered, (iv) the specifications, (v) the price charged for the stock, including the functional commission or discount where the lumber is sold to or through a wholesaler or commission salesman, and (vi) an explanation of how the price was computed, including a showing that the price bears the same relationship to the most comparable standard or "standard special" grade or item of lumber as was employed or would have been employed by the producing mill during the period of October 1 to 15, 1941.

(2) Where the Office of Price Administration, within thirty days of receipt of the report, rules in writing that the seller has made an excessive charge for furnishing stock in "non-standard special" grades or items, the seller must readjust the sale price in accordance with the ruling of the Office of Price Administration. If the Office of Price Administration does not rule on the price within such time, the price submitted shall be considered approved.

(3) Pending action on the application of the producing mill by the Office of Price Administration, the seller may quote and deliver at a price which shall be subject to adjustment in accordance with the action taken on the application, but final payment may not be made and

accepted until a maximum price has been approved by the Office of Price Administration.

(4) In the event that the Office of Price Administration approves the price charged by the producing mill, or in the event that the Office of Price Administration rules as to the maximum price which the mill may charge, the price so established shall become the maximum price which any seller thereafter may charge for lumber sold on the special specifications and shipped from the particular mill to which the price is applicable. In subsequent sales of such special stock the mill need not file a report with the Office of Price Administration unless the price quoted by the mill is in excess of the maximum price previously determined.

(5) Copies of Form 323:1 can be obtained from the Office of Price Administration, or Form 323:1 can be reproduced by the seller, providing no change is made in style or content of the form.

OFFICE OF PRICE ADMINISTRATION

Form 323:1

Lumber Branch Hardwood Section

Report of Sales of Northern Hardwood Lumber in "Non-Standard Special" Grades or Items other than Combination Grades

Company.....

Address.....

Mill Location.....

SALES OF "NON-STANDARD SPECIAL" GRADES AND ITEMS

(As defined in Appendix C of Maximum Price Regulation No. 223)

(This report must be filed with the Lumber Branch of the Office of Price Administration, Washington, D. C., within 30 days of the date on which the producing mill enters into a contract for the sale of a "non-standard special" grade or item other than a combination grade.)

Date of Order... Origin of Shipment.....

Order No..... Destination of Shipment.....

Purchaser..... FOB Mill Price.....

(Including discounts or commissions, if any)

(Species) (Thickness) (Widths) (Lengths)

(Grade or Item Designation)

Differential in relation to most comparable standard or "standard special" grade or

item which was employed or would have been employed during October 1-15, 1941.-----
 Most comparable standard or "standard special" grade or item to which differential is applied.-----

Complete description of "non-standard special" grade or item (including a description of any working or treatment and of the condition of the lumber)-----

Detailed explanation of how maximum price was computed or built up-----

(Name) (Office or Title)
 Subscribed and sworn to before me, a Notary public, in and for-----
 this----- day of -----, 194-----
 (NOTARIAL SEAL)
 My Commission expires: (Notary Public)

(d) *Additions.* Additions to the maximum prices established in this section may be charged in accordance with the provisions of paragraph (d) of § 1382.163, Appendix A.

§ 1382.166 *Appendix D: Delivered prices and estimated average weights.* (a) Delivered prices in excess of the maximum f. o. b. mill prices established in this Maximum Price Regulation No. 223 may be charged, consisting of such maximum prices plus the transportation costs permitted by this section: *Provided*, That (1) the invoice shows the point of origin of the shipment, the destination, and the applicable railroad or truck rate, or in place of such rate, where shipment is by motor vehicle owned or controlled by the seller, the amount added for transportation; and (2) the invoice is marked "direct mill shipment".

(b) Where shipment is exclusively by motor vehicle owned or controlled by the seller, the charge may be no greater than the actual cost to the seller of delivery by motor vehicle; and in no event shall the charge exceed the railroad charge at the carload rate for the most nearly comparable haul. If the actual cost is less than such railroad charge, only the actual cost may be added to the maximum price.

(c) Where shipment is by common or contract carrier, the amount added for transportation may be no greater than the actual amount paid to the carrier, except as provided in paragraph (d) of this section: *Provided*, That where shipment is by both rail and truck (either owned or controlled by the seller or a common or contract carrier), the following shall govern:

(1) Where shipment is by rail followed by truck delivery, the amount added for transportation may include, in addition to the amount added for rail transportation, the actual cost of truck delivery, provided such cost is shown separately on the invoice.

(2) Where a truck haul precedes the rail shipment, as where a mill located away from a railhead hauls lumber by truck to the railhead, no addition may be made for such truck haul: *Provided*, That the seller may apply to the Lumber Branch of the Office of Price Administration, Washington, D. C., for an exception if the seller can demonstrate that a separate and identifiable charge for the truck haul was customarily made by the seller during the year 1940.

(d) In computing transportation costs, the following practices are permitted:

(1) The computation of transportation costs on the basis of the applicable freight rate and the appropriate estimated average weights set forth in paragraph (e) of this section.

(2) The charging of a sum equivalent to the one-quarter of a dollar nearest to the transportation costs per 1,000 feet of lumber, computed in accordance with subdivision (1) of this paragraph.

(e) (1) The estimated average weights for Northern hardwood lumber in a green or rough air dried condition, shall be as follows:

Species:	Pounds per 1,000 feet BM
Brown Ash-----	3,300
Basswood-----	2,500
Beech-----	4,000
Birch-----	4,000
Rock Elm-----	4,000
Soft Elm-----	3,200
Hard Maple-----	4,300
Soft Maple-----	3,700
Oak-----	4,000

(2) The estimated average weights for Northern hardwood lumber in a kiln dried condition shall be the average weights established in subdivision (1) of this paragraph decreased by the average difference in weight between air dried lumber and kiln dried lumber in the particular species shipped. This average difference shall be calculated on the basis of the experience of the mill which produced the lumber shipped.

Issued this 18th day of September 1942.

LEON HENDERSON,
 Administrator.

[F. R. Doc. 42-9296; Filed, September 18, 1942; 5:20 p. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND MIXTURES

[Amendment 11 to Maximum Price Regulation 118¹]

COTTON PRODUCTS

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

¹ F. R. 3038, 3211, 3522, 3578, 3824, 3905, 4405, 5224, 5405, 5567, 5836, 6005, 6484.

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

Added: § 1400.101 (f), § 1400.106 (d) (2) reference Nos. 9, 10, 11, § 1400.118 (d) (18) reference Nos. 19a through 19d, § 1400.118 (e).

Amended: § 1400.106 (d) (1), § 1400.118 (d) (18) reference Nos. 18g and 18h, § 1400.118 (d) (23) (ii) first paragraph, § 1400.118 (d) (29) (v) (i).

Revoked: § 1400.118 (d) (2) (viii), § 1400.118 (d) (14) (iv) (b), § 1400.118 (d) (26) (iii), the proviso in § 1400.118 (d) (27) (viii), § 1400.118 (d) (29) (iii).

Redesignated: § 1400.118 (a) (8) is redesignated § 1400.118 (a) (7).

§ 1400.101 *Maximum prices for cotton products.* * * *

(f) The maximum price for pound goods and remnants less than 10 yards in length resulting from the production of fabrics subject to this Maximum Price Regulation No. 118, Revised Price Schedule No. 35² and Revised Price Schedule No. 89³ shall be determined in accordance with the formula set forth in this section: *Provided*, That if such pound goods are inextricably mingled with pound goods of a kind for which maximum prices are established by the General Maximum Price Regulation,⁴ then the maximum price for the mingled lot shall be determined in accordance with said General Maximum Price Regulation.

§ 1400.106 *War procurement.* * * *

(d) *Finished piece goods supplied to war procurement agencies.* (1) Sales and deliveries to a war procurement agency of finished piece goods of the types and made to the specifications (in their present form or as hereafter amended) listed in (2) below shall be subject to Maximum Price Regulation No. 157.

(2)

Reference No.	Type of goods	Specifications
9.....	Cloth, cotton, twill O. D. Shelter Tent.	JQD 54A.
10.....	Cloth, cotton, twill and tent.	JQD 48.
11.....	Dyed army and tent duck.	CCC-D-771A. Type III.
*	* * *	*

§ 1400.118 *Specific and formula prices for certain cotton products: construction reports.* * * *

(d) * * *

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

² 7 F. R. 1270, 1836, 2132, 2738, 2795, 3060, 3164, 3447, 3900, 6640.

³ 7 F. R. 1375, 1836, 2107, 2000, 2132, 2299, 2739, 3163, 3327, 3447, 3962, 4176, 4732.

⁴ 7 F. R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4695, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6607, 6216, 6615, 6794, 6939, 7093.

(18) Miscellaneous special products.

Reference No.	Description	Producer	Maximum Price
18g	s/1394 El Patio cover 54 x 54—6 napkins 14 x 14.	Bates Mfg. Co.	\$2.18 ¹ / ₄ per set.
18h	s/1396 Cherry cover set (Jacquard) cover 54 x 54: 6 napkins 17 x 17.	Bates Mfg. Co.	\$1.83 per set.
19a-19d	Baling fabrics made from yarns spun wholly or partially of waste on the cotton system with the specifications below:	Any mill which during 1941 was primarily engaged in the production of tapestries, carpets, or plushes.	
19a	Thread count 12 x 12 with 8/3 ply yarn in the warp and 1.60 yarn in the filling.	Any mill which during 1941 was primarily engaged in the production of tapestries, carpets, or plushes.	48.7 cents per pound. ¹
19b	Thread count 12 x 11 with 1.75 yarn in the warp and 5/3 ply yarn in the filling.	Any mill which during 1941 was primarily engaged in the production of tapestries, carpets, or plushes.	48.7 cents per pound. ¹
19c	Thread count 12 x 12 with 2.66 yarn in the warp and 1.60 yarn in the filling.	Any mill which during 1941 was primarily engaged in the production of tapestries, carpets, or plushes.	48 cents per pound. ¹
19d	Thread count 12 x 11 with 1.75 yarn in the warp and 2.66 yarn in the filling.	Any mill which during 1941 was primarily engaged in the production of tapestries, carpets, or plushes.	48 cents per pound. ¹

¹ This price is the maximum price for goods produced by mills falling within the class described in the column headed "Producer". The maximum price for any other producer shall be determined in accordance with § 1400.101 (b).

(23) Wide print cloths.

(ii) The maximum prices for print cloth 42 inches and more in width shall be:

(29) Huck and crash towels and corded napkins.

(i) Huck towels manufactured in accordance with Federal specifications DDD-T-531 (without woven name or colored stripe, or unstamped) 1.73 dollars per dozen, terms, net f. o. b. shipping point: *Provided*, That the maximum price which may be charged by George Wood, Sons & Co., sole selling agent for May's Landing Water Power Co., May's Landing, New Jersey, for huck towels manufactured in accordance with said specifications shall be 1.8767 dollars per dozen, terms, net f. o. b. shipping point.

§ 1400.118

(e) Prices "in line with" specific and formula maximum prices: reports of "in line" prices. (1) For any cotton product which (i) is not specifically covered by a specific or formula maximum price set forth in paragraph (d) of this section but (ii) is of the same general type as a fabric group⁵ (i. e., similar in construction, method of manufacture and use as a cotton product) enumerated in said paragraph (d); the maximum price shall be a price in line with⁶ the maximum price established in said paragraph (d) for the most nearly related type, construction, and grade of cotton product made by the

⁵ For instance, a new or related construction of gingham shall be priced in line with the specific maximum price of the most nearly comparable construction of gingham for which there is a specific maximum price. The same holds true for corduroy, cottonades, whip cords, frock cloth, etc. A cotton product which does not fall within one of the fabric groups enumerated in paragraph (d) of § 1400.118 shall be priced under the formula provided in § 1400.101 (b) and (d). It may not be related to a construction in a different fabric group. Thus a pin check cannot be related to a cottonade.

⁶ See footnote 5 to § 1400.101 for definition of "in line with".

same producer, or in the alternative, by any competitive seller.

(2) The maximum prices established by subparagraph (1) of this paragraph shall apply, in lieu of those established in § 1400.101 (b) and (d), to all contracts of sale and to deliveries made on or after September 24, 1942, except deliveries against contracts entered into on or after May 4, 1942, at a specified price agreed upon in reliance on or in conformity with an applicable maximum price established by § 1400.101 (b) and (d).

(3) If the maximum price for any cotton product is determined in accordance with subparagraph (1) of this paragraph, the seller, upon making his first sale or delivery based upon such price, shall file with the Textile, Leather & Apparel Branch, Office of Price Administration, Washington, D. C., a report containing:

(i) An exact description of such cotton product.

(ii) A statement of the maximum price as determined by him.

(iii) A full identification of the cotton product used as a base from which to determine the price.

(iv) A statement of the exact basis used in determining the price including complete information as to the relative costs of the two products and the cost basis used in determining differentials.

§ 1400.117 Effective dates of amendments.

(k) Amendment No. 11 (§§ 1400.101 (f), 1400.106 (d) (1), (d) (2) reference numbers 9, 10, 11, 1400.118 (a) (7), (d) (2) (viii), (d) (5), (d) (14) (iv) (b), (d) (18) reference numbers 18g, 18h, 19a through 19d, (d) (23) (ii) first paragraph, (d) (26) (iii), (d) (27) (viii), (d) (29) (iii), (d) (29) (v) (i) to Maximum Price Regulation No. 118 shall become effective September 24, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 18th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9290; Filed, September 18, 1942; 5:15 p. m.]

PART 1391—BICYCLES AND BICYCLE EQUIPMENT

[Amendment 1 to Maximum Price Regulation 158¹]

RESALE OF WAR BICYCLES—DISTRIBUTORS AND DEALERS

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

Sections 1391.61 and 1391.62 are hereby amended to read as follows, and a new § 1391.68 is added, as set forth below:

§ 1391.61 *Licensing; applicability of the registration and licensing provisions of the General Maximum Price Regulation.*² 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. 158 selling at wholesale or retail any War bicycle covered by this Maximum Price Regulation No. 158. When used in this section the terms "selling at wholesale" and "selling at retail" have the definitions given to them by §§ 1499.20 (p) and 1499.20 (o) respectively of the General Maximum Price Regulation.

§ 1391.62 *Applicability of the General Maximum Price Regulation.*² The provisions of this Maximum Price Regulation No. 158 supersede the provisions of the General Maximum Price Regulation, except as provided in § 1391.61 hereof, with respect to sales and deliveries for which maximum prices are established by this regulation.

§ 1391.68 *Effective dates of amendments.*

(a) Amendment No. 1 (§§ 1391.61, 1391.62, and 1391.68) shall become effective September 23, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 18th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9283; Filed, September 18, 1942; 5:16 p. m.]

PART 1425—LUMBER DISTRIBUTION

[Correction to Maximum Price Regulation 215³]

DISTRIBUTION YARD SALES OF SOFTWOOD

In § 1425.14 (a) (3) (iii) the words "\$0.60 per hundred pieces for lath" are corrected to read "\$0.60 per thousand pieces for lath."

§ 1425.13a *Effective dates of amendments.* (a) Correction (§§ 1425.14 (a) (3) (iii) and 1425.13a) to Maximum

¹ 7 F.R. 4295.

² 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4569, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093.

³ 7 F.R. 7094.

Price Regulation No. 215 shall become effective September 10, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 18th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9291; Filed, September 18, 1942;
5:15 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 67 Under § 1499.3 (b) of the General Maximum Price Regulation]

ESS-TEE KNITTING MILLS, INC.

The Ess-Tee Knitting Mills, Inc. of Lowell, Massachusetts, made application under § 1499.3 (b) of the General Maximum Price Regulation for approval of proposed maximum prices for men's sweaters. Due consideration has been given to the application, and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, it is ordered:

§ 1499.281 *Approval of maximum prices for sale by Ess-Tee Knitting Mills, Inc. of men's sweaters.* (a) On and after September 19, 1942, the maximum price, f. o. b. mill, at which Ess-Tee Knitting Mills, Inc. may sell men's sweaters, the body of which is made of core yarn fabric consisting of 22% wool, 22% rayon and 56% cotton and the sleeves and pocket tips of which are made of an all-cotton fabric, shall be \$16.21 per dozen. Customary discounts are to be maintained.

(b) This Order No. 67 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 67 (§ 1499.281) shall become effective September 19, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 18th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9286; Filed, September 18, 1942;
5:17 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 72 Under § 1499.3 (b) of the General Maximum Price Regulation]

VULCANIZED RUBBER COMPANY

For the reasons set forth in the Opinion filed simultaneously herewith, it is ordered:

§ 1499.280 *Maximum prices for sales of Cole-mor-ite plastics.* (a) The Vulcanized Rubber Company of 261 Fifth Avenue, New York City, may sell and deliver, and any buyer may buy and receive from the Vulcanized Rubber Company,

the thermosetting plastic molding material to be sold under the trade name of Cole-mor-ite, f. o. b. Morrisville, Pennsylvania, at no higher than the following prices:

2-L-Black	
Quantity	Cents per pound
5,000 pounds or more	.35
500 to 4,999 pounds	.40
Less than 500 pounds	.42
3-B-Black and Brown	
Quantity	Cents per pound
5,000 pounds or more	.22½
500 to 4,999 pounds	.25½
200 to 499 pounds	.27½
Less than 200 pounds	.30

(b) Permission to sell Cole-mor-ite plastics at the prices specified in paragraph (a) shall terminate six months after the effective date of this order.

(c) Standard discounts in effect during March 1942, on sales by the Vulcanized Rubber Company, shall apply to the maximum prices set forth in paragraph (a).

(d) This Order No. 72 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 72 (§ 1499.286) shall become effective September 19, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 18th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9289, Filed, September 18, 1942;
5:18 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 47 Under § 1499.18 (b) of the General Maximum Price Regulation—Docket Number GP1-770-P]

BURKS SPRING DISTILLERY CO. INC.

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

§ 1499.347 *Adjustment of maximum prices for current bulk Bourbon whiskeys manufactured by Burks Spring Distillery Company, Inc.* (a) Burks Spring Distillery Company, Inc., of Loretta, Kentucky, may sell and deliver and any person may buy and receive from Burks Spring Distillery Company, Inc., current bulk Bourbon whiskeys at prices not higher than 65 cents per proof gallon.

(b) This Order No. 47 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 47 (§ 1499.347) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(d) This Order No. 47 (§ 1499.347) shall become effective September 19, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 18th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9288; Filed, September 18, 1942;
5:21 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 24 to Supplementary Regulation 14—General Maximum Price Regulation¹]

RAW FURS, SKINS AND PELTRIES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.* A new subparagraph (23) is added to paragraph (a) of § 1499.73 as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of the 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:

* * * * *

(23) *Raw furs, skins and peltries.* (i) The maximum price for any seller of raw furs, skins or peltries, the sale or delivery of which is subject to the provisions of the General Maximum Price Regulation, shall be:

(a) A price in line with the highest price charged by such seller during March 1942 for the same or the nearest related type of raw furs, skins, or peltries, making adjustments for differences in size, quality, condition, grade, fineness, color and texture and suitability for use with a lot when offered for sale as a part of a lot; or

(b) If the maximum price cannot be so determined, the seller's maximum price shall be a price in line with the highest price charged during March 1942 by such seller's most closely competitive seller of the same class for the same or the nearest related type of raw furs, skins or peltries, making adjustments for differences in size, quality, condition, grade, fineness, color and texture and suitability for use with a lot when offered for sale as a part of such lot; or

(c) If the maximum price cannot be so determined, the seller's maximum price shall be a price in line with the general level of prices prevailing among sellers of the same class during the year ended March 31, 1942, for the same or similar raw furs, skins or peltries, making adjustments for differences in size, quality, condition, grade, fineness, color and texture and suitability for use with a lot when offered for sale as a part of such lot.

(ii) (a) When used in this subparagraph (23), the term, "raw furs, skins and peltries," means undressed or untanned furs and skins or hides, whether imported or domestic, the sale or delivery of which is subject to the General Maximum Price Regulation.

¹ 7 F.R. 5486, 5709, 5911, 6008, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6287, 6892, 6776, 6939, 7011, 7012, 6965, 7203.

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

(b) Unless the context otherwise requires, the definitions set forth in the General Maximum Price Regulation shall apply to other terms used in this subparagraph (23).

(b) *Effective dates.* * * *

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

(Pub. Law 421, 77th Cong.)

Issued this 18th day of September, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9287; Filed, September 18, 1942;
5:17 p. m.]

PART 1384—HARDWOOD LUMBER PRODUCTS
[Amendment 1 to Maximum Price Regulation
176]

**ROTARY CUT SOUTHERN HARDWOOD BOX
LUMBER**

Correction

In § 1384.13 *Appendix B: Grading rules for rotary cut Southern hardwood box lumber* appearing on page 7243 of the issue for September 15, 1942, paragraph (e) (1) should read as follows:

(e) (1) Only those cutdowns and cutbacks that actually accumulate in working out defects in the logs and rounding the logs used in filling a particular order may be shipped against that order. Such cutdowns and cutbacks shall have the same maximum price as prime size stock in the same length and thickness as the cutdowns and cutbacks.

PART 1410—WOOL

[Amendment 5 to Maximum Price Regulation 163¹]

**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.*

Subparagraph (3) of paragraph (f) of § 1410.102 and paragraph (a) of § 1410.111 are amended to read as follows:

§ 1410.102 *Maximum prices for woolen and worsted apparel fabrics sold by the manufacturer.* * * *

(f) *Customary discounts, trade practices and transportation costs.* * * *

(3) On and after September 8, 1942, every manufacturer of woolen or worsted apparel fabrics making sales or contracts of sale subject to this Maximum Price Regulation No. 163 shall determine his maximum prices to the closest 2½ cents per yard. The provision of this subparagraph (3) shall not apply to deliveries made pursuant to sales or contracts of sale entered into prior to

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

¹ 7 F.R. 4513, 4733, 4734, 5827, 5872.

September 8, 1942 in compliance with this Maximum Price Regulation No. 163.

§ 1410.111 *Reports.* (a) Within 10 days after a manufacturer has determined his maximum price for a comparable, new or similar fabric, pursuant to paragraphs (c), (d) or (i) of § 1410.102, he shall file with the Office of Price Administration, Washington, D. C.:

(1) With respect to comparable fabrics, a report on Form No. 1163.1 furnished by the Office of Price Administration.

(2) With respect to new fabrics, a report on Form No. 1163.2 furnished by the Office of Price Administration.

(3) With respect to similar fabrics, a report on Form No. 1163.3 furnished by the Office of Price Administration.

§ 1410.117 *Effective dates of amendments.* * * *

(g) Amendment No. 5 (§§ 1410.102 (f) (3) and 1410.111 (a)) to Maximum Price Regulation No. 163 shall become effective September 25, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 19th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9331; Filed, September 19, 1942;
12:34 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS
[Amendment 3 to Maximum Price Regulation
183¹]

PUERTO RICO

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.*

Subparagraph (4) is added to paragraph (a) of § 1418.14, and paragraph (c) is added to § 1418.13a.

§ 1418.14 *Tables of maximum prices.* (a) Table I: Maximum prices for rice. * * *

(4) In determining maximum prices for commodities under this Maximum Price Regulation No. 183, sellers at wholesale and retail shall adjust fractions of one half a cent or more to the next higher cent, and fractions of less than half a cent to the next lower cent.

§ 1418.13a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1418.14 (a) (4) and 1418.13a (c)) to Maximum Price Regulation No. 183 shall become effective September 25, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 19th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9333; Filed, September 19, 1942;
12:34 p. m.]

¹ 7 F.R. 5620, 6744, 6659.

PART 1499—COMMODITIES AND SERVICES
[Amendment 27 to General Maximum Price
Regulation]

APPLICATIONS FOR ADJUSTMENT

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 § 1499.18 a new paragraph (d) is added immediately following the text of paragraph (c) as set forth below:

§ 1499.18 *Applications for adjustment.* * * *

(d) The Office of Price Administration, or any duly authorized officer thereof, will by order increase the maximum price of any commodity established under this General Maximum Price Regulation for any seller at retail to the minimum price in effect for such commodity during March 1942 pursuant to a contract entered into in accordance with a Fair Trade Act of any state in any case in which such seller shows:

(1) That his maximum price is less than such minimum price;

(2) That the commodity was generally sold at retail during March 1942 at such minimum price within the locality in which his selling establishment is located; and

(3) That he has been permanently enjoined by a court from selling the commodity at less than such minimum price. Applications for adjustment under this paragraph (d) shall be filed in accordance with Procedural Regulation No. 2.

This section shall apply to all maximum price regulations which have incorporated § 1499.18 in their provisions.

§ 1499.23a *Effective dates of amendments.* * * *

(bb) Amendment No. 27 (§ 1499.18 (d)) to General Maximum Price Regulation shall become effective September 25, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 19th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9332; Filed, September 19, 1942;
12:34 p. m.]

**TITLE 38—PENSIONS, BONUSES, AND
VETERANS' RELIEF**

Chapter I—Veterans' Administration

**PART 5—ADJUDICATION: DEPENDENTS'
CLAIMS**

MISCELLANEOUS AMENDMENTS

**PENSIONABLE AND COMPENSABLE SERVICE FOR
DEATH PENSION AND COMPENSATION
PURPOSES**

Revision of §§ 5.2520, 5.2532, 5.2568,
5.2574, 5.2581, 5.2582, 5.2620, 5.2622.

§ 5.2520. *Death of veteran due to
service: General law.*

No change in (a).

(b) Persons entitled to pension under the provisions of the General Pension Law (section 4702 and 4707 R.S. as amended), for death resulting from service prior to April 21, 1898, shall be entitled to receive pension on and after July 1, 1938, at the monthly rates specified in § 5.2622 (d), and on and after August 1, 1942, at the monthly rates specified in § 5.2622 (e): *Provided*, That this regulation shall not be so construed as to reduce any pension under any act, public or private, nor shall it be so construed as to enlarge or abridge conditions of entitlement. (September 21, 1942). (Public No. 690, 77th Congress)

§ 5.2532 *Death of veteran due to peace-time service: Public No. 2, 73d Congress as Amended and accessory acts.* (a) For the purposes of Public No. 2 (Act of March 20, 1933), the surviving widow, child or children and/or dependent mother or father of any deceased person who died as a result of injury or disease incurred in or aggravated by active military or naval service subsequent to April 20, 1898, other than in a period of war service, as provided for in § 35.012, paragraph 1, as amended by Public No. 159, 75th Congress (Act of June 23, 1937), shall be entitled to receive pension at the appropriate peace-time rates specified in § 5.2622.

(b) For the purposes of Public No. 159, 75th Congress (Act of June 23, 1937), as amended by Public No. 732, 75th Congress (Act of June 25, 1938), the surviving widow, child or children and dependent mother or father of any deceased person who dies or has died as a result of physical injury (sickness or disease shall not be regarded as an injury) incurred in line of duty while performing active naval service, subsequent to June 15, 1933, shall be entitled to receive pension at the appropriate peace-time rates specified in § 5.2622. (September 21, 1942) (Public No. 690, 77th Congress)

No change in (c).

(d) For the purposes of Public No. 497, 71st Congress (Act of July 2, 1930), and Public No. 182, 77th Congress (Act of July 18, 1941), the surviving widow, child or children, or dependent mother or father of any deceased officer or enlisted man of the United States Coast Guard, who died as a result of injury or disease incurred in or aggravated by active service in line of duty, on or after January 28, 1915 (except service during the World War), shall be entitled to receive pension at the appropriate peace-time rates specified in § 5.2622. For the purposes of Public No. 359, 77th Congress (Act of December 19, 1941), if death resulted from an injury or disease received in active service under the conditions indicated in § 5.2533, the dependents shall be entitled to the war-time rates specified in § 5.2622 (b) or § 5.2624. (September 21, 1942) (Public No. 690, 77th Congress)

COMMENCEMENT OF ORIGINAL AWARDS OF DEATH PENSION OR COMPENSATION

§ 5.2568 *General Law.* Original awards of death pension under the General Law (sections 4702 and 4707, Revised Statutes, as amended), as to

service prior to April 21, 1898, shall commence:

(a) *Widows.* The day following the date of the veteran's death if claim is filed within one year from the date of death, otherwise from the date of filing of a formal application, except that if payment is barred under the provisions of 4706, Revised Statutes, then payment should begin the day following the date that the youngest child by the widow and the veteran shall have attained the age of sixteen years.

(b) *Remarried widows.* The date of filing formal application (R.S. 4708, as amended by the Act of March 3, 1901 (31 Stat. 1445), and the Act of February 28, 1903 (32 Stat. 920)).

(c) *Children.* (1) The day following the date of the veteran's death, if claim is filed within one year from the date of death, otherwise from the date of filing of a formal application, provided there be no widow, or if the widow has died without any payment of pension having been made to her.

(2) Date of remarriage of a pensioned widow, except when the widow has continued to receive pension after her remarriage and the child or children have resided with and been supported by her, their pension shall commence from the date of last payment to the widow. (R.S. 4702, as amended)

(3) The day following the date of the veteran's death, if claim is filed within one year from the date of death, otherwise from the date of filing of a formal application, or from date of last payment to a pensioned widow if payment to the widow is barred under the provisions of section 4706, Revised Statutes.

(4) The date of commencement of open and notorious adulterous cohabitation by a widow who has forfeited title under the Act of August 7, 1882 (22 Stat. 345), except that the date shall be from the date of last payment to the widow if payment of pension has been made to her since the commencement of such cohabitation.

(d) *Dependent mothers and fathers.* The day following the date of the veteran's death, if claim is filed within one year from the date of death, otherwise from the date of filing of a formal application. (September 21, 1942.) (Public No. 690, 77th Congress)

No change in (e) and (f)

§ 5.2574 No change in (a).

(b) § 35.012 as amended by Publics No. 159 and 732, 75th Congress, and Publics No. 182, 193, 359, and 690, 77th Congress. Original awards of death pension under § 35.012, as amended by Publics No. 159 and 732, 75th Congress, and Publics No. 182, 193, 359, and 690, 77th Congress, shall commence as follows:

(1) (i) To dependents of persons (except as otherwise provided in this paragraph) whose deaths resulted from injury or disease incurred in or aggravated while in service, the effective date of an award of death pension shall be fixed in accordance with the facts found except that no award of death pension shall be effective prior to the date of the veteran's death, date of the happening of the

contingency upon which death pension is allowed or the date of receipt of application therefor, whichever is the later date: *Provided*, That if application is filed on or after July 30, 1942, and within one year from the date of the veteran's death, the effective date of an award of death pension shall be July 30, 1942, or the day following the date of death, whichever is the later, otherwise from the date of filing application. The increased rates authorized solely under Public No. 690, 77th Congress (Act of July 30, 1942), shall not be awarded from a date earlier than August 1, 1942.

(ii) For the purposes of Public No. 182, 77th Congress (Act of July 18, 1941), granting pension to the dependents of officers and enlisted men of the United States Coast Guard for peace-time service on or after January 28, 1915, and prior to July 2, 1930, no award of death pension shall be effective prior to the receipt on or after July 18, 1941, of an application for such benefits. On or after July 30, 1942, the proviso contained in subparagraph (1) (i) of this paragraph, is for application.

(iii) For the purposes of any Act as amended by Public No. 193, 77th Congress (Act of July 30, 1941), no award of death pension to a dependent mother or father who has remarried shall commence prior to the receipt on or after July 30, 1941, of an application for such benefits. On or after July 30, 1942, the proviso contained in subparagraph (1) (i) of this paragraph, is for application.

(2) (i) To dependents of reserve officers and members of the enlisted reserves of the Army of the United States who served prior to July 15, 1933, and of the Navy and Marine Corps who served prior to July 1, 1925, whose deaths resulted from injury or disease incurred in or aggravated while in such active service, in line of duty: The date of filing application or, when pertinent, the date following the date of last payment of United States Employees Compensation, whichever is the later, where such benefits have been awarded and the claimant has elected to receive pension. (Dependents of Naval or Marine Corps reservists are not entitled to pension for death due to causes incurred between July 1, 1925 and June 15, 1933.) Where application is filed on or after July 30, 1942, and no payment of United States Employees Compensation has been made and the claimant has elected to receive pension, then the proviso contained in subparagraph (1) (i) of this paragraph is for application.

(ii) To dependents of reservists (reserve officers and members of the enlisted reserves of the Army of the United States, and of the United States Navy and Marine Corps) whose deaths resulted from injury or disease incurred in or aggravated while in active service in line of duty on or after June 15, 1933, including service for training purposes: The date of filing application or the date following the date of last payment of United States Employees Compensation, whichever is the later, where such benefits have been awarded and the claimant

has elected to receive pension, but not prior to June 23, 1937. Where application is filed on or after July 30, 1942, and no payment of United States Employees Compensation has been made and the claimant has elected to receive pension, then the proviso contained in subparagraph (1) (i) of this paragraph is for application.

(iii) For the purposes of Public No. 159, 75th Congress, as amended by Public No. 732, 75th Congress, pension payable to dependents of reservists of the Naval reserve or Marine Corps reserve (Army reserves not included), whose deaths resulted from injury (sickness or disease not regarded as an injury) received in line of duty on or after June 15, 1933, while performing active duty with or without pay, training duty with or without pay, drills, equivalent instruction or duty, appropriate duty, or other prescribed duty, or while performing authorized travel to or from such duties, shall commence on the date of filing application or the date following the date of last payment of United States Employees Compensation, whichever is the later, where such benefits have been awarded and the claimant has elected to receive pension, but not prior to July 1, 1938. Where application is filed on or after July 30, 1942, and no payment of United States Employees Compensation has been made and claimant has elected to receive pension, then the proviso contained in subparagraph (1) (i) of this paragraph is for application. (September 21, 1942.) (Public No. 690, 77th Congress)

No change in (c) and (d).

EFFECTIVE DATES OF INCREASE OF DEATH PENSION OR COMPENSATION

§ 5.2581 *General law.* (a) Where a person was on the rolls July 1, 1938, under the provisions of the General Pension Law, for death resulting from service prior to April 21, 1938, pension at the rate provided in § 5.2622 (d) (Public No. 758, 75th Congress, Act of June 28, 1938), shall be authorized effective July 1, 1938, in any case where such rate exceeds that being paid the beneficiary on June 30, 1938, provided entitlement thereto is otherwise established.

No change in (b)

(c) Where a person was on the rolls August 1, 1942, under the provisions of the General Pension Law, for death resulting from service prior to April 21, 1898, pension at the rate provided in § 5.2622 (e) (Public No. 690, 77th Congress, Act of July 30, 1942), shall be authorized effective August 1, 1942, in any case where such rate exceeds that being paid the beneficiary on July 31, 1942, provided entitlement thereto is otherwise established. (September 21, 1942.) (Public No. 690, 77th Congress)

§ 5.2582 *Public No. 2 and sections 28 and 31, Title III, Public No. 141, 73d Congress, section 3, Public No. 304, 75th Congress, section 5, Public No. 198, 76th Congress, or Public Nos. 242, 359, and 690, 77th Congress.* The effective date of an award of increased pension or compensation payable under Public No. 2, 73d Congress, sections 28 and 31, Title

III, Public No. 141, 73d Congress, section 3, Public No. 304, 75th Congress, section 5, Public No. 198, 76th Congress, Public Nos. 242, 359, and 690, 77th Congress, shall be fixed in accordance with the facts found, except that:

(a) No award of increased pension or compensation may be effective prior to the date of receipt of the evidence showing entitlement thereto; except that a widow who attains an age at which an increased rate is provided under §§ 35.011 and 35.012 or under section 3 of Public No. 304, 75th Congress, or under section 5 of Public No. 198, 76th Congress, or under section 1 of Public No. 690, 77th Congress, shall be entitled to receive such increase effective on the date of attainment of the age at which an increase is authorized, if evidence establishing the date of birth is on file on the date of attainment of such age or is received within one year from the date of the prescribed anniversary of the date of birth, provided that in original claims where the claimant has shown that she was past the age at which the minimum rate is payable at the date of filing her claim, the increased rate provided on account of age may be authorized as of the beginning date of the award or as of the date she attained the required age whichever is the later, provided satisfactory proof of the fact and date of birth is received within one year from the date of request therefor; provided further that in no event will the increase be awarded from a date prior to the date authorized in the law or regulation invoked; provided further that any increase authorized for periods prior to September 1, 1941, under section 3 of Public No. 304, 75th Congress, or section 5, Public No. 198, 76th Congress, must be made subject to the conditions of paragraph (c) of this section; *Provided further,* That any increase authorized for periods beginning on or after September 1, 1941, under Public No. 242, 77th Congress, must be made subject to the conditions of paragraph (f) of this section. (September 21, 1942) (Public No. 690, 77th Congress)

No change in (b), (c), (d), (e), (f) and (g).

DATES OF DEATH PENSION AND COMPENSATION FOR WIDOWS, REMARRIED WIDOWS, CHILDREN, AND DEPENDENT PARENTS

§ 5.2620 *General law; veteran's death due to service.* The following rates of pension are payable under the General Law, subject to the conditions and limitations set forth in regulations. (R.S. 4695 as amended); (Public No. 758, 75th Congress, Act of June 28, 1938); (Public No. 359, 77th Congress, Act of December 19, 1941); (Public No. 690, 77th Congress, Act of July 30, 1942.) (September 21, 1942.) (Public No. 690, 77th Congress)

No change in (a) and (b).

(c) For persons entitled under the provisions of the General Pension Law for death resulting from service prior to April 21, 1898, the rates (except as to cases which come within the purview of paragraph (d) of this section), for the period, commencing July 1, 1938, and ending July 31, 1942, shall not be less

than those outlined in § 5.2622 (d), and on and after August 1, 1942, the rates shall be those outlined in § 5.2622 (e). (September 21, 1942.) (Public No. 690, 77th Congress)

No change in (d), (e), (f), (g) and (h)

§ 5.2622 *Rates under Public No. 2, 73d Congress (Act of March 20, 1933), and section 28, Title III, Public No. 141, 73d Congress (Act of March 28, 1934), and Public No. 690, 77th Congress (Act of July 30, 1942).* The following rates are payable under the regulations promulgated pursuant to authority of Public No. 2, 73d Congress (Act of March 20, 1933), for the death resulting from active military or naval service subsequent to April 20, 1898; in World War cases prior to the dates when awards under Public No. 304, 75th Congress (Act of August 16, 1937), became effective; and in cases comprehended by Public No. 690, 77th Congress (Act of July 30, 1942). (September 21, 1942.) (Public No. 690, 77th Congress)

No change in (a), (b), (c) and (d)

(e) *Rates on and after August 1, 1942, for peace-time service.*

	Per month
Widow under 50 years of age-----	\$30.00
Widow 50 years of age or over-----	35.00
Widow with one child, \$8 additional for such child up to 10 years of age, increased to \$11 from age 10 (with \$5 for each additional child up to 10 years of age, increased to \$10 from age 10.)	
No widow but one child-----	15.00
No widow but two children (equally divided)-----	25.00
No widow but three children (equally divided)-----	35.00
(with \$6 for each additional child; total amount to be equally divided)	
Dependent mother or father-----	30.00
(or both) each-----	20.00

As to the widow, child or children the total pension payable under this paragraph shall not exceed \$62.00. As to the widow, and child or children not in her care and custody, any amount payable under this section may be apportioned as prescribed in §§ 5.2591 and 5.2592. (Public No. 690, 77th Congress, Act of July 30, 1942.) (September 21, 1942.) (Public No. 690, 77th Congress)

[SEAL]

FRANK T. HINES,
Administrator.

[F. R. Doc. 42-9351; Filed, September 21, 1942; 11:36 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-228]

H. J. DOBSON

ORDER DISMISSING COMPLAINT, CANCELLING HEARING AND TERMINATING MATTER

The Bituminous Coal Producers Board for District 11, complainant herein, by motion filed with the Bituminous Coal Division on August 27, 1942, having moved that its complaint herein filed with the Division on March 9, 1942, against the above-named code member

be dismissed without prejudice on the ground that H. J. Dobson is no longer engaged in the business of mining coal;

The Acting Director deeming it advisable to grant said motion;

Now, therefore, it is ordered, That the said complaint herein be, and it hereby is, dismissed without prejudice;

It is further ordered, That the hearing herein, heretofore postponed by Order dated April 20, 1942, to a date and place to be thereafter designated by appropriate order, be, and the same hereby is, cancelled; and

It is further ordered, That the matter herein, Docket No. B-228, be, and the same hereby is, terminated.

Dated: September 17, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-9348; Filed, September 21, 1942;
11:18 a. m.]

[Docket No. B-230]

RAMSAY-COLLINS FUEL CO.

ORDER DISMISSING COMPLAINT, CANCELLING HEARING AND TERMINATING MATTER

In the matter of Ray A. Collins, individually and as surviving partner of the former partnership doing business under the name and style of Ramsay-Collins Fuel Company (Ramsay Collins Fuel Company), code member.

Bituminous Coal Producers Board for District No. 12, complainant herein, by motion filed with the Bituminous Coal Division on September 5, 1942, having moved that its complaint herein, filed with the Division on March 2, 1942, against the above-named code member, be dismissed without prejudice on the ground that the partnership against which the complaint was filed is no longer in existence;

The Acting Director deeming it advisable to grant said motion;

Now, therefore, it is ordered, That the said complaint herein be, and it hereby is, dismissed without prejudice;

It is further ordered, That the hearing herein, heretofore postponed by Order dated May 21, 1942, to a date and place to be thereafter designated by appropriate order, be, and the same hereby is cancelled; and

It is further ordered, That the matter herein, Docket No. B-230, be, and the same hereby is, terminated.

Dated: September 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-9347; Filed, September 21, 1942;
11:18 a. m.]

[Docket B-178]

FRENCH & SON

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

In the matter of Wilmer French and Lewis French, individually and as co-

partners, doing business under the name and style of French & Son, code member.

A written complaint dated January 2, 1942, having been filed on January 5, 1942, by the Bituminous Coal Producers Board for District No. 11, complainant, pursuant to Sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), alleging wilful violation by Wilmer French and Lewis French, individually and as co-partners, doing business under the name and style of French & Son ("French & Son"), Shoals, Indiana, of the Bituminous Coal Code and the rules and regulations thereunder; and

French & Son, by Lewis French, having filed with the Bituminous Coal Division (the "Division") on September 11, 1942, its application for restoration of its code membership to become effective as of July 8, 1942; and

It appearing from said application and other information in the possession of the Division, that the said French & Son has paid to the Collector of Internal Revenue at Indianapolis, Indiana, on July 8, 1942, the sum of \$160.05, pursuant to Order dated April 4, 1942, as a condition precedent to the restoration of its code membership.

Now, therefore, it is ordered, That said application of Wilmer French and Lewis French, individually and as co-partners, doing business under the name and style of French & Son, filed with the Division on September 11, 1942, for restoration of its code membership, be, and the same hereby is granted.

It is further ordered, That said restoration of the code membership of Wilmer French and Lewis French, individually and as co-partners, doing business under the name and style of French & Son, be, and the same hereby is, effective as of 12:01 a. m. on July 8, 1942.

Dated: September 17, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-9346; Filed, September 21, 1942;
11:18 a. m.]

[Docket No. A-1628]

DISTRICT BOARD NO. 8

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 8 for a change in the price classifications and minimum prices for rail and truck shipments for the coals produced by certain mines in the Red Ash Seam in Southern Appalachian Sub-District of District No. 8 for shipment to all market areas.

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 27, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, N. W., Washington, D. C. On such day the Chief of the Records Sec-

tion in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes 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 October 22, 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. 8 requesting the following changes in the price classifications and minimum prices, for rail and truck shipments, for the coals of Block No. 3 Mine (Mine Index No. 560) of Block Coal and Coke Company, Diamond No. 3 Mine (Mine Index No. 165) of the Diamond Coal Mining Company and the No. 2 Mine (Mine Index No. 242) of High Point Coal Company, District No. 8:

Rail:

Size Groups 1-4, inclusive, from "J" to "E";

Size Groups 5 and 6; from "F" to "D"; and

Size Group 7, from "E" to "C".

Rail-lake:

Size Groups 1 and 2, from "J" to "E";

Size Groups 3 and 4, from "H" to "E"; and

Size Groups 5 and 6, from "F" to "D".

Truck:

Size Group 1, from "\$2.80" to "\$3.00";

Size Group 2, from "\$2.60" to "\$2.80"; and

Size Group 4, from "\$2.40" to "\$2.50".

Dated: September 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-9345; Filed, September 21, 1942;
11:19 a. m.]

[Docket No. C-13]

COLORADO FUEL & IRON CORP.

ORDER DESIGNATING TIME AND PLACE OF HEARING AND REDESIGNATING TRIAL EXAMINER

In the matter of the application of Colorado Fuel & Iron Corporation for exemption pursuant to section 4-A of the Bituminous Coal Act of 1937.

By an Order dated August 28, 1942, the hearing in the above-entitled matter was postponed until a date to be designated by further order, the hearing room then designated to be at Denver, Colorado.

Now, therefore, it is ordered, That the hearing in the above-entitled matter be held on October 26, 1942, at 10 o'clock in the forenoon of that date at a hearing room of the Bituminous Coal Division at the Circuit Court Room, Post Office Building, Denver, Colorado.

It is further ordered, That Examiner Charles O. Fowler shall preside at the said hearing in the stead of Examiner Travis Williams.

Dated: September 18, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-9344; Filed, September 21, 1942;
11:19 a. m.]

General Land Office.

[Public Land Order 39]

ARIZONA

WITHDRAWING PUBLIC LAND FOR USE OF THE WAR DEPARTMENT AS A PRACTICE BOMBING RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942, and to section 1 of the act of June 28, 1934, as amended, c. 865, 48 Stat. 1269 (U.S.C., title 43, sec. 315), it is ordered as follows:

Subject to valid existing rights, the following-described public land is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department as a practice bombing range:

GILA AND SALT RIVER MERIDIAN

T. 8 S., R. 2 E., sec. 33.

The area described aggregates 640 acres.

The order of the Secretary of the Interior of July 30, 1941, adding the above-described land to Arizona Grazing District No. 3, it is hereby modified to the extent necessary to permit the use of the land as herein provided.

It is intended that the land described herein shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

HAROLD L. ICKES,
Secretary of the Interior.

SEPTEMBER 10, 1942.

[F. R. Doc. 42-9338; Filed, September 21, 1942;
10:43 a. m.]

Office of Indian Affairs.

WIND RIVER RESERVATION, WYOMING

ORDER RESTORING LANDS TO TRIBAL OWNERSHIP

Whereas pursuant to the provisions of the Act of March 3, 1905 (33 Stat. 1016), the Shoshone-Arapaho Tribes of Indians in Wyoming ceded to the United States a large area of their reservation in the State of Wyoming, established under the Treaty of July 3, 1868 (15 Stat. 673), and

Whereas there is now remaining undisposed of within the ceded or "opened" portion of the Wind River Reservation, an area of approximately 1,108,700 acres of such ceded lands, most of which is urgently required as grazing land for the use of the Shoshone-Arapaho Tribes of Indians in order properly to support and develop their greatly expanded cattle industry, and

Whereas the Acting Superintendent of the Wind River Reservation and the Commissioner of Indian Affairs have recommended restoration to tribal ownership of all the undisposed of ceded lands within the following described land use districts, of which no part of the land is under lease or permit to non-Indians:

WIND RIVER MERIDIAN

LAND USE DISTRICT NO. 13

T. 5 N., R. 5 E.,
Secs. 1 to 4, incl., and
Secs. 7 to 36, incl.;

T. 6 N., R. 5 E.,
Sec. 33, S $\frac{1}{2}$,
Sec. 34, S $\frac{1}{2}$,
Sec. 35, S $\frac{1}{2}$;
Sec. 36, S $\frac{1}{2}$;

T. 5 N., R. 6 E.,
Sec. 5, W $\frac{1}{2}$,
Secs. 6 and 7,
Sec. 5, W $\frac{1}{2}$,
Sec. 17, W $\frac{1}{2}$;
Secs. 18 and 19,
Sec. 20, W $\frac{1}{2}$,
Sec. 29, V $\frac{1}{2}$,
Secs. 30 and 31,
Sec. 32, W $\frac{1}{2}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, lot 7, and those
parts of lots 4, 6 and 10 in W $\frac{1}{2}$ E $\frac{1}{2}$;

T. 6 N., R. 6 E.,
Sec. 31, S $\frac{1}{2}$,
Sec. 32, SW $\frac{1}{4}$.

LAND USE DISTRICT NO. 24

T. 6 N., R. 4 E.,
Sec. 13, NE $\frac{1}{4}$ and S $\frac{1}{2}$,
Sec. 23, S $\frac{1}{2}$,
Sec. 24;

T. 7 N., R. 4 E.,
Sec. 13, lots 2, 3, 4, 5, and SW $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 14, S $\frac{1}{2}$,
Sec. 15, S $\frac{1}{2}$,
Sec. 16, S $\frac{1}{2}$,
Secs. 21 to 34, incl.;

T. 6 N., R. 5 E.,
Sec. 1, N $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$,
Sec. 15 to 30, incl.,
Sec. 12, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ and
S $\frac{1}{2}$,
Secs. 13 to 30, incl.,
Sec. 31, N $\frac{1}{2}$,
Sec. 32, N $\frac{1}{2}$,
Sec. 33, N $\frac{1}{2}$,
Sec. 34, N $\frac{1}{2}$,
Sec. 35, N $\frac{1}{2}$,
Sec. 36, N $\frac{1}{2}$;

T. 7 N., R. 5 E., all;
T. 6 N., R. 6 E., that part west of Big Horn
River (partly unsurveyed);

T. 7 N., R. 6 E., that part west of Big Horn
River.

LAND USE DISTRICT NO. 39

T. 6 N., R. 6 E.,
Sec. 3,
Secs. 4, 5 and 8, those parts east of Big
Horn River,
Sec. 9, N $\frac{1}{2}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 10,
T. 7 N., R. 6 E., that part east of Big Horn
River.

LAND USE DISTRICT NO. 42

T. 5 N., R. 6 E.,
Sec. 4, lots 13 and 14,
Sec. 5, lots 5, 6 and SW $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 8, lots 4 to 9, incl., and W $\frac{1}{2}$ E $\frac{1}{2}$,
Secs. 9 and 16, those parts west of Big
Horn River,
Sec. 17, lots 5 to 10, incl., and W $\frac{1}{2}$ E $\frac{1}{2}$,
Sec. 20, lots 3 to 8, incl., and W $\frac{1}{2}$ NE $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 21, lots 2 and 5,
Sec. 28, lots 2, 3 and 4,
Sec. 29, lots 1, 2 and 3.

LAND USE DISTRICT NO. 44

T. 5 N., R. 6 E.,
Sec. 3,
Sec. 4, lots 7 to 12, incl., lots 15 and 16,
SE $\frac{1}{4}$,
Secs. 8 and 9, those parts east of Big Horn
River,
Sec. 16, lots 8, 9, 14, 15, 16, 18, and NE $\frac{1}{4}$,
NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{4}$,
SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 17, that part east of Big Horn River,
Sec. 21, lots 12 to 16, incl., E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$,
SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$,
E $\frac{1}{2}$ SE $\frac{1}{4}$,
Secs. 22, 27 and 34;
T. 6 N., R. 6 E.,
Sec. 21, that part east of Big Horn River,
Secs. 22 and 27,
Secs. 28 and 33, those parts east of Big
Horn River,
Sec. 34.

Now, therefore, by virtue of the authority vested in the Secretary of the Interior by Section 5 of the Act of July 27, 1939 (53 Stat. 1128-1130), I hereby find that restoration to tribal ownership of the lands within the area described above, which are classified as undisposed-of ceded land of the Wind River Reservation, Wyoming, will be in the tribal interest, and they are hereby restored to tribal ownership for the use and benefit of the Shoshone-Arapaho Tribes of Indians of the Wind River Reservation, Wyoming, and are added to and made a part of the existing Wind River Reservation, subject to any valid existing rights.

ABE FORTAS,

Acting Secretary of the Interior.

AUGUST 28, 1942.

[F. R. Doc. 42-9339; Filed, September 21, 1942;
10:43 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

[Docket AO 113-A 3]

FALL RIVER, MASSACHUSETTS, MARKETING AREA

NOTICE OF HEARING ON HANDLING OF MILK

Proposed amendments to tentatively approved marketing agreement, as

amended, and order, as amended, regulating the handling of milk in the Fall River, Massachusetts, Marketing Area.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 *et seq.*), and in accordance with the applicable rules of practice and procedure thereunder (7 CFR 900.1-900.17; 6 F. R. 6570, 7 F. R. 3350), notice is hereby given of a hearing to be held in the Watuppa Grange Hall, Westport, Massachusetts, beginning at 10:00 a. m., E. W. T., October 1, 1942, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area. These amendments have not received the approval of the Secretary of Agriculture.

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

a. Proposed by H. P. Hood and Sons, Inc.:

1. Amend § 947.3 (a) (2) (i) by deleting the words "buttermilk and cultured skim milk." (This will change these products from Class I to Class II.)

2. Amend § 947.3 (a) (2) (ii) to classify as Class II actual plant shrinkage not to exceed 2 percent of all milk classified according to § 947.3. (This will change shrinkage associated with the handling of Class I milk from Class I to Class II.)

b. Proposed by Fall River Milk Producers' Association:

3. Amend § 947.4 (a) by changing the price (Class I) from \$3.88 to \$4.30.

4. Add new provisions to give representative of the Secretary of Agriculture power to bring about necessary changes in the farm-to-market hauling of milk which are made necessary by the shortage of critical materials and to set the price for such services.

c. Proposed by the New England Milk Producers' Association:

5. Amend § 947.4 (a) to provide an increase in the Class I price.

6. Amend § 947.4 (b) to reflect the higher value now present in skim milk and eliminate New York cream in computing the weighted average price per 40-quart can of 40 percent bottling quality cream at Boston.

7. Amend § 947.4 (d) to provide the prevailing price clause to sales in outside markets.

d. Proposed by Dairy and Poultry Branch, Agricultural Marketing Administration, U. S. D. A.:

8. Revise, in § 947.1 (a) (2), the meaning of the term "Secretary" to include any person who may be authorized to exercise the power and perform the duties of the Secretary.

9. In § 947.2 (c) (Duties), add a new subparagraph as follows:

Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this order [and of the marketing agreement] as do not reveal confidential information.

10. Add the following words to § 947.3 (3) (2):

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

(This change is to clarify the present intent of the order and of the tentatively approved marketing agreement.)

11. Add an additional paragraph to § 947.3 as follows:

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

12. Amend § 947.3 (c) (2) to read:

Milk or skim milk disposed of by a handler to any plant not subject to provisions hereof shall be classified as Class I milk not to exceed the total quantity of Class I milk or skim milk at such plant.

13. Amend § 947.5 (c) to read:

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

(This change is to amplify the authority allowable under the act for the market administrator to have access to handlers' books and records in order to verify their reports.)

14. In § 947.7 (b) (4) delete the words "but one." (This reduces the size of the cash balance retained in the producer-settlement fund.)

15. In § 947.9 (c), change "13th day" to "15th day", in § 947.9 (d) change "15th day" to "16th day", and in § 947.11 (a) change "13th day" to "15th day." (This will give handlers 2 days longer to pay their equalization and administration assessments.)

16. In § 947.10 (a) and (b), preface the present language with the words:

On or before the 15th day after the end of each delivery period.

(This will provide a deadline for paying market service deductions.)

17. Add a new section as follows:

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

Copies of this notice of hearing, of the aforesaid tentatively approved marketing agreement, as amended, and of the order, as amended, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 1019 South Building, Washington, D. C., or may be there inspected.

[SEAL] THOMAS J. FLAVIN,
Assistant to the Secretary
of Agriculture.¹

SEPTEMBER 18, 1942.

[F. R. Doc. 42-9314; Filed, September 19, 1942;
10:59 a. m.]

CHICAGO, ILLINOIS, MARKETING AREA

NOTICE REGARDING HANDLING OF MILK

Notice of report and opportunity to file written exceptions with respect to a proposed amendment to the marketing agreement, as amended, and to the marketing order, as amended, regulating the handling of milk in the Chicago, Illinois, Marketing Area, prepared by the Administrator of Agricultural Marketing Administration.

Pursuant to § 900.12 (a) of the General Regulations of the Agricultural Marketing Administration, United States Department of Agriculture, governing proceedings to formulate marketing orders and marketing agreements, notice is hereby given of the filing with the hearing clerk of this report of the Administrator of the Agricultural Marketing Administration, with respect to a proposed amendment to the marketing agreement, as amended, and to the marketing order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area. Interested parties may file exceptions to the report with the Hearing Clerk, Room 1019, Department of Agriculture, Washington, D. C., not later than the close of business on the 10th day after publication of this notice in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary Statement

The proceeding was initiated by the Agricultural Marketing Administration upon receipt of petitions dated July 31, 1942, received from the Pure Milk Association and from the Chicago Milk Producers Council, for a public hearing on certain changes in the marketing agreement and marketing order program which they proposed. Following this request, and after consideration of the proposals, notice of the hearing was issued on August 7, 1942, and the hearing was convened on August 14, 1942. The time for filing briefs was set at the close

¹ Acting pursuant to authority delegated by Secretary of Agriculture under Act of April 4, 1940 (54 Stat. 81; 7 F.R. 2656).

of the hearing, to expire at midnight, August 24, 1942.

The major issues developed at the hearing were concerned with (1) the basic formula price to be used in determining class prices, (2) the Class III price, and (3) the butterfat differential to be used in computing individual producer payments.

With respect to these issues it is concluded from the record that:

1. The Class III price formula should be revised in order that the Class III price will not be lower than the Class IV price.

2. The basic formula price to be used in determining Class I and Class II prices should be revised.

3. The butterfat differential used in computing individual producer payments should be revised.

The proposed amendment to the order, as amended, which follows, is recommended as the detailed means by which these conclusions may be effectuated. The proposed amendment to the marketing agreement, as amended, is not included in this report because the provisions thereof will be the same as the provisions of the amendment set forth below.

PROPOSED AMENDMENT TO ORDER, AS AMENDED

It is found upon the evidence introduced at the public hearing held in Chicago, Illinois, on August 14 and 15, 1942:

Findings

1. That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e (50 Stat. 246; 7 U.S.C. 1940 ed. 602, 608c) are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk and that the minimum prices set forth in this order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

2. That the order, as amended by this amendment, regulates the handling of milk in the same manner as, and is applicable only to handlers defined in, a marketing agreement upon which a hearing has been held; and

3. That the issuance of this amendment, and all of its terms and conditions, tends to effectuate the declared policy of the act.

Provisions

1. Delete § 941.1 (a) (11) and substitute therefor the following:

(11) The term "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the Secretary of Agriculture of the United States.

2. Delete § 941.4 (b) (3) and substitute therefor the following:

(3) Class III milk shall be all milk the butterfat from which is used to produce a milk product other than one of those specified in Class II and Class IV, and all bulk milk and bulk cream disposed of to bakeries, soup companies, and candy manufacturing establishments.

3. Delete from the proviso in § 941.5 (a) (2) the phrase "the price shall be \$2.20 per hundredweight," and substitute therefor the phrase "the price per hundredweight shall be that computed pursuant to this subparagraph less 46 cents or the Class IV price plus 12 cents, whichever is higher."

4. Delete § 941.5 (a) (4) and substitute therefor the following:

(4) Class III milk—The price per hundredweight for milk containing 3.5 percent butterfat during each delivery period shall be the average computed by the market administrator of prices as reported by the United States Department of Agriculture paid during such delivery period to farmers at each of the manufacturing plants or places listed in this subparagraph for which prices are reported, but in no event shall such price be less than the price computed pursuant to subparagraph (5) of this paragraph.

LOCATION OF MANUFACTURING PLANTS AND PLACES

Mt. Pleasant, Mich.
Sparta, Mich.
Hudson, Mich.
Wayland, Mich.
Coopersville, Mich.
Greenville, Wis.
Black Creek, Wis.
Orfordville, Wis.
Chilton, Wis.
Berlin, Wis.
Richland Center, Wis.
Oconomowoc, Wis.
Jefferson, Wis.
New Glarus, Wis.
Belleville, Wis.
New London, Wis.
Manitowoc, Wis.
West Bend, Wis.

5. Delete § 941.5 (b) and substitute therefor the following:

(b) *Basic formula price to be used in determining Class I and Class II prices.* The basic formula price to be used in determining the prices per hundredweight of Class I and Class II milk, set forth in this section, shall be the price for Class III milk determined pursuant to paragraph (a) (4) of this section, the price for Class IV milk determined pursuant to paragraph (a) (5) of this section, or that derived from the following formula, whichever is the highest:

(1) Multiply the average wholesale price per pound of 92-score butter at Chicago for the delivery period as reported by the United States Department of Agriculture, by six (6);

(2) Add 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price of "Cheddars" shall be deemed to be the prevailing price for "Twins" and shall be used in determining the price pursuant to this formula;

(3) Divide by seven (7), the sum so determined being hereafter referred to in this paragraph as the "combined butter and cheese value";

(4) To the combined butter and cheese value add 30 percent thereof; and

(5) Multiply the sum computed in subparagraph (4) of this paragraph by 3.5.

6. Delete from § 941.5 (e) (2) the phrase "on a basis of bids."

7. Delete § 941.8 (c) and substitute therefor the following:

(c) *Butterfat differential to producers.* For each one-tenth of 1 percent above or below 3.5 percent in average butterfat content of milk delivered by any producer during any delivery period, the uniform price paid to such producer shall be plus or minus, as the case may be, an amount computed as follows: to the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which the milk was received, add 20 percent and divide the result obtained by 10.

8. Add as § 941.13 the following:

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

This report filed at Washington, D. C., the 19th day of September 1942.

[SEAL] ROY F. HENDRICKSON,
Administrator.

[F. R. Doc. 42-9317; Filed, September 19, 1942; 11:35 a. m.]

Office of the Secretary.

ADMINISTRATOR, AGRICULTURAL MARKETING ADMINISTRATION

ORDER DELEGATING CERTAIN AUTHORITY

By virtue of the authority vested in the Secretary of Agriculture by the Federal Seed Act (7 U. S. C. 1940 ed. 1551 et seq., 1591), the Tobacco Inspection Act (7 U. S. C. 1940 ed. 511 et seq., 511p), and the United States Warehouse Act (7 U. S. C. 1940 ed. 241 et seq.), the Administrator, Agricultural Marketing Administration, and such employees of the Administration as he may designate, are hereby authorized, subject to the exceptions hereinafter provided, to execute any and all duties devolving upon the Secretary of Agriculture by virtue of such acts: *Provided, however*, That this delegation shall not be construed to confer upon the Administrator authority (1) to promulgate new rules and regulations, or to change existing rules and regulations, which are designed to have the force of law, to be binding upon the public, and to be recognized and enforced by the courts, or (2) to perform regulatory functions, as defined in the Act of April 4, 1940 (5 U. S. C. 1940 ed. 516a et seq.), under the Federal Seed Act that may be performed by an officer appointed pursuant to such Act of April 4, 1940.

The authority hereby delegated shall be in addition to, and not in lieu of, any authority heretofore delegated to the Administrator, Agricultural Marketing Administration, and predecessor officials of the Department under the Fed-

eral Seed Act, the Tobacco Inspection Act, and the United States Warehouse Act.

Done at Washington, D. C., this 18th day of September 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-9313; Filed, September 19, 1942;
10:59 a. m.]

DEPARTMENT OF LABOR.

Wages and Hours Division.

CANDY AND RELATED PRODUCTS MANUFACTURING INDUSTRY

NOTICE OF HEARING

Notice of hearing on the minimum wage recommendation of Industry Committee No. 47 for the Candy and Related Products Manufacturing Industry, to be held October 14, 1942.

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938 on August 14, 1942, by Administrative Order No. 150, appointed Industry Committee No. 47 for the Candy and Related Products Manufacturing Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas Industry Committee No. 47, on September 15, 1942, recommended a minimum wage rate for the Candy and Related Products Manufacturing Industry and duly adopted a report containing such recommendations and reasons therefor and filed such report with the Administrator on September 16, 1942, pursuant to section 8 (d) of the Act and § 511.19 of the regulations issued under the Act; and

Whereas the Administrator is required by section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 47 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing and taking into consideration the same factors as are required to be considered by the industry committee, will carry out the purposes of section 8 of the Act; and, if he finds otherwise, to disapprove such recommendation;

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 47 is as follows:

Every employer shall pay not less than the following rate per hour to each of his employees who shall be engaged in commerce or in the production of goods for commerce in the Candy and Related Products Manufacturing Industry as defined by Administrative Order No. 150, dated August 14, 1942:

(a) 40 cents to be paid for: the production of chocolate and cocoa products.

(b) 40 cents to be paid for: the production of candied, crystallized or glace fruits and fruit peels.

(c) 40 cents to be paid for: the production of any other products of the Candy and Related Products Manufacturing Industry.

II. The definition of the Candy and Related Products Manufacturing Industry as set forth in Administrative Order No. 150, issued August 14, 1942, is as follows:

The production of candies and related products, including, but without limitation, stuffed fruits; candied, crystallized or glace fruits and fruit peels; candied popcorn; salted, sugared or roasted nuts; chocolate and cocoa products; marshmallow creme; and chewing gum: *Provided*, That the shelling and cleaning of nuts are excluded except where the operations are performed in plants also engaged in the further processing of nuts.

The definition of the candy and related products manufacturing industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition including clerical, maintenance, shipping, and selling occupations: *Provided, however*, That such clerical, maintenance, shipping, and selling occupations, when carried on in a wholesaling or selling department physically segregated from other departments of a manufacturing establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale, shall not be deemed to be covered by this definition, and *Provided further*, That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

III. The full text of the report and recommendation of Industry Committee No. 47 is and will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, Old South Building, 294 Washington Street.

New York, New York, 341 Ninth Avenue.
Newark, New Jersey, Essex Building, 31 Clinton Street.

Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut and Juniper Streets.

Pittsburgh, Pennsylvania, 219 Old Post Office Building, Fourth and Smithfield Streets.

Richmond, Virginia, 215 Richmond Trust Building, 627 East Main Street.

Baltimore, Maryland, 201 North Calvert Street.

Raleigh, North Carolina, North Carolina Department of Labor, Salisbury and Edenton Streets.

Columbia, South Carolina, Federal Land Bank Building, Hampton and Marlon Streets.

Atlanta, Georgia, Fifth Floor, Witt Building, 249 Peachtree Street NE.

Jacksonville, Florida, 456 New Post Office Building.

Birmingham, Alabama, 1908 Comer Building, 2d Avenue and 21st Street.

New Orleans, Louisiana, 916 Union Building.

Jackson, Mississippi, 402 Deposit Guaranty Bank Building, 102 Lamar Street.

Nashville, Tennessee, 509 Medical Arts Building, 115 Seventh Avenue N.

Cleveland, Ohio, Main Post Office, West 3d and Prospect Avenue.

Cincinnati, Ohio, 1312 Traction Building, 5th and Walnut Streets.

Detroit, Michigan, David Scott Building, 1150 Griswold Street.

Chicago, Illinois, 1200 Merchandise Mart, 222 W. North Bank Drive.

Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.

Kansas City, Missouri, 504 Title and Trust Building, 10th and Walnut Streets.

St. Louis, Missouri, 100 Old Federal Building.

Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street.

Dallas, Texas, Rio Grande National Building, 1100 Main Street.

San Francisco, California, Room 500, Humboldt Bank Building, 785 Market Street.

Los Angeles, California, 417 H. W. Hellman Building.

Seattle, Washington, 305 Post Office Building, 3d Avenue and Union Street.

San Juan, Puerto Rico, Post Office Box 112.

Washington, District of Columbia, Department of Labor, 1st Floor.

New York, New York, 165 West 46th Street.

Copies of the committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York.

IV. A public hearing will be held on October 14, 1942, before Major Robert N. Campbell, Presiding Officer, at 10:00 a. m. in Room 3229, United States Department of Labor Building, 14th Street and Constitution Avenue NW., Washington, D. C. for the purpose of taking evidence on the following question:

Whether the recommendation of Industry Committee No. 47 should be approved or disapproved.

V. Any interested person supporting or opposing the recommendation of Industry Committee No. 47 may appear at the aforesaid hearing to offer evidence, either on his behalf or on behalf of any other person: *Provided*, That not later than October 8, 1942 such person shall file with the Administrator at New York, New York, a notice of his intent to appear which shall contain the following information:

(1) The name and address of the person appearing.

(2) If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

(3) Whether such person proposes to appear for or against the recommendation of Industry Committee No. 47.

(4) The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 47 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, or by consulting with attorneys

representing the Administrator who will be available for that purpose at the Office of the Solicitor, United States Department of Labor, in Washington, D. C., and New York, New York.

VII. Copies of the following document relating to the Candy and Related Products Manufacturing Industry will be made available on request for inspection by any interested person who intends to appear at the aforesaid hearing:

Report entitled, *Economic Factors Bearing on the Minimum Wages in the Candy and Related Products Manufacturing Industry*, prepared by the Economics Branch, Wage and Hour Division, United States Department of Labor, August 1942.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the Presiding Officer as are deemed appropriate:

(1) The hearings shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York.

(2) In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice, he will not be permitted to offer evidence at any other time except by special permission of the Presiding Officer.

(3) At the discretion of the Presiding Officer, the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the Presiding Officer, or by other appropriate notice.

(4) At any stage of the hearing, the Presiding Officer may call for further evidence upon any matter. After the Presiding Officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

(5) All evidence must be presented under oath or affirmation.

(6) Written documents or exhibits, except as otherwise permitted by the Presiding Officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

(7) Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the Presiding Officer. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the Presiding Officer the original document together with two copies of those portions of the document intended to be put in evidence.

(8) Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States, at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may

apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

(9) Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

(10) The rules of evidence prevailing in the courts of law or equity shall not be controlling.

(11) The Presiding Officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person insofar as is practicable, and to object to the admission or exclusion of evidence by the Presiding Officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the Presiding Officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the Presiding Officer.

(12) Before the close of the hearing, the Presiding Officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the Presiding Officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

(13) Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

(14) On the close of the hearing, the Presiding Officer shall forthwith file a complete record of the proceedings with the Administrator. The Presiding Officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

(15) No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at New York, New York, this 19th day of September 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-9336; Filed, September 21, 1942;
10:29 a. m.]

CONVERTED PAPER PRODUCTS INDUSTRY NOTICE OF HEARING

Notice of hearing on the minimum wage recommendations of Industry Committee No. 48 for the converted paper

products industry to be held October 21, 1942.

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938 on August 15, 1942, by Administrative Order No. 152, appointed Industry Committee No. 48 for the Converted Paper Products Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas Industry Committee No. 48, on September 9, 1942, recommended a minimum wage rate for the Converted Paper Products Industry and duly adopted a report containing such recommendations and reasons therefor and filed such report with the Administrator on September 10, 1942, pursuant to section 8 (d) of the Act and § 511.19 of the regulations issued under the Act; and

Whereas the Administrator is required by section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 48 if he finds the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing and taking into consideration the same factors as are required to be considered by the industry committee, will carry out the purposes of section 8 of the Act; and, if he finds otherwise, to disapprove such recommendation;

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 48 is as follows:

Wages at a rate of not less than 40 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Converted Paper Products Industry (as defined in Administrative Order No. 152) who is engaged in commerce or in the production of goods for commerce.

II. The definition of the Converted Paper Products Industry as set forth in Administrative Order No. 152, issued August 15, 1942, is as follows:

The manufacture of all products which have as a basic component pulp, paper or board (as those terms are used in Administrative Order No. 41 defining the Pulp and Primary Paper Industry) and the manufacture of all like products in which synthetic materials, such as cellophane, pliofilm or synthetic resin, used in sheet form, is a basic component.

Provided, however, That the manufacture of the following shall not be included:

(a) Any product the manufacture of which is covered by a wage order of the Administrator relating to the Textile, Apparel, Hat, Millinery, Shoe, Pulp and Primary Paper, Carpet and Rug, Portable Lamp and Shade, or Luggage, Leather Goods, and Women's Handbag Industry.

(b) Any product, such as rayon, cellophane, etc., made from such pulp by a process which involves the destruction of the original fibrous structures of such pulp.

(c) Roofing paper, insulation board and products therefrom for use as building materials, or shingles.

(d) Newspapers, magazines, books, blue-prints, photographs and other products in which graphic art is the exclusive medium through which the products function: *Provided, however,* That the production of printed forms, stationery, blank books, and tablets, other than the printing thereof in a job printing establishment, and the production of other products in the use of which graphic art is applied by the ultimate consumer of the products, shall be included within the converted paper products industry as herein defined.

The definition of the converted paper products industry covers all occupations in the industry which are necessary to the production of the products specified in the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

III. The full text of the report and recommendation of Industry Committee No. 48 is and will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, Old South Building, 294 Washington Street.
 New York, New York, 341 Ninth Avenue.
 Newark, New Jersey, Essex Building, 31 Clinton Street.
 Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut and Juniper Streets.
 Pittsburgh, Pennsylvania, 219 Old Post Office Building, Fourth and Smithfield Streets
 Richmond, Virginia, 215 Richmond Trust Building, 627 East Main Street.
 Baltimore, Maryland, 201 North Calvert Street.
 Raleigh, North Carolina, North Carolina Department of Labor, Salisbury and Edenton Streets.
 Columbia, South Carolina, Federal Land Bank Building, Hampton and Marion Streets.
 Atlanta, Georgia, Fifth Floor, Witt Building, 249 Peachtree Street, NE.
 Jacksonville, Florida, 456 New Post Office Building.
 Birmingham, Alabama, 1908 Comer Building, 2nd Avenue and 21st Street.
 New Orleans, Louisiana, 916 Union Building.
 Jackson, Mississippi, 402 Deposit Guaranty Bank Building, 102 Lamar Street.
 Nashville, Tennessee, 509 Medical Arts Building, 15 Seventh Avenue, N.
 Cleveland, Ohio, Main Post Office, West 3rd and Prospect Avenue.
 Cincinnati, Ohio, 1312 Traction Building, 5th and Walnut Streets.
 Detroit, Michigan, David Scott Building, 1150 Griswold Street.
 Chicago, Illinois, 1200 Merchandise Mart, 222 W. North Bank Drive.
 Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.
 Kansas City, Missouri, 504 Title and Trust Building, 10th and Walnut Streets.
 St. Louis, Missouri, 100 Old Federal Building.
 Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street.
 Dallas, Texas, Rio Grande National Building, 1100 Main Street.
 San Francisco, California, Room 500, Humboldt Bank Building, 785 Market Street.

Los Angeles, California, 417 H. W. Hellman Building.

Seattle, Washington, 305 Post Office Building, 3rd Avenue and Union Street.

San Juan, Puerto Rico, Post Office Box 112.
 Washington, District of Columbia, Department of Labor, 1st Floor.

New York, New York, 165 West 46th Street.

Copies of the committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York.

IV. A public hearing will be held on October 21, 1942, before Major Robert N. Campbell, Presiding Officer, at 10:00 a. m. in Room 1610, 165 West 46th Street, New York, New York, for the purpose of taking evidence on the following question:

Whether the recommendation of Industry Committee No. 48 should be approved or disapproved.

V. Any interested person supporting or opposing the recommendation of Industry Committee No. 48 may appear at the aforesaid hearing to offer evidence, either on his behalf or on behalf of any other person: *Provided,* That not later than October 16, 1942 such person shall file with the Administrator at New York, New York, a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.
2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.
3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 48.
4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 48 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, or by consulting with attorneys representing the Administrator who will be available for that purpose at the Office of the Solicitor, United States Department of Labor, in Washington, D. C., and New York, New York.

VII. Copies of the following documents relating to the Converted Paper Products Industry will be made available on request for inspection by any interested person who intends to appear at the aforesaid hearing:

Report entitled, *Report on the Converted Paper Products Industry*, prepared by the Research and Statistics Branch, Wage and Hour Division, United States Department of Labor, September, 1940.

Report entitled, *Economic Factors Bearing on Minimum Wages in the Converted Paper Products Industry*, prepared by the Economics Branch, Wage and Hour Division, United States Department of Labor, August, 1942.

Report entitled, *Hourly Earnings in the Converted Paper Products Industry, 1940*, prepared by the Division of Wage and Hour Statistics, Bureau of Labor Statistics, United States Department of Labor, September 25, 1940.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the Presiding Officer as are deemed appropriate:

1. The hearings shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York.
2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice, he will not be permitted to offer evidence at any other time except by special permission of the Presiding Officer.
3. At the discretion of the Presiding Officer, the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the Presiding Officer, or by other appropriate notice.
4. At any stage of the hearing, the Presiding Officer may call for further evidence upon any matter. After the Presiding Officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.
5. All evidence must be presented under oath or affirmation.
6. Written documents or exhibits, except as otherwise permitted by the Presiding Officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.
7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the Presiding Officer. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the Presiding Officer the original document together with two copies of those portions of the document intended to be put in evidence.
8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.
9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose in-

stance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in the courts of law or equity shall not be controlling.

11. The Presiding Officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person insofar as is practicable, and to object to the admission or exclusion of evidence by the Presiding Officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the Presiding Officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the Presiding Officer.

12. Before the close of the hearing, the Presiding Officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the Presiding Officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing, the Presiding Officer shall forthwith file a complete record of the proceedings with the Administrator. The Presiding Officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a report of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at New York, New York, this 19th day of September 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-9335; Filed, September 21, 1942;
10:29 a. m.]

LEARNER EMPLOYMENT CERTIFICATES ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and

published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These certificates become effective September 21, 1942. The certificates may be cancelled in the manner provided in the Regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel Industry

Standard Pad Co., 1803-05 John St., Cincinnati, Ohio; Shoulder pads & sleeve head pads; 5 learners (T); September 21, 1943.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Bonnie Frocks, 121 North 8th St., Philadelphia, Pennsylvania; Dresses; 4 learners (T); September 21, 1943.

Brooks Uniform Co., 208 South Lamar St., Dallas, Texas; Ladies uniforms; 5 learners (T); September 21, 1943.

J. W. Frederick Co., 132 Essex St., Boston, Massachusetts; Women's cotton uniforms and aprons; 5 learners (T); September 21, 1943.

Freeman Mfg. Co., 900 W. Chicago Road, Sturgis, Michigan; Surgical abdominal supports, girdle anchor bands; 8 learners (T); September 21, 1943.

Jack Hammer, 308 E. 9th St., Los Angeles, California; Dresses and sportswear; 5 learners (T); September 21, 1943.

Lakeland Mfg. Co., Sheboygan, Wisconsin; Cotton & wool lumber jackets,

mackinaws, leather jackets, snow suits, loafer jackets; 10 percent (T); September 21, 1943.

H. W. Laroson Mfg. Co., 746 South Los Angeles St., Los Angeles, California; Rayon & cotton dresses, flannellette sleeping garments; 6 learners (T); September 21, 1943.

Lisle Mills, Race & Court Sts., Allentown, Pennsylvania; Children's garments; 10 percent (T); September 21, 1943.

M. & S. Shirt Co., Inc., 32 High St., Elizabeth, New Jersey; Men's shirts; 10 percent (T); September 21, 1943.

Mauch Chunk Dress Co., 268 West Broadway, Mauch Chunk, Pennsylvania; Women's dresses; 25 learners (E); March 21, 1943.

Rex Mfg. Co., Inc., 3725 Dauphin St., New Orleans, Louisiana; Shirts and trousers; 10 percent (T); September 21, 1943.

Stylecraft Frocks, 1427 Vine St., Philadelphia, Pennsylvania; Ladies dresses; 10 learners (T); April 6, 1943. (This certificate replaces the one bearing the expiration date of April 6, 1943.)

Cigar industry

Florida Cigar Co., East Jefferson St., Quincy, Florida; Cigars; 10 percent (T); Cigar packers to have learning period of 320 hours at 75 percent of the applicable minimum wage; September 20, 1943.

The S. Frieder & Sons Co. of Penna., Third & Spruce Sts., Philadelphia, Pennsylvania; Cigars; 40 learners (E); Cigar machine operators to have learning period of 320 hours at 75 percent of the applicable minimum wage; January 20, 1943.

R. G. Sullivan, Inc., 114 W. Central St., Manchester, New Hampshire; Cigars; 10 percent (T); Hand strippers to have learning period of 160 hours and cigar machine operators to have learning of 320 hours at 75 percent of the applicable minimum wage; September 20, 1943.

John H. Swisher & Son, Inc., East 16th St., Jacksonville, Florida; Cigars; 10 percent (T); Stripping machine operators to have learning period of 160 hours and cigar packers to have learning period of 320 hours at 75 percent of the applicable minimum wage; September 20, 1943.

Wolf Brothers & Co., 25 Pine St., Red Lion, Pennsylvania; Cigars; 10 percent (T); Cigar machine operators to have learning period of 320 hours at 75 percent of the applicable minimum wage; September 20, 1943.

Glove Industry

Northern Glove & Mitten Co., 1514 Morrow St., Green Bay, Wisconsin; Work gloves; 7 learners (T); September 21, 1943. (This certificate replaces the one bearing the expiration date of September 10, 1943.)

Textile Industry

Kahn & Feldman, Inc., 360 Suydam St., Brooklyn, New York; Rayon; 50 learners (E); March 21, 1943.

Magnolia Cotton Mill Co., Magnolia, Arkansas; Cotton cloth; 3 percent (T); September 21, 1943.

Stonewall Cotton Mills, Inc., Stone-wall, Mississippi; Cotton; 3 percent (T); September 21, 1943.

Valdese Mfg. Co., Valdese, North Carolina; Cotton; 3 percent (T); September 21, 1943.

Signed at New York, N. Y., this 19th day of September 1942.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 42-9355; Filed, September 21, 1942;
11:40 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

NAVAJO WEAVERS, ROSWELL, NEW MEXICO.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective September 21, 1942.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the Regulations and as indicated on the certificate. Any person aggrieved by the issuance of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Navajo Weavers, Roswell, New Mexico; Men's neckties; 8 learners; learning period of 8 weeks for any one learner; 30 cents per hour; learners to be employed in the occupations of hand sewing, machine sewing and weaving; January 25, 1943.

Signed at New York, N. Y., this 19th day of September 1942.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 42-9354; Filed, September 21, 1942;
11:40 a. m.]

PROCESSING OF FRESH GRAPES, ETC., INTO WINE

PETITIONS RE DENIAL OF APPLICATION FOR EXEMPTION

Notice of opportunity to petition for review of determination denying the application for the partial exemption of the processing of fresh grapes and other fresh fruits into wine, grape juice, or brandy from the maximum hours provisions of the Fair Labor Standards Act of 1938 as an industry of a seasonal nature pur-

suant to section 7 (b) (3) of the Act and Part 526 as amended of the regulations issued thereunder.

Whereas application was made by the Wine Institute of San Francisco, California, for the partial exemption of the processing of fresh grapes and other fresh fruits into wine, grape juice, or brandy from the maximum hours provisions of the Fair Labor Standards Act pursuant to section 7 (b) (3) of the Act and Part 526 as amended of the regulations issued thereunder; and

Whereas the Administrator of the Wage and Hour Division gave notice of a public hearing to be held at the National Office of the Wage and Hour Division, New York, New York, on June 19, 1942, before Mr. Merle D. Vincent, who was authorized to take testimony, hear argument, and determine:

Whether the processing of fresh grapes or other fresh fruits into wine, grape juice, or brandy, or any subdivision or combination of these activities is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 as amended of the regulations issued thereunder, and if so the appropriate limits of such industry,

and
Whereas following such hearing the said Merle D. Vincent duly made his findings of fact and determined as follows:

(1) The processing of fresh grapes or other fresh fruits into wine or grape juice in wineries, and the distillation of brandy in wineries and distilleries, as well as the production of related by-products in these establishments, constitute an integrated industry.

(2) The preliminary operations in the making of wine or brandy, through the "first racking" of the wine, or any combination of operations short of the production of the finished wine, do not constitute a separable branch of an industry within the meaning of section 7 (b) (3) of the Fair Labor Standards Act and Part 526 of the regulations.

(3) Although the establishments engaged in the processing of fresh grapes or other fresh fruits into wine, grape juice, or brandy perform their crushing, fermenting and distilling operations principally during the harvesting season of approximately fourteen weeks each year, they do not cease production during the remainder of the year, but carry on aging, finishing, bottling, or other operations after the completion of the crushing, fermenting, and distilling.

(4) The processing of fresh grapes or other fresh fruits into wine, grape juice, or brandy is not an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 of the regulations.

The application is denied; and
Whereas said findings and determination were duly filed with the Administrator on September 11, 1942 and are now on file in room 1619, National Office of the Wage and Hour Division, 165 West 46th Street, New York, New York, and are available for examination by all interested parties;

Now, therefore, pursuant to the provisions of § 526.7 of the aforesaid regulations notice is hereby given that any person aggrieved by the said determination

may within fifteen days after the date this notice appears in the FEDERAL REGISTER file a petition with the Administrator at the National Office of the Wage and Hour Division requesting that he review the action of the said representative upon the record of the hearing. Such petition shall set forth the grounds upon which the petition for review is based.

Signed at New York, New York, this 16th day of September 1942.

WILLIAM B. GROGAN,
Acting Administrator.

[F. R. Doc. 42-9353; Filed, September 21, 1942;
11:40 a. m.]

BOARD OF ECONOMIC WARFARE.

Office of Exports.

[License Denial 3]

G. E. STECHERT & COMPANY, ET AL.

REVOCATION OF EXPORT LICENSES

Pursuant to Part 807 of the regulations adopted under section 6 of the Act of July 2, 1940, as amended, the Chief of the Trade Intelligence Division of the Export Control Branch, Office of Exports, has charged G. E. Stechert & Company, Alfred Hafner, Walter Alfred Hafner and Otto Henry Hafner with certain violations of Proclamation 2497 authorizing a Proclaimed List of Certain Blocked Nationals and Controlling Certain Exports issued in part under the authority of said section. The respondents have filed a written answer to the charges above set forth.

The Compliance Commissioner, duly designated under § 807.1 of the aforesaid regulations, has reviewed the record and filed his findings of fact and recommendations in the matter. The following facts have been found:

G. E. Stechert & Company is a partnership engaged in buying, selling, exporting and importing books and periodicals, mostly of a scientific nature; its principal place of business is 31-37 East Tenth Street, New York City. The sole members of the partnership at all times hereafter mentioned have been Alfred Hafner, Walter Alfred Hafner and Otto Henry Hafner. Between the dates of July 30, 1941 and November 19, 1941 G. E. Stechert & Company and the partners thereof sent to Frederico Will, a German book seller located in Rio de Janeiro, Brazil, various shipments of books totaling \$9.50. Between the dates of December 23, 1941 and March 6, 1942, G. E. Stechert & Company and the partners thereof sent to Jose Alves Nogueira of Rio de Janeiro, Brazil, various shipments of books of the total invoice value of \$149.01. These exportations occurred subsequent to July 17, 1941, on which date the name of Frederico Will was placed on the aforesaid Proclamation List of Certain Blocked Nationals. Jose Alves Nogueira was during the above mentioned period acting as an agent of Frederico Will with respect to the exportations made to him and G. E. Stechert & Company and the

partners thereof knew that Jose Alves Nogueira was acting as the agent of Frederico Will. The exportations to Will and Nogueira were not authorized by a license as provided for in Proclamation 2413 or 2465; nor had the Administrator of Export Control determined that such prohibition or exportation would be an unusual hardship on American interests. The Compliance Commissioner has found that these exportations were directly or indirectly to, or on behalf of, or for the account of a Blocked National and as such constituted violations of section 3 of the aforesaid Proclamation 2497 and section 6 of the Act of July 2, 1940, as amended. Upon consideration of the record, findings of fact, and all recommendations in the matter, *It is hereby ordered*, That:

(1) All export licenses heretofore issued to G. E. Stechert & Company, Alfred Hafner, Walter Alfred Hafner and Otto Henry Hafner for exportations as yet not consummated are hereby revoked, and

(2) Until November 16, 1942, G. E. Stechert & Company, Alfred Hafner, Walter Alfred Hafner and Otto Henry Hafner and any person acting on behalf of either of them are denied the privilege of obtaining individual export licenses and the use of any general or unlimited export licenses for any exportation whatsoever from the United States.

The respondents may appeal in writing to the Assistant Director in charge of the Office of Exports provided the appeal is taken within ten days after receipt of this order.

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

Dated: September 16, 1942.

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

[F. R. Doc. 42-9318; Filed, September 19, 1942; 12:15 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6429]

WESTERN UNION TELEGRAPH CO. AND POSTAL TELEGRAPH-CABLE CO.

ORDER FOR HEARING ON "TOURATE MESSAGES"

In the matter of The Western Union Telegraph Company and Postal Telegraph-Cable Company (New York); discontinuance of "Tourate Messages".

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

It appearing that there have been filed with the Commission Supplement No. 1 to The Western Union Telegraph Company Tariff F.C.C. No. 221, and First Revised page 24 to Postal Telegraph-Cable Company (New York) Tariff F.C.C. No. 63, both effective September 18, 1942,

which provide for the discontinuance of a classification of telegraph communications described as "Tourate";

It further appearing that said discontinuance of the "Tourate" classification makes increases in rates and charges and states regulations and practices effecting such increases in rates and charges for the transmission of telegraph communications in interstate commerce; that the rights and interests of the public may be injuriously affected thereby; and it being the opinion of the Commission that the effective date of said tariff provisions should be postponed pending hearing and decision thereon;

It is ordered, That the Commission, upon its own motion, without formal pleading, enter upon a hearing concerning the lawfulness of the rates, charges, regulations and practices contained in said Supplement No. 1 to The Western Union Telegraph Company Tariff F.C.C. No. 221, and First Revised page 24 to Postal Telegraph-Cable Company (New York) Tariff F.C.C. No. 63, insofar as they relate to the discontinuance of the classification of "Tourate" communications;

It is further ordered, That the operation of said tariff schedules, Supplement No. 1 to The Western Union Telegraph Company Tariff F.C.C. No. 221, and First Revised page 24 to Postal Telegraph-Cable Company (New York) Tariff F.C.C. No. 63, insofar as they will result in an increase in rates and charges for delivery of interstate telegraph communications classified as "Tourate" communications, be suspended; and that the use of the rates, charges, regulations and practices therein stated as applicable to such "Tourate" communications be deferred until December 18, 1942, unless otherwise ordered by the Commission; and during said period of suspension no change shall be made in such rates, charges, regulations and practices, or in the rates, charges, regulations and practices sought to be altered, unless authorized by special permission of the Commission;

It is further ordered, That an investigation be, and the same is hereby instituted, into the lawfulness of the rates, charges, classifications, regulations, practices and services of The Western Union Telegraph Company and the Postal Telegraph-Cable Company (New York) for and in connection with "Tourate" communications;

It is further ordered, That in the event a decision as to the lawfulness of the rates, charges, classifications, regulations, practices and services herein suspended has not been made during the suspension period, and increased charges shall be made effective with respect to "Tourate" communications, The Western Union Telegraph Company, the Postal Telegraph-Cable Company (New York), and all other carriers participating in service provided under the tariff provisions suspended herein, shall, until further order of the Commission, each keep accurate account of all amounts received by each of them by reason of any increase in charges effected thereby; in which ac-

counts each such carrier shall specify by whom and in whose behalf such amounts are paid;

It is further ordered, That The Western Union Telegraph Company, the Postal Telegraph-Cable Company (New York), and each participating carrier, shall file with this Commission a report, under oath, on or before the 10th day of each calendar month, commencing January 10, 1943, showing the amounts received and accounted for as aforesaid during the previous calendar month;

It is further ordered, That a copy of this order shall be filed in the office of the Federal Communications Commission with said tariffs herein suspended in part; that copies hereof be served upon the carrier parties to such tariffs; and that said carrier parties be, and they are hereby each made a party respondent to this proceeding;

It is further ordered, That this matter be, and the same is hereby, assigned for hearing at 10 o'clock on the 15th day of October 1942 at the office of the Federal Communications Commission in Washington, D. C.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-9343; Filed, September 21, 1942; 11:02 a. m.]

[Docket Nos. 5893 and 6161; 5361 and 6144; 5778 and 6145]

WOAX, INCORPORATED, ET AL

ORDER FOR HEARING

In the Matter of applications of WOAX, Incorporated (WTNJ) Trenton, New Jersey (Docket Nos. 5893 and 6161), for Renewal and Modification of License; City of Camden (WCAM) Camden, New Jersey (Docket Nos. 5361 and 6144), for Renewal and Modification of License; Radio Industries Broadcast Co. (WCAP), Asbury Park, New Jersey (Docket Nos. 5778 and 6145), for Renewal and Modification of License.

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

The Commission having under consideration the proceedings heretofore had upon the above-entitled applications; and

It appearing that additional facts are necessary to enable the Commission to make a proper determination thereon;

It is ordered, That said applications be, and they are hereby, designated for further hearing on the following issue: To determine the qualifications of the applicant, WOAX, Incorporated, its officers, directors and stockholders to continue the operation of Station WTNJ, as presently operated or as proposed in Docket No. 6161.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-9341; Filed, September 21, 1942; 11:02 a. m.]

[Docket Nos. 6135, 6169, 6170, 6171]

WILKES-BARRE BROADCASTING CORP., ET AL.

ORDER FOR HEARING, ETC.

In the Matter of applications of Wilkes-Barre Broadcasting Corporation, Wilkes-Barre, Pennsylvania, (Docket No. 6135), for Construction Permit; Central Broadcasting Company, Wilkes-Barre, Pennsylvania, Docket No. 6169), for Construction Permit; Northeastern Pennsylvania Broadcasters, Inc., Wilkes-Barre, Pennsylvania, Docket No. 6170), for Construction Permit; Key Broadcasters, Inc., Wilkes-Barre, Pennsylvania, (Docket No. 6171), for Construction Permit.

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

The Commission having under consideration the proceedings heretofore had upon the above-entitled applications; and

It appearing that additional facts are necessary to enable the Commission to make a proper determination thereon;

It is ordered, That said applications be and they are hereby, designated for further hearing on the following issue:

To determine the qualifications of the applicant, Northeastern Pennsylvania Broadcasters, Inc., its officers, directors and stockholders to construct a new broadcast station at Wilkes-Barre, Pennsylvania, as proposed in Docket No. 6170.

It is further ordered, That the oral argument upon the aforementioned Dockets, which is scheduled for September 23, 1942, at 10:00 a. m., be, and it is hereby, cancelled.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-9342; Filed, September 21, 1942; 11:02 a. m.]

The Commission finds that: (1) The complaint of the State of Arizona was duly served on the defendants March 21, 1942; the Commission instituted its investigation of respondents April 21, 1942; and the defendants-respondents have had, therefore, ample notice and opportunity for preparation for the hearing herein;

(2) An important witness of the Commission's staff whose testimony is believed relevant and material to the issues in these proceedings has been called to serve in the armed forces, and further postponement of the hearing may make it impossible to obtain his testimony;

(3) Subsequent to a previous request made by the respondents and defendants for a postponement of hearing, the Commission by its order of September 1, 1942, extended the date of hearing from September 9, 1942, to September 30, 1942;

(4) Under the existing circumstances no good cause has been shown for the granting of the petition for a further postponement;

Wherefore, the Commission orders, That: (a) The petition of El Paso Natural Gas Company, Western Gas Company and El Paso Gas Transportation Corporation for postponement and transfer of the hearing in the above-entitled matters be and the same is hereby denied;

(b) The hearing in the above-entitled matters commence on September 30, 1942, at 9:45 a. m. in the Senate Chamber of the State Capitol at Phoenix, Arizona;

(c) Subsequent hearings may be held at such times and places as the Trial Examiner may designate.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-9304; Filed, September 19, 1942; 10:18 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4547]

J. T. JARRELL CO.

COMPLAINT AND NOTICE OF HEARING

In the matter of Jim S. Porter, trading as J. T. Jarrell Company.

Supplemental Complaint

The Federal Trade Commission, having reason to believe that the respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of subsection (c) of section 2 of the Clayton Act (U.S.C. Title 15, Sec. 13) as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues a supplemental complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent Jim S. Porter is an individual trading and doing business as the J. T. Jarrell Company with his principal office and place of business located at No. 7 Commercial Warehouse Building, Little Rock, Arkansas.

J. T. Jarrell Company, subsequent to the issuance of the original complaint herein, was a corporation organized and existing under and by virtue of the laws of the State of Arkansas with its principal office and place of business located at No. 7 Commercial Warehouse Building, Little Rock, Arkansas.

On July 31, 1941, J. T. Jarrell, as a corporation, was dissolved and its Vice President and principal stockholder, Jim S. Porter, continued to operate the business of J. T. Jarrell Company in the same manner and form as when J. T. Jarrell Company was a corporation.

PAR. 2. Respondent, Jim S. Porter, trading as the J. T. Jarrell Company, is now engaged in the business of acting as a broker in the sale of food products, particularly canned fish, fruits and vegetables.

Respondent is also engaged in the business of buying and selling, for his own account, food products, particularly canned fish, fruits and vegetables. The purchases which respondent has been making for his own account have been made in his own name, trading as the J. T. Jarrell Company.

Respondent causes the products which he purchases for his own account to be shipped and transported to him from the various places of business of those sellers from whom respondent purchases said products, many of such sellers being located and doing business in states other than the State of Arkansas.

PAR. 3. In the course and conduct of his business of buying food products for his own account in commerce, as aforesaid, the respondent has been and is now receiving and accepting from various sellers brokerage fees or allowances or discounts in lieu thereof on many of said purchases for his own account. In so doing, respondent, Jim S. Porter, trading as J. T. Jarrell Company, has continued practices which were formerly employed by the J. T. Jarrell Company, a corpora-

FEDERAL POWER COMMISSION.

[Docket Nos. G-257, G-242]

EL PASO NATURAL GAS CO., ET AL.

ORDER DENYING PETITION FOR POSTPONEMENT AND TRANSFER OF HEARING

SEPTEMBER 16, 1942.

In the matter of El Paso Natural Gas Company, Western Gas Company, and El Paso Gas Transportation Corporation; The State of Arizona, complainant, v. Western Gas Company and El Paso Natural Gas Company, defendants.

Upon consideration of the petition filed September 5, 1942, by El Paso Natural Gas Company, Western Gas Company, and El Paso Gas Transportation Corporation, respondents and defendants in the above-entitled matters, requesting a continuance of the hearing in such matters for a period of ninety days from September 30, 1942, and transfer of the place of said hearing from Phoenix, Arizona;

No. 186—7

[Docket No. DI-166]

GEORGIA POWER COMPANY

ORDER CHANGING PLACE OF HEARING

SEPTEMBER 18, 1942.

It appearing that the Commission on September 2, 1942, upon its own motion, directed that the above-entitled proceeding come on for hearing on September 21, 1942, at 9:45 a. m. (EWT) in the Federal Building, Atlanta, Georgia;

The Commission, upon its own motion and for good cause shown, orders, That: The hearing in this proceeding be held beginning on September 21, 1942, at 9:45 a. m. (EWT) in Room 216, of the Commission's Regional Office, 10 Forsyth Street Building, Atlanta, Georgia.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-9303; Filed, September 19, 1942; 10:18 a. m.]

tion, as alleged in the original complaint herein, and subsequently dissolved.

The respondent receives such brokerage fees, discounts and allowances in lieu thereof in various ways, among which are the following four specified ways:

1. By purchasing canned food stuffs, dried fruits, canned fish, and other miscellaneous merchandise from sellers at prices lower than the same sellers sell such commodities of like grade and quality to other purchasers.

2. By various methods obtaining such commodities at prices that are lower than the prices at which such commodities of like grade and quality are sold by such sellers to other purchasers by an amount which reflects all or part of the brokerage fees currently paid by said sellers to brokers for the selling of such commodities in behalf of such sellers.

3. By making deductions in lieu of brokerage from the invoices of certain sellers when paying such invoices.

4. By receiving from certain sellers rebate checks representing the customary brokerage fees of such sellers.

As illustrative of the practices pursued by the respondent in receiving and accepting allowances and discounts in lieu of brokerage upon his own purchases of food stuffs are the following:

1. Respondent purchases salmon for his own account from Griffith-Durney Company of Seattle, Washington. On such purchases he receives and accepts an allowance of 3% off the invoice price.

The 3% allowance granted to the respondent by Griffith-Durney Company is paid in the form of a check within a 30 day period after the shipment of the commodity.

2. The respondent purchases dried fruits from Guggenheime & Company of San Francisco, California, for his own account and receives from this seller an allowance or discount in lieu of brokerage in the amount of 2½% which amount is deducted by the respondent from the invoice price when remitting for dried fruits purchased from Guggenheime & Company for his own account.

3. The respondent purchases canned fish from Fred B. Neuhoff Company of Los Angeles, California, on a net price basis, which price basis reflects an allowance or discount in lieu of brokerage.

4. The respondent purchases its requirements of beans from the Midwest Bean Company of Denver, Colorado, on a net price basis, which price basis reflects an allowance or discount in lieu of brokerage.

PAR. 4. The foregoing acts of the respondent constitute a violation of subsection (c) of section 2 of the Clayton Act as amended by the Robinson-Patman Act approved June 19, 1936.

Wherefore, the premises considered, the Federal Trade Commission, on this 16th day of September, A. D. 1942, issues its supplemental complaint against said respondent.

Notice

Notice is hereby given you, Jim S. Porter, trading as J. T. Jarell Company, respondent herein, that the 23d day of October, A. D. 1942, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade

Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Failure of the respondent to file answer within the time provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 16th day of September, A. D. 1942.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-9356; Filed, September 21, 1942;
11:51 a. m.]

[Docket No. 4760]

FRED BENIOFF CO., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND
SETTING TIME AND PLACE FOR TAKING
TESTIMONY

At a regular session of the Federal Trade Commission, held at its offices in

the City of Washington, D. C., on the 17th day of September, A. D. 1942.

In the Matter of Fred Benioff Company, a corporation, et al.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby, is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, October 20, 1942, at ten o'clock in the forenoon of that day (Pacific Standard Time) in Court Room No. 258, Post Office Building, San Francisco, California.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-9357; Filed, September 21, 1942;
11:51 a. m.]

[Docket No. 4835]

GLOVER & WILSON

COMPLAINT AND NOTICE OF HEARING

In the Matter of Roy Glover and Ray Wilson, trading as Glover & Wilson.

Complaint

The Federal Trade Commission, having reason to believe that the respondents named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, have violated and are now violating the provisions of subsection (c) of section 2 of the Clayton Act (U.S.C. Title 15, Sec. 13) as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint stating its charges with respect thereto as follows:

PARAGRAPH ONE: Respondents Roy Glover and Ray Wilson are individuals trading and doing business as Glover & Wilson with their principal office and place of business located at No. 1 Commercial Warehouse Building, Little Rock, Arkansas.

PAR. Two: Respondents are now engaged in the business of acting as a broker in the sale of food products, particularly canned fruits and vegetables.

Respondents have also been engaged in the business of buying and selling, for their own account, food products, particularly canned fruits and vegetables. The purchases which respondents have been making for their own account have been made ordinarily in the name of Glover & Wilson. Orders have been placed by the respondents with various manufacturers, packers and sellers for various food products and the respond-

ents cause many of the products which they purchase for their own account to be shipped and transported to them across state lines from the various places of business of those sellers from whom respondents purchase said products, many of such sellers being located and doing business in states other than the State of Arkansas.

PAR. THREE: In the course and conduct of their business of buying food products for their own account in commerce, as aforesaid, the respondents have been and are now receiving and accepting from numerous sellers, brokerage fees or allowances or discounts in lieu thereof on many of said purchases for their own account.

As illustrative of the practices pursued by the respondents in receiving and accepting allowances and discounts in lieu of brokerage upon their own purchases of food stuffs are the following:

1. The respondents purchase sardines for their own account from the Val Vita Food Products Company of Fullerton, California, and receive from such company a brokerage fee amounting to approximately 3% off of the invoice price, which brokerage fee is deducted from the invoice when the respondents make payment to this seller for such product.

2. The respondents purchase dried fruit for their own account from West Coast Growers and Packers of Fresno, California, and receive from such seller a brokerage fee of approximately 5%, which is paid by such seller to the respondents upon the purchases made by the respondents for their own account.

3. The respondents purchase canned fish from the Oceanic Sales Company of Seattle, Washington, for their own account and receive from such seller a brokerage fee of approximately 3½% upon such purchase made from such seller by the respondents. The fee is paid directly by the seller to the respondents as brokerage upon the purchases of the respondents for their own account.

4. The respondents purchase canned fish for their own account from the Superior Fisheries, Inc., of Los Angeles, California, and receive from such company a 5% allowance in lieu of brokerage, which allowance is deducted by the respondents from the invoice price when payment is made by the respondents to this seller for such products.

PAR. FOUR: The aforesaid acts of respondents constitute a violation of subsection (c) of section 2 of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936.

Wherefore, the premises considered, the Federal Trade Commission, on this 16th day of September, A. D. 1942, issues its complaint against said respondents,

Notice

Notice is hereby given you, Roy Glover and Ray Wilson, trading as Glover & Wilson, respondents herein, that the 23rd day of October, A. D. 1942, at 2 o'clock in the afternoon is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time

and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of the fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 16th day of September, A. D. 1942.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-9358; Filed, September 21, 1942; 11:51 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[General Maximum Price Regulation—Order 20 Under Supplementary Regulation 1]

WORMAN, MACMULLEN & Co.

ORDER APPROVING 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 has registered with and been approved by the Office of Price Administration as engaged principally and primarily in the business of reconditioning and selling damaged commodities received in direct connection with the adjustment of losses from insurance companies, transportation companies or agencies of the United States Government, and whose other activities do not include the selling of new or second-hand commodities for its own account: Worman, MacMullen & Co., 116 John Street, New York, New York.

Pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 and in accordance with § 1499.26 (b) (1) as amended, under Supplementary Regulation No. 1 under the General Maximum Price Regulation it is hereby ordered:

(a) That sales or deliveries by Worman, MacMullen & Co. New York, New York, be, and the same hereby are, excepted from the General Maximum Price Regulation in accordance with § 1499.26 (b) (1) of Supplementary Regulation No. 1.

(b) This Order No. 20 shall become effective September 21, 1942.

Issued this 19th day of September, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9297; Filed, September 19, 1942; 10:23 a. m.]

[Order 2 Under Maximum Price Regulation 163—Woolen and Worsted Civilian Apparel Fabrics—Docket 3163-8]

HOLYOKE WORSTED COMPANY ORDER GRANTING ADJUSTMENT

Granting permission to the Holyoke Worsted Company to make adjustable pricing contracts during the pendency of its petition for adjustment.

For the reasons set forth in the opinion, which has been issued simultaneously herewith, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and, in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, it is hereby ordered: (a) Pending final determination by the Price Administrator of a petition for relief from the provisions of § 1410.102 of Maximum Price Regulation No. 163, filed by the Holyoke Worsted Company (hereinafter referred to as the petitioner), the petitioner, whose post-office address is 7 Bridge Street, Holyoke, Massachusetts, is hereby authorized to sell and deliver and any person is authorized to buy and receive from the petitioner its 800 range fabric, described in its petition for adjustment as "clear finish, 14-14½ ounce fancy worsted used by the men's wear trade, containing stock-dyed yarn 2/32s both warp and filling, and having approximately 68x60 ends and picks", at a price not in excess of the maximum price established according to the aforementioned § 1410.102: *Provided, however*, That the

Holyoke Worsted Company and any buyer from it may agree in any contract for the sale of such fabric that the contract price may be adjusted to conform to the final determination of the Price Administrator upon the petitioner's request for relief: *Provided further*, That the Holyoke Worsted Company shall inform each purchaser prior to entering into an adjustable pricing contract with him that the maximum price which it has requested in its petition for adjustment for its 800 range fabric, is \$3.38 per yard.

(b) All sections and paragraphs of Maximum Price Regulation No. 163 which are not inconsistent with any provision of this order are to apply to this order.

(c) This Order No. 2 may be revoked or amended by the Office of Price Administration at any time, and in any event is to be effective only until the date of issuance of the order disposing of this petition.

(d) This Order No. 2 shall become effective on the 21st day of September 1942.

Issued this 19th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9298; Filed, September 19, 1942;
10:23 a. m.]

[GENERAL MAXIMUM PRICE REGULATION—
ORDER 19 UNDER SUPPLEMENTARY REGULATION 1]

S. E. PAMPHILON

ORDER APPROVING 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 has registered with and been approved by the Office of Price Administration as engaged principally and primarily in the business of reconditioning and selling damaged commodities received in direct connection with the adjustment of losses from insurance companies, transportation companies or agencies of the United States Government, and whose other activities do not include the selling of new or second-hand commodities for its own account: S. E. Pamphilon, 7 Front Street, San Francisco, California.

Pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 and in accordance with § 1499.26 (b) (1) as amended, under Supplementary Regulation No. 1 under the General Maximum Price Regulation it is hereby ordered:

(a) That sales or deliveries by S. E. Pamphilon, San Francisco, California, be, and the same hereby are, excepted from the General Maximum Price Regulation in accordance with § 1499.26 (b) (1) of Supplementary Regulation No. 1.

(b) This Order No. 19 shall become effective September 21, 1942.

Issued this 19th day of September, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9299; Filed, September 19, 1942;
10:23 p. m.]

[Order 22 Under Revised Price Schedule 6—
Iron and Steel Products]

NICHOLS WIRE & STEEL COMPANY

ORDER GRANTING EXCEPTION

On January 27, 1942, Nichols Wire & Steel Company of Davenport, Iowa, filed a petition for an exception to Revised Price Schedule No. 6, as amended, pursuant to § 1306.7 (b) thereof. Due consideration has been given to the petition and an opinion in support of this Order No. 22 has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, it is hereby ordered:

(a) Nichols Wire & Steel Company may sell and deliver and agree, offer, solicit and attempt to sell and deliver wire nails to persons purchasing such nails for their own use and not for resale at a basing point system base price of \$2.80 per hundred pounds.

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

(c) This Order No. 22 may be revoked or amended by the Office of Price Administration at any time.

(d) The definitions set forth in § 1306.8 of Revised Price Schedule No. 6 shall apply to terms used herein.

(e) This Order No. 22 shall become effective September 21, 1942.

Issued this 19th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9300; Filed, September 19, 1942;
10:23 a. m.]

[General Maximum Price Regulation—Order
17 Under Supplementary Regulation 1]

GOLDMARK'S UNCLAIMED FREIGHT, INC.

ORDER DISAPPROVING 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 of damaged commodities might be excepted from the provisions of the General Maximum Price Regulation pursuant to § 1499.26 (b) (1), as amended, of Supplementary Regulation No. 1: Goldmark's Unclaimed Freight, Inc., 2525 East 9th Street, Cleveland, Ohio.

Due consideration has been given to the application for registration and approval of Goldmark's Unclaimed Freight, Inc. 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 said regulation, and by the Emergency Price Control Act of 1942, it is hereby ordered:

(a) That the said application for registration and approval of Goldmark's Unclaimed Freight, Inc., 2525 East 9th

Street, Cleveland, Ohio, be, and the same hereby is, denied and disapproved.

(b) This Order No. 17 shall become effective September 21, 1942.

Issued this 19th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9301; Filed, September 19, 1942;
10:24 a. m.]

[General Maximum Price Regulation—Order
18 Under Supplementary Regulation 1]

JOHNSON, BECKER AND COURTNEY

ORDER APPROVING 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 has registered with and been approved by the Office of Price Administration as engaged principally and primarily in the business of reconditioning and selling damaged commodities received in direct connection with the adjustment of losses from insurance companies, transportation companies or agencies of the United States Government, and whose other activities do not include the selling of new or second-hand commodities for its own account: Johnson, Becker and Courtney, 66 Maiden Lane, New York, New York.

Pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 and in accordance with § 1499.26 (b) (1) as amended, under Supplementary Regulation No. 1 under the General Maximum Price Regulation, it is hereby ordered:

(a) That sales or deliveries by Johnson, Becker, and Courtney, New York, New York, be, and the same hereby are, excepted from the General Maximum Price Regulation in accordance with § 1499.26 (b) (1) of Supplementary Regulation No. 1.

(b) This Order No. 18 shall become effective September 21, 1942.

Issued this 19th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9302; Filed, September 19, 1942;
10:24 a. m.]

[Order 18 Under Maximum Price Regulation
148—Dressed Hogs and Wholesale Pork
Cuts—Docket 3148-61]

THE PROVISION COMPANY

ORDER GRANTING PETITION FOR ADJUSTMENT

Correction

In the table on page 7268 of the issue for September 15, 1942, the price for "Economy 10/12 and 12/14 avgs. skinned hams in viking casings shank and aitch bone out" should be 33¾ cents per pound. The price for "Boneless hams in viking casings, casings, closely fattened 8/10, 10/12 and 12/14" should be 39½ cents per pound. In the second line from the end of the table the figure "4/" should be "4/6".

SECURITIES AND EXCHANGE COMMISSION.

[File No. 31-508]

CANTON ELECTRIC LIGHT AND POWER COMPANY

ORDER DECLARING APPLICANT NOT TO BE A SUBSIDIARY COMPANY OF SPECIFIED HOLDING COMPANIES

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of September 1942.

Canton Electric Light and Power Company, a New York corporation, having filed an application and amendments thereto pursuant to section 2 (a) (8) of the Public Utility Holding Company Act of 1935, for an order declaring it not to be a subsidiary company of The United Corporation, or its subsidiary, Niagara Hudson Power Corporation, or its subsidiary, Central New York Power Corporation;

A public hearing having been held after appropriate notice; the Commission having examined the record in this matter;

It is ordered, That Canton Electric Light and Power Company be, and it hereby is, declared not to be a subsidiary company, within the meaning and for the purposes of the Public Utility Holding Company Act of 1935, of The United Corporation, or Niagara Hudson Power Corporation, or Central New York Power Corporation, subject, however, to the following terms and conditions:

(1) If at any time, any officer, director, agent employer, nominee, or other representative of The United Corporation, Niagara Hudson Power Corporation or Central New York Power Corporation, or of any of their subsidiaries, shall be elected, appointed, or otherwise designated as an officer, director, agent, employee, nominee or other representative of Canton Electric Light and Power Company, notice thereof shall be given to this Commission within 10 days after the happening of such event; and

(2) Within 30 days after December 31 of each year, Canton Electric Light and Power Company shall report to this Commission any increases which come to its knowledge in the per centum of its voting securities held by Central New York Power Corporation or of the acquisition of any of its securities by Niagara Hudson Power Corporation or The United Corporation or any of their subsidiaries or any decrease in the per centum of voting securities held by John W. McGaughey; and

(3) Within 30 days after December 31 of each year, Canton Electric Light and Power Company shall file with this Commission a statement setting forth the details of the performance of any service, construction, loans or advances by and purchases from, or any contracts or agreements with (excluding the contract for the purchase of electric energy) The United Corporation, Niagara Hudson Power Corporation, Central New York Power Corporation or any of their subsidiaries.

(4) Within 10 days after any stockholders meeting of Canton Electric Light and Power Company at which Central New York Power Corporation has exercised a veto power over a proposed corporate change of the type specified in Sections 16, 85, 86, 105 and 35 to 38, inclusive, of (McKinney's) Stock Corporation Law of New York (or any amendments thereto that may be enacted in the future), or

of any other corporate action which Canton Electric Light and Power Company proposes at any stockholders meeting which requires the consent of the holders of not less than $\frac{2}{3}$ of the total number of shares outstanding and entitled to vote, Canton Electric Light and Power Company shall report to the Commission the result of all votes cast at such meeting.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.[F. R. Doc. 42-9278; Filed, September 18, 1942;
3:37 p. m.]

[File Nos. 70-593, 70-594]

BELLWAS FALLS HYDRO-ELECTRIC CORP., ET AL.

ORDER CORRECTING NOTICE OF FILING AND ORDER FOR HEARING

In the matter of Bellows Falls Hydro-Electric Corporation, Joseph B. Ely, C. Brooks Stevens and Henry G. Wells, as trustee under a trust agreement dated January 31, 1939.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 18th day of September, 1942.

It appearing to the Commission that its notice of filing and order for hearing dated September 4, 1942 (Holding Company Act Release No. 3781) incorrectly named Olcott Falls Company as an applicant, and should be corrected in that and certain other related respects:

It is ordered, That the words "Joseph B. Ely, C. Brooks Stevens and Henry G. Wells, as Trustee under a Trust Agreement dated January 31, 1939," be substituted for the words "Olcott Falls Company" in the caption of said order and that the body of said order be amended to read as follows:

Notice is hereby given that applications have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Joseph B. Ely, C. Brooks Stevens and Henry G. Wells, as Trustee under a Trust Agreement dated January 31, 1939, a registered holding company, and by Bellows Falls Hydro-Electric Corporation, a subsidiary of New England Power Association, a registered holding company. All interested persons are referred to said applications, which are on file in the office of this Commission, for a statement of transactions therein proposed which are summarized as follows:

Joseph B. Ely, C. Brooks Stevens and Henry G. Wells, as Trustee under a Trust Agreement dated January 31, 1939, propose to cause its subsidiary, Olcott Falls Company, to sell all of its physical properties and franchises which include the so-called Wilder Power Development at Hartford, Vermont and Lebanon, New Hampshire, on the Connecticut River consisting of certain facilities for the production and transmission of electric energy, and Bellows Falls Hydro-Electric Company proposes to purchase all of such physical properties and franchises for a consideration of \$200,000 which is to be payable in cash. In connection with the proposed purchase, Bellows Falls Hydro-Electric Corporation will assume all the obligations of Olcott Falls Company under and in connection with a contract of October 1, 1937 for the supply of power to Granite State Electric Company and to Bellows Falls Hydro-Electric Corpora-

tion, such assumption to be on terms creating a novation with Granite State Electric Company and Bellows Falls Hydro-Electric Corporation remaining as the only parties to said contract.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that said applications shall not be granted except pursuant to further order of the Commission:

It is ordered, That a hearing on such matters under the applicable provisions of said Act and the Rules and Regulations of the Commission thereunder be held on September 24, 1942, at 10:00 A. M., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing clerk in Room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such applications shall be granted.

Notice is hereby given of said hearing to the above named applicants and to all interested parties, said notice to be given to said applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.[F. R. Doc. 42-9311; Filed, September 19, 1942;
11:14 a. m.]

[File Nos. 31-174, 46-203, 70-598]

GENERAL ELECTRIC CO., ET AL.

ORDER EXTENDING PERIOD OF EXEMPTION AND CONDITIONALLY GRANTING APPLICATION FOR ACQUISITION OF SECURITIES

In the matter of General Electric Company, Electrical Securities Corporation, and G. E. Employees Securities Corporation (File Nos. 31-174); General Electric Company and Electrical Securities Corporation (File Nos. 46-203, 70-598).

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 14th day of September, 1942.

General Electric Company, Electrical Securities Corporation and G. E. Employees Securities Corporation, having made a joint and several application for an order extending the period of effectiveness of an order of exemption dated August 18, 1941, which order modified and extended the effectiveness of an order dated March 16, 1938, pursuant to section 3 (a) (3) of the Public Utility Holding Company Act of 1935; and

General Electric Company and Electrical Securities Corporation having filed a joint and several application pursuant to section 10 of said Act with respect to the acquisition by General Electric Company through G. E. Employees Securities Corporation and Electrical Securities

Corporation, of 40,000 shares of common stock of Southwestern Public Service Company, a registered holding company, in exchange for 40,000 shares of common stock of Community Power and Light Company, a registered holding company, under and pursuant to a merger of Community Power and Light Company into Southwestern Public Service Company, and with respect to the acquisition by General Electric Company through G. E. Employees Securities Corporation and Electrical Securities Corporation of 16,000 shares of common stock of Southwestern Public Service Company pursuant to the exercise of rights under subscription warrants of Southwestern Public Service Company; and

A public hearing having been held on said applications as amended after appropriate notice, the Commission having examined the consolidated record herein and made and filed its findings based thereon:

It is ordered, That the period of effectiveness of the Commission's order of August 18, 1941, which order modified and extended the period of effectiveness of an order dated March 16, 1938, pursuant to section 3 (a) (3) of said Act with respect to General Electric Company, Electrical Securities Corporation and G. E. Employees Securities Corporation be and hereby is extended to the close of business on August 31, 1943 and that until such date, General Electric Company, Electrical Securities Corporation and G. E. Employees Securities Corporation be and they hereby are exempted from all those provisions of the Public Utility Holding Company Act of 1935 which would require them to register under said Act as a public utility holding company; and

It is further ordered, That the joint and several application as amended of General Electric Company and Electrical Securities Corporation pursuant to section 10 of the Act be and hereby is granted and approved: *Provided, however*, That said application as amended is hereby granted and approved on the condition (in addition to those terms and conditions prescribed by Rule U-24 of this Commission) that applicants sell or otherwise dispose of a sufficient number of the 56,000 shares of common stock of Southwestern Public Service Company, being acquired herein, in order that at the close of business on August 31, 1943 applicants do not directly or indirectly own, control or hold with power to vote 5% or more of the outstanding voting securities of Southwestern Public Service Company; and

It is further ordered, That the jurisdiction of this Commission be and hereby is reserved for the purpose of modifying or revoking this order after notice and opportunity for hearing as the public interest or the interest of investors and consumers may warrant.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 42-9309; Filed, September 19, 1942; 11:14 a. m.]

[File No. 70-415]

NEWPORT WATER CORPORATION

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 18th day of September, 1942.

An application and declaration, and amendments thereto, having been filed with this Commission by Newport Water Corporation, a subsidiary of Ogden Corporation which is a registered holding company, pursuant to sections 11 and 12 (c) of the Public Utility Holding Company Act of 1935, regarding its dissolution and the distribution of its remaining assets to its preferred stockholders; and

A public hearing having been held after appropriate notice, and the Commission having considered the record in this matter and having made and filed its findings and opinion herein:

It is ordered, That, subject to the terms and conditions prescribed in Rule U-24, said application, as amended, be and hereby is granted forthwith, and said declaration, as amended, be and hereby is permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 42-9310; Filed, September 19, 1942; 11:14 a. m.]

[File No. 70-282]

COMMUNITY POWER AND LIGHT CO., ET AL.

SUPPLEMENTAL AND AMENDATORY ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 14th day of September, A. D. 1942.

In the matter of Community Power and Light Company, General Public Utilities, Inc., and Southwestern Public Service Company, et al.

Community Power and Light Company, General Public Utilities, Inc., and Southwestern Public Service Company, each of said named companies being a registered holding company, and companies subsidiary thereto, having heretofore filed applications and declarations, and amendments thereto, pursuant to section 11 (e) and other sections of the Public Utility Holding Company Act of 1935, whereby said applicants sought approval of a plan of system reorganization submitted pursuant to said section 11 (e), a report upon such plan by this Commission pursuant to section 11 (g) of said Act and authorization for certain particular transactions, constituting component parts of said plan and actions incident thereto, and the Commission, after appropriate proceedings, having made and entered its findings and opinion thereon, whereby the said plan was found to be necessary to effectuate the provisions of subsection (b) of said section 11 and to be fair and equitable to the

persons affected thereby, and the Commission, accordingly, having, on July 8, 1942, entered its order approving said plan, subject to certain conditions and reservations of jurisdiction, and having issued a report upon said plan pursuant to said section 11 (g);

Said applicants, having, since the entry of said order of approval, filed certain further amendments to their said application wherein approval is sought for certain modifications in the plan as heretofore approved, and for the issuance and sale to the public, through underwriters, and otherwise, of certain securities proposed to be issued and sold by said Southwestern Public Service Company, and also of the issuance and sale of a certain promissory note by Community Power and Light Company, and of a capital contribution by that company to Texas-New Mexico Utilities Company;

Public hearings having been held in respect of said further proposals, and the Commission having considered the record, as so supplemented, and having made and filed its supplementary findings and opinion herein, and having found that said plan as so proposed to be changed, or modified, is necessary to effectuate the provisions of section 11 (b) of said Act, and fair and equitable to the persons affected thereby, that the requirements of other applicable sections of said Act have been met, and that no adverse findings are required in respect of the several transactions hereinafter authorized by this order;

It is hereby ordered:

(1) That said plan, as so amended, be, and the same is hereby approved, subject, however, to those conditions and reservations of jurisdiction contained in our order entered herein on July 8, 1942, except to the extent that such conditions or reservations, or any one or more of them, may be in conflict with anything in this order contained;

(2) The declaration embraced within the subject application, as amended, as aforesaid, regarding the proposed issuance and sale by Southwestern Public Service Company of (a) First Mortgage and Collateral Trust Bonds, 4% Series due in 1972, in the principal amount of \$20,000,000 (b) Serial Notes (unsecured), maturing in the principal amount of \$500,000 annually from 1943 to 1954, inclusive, being in the aggregate principal amount of \$6,000,000, (c) 6½% Cumulative Preferred Stock, of the par value of \$100 per share, in the aggregate par amount of \$6,000,000, and (d) 185,000 shares of common stock of the par value of \$1 per share and transferable warrants evidencing certain present stockholder's right of subscription thereto, and (e) a promissory note in the principal amount of \$700,000 (evidencing a temporary bank loan incident to the refinancing to be accomplished through the issuance and sale of the other securities just enumerated) and of Community Power and Light Company regarding the issuance and sale of its promissory note in a principal amount not in excess of \$675,000 (likewise evidencing a temporary bank loan incident

to the mechanics of said refinancing), be permitted to become effective;

Provided, The declaration regarding the issuance and sale of the above identified securities is upon the express condition that, so long as any of its said 6½% Cumulative Preferred Stock shall remain outstanding, Southwestern Public Service Company shall provide for a Sinking Fund for such stock in the amount and to the extent and in the manner set forth in Appendix "A" attached to this order, and hereby made a part hereof by reference;

And provided further, That Southwestern Public Service Company shall not (i) declare or pay any dividends upon its Common Stock in excess of 50% of the "Net Earnings of the Company Available for Dividends" (as defined in section 8 of Article Second of the Indenture, providing for the issuance of the Serial Notes of said Company) remaining after deducting from such "Net Earnings of the Company Available for Dividends" (a) dividends paid or accrued on the Preferred Stock (but not exceeding an amount equal to dividends computed at dividend rates applicable to the Preferred Stock on which such dividends were paid or accrued) and (b) the 6½% Cumulative Preferred Stock Sinking Fund requirements (on an appropriate pro rata basis), such "Net Earnings of the Company Available for Dividends" and said deductions therefrom to be computed from September 1, 1942 up to the end of the calendar month immediately preceding that in which it is then proposed to declare such dividend, nor (ii) declare or pay dividends on its Common Stock in excess of 50¢ per share in any twelve months' period commencing September 1 (the first such period commencing September 1, 1942), nor (iii) make any payment or distribution on such Common Stock (by purchase or otherwise in money or other property) other than as permitted by (i) and (ii) above; in each case pending the further order or orders of the Commission, except that none of such restrictions shall apply to any payment which may be made in connection with any rights, or asserted rights, of appraisal and payment which any stockholders of Community and/or General may have under any state statute applicable to the merger of Community Power and Light Company and General Public Utilities, Inc. into Southwestern Public Service Company;

And provided further, That Southwestern Public Service Company shall cause to be executed and delivered to the Trustee under the Indenture to secure its First Mortgage and Collateral Trust Bonds hereinabove mentioned, within 60 days from the date hereof, an Indenture supplemental to the original Indenture securing said bonds, which supplemental Indenture shall contain a covenant restricting the declaration or payment of dividends (or other distribution) upon the Common Stock of that company during the continuance of the indebtedness so secured in substantially the same manner as, and to the same extent such declaration and payment is by the Serial

Note Indenture, presently proposed to be executed and delivered, restricted during the life of the indebtedness by said latter Indenture secured.

(3) That the conditions and restrictions set forth in the last preceding division hereof (numbered (2)) shall take the place of and supersede that condition numbered (3) in the said order of this Commission of July 8, 1942, which condition, in substantial effect, forbade the payment of any dividend, or the making of any other distribution upon the common stock of Southwestern Public Service Company pending the further order, or orders, of this Commission;

(4) That the declaration of Community Power and Light Company regarding the making by said company of a capital contribution of Texas-New Mexico Utilities Company of the amount of the proceeds of a bank loan to be effected by said Community Power and Light Company in an amount not in excess of \$675,000 shall, and the same is hereby permitted to become effective.

(5) That the acquisition from Continental Gas and Electric Corporation of all the outstanding shares of capital stock, notes and open accounts of Panhandle Power and Light Company, Cimarron Utilities Company and Guyon Gas Company, all itemized in our findings of July 17, 1942, The United Light and Power Company, et al., Holding Company Act Release No. 3667, which itemization is by reference made a part hereof, authorized by the said order of July 8, 1942, to be made directly by Southwestern Public Service Company, may be made by The Kansas Utilities Company and subsequently transferred in liquidation to said Southwestern Public Service Company, as described in said plan, as now amended, such acquisition being hereby approved and authorized;

(6) That the declaration of Southwestern Public Service Company regarding the proposed payment from its capital surplus of certain dividends upon the preferred stock presently proposed to be issued and sold by it be, and it is hereby granted and permitted to become effective in respect only of the dividends for the first two quarter-annual dividend periods and in all other respects said declaration relative to the payment of dividends from capital surplus is denied, without prejudice to the right of Southwestern Public Service Company to renew its declaration before this Commission in this connection in regard to dividend payments contemplated to be made for any subsequent period, or periods, and;

Provided, And the authority granted in the last preceding paragraph hereof is upon the express condition, that any amount which may be charged to the capital surplus of Southwestern Public Service Company in connection with the dividend payments so authorized to be charged against such capital surplus shall be eliminated by credits thereto in an aggregate amount sufficient for that purpose from the earnings of the company which would otherwise be available for

the payment of dividends before any dividends shall be declared or paid upon the common stock of said company.

(7) That all the transactions contemplated by the Plan of Integration and Simplification, including the acquisition of properties and securities (and in particular the acquisition of the securities of Panhandle Power and Light Company, Cimarron Utilities Company and Guyon Gas Company), the sale of properties and securities (and in particular the sale of the properties of The Kansas Utilities Company), the merger of Community and General into Southwestern and the issuance by the latter company of new securities consisting of bonds, notes, Preferred and Common Stocks, and the issuance, transfer, exchange or conveyance of properties or securities pursuant to said Plan of Integration and Simplification, are all necessary or appropriate to the Integration or Simplification of the holding company system of Community Power and Light Company and to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, the securities and properties to be so issued, transferred, exchanged or conveyed being specified and itemized either in this order, or the order of the Commission dated July 8, 1942, or in the findings and opinion with respect hereto or thereto;

(8) That jurisdiction in respect of the underwriting compensation upon the sale of the bonds, serial notes and common stock, hereinabove identified, is hereby released the Commission having made no adverse findings in respect thereof, but, in all other respects, jurisdiction over all fees and expenses incurred, or to be incurred, in connection with said plan of reorganization and said refinancing, and all transactions incidental thereto shall continue to be reserved, pursuant to the Commission's said order of July 8, 1942;

(9) That the time within which the several transactions authorized by the said order of July 8, were required to be consummated, be, and the same is hereby extended for a period of 60 days from the date of this present order.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

APPENDIX A

So long as any shares of the 6½% Cumulative Preferred Stock shall be outstanding, Southwestern Public Service Company (hereinafter called the "Company") shall, out of the "Net Earnings of the Company Available for the Sinking Fund", as hereinafter defined, or out of its earned surplus, set apart and apply, as and for a Sinking Fund for the 6½% Cumulative Preferred Stock, on April 1, 1943 and on April 1 in each year thereafter, to and including April 1, 1952, an amount of cash equal to 1% of the aggregate par value of 6½% Cumulative Preferred Stock at any time theretofore issued by the Company, and on April 1, 1953 and on April 1 in each year thereafter (the several dates hereinbefore referred to in this sentence being referred to in this Item as the "Sinking Fund payment date"), an amount of cash equal to 3% of the aggregate par value of 6½% Cumulative Preferred Stock at any time theretofore issued by the Company, such funds to be applied to the purchase or re-

demption of 6½% Cumulative Preferred Stock as hereinafter provided. The Company shall be entitled to a credit on its foregoing obligation to set aside cash for the Sinking Fund to the extent of the costs to it (including accrued dividends and brokerage commissions, if any), but not exceeding the redemption price (plus such accrued dividends and commissions, if any) thereof of all shares of 6½% Cumulative Preferred Stock theretofore purchased, redeemed or otherwise acquired, and cancelled, by it otherwise than through operation of the Sinking Fund and not theretofore applied as a credit on such Sinking Fund obligation. The term "Net Earnings of the Company Available for the Sinking Fund", as used herein, shall mean the "Net Earnings of the Company Available for Dividends", as defined in section 8 of Article Second of the Indenture providing for the issuance of the Serial Notes of the Company, for the calendar year imme-

diately preceding such Sinking Fund payment date, after deducting from such "Net Earnings of the Company Available for Dividends" an amount equal to the dividends paid or accrued during such calendar year on the Preferred Stock (but not exceeding an amount equal to dividends computed at dividend rate or rates applicable to the Preferred Stock on which such dividends were paid or accrued).

Moneys in the Sinking Fund shall from time to time be applied by the Company to the purchase of 6½% Cumulative Preferred Stock at private sale or in the open market, with or without advertising for tenders, at the best prices obtainable by the Company, but not exceeding the redemption price thereof, plus accrued dividends and brokerage commissions, if any. If, on or before the January 15 next succeeding any such Sinking Fund payment date, the Company shall not have exhausted the moneys in the Sinking Fund in accordance with the foregoing

provisions, then such moneys remaining in the Sinking Fund (if in excess of \$5,000) shall be applied by the Company to the redemption on the next succeeding March 1 of shares of said stock, in accordance with the terms of redemption provided in the Agreement of Merger referred to above. All certificates for shares of 6½% Cumulative Preferred Stock purchased, redeemed or otherwise acquired through operation of the Sinking Fund shall be promptly cancelled by the Company.

If for any reason provision for the Sinking Fund shall not be made as hereinabove provided, the deficiency (but without interest thereon) shall be fully made up by the Company before any dividends are declared or any other payment or distribution made on the Common Stock of the Company.

[F. R. Doc. 42-9340; Filed, September 21, 1942; 10:43 a. m.]