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TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Administration [O-35-3]

PART 935—MILK IN THE OMAHA-COUNCIL BLUFFS MARKETING AREA

AMENDMENT NO. 3 TO THE ORDER REGULATING THE HANDLING OF MILK IN THE OMAHA-COUNCIL BLUFFS MARKETING AREA¹

The Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, issued on March 31, 1939, effective as of April 5, 1939, the order regulating the handling of milk in the Omaha-Council Bluffs marketing area; issued on February 27, 1941, effective as of March 2, 1941, Amendment No. 1 to said order; and issued on October 1, 1941, effective as of October 2, 1941, Amendment No. 2 to said order.

There being reason to believe that amendment of said order would tend to effectuate the declared policy of the act, notice was given on the 17th day of February 1942 of a hearing which was held on February 25, 1942, at Omaha, Nebraska, at which time and place all interested parties were afforded an opportunity to be heard on proposed amendments to said order.

The requirements of section 8c. (9) of the act have been complied with.

It is found, upon the evidence introduced at said hearing on proposed amendments, said findings being in addition to the findings made upon the evidence introduced at all prior hearings on the order and amendments thereto (which findings are hereby ratified and affirmed, save only as such findings are in conflict with findings hereinafter set forth):

§ 935.0 *Findings.* 1. That the prices calculated to give milk produced for sale in the marketing area a purchasing

¹ See also Department of Agriculture, *infra*.

power equivalent to the purchasing power of such milk, as determined pursuant to sections 2 and 8 (e) (50 Stat. 246; 7 U. S. C., 1940 ed. 602, 608e), are not reasonable in view of the price of feeds, the available supplies of feeds, and other economic conditions which affect the market supply of and demand for such milk, and that the minimum prices set forth in this amendment to the 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, as amended, upon which a hearing has been held; and

3. That the issuance of this amendment to the order and all of the terms and conditions of the order, as so amended, tend to effectuate the declared policy of the act.

It is hereby ordered that the order regulating the handling of milk in the Omaha-Council Bluffs, marketing area shall be, and it is hereby, amended as follows:

1. Delete § 935.4 and substitute therefor the following:

§ 935.4 *Minimum prices*—(a) *Class prices.* Each handler shall pay, at the time and in the manner set forth in § 935.8, not less than the following prices for milk received at such handler's plant including the milk of producers which a cooperative association caused to be delivered to a plant from which no milk was disposed of in the marketing area:

(1) Class I milk—\$2.75 per hundred-weight during delivery periods prior to May 1, 1943, and \$2.25 per hundredweight during delivery periods thereafter: *Provided,* That with respect to Class I milk disposed of by a handler under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be \$2.28 per hun-

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dredweight during delivery periods to May 1, 1943, and \$1.80 per hundredweight during delivery periods thereafter.

(2) Class II milk—\$2.40 per hundredweight during delivery periods prior to May 1, 1943, and \$1.90 per hundredweight during delivery periods thereafter: *Provided*, That in no event shall the Class II price be less than the Class III price plus 20 cents per hundredweight.

(3) Class III milk—For each delivery period a price per hundredweight which shall be calculated by the market administrator as follows: multiply by 3.8 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 such milk is received, plus or minus 0.95 cent per hundredweight for each 1 cent that such average price of butter is above or below 20 cents, add 21 cents, and add a figure determined as follows: add 3 cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption, delivered at Chicago, is above 7 cents per pound. For purposes of determining the above computation, the price per pound of dry skim milk to be used shall be the average of the carlot prices for dry skim milk for human consumption delivered at Chicago, as published by the United States Department of Agriculture during the delivery period, including in such average the quotations published for any fractional part of the preceding delivery period which were not published and available for the price determination of such dry skim milk for the previous delivery period.

2. Delete § 935.6 and substitute therefor the following:

§ 935.6 *Application of provisions*—(a) *Handlers who are also producers.* (1) In the case of a handler who is also a producer and who purchases or receives no milk from other producers, the mar-

ket administrator shall exclude from the computations made pursuant to § 935.7 the quantity of milk disposed of by such handler.

(2) In the case of a handler who is also a producer and who purchases or receives milk from other producers, the market administrator shall, before making the computations pursuant to § 935.7, (i) exclude from the total pounds of milk in each class the total pounds of milk which were purchased or received in the respective classes from other handlers and (ii) exclude pro rata from the remaining pounds of milk in each class the total pounds of milk received from such handler's own farm production.

(b) *Purchases of milk from a handler who is also a producer.* In the case of a handler who purchases or receives milk in bulk from a handler who is also a producer, the market administrator, in making the computations pursuant to § 935.7 for such purchasing handler, shall add an amount equal to the difference between the value of such milk (1) at the price for the class in which such milk was classified, and (2) at the price for Class III milk.

(c) *Payment for excess butterfat.* In the case of a handler who disposes of butterfat in excess of the butterfat which, on the basis of his records, has been received, the market administrator, in making the computations pursuant to § 935.7, shall add an amount equal to the value of such butterfat (or 3.8 percent milk equivalent) in accordance with its classification.

3. Delete paragraph (a) of § 935.7 and substitute therefor the following:

(a) *Computation of the amount to be paid producers by each handler.* For each delivery period the market administrator shall compute, subject to the provisions of § 935.6, the amount to be paid producers by each handler for milk received from them including the milk of producers which a cooperative association caused to be delivered to a plant from which no milk is disposed of in the marketing area by (1) multiplying the hundredweight of such milk in each class by the price applicable pursuant to § 935.4, (2) adding together the resulting values of each class, and (3) adding any amounts pursuant to § 935.6 (b) and § 935.6 (c).

4. Delete paragraph (b) of § 935.7.

5. Delete in subparagraph (1) of § 935.7 (c) the phrase "paragraphs (a) and (b)" and substitute therefor the following: "paragraph (a)."

6. Redesignate paragraph "(c)" of § 935.7 as paragraph "(b)."

7. Delete in paragraph (a) of § 935.8 the phrase "§ 935.7 (c)" and substitute therefor the following: "§ 935.7 (b)."

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U.S.C. and Sup. 601 et seq.)

Issued at Washington, D. C., this 20th day of May 1942, to be effective on and after the 1st day of June 1942. Witness my hand and the official seal of the Department of Agriculture.

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

[F. R. Doc. 42-4678; Filed, May 21, 1942; 11:12 a. m.]

[O-46 (Amendment No. 2)]

PART 946—MILK IN THE LOUISVILLE, KENTUCKY, MARKETING AREA

AMENDMENT NO. 2, TO THE ORDER, REGULATING THE HANDLING OF MILK IN THE LOUISVILLE, KENTUCKY, MARKETING AREA¹

The Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, issued, on March 29, 1940, and made effective as of April 1, 1940, the order regulating the handling of milk in the Louisville, Kentucky, marketing area.

There being reason to believe that amendment of said order would tend to effectuate the declared policy of the act, a notice was given on the 2d day of May 1941, of a hearing which was held on May 8, 1941, at Louisville, Kentucky; at which time and place all interested parties were afforded an opportunity to be heard on proposed amendments to said order, as amended, and thereafter Amendment No. 1 was issued, effective August 1, 1941.

There being reason to believe that further amendment of said order would tend to effectuate the declared policy of the act, notice was given on the 8th day of November 1941, of a hearing, which was held on November 18, 1941, at Louisville, Kentucky; and on the 19th day of February 1942, notice was given of a reopening of said hearing, which reopened hearing was held on February 26, 1942, at Louisville, Kentucky; at which times and place all interested parties were afforded an opportunity to be heard on proposed amendments to said order.

The requirements of section 8c (9) of the act have been complied with.

It is found, upon the evidence introduced at said latter hearing on proposed amendments, said findings being in addition to the findings made upon the evidence introduced at all prior hearings on said order and amendments thereto (which findings are hereby ratified and affirmed, save only as such findings are in conflict with findings hereinafter set forth):

§ 946.0 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 secs. 2 and 8 (e) of said act, 50 Stat. 246; 7 U.S.C. 602, 608e, 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 amendment to said 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;

¹ See also Department of Agriculture, *infra*.

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, as amended, upon which a hearing has been held; and

3. That the issuance of this amendment to the order, and all of the terms and conditions of the order, as so amended, tend to effectuate the declared policy of the act.

It is hereby ordered that the order regulating the handling of milk in the Louisville, Kentucky, marketing area, shall be, and it is hereby amended as follows:

1. Delete § 946.3 and substitute therefor the following:

§ 946.3 Classification of milk—(a) Milk to be classified. Milk of a producer caused to be delivered by a cooperative association which is a handler to a plant from which no milk is disposed of in the marketing area and all milk received by each handler, including milk produced by him, if any, at plants from which milk is disposed of in the marketing area, shall be classified by the market administrator in the classes set forth in paragraph (b) of this section, subject to the provisions of paragraphs (c), (d), and (e) of this section. In the classification of milk as required in paragraph (b) of this section, the responsibility of each handler shall be as follows:

(1) In establishing the classification of any milk received by a handler, the burden rests upon the handler to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.

(2) With respect to milk, or skimmed milk, disposed of to another handler, the burden rests upon the handler who first received the milk to account for the milk, or skimmed milk, and to prove to the market administrator that such milk, or skimmed milk, should not be classified as Class I milk.

(b) Classes of utilization. The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk and skimmed milk disposed of as milk, buttermilk and milk drinks, whether plain or flavored, and all milk not specifically accounted for as Class II milk and Class III milk.

(2) Class II milk shall be all milk disposed of as cream (for consumption as cream), including any cream product disposed of in fluid form which contains less than the minimum butterfat content required for fluid cream, and as creamed cottage cheese.

(3) Class III milk shall be all milk accounted for (a) as used to produce a milk product other than those specified in Class I milk and Class II milk, and (b) as actual plant shrinkage, but not to exceed 2 percent of the total receipts of milk from producers, including the handler's own production.

(c) Interhandler and nonhandler transfers of milk. Milk and skimmed milk disposed of by a handler to another handler or to a person who is not a han-

dlar but who distributes milk or manufactures milk products shall be Class I milk, and cream so disposed of shall be Class II milk: *Provided*, That if the selling handler and the purchaser, on or before the 5th day after the end of the delivery period, each furnish to the market administrator similar signed statements that such milk or cream was disposed of in another class, such milk or cream shall be classified accordingly, subject to verification by the market administrator.

Milk and skimmed milk disposed of from a handler's plant to soda fountains, bakeries, restaurants, and other retail food establishments which dispose of milk for both fluid and other uses shall be Class I milk. Cream disposed of from a handler's plant to soda fountains, bakeries, restaurants, and other retail food establishments which dispose of cream for both fluid and other uses shall be Class II milk: *Provided*, That cream disposed of in bulk from a handler's plant to any such establishment which, under the applicable health regulations, is permitted to receive cream other than of Grade A quality for nonfluid purposes shall be classified according to its ultimate use or disposition by such establishment, subject to verification by the market administrator.

(d) Computation of milk in each class. For each delivery period the market administrator shall compute the amount of milk in each class, as defined in paragraph (b) of this section, as follows:

(1) Determine the total pounds of milk (i) received from producers, including the handler's own production; (ii) produced by him, if any; (iii) received from other handlers, if any; (iv) received from other sources, if any; (v) received as emergency milk, if any; and (vi) add together the resulting amounts.

(2) Determine the total pounds of butterfat received as follows: (i) multiply the weight of the milk received from producers by its average butterfat test; (ii) multiply the weight of the milk produced by him, if any, by its average butterfat test; (iii) multiply the weight of the milk received from other handlers, if any, by its average butterfat test; (iv) multiply the weight of the milk received from other sources, if any, by its average butterfat test; (v) multiply the weight of emergency milk received by its average butterfat test; and (vi) add together the resulting amounts.

(3) Determine the total pounds of Class I milk as follows: (i) convert to quarts the quantity of milk and skimmed milk disposed of in the form of milk, buttermilk, and milk drinks, whether plain or flavored, and multiply by 2.15; (ii) multiply the result by the average butterfat test thereof; and (iii) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk and Class III milk computed pursuant to subparagraphs (4) (ii) and (5) (ii) of this paragraph is less than the total pounds of butterfat received, computed in accordance with subparagraph (2) of this paragraph, an amount equal to the difference shall be divided by 4 percent and added to the

quantity of milk determined pursuant to (i) of this subparagraph.

(4) Determine the total pounds of Class II milk as follows: (i) multiply the actual weight of each of the products of Class II milk by its average butterfat test, (ii) add together the resulting amounts, and (iii) divide the result obtained in (ii) of this subparagraph by 4 percent.

(5) Determine the total pounds of Class III milk as follows: (i) multiply the actual weight of each of the several products of Class III milk by its average butterfat test; (ii) add together the resulting amounts; (iii) subtract the total pounds of butterfat in Class I milk and Class II milk computed pursuant to subparagraphs (3) (ii) and (4) (ii) of this paragraph and the total pounds of butterfat computed pursuant to (ii) of this subparagraph from the total pounds of butterfat computed pursuant to subparagraph (2) of this paragraph, which resulting quantity shall be allowed as plant shrinkage for the purposes of this paragraph (but in no event shall such plant shrinkage allowance exceed 2 percent of the total receipts of butterfat from producers by the handler) and shall be added to the result obtained in (ii) of this subparagraph; and (iv) divide the result obtained in (ii) of this subparagraph by 4 percent.

(6) Determine the classification of milk received from producers as follows:

(i) Subtract from the total pounds of milk in each class the total pounds of milk which were received from other handlers and used in such class.

(ii) Subtract from the total pounds of milk in each class the total pounds of milk, except emergency milk, which were received from sources other than producers and handlers and used in such class.

(iii) Subtract pro rata out of the remaining milk in each class the quantity of milk of the handler's own production.

(iv) Subtract from the total pounds of milk in each class an amount which shall be computed as follows: divide the total pounds of milk in each class by the total pounds of milk in all classes and multiply the percentage for each class by the total pounds of emergency milk received. Skimmed milk or (the milk equivalent of) cream received from sources other than producers under an emergency supply permit issued by the proper health authorities shall be treated as emergency milk for the purposes of this section, if such skimmed milk or (the milk equivalent of) cream is reported to the market administrator in the manner provided for emergency milk in subparagraphs (2) and (3) of § 946.5 (a).

(e) *Reconciliation of utilization of milk by classes with receipts of milk from producers.* (1) If the total utilization of milk in the various classes for any handler, as computed pursuant to paragraph (d) of this section, is less than the receipts of milk from producers, the market administrator shall increase the total pounds of milk in Class III for such handler by an amount equal to the difference between the receipts of milk from

producers and the total utilization of milk by classes for such handler.

(2) If the total utilization of milk in the various classes for any handler, as computed pursuant to paragraph (d) of this section, is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk in Class III for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler.

2. Delete § 946.4 and substitute therefor the following:

§ 946.4 *Minimum prices*—(a) *Class prices.* Subject to the provisions of paragraphs (b), (c), and (d) of this section, each handler shall pay producers, at the time and in the manner set forth in § 946.8, not less than the following prices per hundredweight for the respective quantities of milk in each class computed pursuant to § 946.3 (d) and (e):

(1) Class I milk—The price for Class I milk shall be the price for Class III milk, determined under subparagraph (3) of this paragraph, plus the following amount:

Delivery period:	Amount (dollars per cwt.)
April through July.....	0.95
August through March.....	1.50

(2) Class II milk—The price for Class II milk shall be the price for Class III milk determined under subparagraph (3) of this paragraph, plus the following amount:

Delivery period:	Amount (dollars per cwt.)
April through July.....	0.45
August through March.....	0.50

(3) Class III milk—The price for Class III milk shall be the price resulting from the following computation by the market administrator: determine, on the basis of milk of 4 percent butterfat content, the arithmetic average of the basic, or field, prices per hundredweight reported by, and ascertained by the market administrator to have been paid by, the following concerns at the manufacturing plants or places listed herein below, for ungraded milk received during the delivery period:

Concern	Location
Ewing-Von Allmen Co...	Louisville, Ky.
Armour Creameries.....	Elizabethtown, Ky.
Armour Creameries.....	Springfield, Ky.
Kraft Cheese Company...	Salem, Ind.
Ewing-Von Allmen Co...	Corydon, Ind.
Ewing-Von Allmen Co...	Madison, Ind.
Producers' Dairy Market- ing Association.....	Orleans, Ind.

Provided, That if the price so determined is less than the price computed by the market administrator in accordance with the following formula, such formula price shall be used: to the average wholesale price per pound of 92-score butter in the Chicago market as reported by the United States Department of Agriculture for the delivery period during which such milk was received, add 30 percent thereof, and multiply the resulting amount by 4.

The prices used in determining the average manufacturing plant price pursuant to this subparagraph shall be those

quoted for milk received at the respective plants, without deductions for hauling or other charges to be paid by the farm shipper.

(b) *Price of Class I milk for relief distribution.* For Class I milk (1) delivered by a handler to the residence of a relief client certified by a recognized relief agency, (2) charged to such an agency, or (3) disposed of by a handler under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, such handler shall pay not less than the price for Class III milk, plus 12 cents.

(c) *Butterfat differential to handlers.* If any handler has received milk from producers containing more or less than 4 percent butterfat, each handler shall add or deduct, per hundredweight of milk, for each one-tenth of 1 percent of butterfat above or below 4 percent, an amount computed by the market administrator as follows: to the average wholesale price per pound of 92-score butter 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 by 10.

(d) *Class volume reconciliation adjustment.* For the amount of milk involved in any reconciliation of class volumes of milk, pursuant to § 946.3 (e), the handler shall be debited or credited, as the case may be, at the Class III price: *Provided*, That if such handler received from producers milk with an average test of butterfat of 4 percent or less and disposed of no milk as a Class III milk product, such debit or credit, as the case may be, shall be made at the Class II price.

3. Delete from § 946.7 (a) the cross-reference figure "§ 946.3 (d) (5)" and substitute therefor the cross-reference figure "§ 946.3 (d) and (e)."

4. Delete from § 946.7 (a) the cross-reference figure "§ 946.3 (d) (5) (iii)" and substitute therefor the cross-reference figure "§ 946.3 (d) (6) (ii)."

5. Renumber subparagraphs (2), (3), (4), and (5) of § 946.7 (b) as subparagraphs (3), (4), (5), and (6) of such paragraph.

6. Add as § 946.7 (b) (2) the following:

(2) Deduct, if the average butterfat content of all milk received from producers is in excess of 4 percent, or add, if the average butterfat content of all milk received from producers is less than 4 percent, the total value of the butterfat differential applicable pursuant to § 946.8 (f).

7. Delete from § 946.7 (b) (4) the cross-reference phrase "subparagraph (2) of this paragraph" and substitute therefor the cross-reference phrase "subparagraph (3) of this paragraph."

8. Delete from § 946.7 (b) (5) the cross-reference phrase "subparagraph (3) of this paragraph" and substitute therefor the cross-reference phrase "subparagraph (4) of this paragraph."

9. Delete from § 946.7 (b) (6) the cross-reference phrase "subparagraph (4) of this paragraph" and substitute

therefor the cross-reference phrase "sub-paragraph (5) of this paragraph."

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U.S.C. and Sup. 601 et seq.)

Issued at Washington, D. C., this 20th day of May 1942, to be effective on and after the 1st day of June 1942. Witness my hand and the official seal of the Department of Agriculture.

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

[F. R. Doc. 42-4679; Filed, May 21, 1942; 11:12 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, AND CHAPLAINS

COMMISSIONS FOR MEDICAL STUDENTS

Officers appointed in the Army of the United States under the provisions of the Act of September 22, 1941.

Section 73.220 is hereby added as follows:

§ 73.220 *Commissions for medical students.* (a) Authority is granted to Corps Area commanders to waive the provisions of § 61.69 (d) and § 73.205 (b) for the appointment as second lieutenant, Army of the United States (Medical Administrative Corps), of physically qualified male citizens of the United States above the age of eighteen years who are bona fide accepted matriculants at approved medical schools within or without the United States. Officers so appointed will not be ordered to active duty until eligible for appointment as first lieutenant, Army of the United States (Medical Corps).

(b) Appointment will be made without reference to an examining board as prescribed in § 61.5 (c) and without reference to procurement objectives.

(c) Appointment will be made without a report of physical examination (WD AGO Form No. 63). Authority is granted to waive the provisions of §§ 73.216 to 73.218, inclusive.

(d) Applications and accompanying papers as prescribed in §§ 73.200 to 73.218, inclusive, (except report required by § 73.208 (a) (2) (ii) will be forwarded by the Dean of the medical school to the Commanding General of the Corps Area in which the school is located, together with a certified statement that the applicant is a bona fide accepted matriculant in medicine at the institution.

(e) Those students attending schools outside the limits of the United States will be charged with the responsibility of proper notification to the Deans of the respective schools in order that the applications and accompanying papers as prescribed in paragraph (d) are forwarded to the Commanding General of the Corps Area of permanent residence of the student.

(f) Officers appointed under the provisions of this section will be discharged

for the convenience of the Government under the following circumstances:

(1) Discontinuance of medical education.

(2) Matriculation at an unapproved school of medicine.

(3) Failure to complete successfully the prescribed full course of medical instruction.

(4) Failure to secure appointment in the Army of the United States (Medical Corps) within one year after completion of the prescribed full course of medical instruction.

(g) The Surgeon General will maintain adequate records to assure timely application for appointment as first lieutenant, Army of the United States (Medical Corps), and to assure that individuals are promptly reported to The Adjutant General for discharge as provided above. (Act of Sept. 22, 1941, Public Law 252, 77th Congress) [Letter A.G.O. dated May 8, 1942, AG 210.1 MA-AUS (4-25-42) RB-SPGA]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-4677; Filed, May 21, 1942; 10:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 220]

PART 40—AIR CARRIER OPERATING CERTIFICATION

UNITED AIR LINES, WAIVER OF DEMONSTRATION REQUIREMENT

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 15th day of May, 1942.

Having had under consideration the request of United Air Lines for a waiver of the provisions of § 40.291 of the Civil Air Regulations,

The Board finds that:

1. United Air Lines desires to conduct flights in regular scheduled air carrier operations between New York and Cleveland, Ohio, via Harrisburg, Pennsylvania, Pittsburgh, Pennsylvania, and Akron, Ohio;

2. As a prerequisite to commencing operations over a new route an air carrier is required to comply with the provisions of § 40.291 providing that an air carrier must demonstrate by flights over the new route that such air carrier is able to conduct safe operations; and

3. Flight personnel of United Air Lines are familiar with such new route having made numerous special flights over said route in conducting flights pursuant to contracts with the United States Government. Due to the present lack of equipment and pilot time and because of the present war emergency which requires the maximum utilization of all available aircraft, it would be inadvisable to require United Air Lines to make demonstration flights as required by § 40.291 over the new route.

Now therefore, the Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 and 604 of said Act, makes and promulgates the following special regulation, effective immediately:

Notwithstanding the provisions of 40.291 of the Civil Air Regulations to the contrary, requiring an air carrier to conduct demonstration flights over a new route in advance of scheduled air carrier operations, United Air Lines is not required to comply with such provisions prior to commencing scheduled air carrier operations over the route between New York and Cleveland, Ohio, via Harrisburg, Pennsylvania, Pittsburgh, Pennsylvania, and Akron, Ohio. Nothing in the provisions of this regulation shall be deemed to exempt United Air Lines from the provisions of § 40.2611 (b) regarding the qualifying of pilots over this route, nor from the necessity of obtaining the appropriate amendment to their air carrier operating certificate.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-4684; Filed, May 21, 1942; 11:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4618]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF JAMES MACDONALD, LTD. ET AL.

§ 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices.* In connection with the offer, etc., in commerce, of "Harris Tweed", and on the part of respondent producers thereof and their agents, representatives, etc., and among other things, as in order set forth by any form of cooperative, concerted or collective action, fixing, establishing and maintaining minimum prices, and the terms and conditions of sale, in connection with the marketing of the cloth or fabric known as "Harris Tweed" in the United States; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, James MacDonald, Ltd. et al., D. 4618, May 19, 1942]

§ 3.27 (c) 10) *Combining or conspiring—To enforce or bring about resale price maintenance:* § 3.63 (a) *Maintaining resale prices—Black listing:* § 3.63 (c) *Maintaining resale prices—Combination:* § 3.63 (d) *Maintaining resale prices—Contracts and agreements:* § 3.63 (e) *Maintaining resale prices—Cutting off supplies:* § 3.63 (i) *Maintaining resale prices—Refusal to sell:* § 3.63 (j) *Maintaining resale prices—Systems of espionage—Requiring information of price cutting.* On the part of respondent producers of "Harris Tweed", and their agents, representatives, etc., and among other things, as in

order set forth, agreeing or cooperating with each other or with others, in negotiating, arranging or carrying out a plan or policy to fix and maintain the prices of clothing manufacturers or the resale prices of retailers selling garments made of said Harris Tweed in commerce in the United States, and engaging in any form of cooperative, concerted or collective action or entering into arrangements or agreements among themselves and with garment manufacturers and retail dealers to the effect (1) that garment manufacturers will not sell garments made of Harris Tweed purchased from the respondents or any of them at prices lower than those fixed or indicated by the said respondents; or (2) will not sell Harris Tweed garments to any retailer who does not bind himself to sell such garments at certain fixed resale prices or at retail prices not less than the same; or (3) that said retail dealers will not sell such garments at prices less than the resale prices fixed or indicated by said respondents; or (4) that each garment manufacturer and retailer will submit to the respondents or anyone designated by them a list of prices at which sales are made, together with the names of the customers sold; or (5) that respondents will compile and circulate among themselves a list or other information as to the identity of clothing manufacturers which cut the prices fixed or indicated by said respondents for the purpose of facilitating refusals by respondents to sell such manufacturers; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, James MacDonald, Ltd. et al., D. 4618, May 19, 1942]

In the Matter of James MacDonald, Ltd., a Corporation; Kenneth MacKenzie, Ltd., a Corporation; Kenneth MacLeod, Ltd., a Corporation; S. A. Newall and Sons, Ltd., a Corporation; W. A. Smith, John Smith, and A. P. C. Lawrence, Copartners Doing Business Under the Firm Name and Style of Thomas Smith and Company; Miles L. Finch, Individually, and Doing Business Under the Name and Style of Associate British Manufacturers; Folkard and Lawrence, Inc., a Corporation; Biddle-Bernstein, a Corporation; R. J. Beneville, an Individual; E. Yorke Stroud, an Individual; Walter Bradshaw, Individually, and Doing Business Under the Name and Style of Bradshaw Linen Company; M. Stanley Brown, an Individual

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of May, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the various answers of respondents, in which answers respondents (excepting respondent Biddle-Bernstein, a corporation) admit all of the material allegations of fact set forth in said complaint, except as set forth in the findings as to the facts, and the answers of all of said respondents (excepting respondent Biddle-Bernstein, a corporation)

stating that they waive all intervening procedure and further hearing as to said fact, and the Commission having made its findings as to the facts and conclusions that said respondents (excepting respondent Biddle-Bernstein, a corporation) have violated the provisions of section 5 of the Federal Trade Commission Act;

It is ordered, That the respondents James MacDonald, Ltd., a corporation; Kenneth MacKenzie, Ltd., a corporation; Kenneth MacLeod, Ltd., a corporation; S. A. Newall and Sons, Ltd., a corporation; W. A. Smith, John Smith, and A. P. C. Lawrence, copartners, doing business under the firm name and style of Thomas Smith and Company; Miles L. Finch, individually, and doing business under the name and style of Associate British Manufacturers; Folkard and Lawrence, Inc., a corporation; E. Yorke Stroud, an individual; Walter Bradshaw, individually, and doing business under the name and style of Bradshaw Linen Company; and M. Stanley Brown, an individual, their officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of Harris Tweed in commerce, as "commerce" is defined in the Federal Trade Commission Act, cease and desist by any form of cooperative, concerted or collective action, from fixing, establishing and maintaining minimum prices, and the terms and conditions of sale, in connection with the marketing of the cloth or fabric known as "Harris Tweed" in the United States.

It is further ordered, That the respondents James MacDonald, Ltd., a corporation; Kenneth MacKenzie, Ltd., a corporation; Kenneth MacLeod, Ltd., a corporation; S. A. Newall and Sons, Ltd., a corporation; W. A. Smith, John Smith, and A. P. C. Lawrence, copartners, doing business under the firm name and style of Thomas Smith and Company; Miles L. Finch, individually, and doing business under the name and style of Associate British Manufacturers; E. Yorke Stroud, an individual; and M. Stanley Brown, an individual, their officers, representatives, agents and employees, directly or through any corporate or other device, cease and desist from agreeing or cooperating with each other or with others, in negotiating, arranging or carrying out a plan or policy to fix and maintain the prices of clothing manufacturers or the resale prices of retailers selling garments made of said Harris Tweed in said commerce in the United States and from engaging in any form of cooperative, concerted or collective action or entering into arrangements or agreements among themselves and with garment manufacturers and retail dealers to the following effect:

(1) That garment manufacturers will not sell garments manufactured of Harris Tweed purchased from the respondents or any of them at prices lower than those fixed or indicated by the said respondents; or

(2) That the garment manufacturers will not sell Harris Tweed garments to

any retailer who does not bind himself to sell such garments at certain fixed resale prices or at retail prices not less than the same; or

(3) That said retail dealers will not sell such garments at prices less than the resale prices fixed or indicated by said respondents; or

(4) That each garment manufacturer and retail dealer will submit to the respondents or anyone designated by them a list of prices at which sales are made, together with the names of the customers sold; or

(5) That respondents will compile and circulate among themselves a list or other information as to the identity of clothing manufacturers which cut the prices fixed or indicated by said respondents for the purpose of facilitating refusals by respondents to sell such manufacturers.

It is further ordered, That said respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That the said complaint be, and the same hereby is, dismissed as to respondents Biddle-Bernstein, a corporation, and R. J. Beneville, an individual, deceased.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-4681; Filed, May 21, 1942; 11:36 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—RULES AND REGULATIONS, SECURITIES ACT OF 1934

PROHIBITION OF FRAUD BY ANY PERSON IN CONNECTION WITH THE PURCHASE OR SALE OF SECURITIES

The Securities and Exchange Commission, deeming it necessary for the exercise of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 10 (b) and 23 (a) thereof, hereby adopts the following § 240.10b-5 [Rule X-10B-5]:

§ 240.10b-5 *Employment of manipulative and deceptive devices.* It shall be unlawful for any person, directly or indirectly, by the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange,

(a) To employ any device, scheme, or artifice to defraud,

(b) To make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, or

(c) To engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person, in connection with the purchase or sale of any security. (Sec. 10, 48 Stat. 891; 15 U.S.C. 78j; Sec. 23, 48 Stat. 901; sec. 8, 49 Stat. 1379; 15 U.S.C. 78w)

Effective May 21, 1942.
By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-4660; Filed, May 21, 1942;
9:33 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division [Docket No. A-1072 Part II]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT No. 7

PEERLESS COAL & COKE CO., RELIEF GRANTED

Order approving and adopting the proposed findings of fact, proposed conclusions of law, and recommendation of the examiner and granting permanent relief in the matter of the petition of District Board No. 7 for the establishment of price classifications and minimum prices for the coals of Peerless No. 4 Mine, Mine Index No. 248, of Peerless Coal & Coke Company, in District No. 7.

This proceeding having been instituted upon an original petition, filed on September 20, 1941, with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 7, requesting the establishment of price classifications and effective minimum prices for the coals of certain mines in District 7;

By an Order Granting Temporary Relief and Conditionally Providing for Final Relief, dated October 14, 1941, 6 F.R. 5529, in Docket No. A-1072, price classifications and effective minimum prices having been established for the coals of certain mines in District 7, including the establishment for the coals of the Peerless No. 4 Mine (Mine Index No. 248) of the Peerless Coal & Coke Company of a price classification of "B" in Size Groups 1, 6, and 7, and a price classification of "D" in Size Group 8, for all shipments except truck, and effective minimum prices of \$3.15, \$2.60, \$2.15, and \$1.85 per ton in Size Groups 1, 3, 4, and 5, respectively, for truck shipments;

District Board 7 subsequently having filed a motion to modify the said Order of October 14, 1941, as to Peerless No. 4 Mine of Peerless Coal & Coke Company by changing the price classification of "B" to "D" in Size Group 1, the price classification of "B" to "E" in Size Group 6, the price classification of "B" to "D" in Size Group 7, the price classification of "D" to "H" in Size Group 8, and by establishing a price classification of "H" in Size Group 9 for all shipments except truck, and by establishing effective minimum prices of \$2.90, \$2.50, \$1.95, \$1.65, and \$1.60 per ton in Size Groups 1, 3, 4, 5, and 6, respectively, for truck shipments;

By Order of the Acting Director, dated February 12, 1942, 7 F. R. 1536, the price classifications and effective minimum

prices established in the Order Granting Temporary Relief and Conditionally Providing for Final Relief, dated October 14, 1941, for the coals of the Peerless No. 4 Mine of Peerless Coal & Coke Company having been revoked, and that portion of Docket No. A-1072 relating to the Peerless No. 4 coals having been severed therefrom and designated as Docket No. A-1072 Part II;

By further Order of the Acting Director, dated February 12, 1942, temporary relief having been granted by establishing for the coals of the Peerless No. 4 Mine of Peerless Coal & Coke Company, price classifications of "D", "E", "D", "H", and "H" in Size Groups 1, 6, 7, 8, and 9, respectively, for all shipments except truck and effective minimum prices of \$2.90, \$2.50, \$1.95, \$1.65, and \$1.60 per ton in Size Groups 1, 3, 4, 5, and 6, respectively, for truck shipments;

Pursuant to appropriate Order and after due notice to all interested persons, a hearing in this matter having been held on March 11, 1942, before Floyd McGown, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard; and at which District Board 7 appeared;

The Examiner having submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation in this matter, dated April 9, 1942, in which the Examiner found that the coals produced at the Peerless No. 4 Mine in the Pocahontas No. 4 Seam are inferior to those produced by other District 7 mines operating in that same seam, and that the Peerless No. 4 coals cannot be marketed in competition therewith unless the price classifications and effective minimum prices requested are granted, and that, accordingly, in order to preserve the existing fair competitive opportunities of the coals of the Peerless No. 4 Mine and in order to reflect their relative market value, price classifications should be established of "D", "E", "D", "H", and "H" in Size Groups 1, 6, 7, 8, and 9, respectively, for all shipments except truck, and effective minimum prices of \$2.90, \$2.50, \$1.95, \$1.65, and \$1.60 per ton in Size Groups 1, 3, 4, 5, and 6, respectively, for truck shipments;

The Examiner having recommended that an order be issued, providing that the Schedules of Effective Minimum Prices for District No. 7 for All Shipments Except Truck and for Truck Shipments should be amended by the establishment for the Peerless No. 4 Mine (Mine Index No. 248) of Peerless Coal & Coke Company of price classifications of "D", "E", "D", "H", and "H" in Size Groups 1, 6, 7, 8, and 9, respectively, for all shipments except truck and effective minimum prices of \$2.90, \$2.50, \$1.95, \$1.65, and \$1.60 per ton in Size Groups 1, 3, 4, 5, and 6, respectively, for truck shipments;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs; no such exceptions or supporting briefs having been filed;

The undersigned having determined that the Proposed Findings of Fact and

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

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

It is further ordered, That § 327.11 (Low volatile coals: Alphabetical list of code members) and § 327.34 (General prices in cents per net ton for shipment into any market area) in the Schedules of Effective Minimum Prices for District No. 7 for All Shipments Except Truck and for Truck Shipments be, and they hereby are, amended by the establishment for the Peerless No. 4 Mine (Mine Index No. 248) of Peerless Coal & Coke Company of price classifications of "D", "E", "D", "H", and "H" in Size Groups 1, 6, 7, 8, and 9, respectively, for all shipments except truck and effective minimum prices of \$2.90, \$2.50, \$1.95, \$1.65, and \$1.60 per ton in Size Groups 1, 3, 4, 5, and 6, respectively, for truck shipments.

Dated: May 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4668; Filed, May 21, 1942;
10:23 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Order No. 35]

NORTH FORK CAMP PROJECT

ESTABLISHMENT

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 North Fork Camp project to be work of national importance, to be known as Civilian Public Service Camp No. 35. Said camp, located at North Fork, Madera County, California, will be the base of operations for forestry work in the State of California, 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 non-combatant 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 said North Fork Camp will consist of fire prevention and presuppression and construction of telephone lines, truck trails and minor roads, and shall be under the technical direction of the Forest Service of the 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.

MAY 20, 1942.

[F. R. Doc. 42-4685; Filed, May 21, 1942;
11:53 a. m.]

[Order No. 36]

SANTA BARBARA CAMP PROJECT
ESTABLISHMENT

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 Santa Barbara Camp project to be work of national importance, to be known as Civilian Public Service Camp No. 36. Said camp, located at Santa Barbara, Santa Barbara County, California, will be the base of operations for forestry work in the State of California, 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 non-combatant 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 said Santa Barbara Camp will consist of fire prevention and presuppression, public camp ground development, and construction of telephone lines, truck trails and minor roads, foot and horse bridges, and shall be under the technical direction of the Forest Service of the 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.

MAY 20, 1942.

[F. R. Doc. 42-4686; Filed, May 21, 1942;
11:53 a. m.]

[Order No. 37]

COLEVILLE CAMP PROJECT
ESTABLISHMENT

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 Coleville Camp project to be work of national importance, to be known as Civilian Public Service Camp No. 37. Said camp, located at Coleville, Mono County, California, will be the base of operations for forestry work in the State of California, 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 non-combatant 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 said Coleville Camp will consist of fire prevention and presuppression, construction of telephone lines, stock driveways, and water supply systems, and shall be under the technical direction of the Forest Service of the 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.

MAY 20, 1942.

[F. R. Doc. 42-4687; Filed, May 21, 1942;
11:53 a. m.]

Chapter IX—War Production Board

Subchapter B—Division of Industry Operations

PART 1047—CONSERVATION OF MATERIAL
FOR THE OIL INDUSTRY

[Amendment 4—Conservation Order M-68]

DELIVERIES

Section 1047.1 (Conservation Order M-68)¹ as heretofore amended, is hereby further amended by adding at the end thereof an additional paragraph as follows:

(j) The provisions of this order shall be applicable to deliveries of material by any person located in the United States, its territories and possessions to any other person located in the United States, its territories and possessions, or the Dominion of Canada, but not elsewhere. The provisions of this paragraph supersede Interpretation No. 1 of this order, issued February 7, 1942. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong.,

¹ 6 F.R. 6687; 7 F.R. 281, 601, 903, 1088, 1089.

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

Issued this 21st day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4688; Filed, May 21, 1942;
11:54 a. m.]

PART 1047—CONSERVATION OF MATERIAL FOR
THE OIL INDUSTRY

[Amendment 1 to M-68-c, as Amended
March 23, 1942]

DELIVERIES

Section 1047.4, Conservation Order No. M-68-c,¹ as amended March 23, 1942 is hereby amended by adding at the end thereof an additional paragraph as follows:

(i) The provisions of this order shall be applicable to deliveries of material by any person located in the United States, its territories and possessions to any other person located in the United States, its territories and possessions, or the Dominion of Canada, but not elsewhere. The provisions of this paragraph supersede Interpretation No. 1 of this Order, issued February 7, 1942. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 9040, 9125, 7 F.R. 329, 527, 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 21st day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4693; Filed, May 21, 1942;
12:08 p. m.]

PART 1168—PASSENGER CARRIERS

GENERAL LIMITATION ORDER L-101

Whereas the fulfillment of requirements for the defense of the United States has created a shortage in the supply of passenger carriers for defense, for private account and for export, and it has now become necessary in the public interest and to promote the national defense to provide for the orderly scheduling of production and delivery of such vehicles:

Now, therefore, it is hereby ordered, That:

§ 1168.1 General Limitation Order L-101—(a) Applicability of Priorities Regulation No. 1. This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(b) Definitions. For the purpose of this order:

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

(2) "Producer" means any person engaged in the production of Passenger Carriers.

¹ F.R. 2272.

(3) "Passenger carrier" means a complete motor or electrical coach for passenger transportation, having a seating capacity of not less than 15 persons, or the body therefor, and includes integral buses, bus bodies for adult or school passenger use, trolley buses, and electric railway cars. Such definition shall not include a complete commercial motor vehicle chassis upon which a bus body is to be mounted.

(c) *Restrictions on delivery of passenger carriers.* On and after the date of this Order, irrespective of the terms of any contract of sale or purchase or of any other commitment, no producer shall transfer or deliver and no person shall accept any transfer or delivery of any new passenger carrier, except as authorized pursuant to the provisions of paragraph (d) hereof.

(d) *Production and delivery of passenger carriers.* (1) Each producer of passenger carriers shall schedule his production and make deliveries of passenger carriers in accordance with such specific directions as may be issued from time to time by the Director of Industry Operations, who may incorporate therein such requests and recommendations as may be submitted by the Office of Defense Transportation.

(2) The production and delivery schedules established by any specific direction which may be issued from time to time pursuant to paragraph (d) (1) above shall be maintained without regard to any preference ratings already assigned or hereafter assigned to particular contracts, commitments, or purchase orders and may be altered only upon specific directions of the Director of Industry Operations.

(3) If it becomes impossible for any producer to maintain production and delivery of passenger carriers in accordance with any such schedule, he shall immediately notify the Director of Industry Operations, and, unless otherwise directed by the Director of Industry Operations, he shall continue to produce and deliver passenger carriers in the order set forth in such schedule and shall postpone production and delivery of any such passenger carriers only to the extent required by the circumstances causing his failure to maintain production and delivery as required by such schedule.

(e) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales of new passenger carriers, which records shall be available for 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 reports and questionnaires as said Board shall from time to time require.

(g) *Violations or false statements.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to the War Production Board is guilty of a criminal offense punishable by fine and imprisonment (Pub. No. 507, 77th Cong., 2d Sess., approved March 27, 1942; and 18 U.S.C. 80). Any person committing such an

offense or wilfully falsifying any records which he is required to keep by the terms of this order may be deprived of priorities assistance or may be prohibited by the War Production Board from obtaining any materials or facilities subject to allocation.

(h) *Communications.* All communications concerning this order should be addressed to War Production Board, Washington, D. C., Ref.: L-101.

(i) *Effective date.* This order shall take effect immediately and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024; 7 F.R. 329; E.O. 9040, 7 F.R. 527; 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 21st day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4692; Filed, May 21, 1942;
12:08 p. m.]

PART 1073—FIRE PROTECTIVE EQUIPMENT
[Amendment No. 3 to General Limitation
Order L-30]

Section 1073.1 (*General Limitation Order No. L-39¹ as amended*), is hereby amended in the following respects:

(a) Paragraph (c) (3) is amended by inserting after the words "United States Navy" the following words: "or Maritime Commission".

(b) Paragraph (c) is further amended by adding the following new subparagraph:

(4) The provisions of paragraph (b) above shall not apply to the manufacture of any carbon dioxide extinguishers which are manufactured in accordance with the specifications of the United States Army or Navy or the United States Maritime Commission: *Provided, however,* That any such extinguishers manufactured under this exception shall be sold or transferred only to fill orders bearing a preference rating of A-1-j or higher. (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 21st day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4694; Filed, May 21, 1942;
12:08 p. m.]

PART 1098—RHODIUM

[Interpretation No. 1 of Conservation Order
No. M-95 as Amended April 17, 1942]

JEWELRY

The following official interpretation of Conservation Order No. M-95,² as amended April 17, 1942 (§ 1098.1), is

¹ 7 F.R. 1597, 3083, 3363.

² 7 F.R. 1979, 2895.

hereby issued by the Director of Industry Operations:

The term "Jewelry" as used and defined in said order includes silver deposit glassware. (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 21st day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4695; Filed, May 21, 1942;
12:08 p. m.]

PART 1014—BURLAP AND BURLAP PRODUCTS
CONSERVATION ORDER M-47 AS AMENDED
MAY 2, 1942

Correction

On page 3317 of the issue for Tuesday, May 5, 1942, a line of type was omitted from paragraph (e) of § 1014.1. The paragraph should read as follows:

(e) *Quotas for importers and importing bag manufacturers.* The quota of each Importer or Importing Bag Manufacturer out of each cargo of Burlap imported to Continental United States, including the amount required to be set aside under paragraph (b), but excluding any amount in such cargo imported by the United States Government, the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing, or any Non-Importing Bag Manufacturer, shall be an amount bearing the same ratio to the amount of such cargo as the average annual imports of such Importer or Importing Bag Manufacturer in the period 1935-1939, inclusive, through ports on the same coast—Pacific, North Atlantic, or Gulf, as the case may be—bear to the average total imports of all Importers and Importing Bag Manufacturers through ports on the same coast in the same period: *Provided, however,* That whenever the War Production Board shall determine that there has been a substantial change in the relative amounts of cargoes discharged at Pacific, or North Atlantic, or Gulf ports as compared with the period 1935-1939, inclusive, it may make such adjustment as it deems appropriate by directing the distribution, in whole or in part, of any cargo or cargoes discharged at any port to Importers or Importing Bag Manufacturers not otherwise entitled to the same under the terms of this paragraph. No Person, other than the United States Government, the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing, or any Non-Importing Bag Manufacturer, shall import Burlap who did not import Burlap in 1940.

[Schedule A to Limitation Order L-103]

PART 1198—GLASS CONTAINER AND CLOSURE SIMPLIFICATION

DISTILLED SPIRITS

Corrections

The drawings in Exhibits A-1 and A-2 of Schedule A should be transposed to fit the proper description on page 3515 of the issue for Wednesday, May 13, 1942. A like transposition should be made of the drawings in Exhibits B-1 and B-2 of Schedule B on page 3516 of the same issue.

Chapter XI—Office of Price Administration

PART 1368—FERROUS AND NON-FERROUS BOLTS, NUTS, SCREWS AND RIVETS

[Maximum Price Regulation No. 147]

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

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said act. A statement of the considerations involved in the issuance of this Regulation has been 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. 1,¹ issued by the Office of Price Administration, Maximum Price Regulation No. 147 is hereby issued.

AUTHORITY: §§ 1368.1 to 1368.16, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1368.1 *Maximum prices for bolts, nuts, screws and rivets.* (a) On and after May 28, 1942, regardless of any contract, agreement, lease or other obligation and except as provided in paragraphs (b) and (c) of this section, no producer shall sell or deliver, and no person shall, in the course of trade or business, buy or receive from a producer bolts, nuts, screws and rivets at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1368.12, or Appendix B, incorporated herein as § 1368.13, whichever is applicable; and no producer or potential purchaser from a producer shall agree, offer, solicit or attempt to do any of the foregoing. The

provisions of this section shall not be applicable to sales or deliveries of bolts, nuts, screws and rivets to a purchaser from a producer, if prior to May 28, 1942, such bolts, nuts, screws and rivets had been received by a carrier, other than a carrier owned or controlled by the producer, for shipment to such purchaser.

(b) Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

(c) (1) Any tax levied by any statute of the United States or statute or ordinance of any state or subdivision thereof of which the producer on October 1, 1941 stated and collected separately from the price paid by the purchase shall not be included in the maximum price but may be collected by the producer in addition to the maximum price if such tax is stated separately from the purchase price.

(2) Any tax upon the sale or delivery of bolts, nuts, screws and rivets, and any compensating use tax upon bolts, nuts, screws and rivets, levied by any statute of the United States or statute or ordinance of any state or subdivision thereof and becoming effective on or after October 1, 1941 may also be collected by the producer in addition to the maximum price if such tax is stated separately from the purchase price, unless such tax was included in the producer's price in effect on October 1, 1941.

(3) Any separately stated tax paid by a producer, purchasing for resale, upon the purchase of bolts, nuts, screws and rivets may be collected by such producer in addition to the maximum price upon the resale of such bolts, nuts, screws and rivets, unless such tax was included in such producer's established price in effect on October 1, 1941.

§ 1368.2 *Less than maximum prices.* Lower prices than these set forth in Appendix A (§ 1368.12) and Appendix B (§ 1368.13) may be charged, demanded, paid or offered.

§ 1368.3 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 147 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 bolts, nuts, screws, and rivets 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.

§ 1368.4 *Records and reports.* (a) Producers of bolts, nuts, screws and rivets shall preserve and keep records of prices and delivery charges and allowances for inspection by the Office of Price Administration on all sales of bolts, nuts, screws and rivets made by such producer between October 1, 1940 and October 1, 1941, inclusive.

(b) Every person making purchases from a producer or every producer making sales of bolts, nuts, screws and rivets,

in the course of trade or business, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, either the shipping point or delivered price paid or received, and transportation charges or allowances, if any.

(c) Persons affected by this Maximum Price Regulation No. 147 shall submit such reports to the Office of Price Administration as it may, from time to time, require.

§ 1368.5 *Filing of prices and pricing methods.* (a) Each producer shall file with the Office of Price Administration, Washington, D. C., on or before June 22, 1942, its published list price schedules and extras and all of its published discounts in effect between October 1 and October 15, 1941: *Provided,* That with respect to the published discounts to be filed by producers of cap and set screws, each producer shall file all of its published discounts in effect between April 1, 1941 and October 1, 1941, inclusive.

(b) Each producer shall file with the Office of Price Administration, Washington, D. C., on or before June 22, 1942: (1) on Form No. 247 : 1 to be furnished by, or obtained at, the Office of Price Administration, Washington, D. C., a complete statement as required by said Form No. 247 : 1 of the labor rates and material costs prevailing and in effect at each factory of such producer between October 1 and October 15, 1941; and (2) a complete statement of such producer's method of figuring or estimating costs in effect between October 1 and October 15, 1941 for the production and sale of items not customarily carried by such producer as stock items and such statement shall include the methods used for figuring or estimating burden or overhead, delivery charges or allowances, and selling and administrative expense.

§ 1368.6 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 147 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 147 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1368.7 *Petitions for amendment and exception.* (a) The Price Administrator may grant an exception permitting a producer to calculate his charges for delivery from the emergency basing point in cases where the producer shows that by reason of unusual circumstances arising from the emergency demands of war he proposes to make, or is making, a shipment or series of shipments to a place which is not within his usual market area. Petitions for such exceptions must be filed in accordance with Procedural Regulation No. 1 issued by the Office of Price Administration.

(b) The Price Administrator may grant an exception permitting a producer to charge more than the maximum prices set forth in this Maximum Price Regulation No. 147 in cases where the producer shows that he must otherwise absorb abnormally high transportation costs resulting from lack of the customary means of transportation or other unusual circumstances arising directly from the emergency demands of war. In all such cases the petitioner shall submit data indicating the reasons why the particular shipment or shipments are abnormal and the relation of such shipment, or the manner of shipment, to the war effort. Petitions for such exceptions must be filed in accordance with Procedural Regulation No. 1 issued by the Office of Price Administration.

(c) Persons seeking any modification of this Maximum Price Regulation No. 147 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1368.8 *Definitions.* (a) When used in this Maximum Price Regulation No. 147, the term:

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

(2) "Producer" is any person who sells or offers to sell bolts, nuts, screws and rivets insofar as such bolts, nuts, screws and rivets are manufactured or produced by him, or insofar as he sells or offers to sell bolts, nuts, screws and rivets purchased by him from the manufacturer thereof at a discount which customarily was or would have been given by one manufacturer to another between October 1 and October 15, 1941.

(3) "Bolts, nuts, screws and rivets" means and includes all of said products, together with track bolts, track bolt nuts, screw spikes, studs and rods, or any of them, fabricated from ferrous or non-ferrous metals other than aluminum; and also means and includes miscellaneous headed, threaded, punched, and bent products fabricated from ferrous or non-ferrous metals other than aluminum by the producers of bolts, nuts, screws and rivets with the use of equipment that is used in the production of bolts, nuts, screws and rivets by a cold or hot process; and also means and includes any threaded product fabricated from ferrous or non-ferrous metals other than aluminum having screw threads or other characteristics as well as those products known as, or similar to, machine screws, with slotted, not slotted, flat, round, oval, fillister, or other styles or shape of head and used with nuts or in tapped holes; but does not mean or include screw machine products, that is to say, products first made from bar or tubing or other material on either automatic or hand screw machines other than the products hereinabove defined;

and does not include nails, tacks and washers;

(4) "Continental United States" includes only the forty-eight states and the District of Columbia;

(5) "Pacific Coast" includes the States of Washington, Oregon and California;

(6) "Pacific coast basing point" is any one of the cities of San Pedro, Wilmington, Long Beach, San Diego, San Francisco, Los Angeles, Oakland, Sacramento or Stockton in the State of California, or Portland, Oregon, or Tacoma or Seattle in the State of Washington.

(7) "Emergency basing point" means the established basing point at or nearest the place of production or of origin of shipment;

(8) "Usual market area" of any producer with respect to a shipment means that area into which bolts, nuts, screws and rivets had, between October 1, 1940, and October 1, 1941, inclusive, customarily been shipped by such producer in quantities comparable to the shipment being made.

§ 1368.9 *Applicability of General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 147 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this Maximum Price Regulation No. 147.

§ 1368.10 *Sales to purchasers outside continental United States of bolts, nuts, screws and rivets intended for consumption outside continental United States.* The maximum price at which a person in continental United States may sell to purchasers outside continental United States bolts, nuts, screws and rivets intended for consumption outside continental United States shall be determined in accordance with the provisions of the Maximum Export Regulation issued by the Office of Price Administration on April 25, 1942.

§ 1368.11 *Effective date of Maximum Price Regulation No. 147.* This Maximum Price Regulation No. 147 (§ 1368.1 to § 1368.18, inclusive), shall become effective May 28, 1942.

§ 1368.12 *Appendix A: Maximum delivered prices for sales to purchasers within continental United States of bolts, nuts, screws and rivets intended for consumption within continental United States.* The maximum delivered prices for sales to purchasers within continental United States intended for consumption within continental United States:

(a) Of any bolts, nuts, screws and rivets of the types, sizes and specifications listed in Appendix D (§ 1368.15) shall be an amount not in excess of the equivalent of the applicable list price schedules and extras in effect between October 1 and October 15, 1941, and published by any or all of the following producers, less the applicable discounts set forth in Appendix E (§ 1368.16):

American Screw Company.
Atlas Bolt & Screw Co.
Bayonne Bolt Corporation.
Bethlehem Steel Company.
Buffalo Bolt Company.
Central Screw Company.

Champion Rivet Company.
Clark Brothers Bolt Company.
Cleveland Cap Screw Co.
Continental Screw Company.
Erie Bolt & Nut Company.
Corbin Screw Corporation.
Federal Screw Works.
Ferry Cap & Set Screw Co.
Lamson & Sessions Company.
Milton Manufacturing Co.
National Lock Company.
National Screw & Mfg. Co.
Oliver Iron & Steel Corp.
Ottemiller, Wm. H., Company.
Parker, Charles, Company.
Pittsburgh Screw & Bolt Corp.
Republic Steel Corporation.
Russell, Burdsall & Ward Bolt & Nut Company.
Sheffield Steel Corporation.
Townsend Company.

Provided, That (1) in cases of sales where any commission, functional or other discount or term of payment was or would have been customarily allowed by the seller between October 1 and October 15, 1941 to other producers, or to jobbers, dealers or other distributors, or to specific classes of purchasers, such as the railroad, carbuilding or automotive industries, the amount of such commission, functional or other discount or term of payment shall be deducted from the above maximum prices; (2) where sales of any of the types, sizes and specifications listed in Appendix D (§ 1368.15) and also listed in Appendix F (§ 1368.17) are made for delivery, and are delivered, on the Pacific Coast the applicable discounts set forth in Appendix F (§ 1368.17), rather than Appendix E (§ 1368.16), shall be deducted; (3) in computing said maximum prices the applicable delivery charges as set forth in Appendix C (§ 1368.14) may be added; and (4) the maximum price for Parker-Kalon Corporation for sales of any sheet metal screws of the types, sizes and specifications listed in Appendix D (§ 1368.15) shall be an amount not in excess of the equivalent of its applicable published list price schedules less its applicable published discounts all as in effect for such sheet metal screws between October 1 and October 15, 1941 and in computing said maximum prices there shall also be figured in the computation such applicable discounts as in paragraph (a) (1) above, commissions and terms of payment and delivery as were customary and in effect for said Parker-Kalon Corporation between October 1, and October 15, 1941.

(b) Of any bolts, nuts, screws and rivets of types, sizes and specifications other than those set forth in Appendix D (§ 1368.15), but of types, sizes and specifications contained in the published list price schedules of each such producer in effect between October 1 and October 15, 1941, shall be, in the case of any producer, an amount not in excess of the equivalent of its applicable published list price schedules and extras less its applicable published discounts all as in effect between October 1 and October 15, 1941: *Provided, That* (1) the provisions of this paragraph shall not apply to track bolts, track bolt nuts and screw spikes; (2) in the case of cap and set screws the

maximum prices shall be, in the case of each producer, an amount not in excess of the equivalent of its applicable published list price schedules and extras in effect between October 1 and October 15, 1941 less the applicable discounts set forth in Appendix E (§ 1368.16); (3) on sales not in excess of the following quantities of each such type, size and specification, producer by the selling producer and neither sold from stock nor customarily carried by such producer as a stock item at the time of shipment, an additional charge of \$10.00 for each type, size, and specification may be added to the above maximum prices:

	Pieces
Stove bolts, wood screws and machine screws	25,000
Sheet metal screws	50,000
All other bolts and screws:	
1/2" x 6" and smaller	15,000
5/16" through 3/4" diameter through 6" long	10,000
7/8" through 1 1/4" diameter through 12" long	3,000
Any diameter through 1 1/4" longer than 6" through 12"	1,000
Any diameter through 1 1/4" longer than 12"	500
Nuts:	
1/4" diameter and smaller	50,000
5/16" diameter through 3/8"	25,000
7/16" diameter through 9/16"	10,000
5/8" diameter through 3/4"	5,000
7/8" diameter through 1 1/8"	1,000
1 1/2" diameter and larger	250

(4) in cases of sales where any commission, functional or other discount or term of payment was or would have been customarily allowed by the seller between October 1 and October 15, 1941 to other producers, or to jobbers, dealers or other distributors or to specific classes of purchasers, such as the railroad, carbuilding or automotive industries, the amount of such commission, functional or other discount or term of payment shall be deducted from the above maximum prices; and (5) in computing said maximum prices delivery charges as set forth in Appendix C (§ 1368.14) may be added.

(c) Of any track bolts, track bolt nuts, and screw spikes of the types, sizes and specifications contained in the published list price schedules of each such producer in effect between October 1 and October 15, 1941, shall be, in the case of each producer, an amount not in excess of the equivalent of its applicable published list price schedules and extras less its applicable published discounts all as in effect between October 1 and October 15, 1941: *Provided*, That (1) in cases of sales where any commission, functional or other discount or term of payment was or would have been customarily allowed by the seller between October 1 and October 15, 1941, to other producers, or to jobbers, dealers or other distributors or to specific classes of purchasers, such as the railroad, carbuilding or automotive industries, the amount of such commission, functional or other discount or term of payment shall be deducted from the above maximum prices; and (2) delivery charges or allowances shall be ascertained by the method used by the producer between October 1 and October 15, 1941 and shall be computed in arriving at said maximum prices.

(d) For each producer for any bolts, nuts, screws and rivets other than those described in (a), (b) and (c) of this section shall be the price such producer would have charged between October 1 and October 15, 1941 for like quantities of bolts, nuts, screws and rivets of the same type, size and specifications determined by the labor rates, material costs and methods of estimating costs and charges or allowances for delivery which were in effect for such producer between October 1 and October 15, 1941: *Provided*, That (1) where any such bolts, nuts, screws, and rivets were produced by a producer and sold between October 1, 1940 and October 1, 1941, the last price charged for like quantities of the same type, size and specifications during said period, together with any adjustment in said last price in charges or allowances for delivery necessary to give effect to changes in transportation rates since October 1, 1941, shall be the maximum prices therefore for each producer rather than as above; and (2) where any commission, functional or other discount or terms of payment was or would have been customarily allowed by the seller between October 1 and October 15, 1941 to other producers, or to jobbers, dealers or other distributors or to specific classes of purchasers, such as the railroad, carbuilding or automotive industries, on similar sales by such producer, the amount of such commission, functional or other discount or term of payment shall be deducted from the above maximum prices.

§ 1368.13 *Appendix B: Maximum delivered prices for sales to purchasers within continental United States of bolts, nuts, screws and rivets intended for consumption outside continental United States.* The maximum delivered prices for sales to purchasers within continental United States intended for consumption outside continental United States:

(a) Of any bolts, nuts, screws and rivets of the types, sizes and specifications listed in Appendix D (§ 1368.15) shall be an amount not in excess of the equivalent of the applicable list price schedules and extras in effect between October 1 and October 15, 1941, and published by any or all of the following producers, less the applicable discounts set forth in Appendix G (§ 1368.18):

American Screw Company.
Armco International Corp.
Bayonne Bolt Corporation.
Bethlehem Steel Export Corp.
Buffalo Bolt Company.
Champion Rivet Company.
Clark Brothers Bolt Company.
Lamson & Sessions Company.
Milton Manufacturing Co.
National Screw & Mfg. Co.
Oliver Iron & Steel Corp.
Parker, Charles Company.
Republic Steel Corporation.
Russell, Burdsall & Ward Bolt & Nut Company.

Provided, That (1) where such sale is made to the Government of the United States or any agency thereof a further

discount of five percent (5%) shall be deducted, except that in the case of wood screws such further discount shall be ten percent (10%) instead of five percent (5%) and in the case of rivets 1/2" or more in diameter such further discount shall be two and one-half percent (2 1/2%) instead of five percent (5%); (2) in cases of sales where any commission, functional or other discount or term of payment was or would have been customarily allowed by the seller between October 1 and October 15, 1941, to other producers, or to jobbers, dealers or other distributors or to specific classes of purchasers, such as the railroad, carbuilding or automotive industries, the amount of such commission, functional or other discount or term of payment shall be deducted from the above maximum prices; (3) in computing said maximum prices the applicable delivery charges as set forth in Appendix C (§ 1368.14) may be added; and (4) the maximum price for Parker-Kalon Corporation for such sale of any sheet metal screws of the types, sizes and specifications listed in Appendix D (§ 1368.15) shall be an amount not in excess of the equivalent of its applicable published list price schedules less its applicable published discounts all as in effect for such sheet metal screws between October 1 and October 15, 1941, and in computing said maximum prices there shall also be figured in the computation such applicable discounts, other than as above, commissions and terms of payment and delivery as were customary and in effect for said Parker-Kalon Corporation between October 1 and October 15, 1941.

(b) Of any bolts, nuts, screws and rivets of types, sizes and specifications other than those set forth in Appendix D (§ 1368.15), but of types, sizes and specifications contained in the published list price schedules of each such producer in effect between October 1 and October 15, 1941, shall be, in the case of any producer, an amount not in excess of the equivalent of its applicable published list price schedules and extras less its applicable published discounts all as in effect between October 1 and October 15, 1941: *Provided*, That (1) the provisions of this paragraph shall not apply to track bolts, track bolt nuts and screw spikes; (2) in the case of cap and set screws the maximum prices shall be, in the case of each producer, an amount not in excess of the equivalent of its applicable published list price schedules and extras in effect between October 1 and October 15, 1941, less the applicable discounts set forth in Appendix G (§ 1368.18) (3) where such sale is made to the Government of the United States or any agency thereof a further discount of five percent (5%) shall be deducted, except that in the case of wood screws such further discount shall be ten percent (10%) instead of five percent (5%) and in the case of rivets 1/2" or more in diameter such further discount shall be two and one-half percent (2 1/2%) instead of five percent (5%); (4) on sales not in excess of the following quantities of each such type, size and specification, produced by the selling producer and neither sold

from stock nor customarily carried by such producer as a stock item at the time of shipment, an additional charge of \$10.00 for each type, size and specification may be added to the above maximum prices:

Stove bolts, wood screws and machine screws	Pieces	25,000
Sheet metal screws		50,000
All other bolts and screws:		
1/2" x 6" and smaller		15,000
3/16" through 3/4" diameter through 6" long		10,000
7/8" through 1 1/4" diameter through 12" long		3,000
Any diameter through 1 1/4" longer than 6" through 12"		1,000
Any diameter through 1 1/4" longer than 12"		500
Nuts:		
1/4" diameter and smaller		50,000
3/16" diameter through 3/8"		25,000
1/2" diameter through 5/8"		10,000
3/4" diameter through 1"		5,000
7/8" diameter through 1 3/8"		1,000
1 1/2" diameter and larger		250

(5) in cases of sales where any commission, functional or other discount or term of payment was or would have been customarily allowed by the seller between October 1 and October 15, 1941, to other producers or to jobbers, dealers or other distributors or to specific classes of purchasers, such as the railroad, carbuilding or automotive industries, the amount of such commission, functional or other discount or term of payment shall be deducted from the above maximum prices; and (6) in computing said maximum prices the applicable delivery charges as set forth in Appendix C (§ 1368.14) may be added.

(c) Of any track bolts, track bolt nuts and screw spikes of the types, sizes and specifications contained in the published list price schedules of each such producer in effect between October 1 and October 15, 1941, shall be, in the case of each producer an amount not in excess of the equivalent of its applicable published list price schedules and extras less its applicable published discounts all as in effect between October 1 and October 15, 1941: *Provided*, That (1) where such sale is made to the Government of the United States or any agency thereof, a further discount of 10 cents per 100 lbs. in the case of mild steel track bolts and track bolt nuts shall be deducted; (2) in cases of sales where any commission, functional or other discount or term of payment was or would have been customarily allowed by the seller between October 1 and October 15, 1941, to other producers, or to jobbers, dealers or other distributors or to specific classes of purchasers, such as the railroad, carbuilding or automotive industries, the amount of such commission, functional or other discount or term of payment shall be deducted from the above maximum prices; and (3) delivery charges or allowances shall be ascertained by the method used by the producer between October 1 and October 15, 1941 and shall be computed in arriving at the above maximum prices.

(d) For each producer for any bolts, nuts, screws and rivets other than those provided in (a), (b) and (c) above, shall

be the price such producer would have charged between October 1 and October 15, 1941 for like quantities of bolts, nuts, screws and rivets of the same type, size and specifications determined by the labor rates, material costs and methods of estimating costs and charges or allowances for delivery which were in effect for such producer between October 1 and October 15, 1941: *Provided*, That (1) where any such bolts, nuts, screws and rivets were produced by a producer and sold on an export basis between October 1, 1940 and October 1, 1941, the last price charged for like quantities of the same type, size and specifications together with any adjustment in said last price in charges or allowances for delivery necessary to give effect to changes in transportation rates since October 1, 1941 during said period, shall be the maximum prices therefor for such producer rather than as above; (2) where such sale is made to the Government of the United States or any agency thereof an allowance for a commission or discount for a dealer, jobber or agent located outside continental United States shall be excluded from such producer's cost estimating methods; and (3) where any commission, functional or other discount or term of payment was or would have been customarily allowed by the seller between October 1 and October 15, 1941 to other producers, or to jobbers, dealers or other distributors or to specific classes of purchasers, such as the railroad, carbuilding or automotive industry, on similar sales by such producer, the amount of such commission, functional or other discount or term of payment shall be deducted from the above maximum prices.

§ 1368.14 *Appendix C: Charges for delivery.* Maximum prices set forth in paragraphs (a) and (b) of Appendix A (§ 1368.12) are f. o. b. conveyance at seller's factory points. For the purposes of this Maximum Price Regulation, shipments are at point of shipment when placed f. o. b. such conveyance. Maximum delivered prices shall be computed by adding to the maximum prices as set forth in paragraphs (a) and (b) of Appendix A (§ 1368.12) the public carrier's transportation charges to the extent actually incurred, except that in the following instances, the applicable charges specified below shall be added:

(a) Shipments to domestic points other than Pacific Coast points.

(1) On shipments of the following items:

- Bolts*, other than stove or tire bolts,
- Nuts*, other than stove bolt nuts, machine screw nuts, semi-finished, castellated or slotted nuts,
- Rivets*,

the maximum charge which may be added shall be the lowest applicable railroad charge for the transportation of an identical quantity to the consumer's plant from whichever of the following basing points the lowest railroad charge applies: Pittsburgh, Pennsylvania; Cleveland, Ohio; Chicago, Illinois; Birmingham, Alabama.

(2) On shipments of 200 lbs. or more of the following items:

- Stove bolts*,
- Stove bolt nuts*,
- Machine screw nuts*,
- Screws*,

the maximum charge which may be added shall be the lowest applicable railroad charge, to the extent that such charge exceeds 65¢ per 100 lbs., for the transportation of an identical quantity to the consumer's plant from whichever of the following basing points the lowest railroad charge applies: Cleveland, Ohio; Chicago, Illinois; New York, New York.

(3) On shipments of 300 lbs. or more of tire bolts, the maximum charge which may be added shall be the actual cost of transportation from point of shipment to consumer's plant, to the extent that such cost exceeds 65¢ per 100 lbs., or the lowest applicable railroad charge for an identical shipment, whichever is less.

(4) On shipments of 200 lbs. or more of semi-finished, castellated or slotted nuts the maximum charge which may be added shall be the lowest applicable railroad charge, to the extent that such charge exceeds 50¢ per 100 lbs., for the transportation of an identical quantity to the consumer's plant from whichever of the following basing points the lowest railroad charge applies: Cleveland, Ohio; Chicago, Illinois; Pittsburgh, Pennsylvania.

(b) Shipments to Pacific Coast points.

(1) On shipments of the following items:

- Bolts*, other than stove or tire bolts,
- Nuts*, other than stove bolt nuts, machine screw nuts, semi-finished, castellated or slotted nuts,
- Rivets*,

to points on the Pacific Coast, except in the case of shipments wholly by rail or motor vehicles from points east of the Pacific Coast, the maximum charge which may be added shall be (i) on shipments of 400 lbs. or more, the lowest applicable railroad charge for the transportation of an identical quantity to the consumer's plant from whichever Pacific Coast basing point the lowest railroad charge applies, and (ii) on shipments of more than 200 lbs. but less than 400 lbs., the lowest applicable railroad charge for the transportation of an identical quantity from whichever of the following Pacific Coast basing points the lowest railroad charge applies: San Francisco, California; Los Angeles, California.

(2) On shipments of the items listed in paragraph (b) (1) from points east of the Pacific Coast wholly by rail or motor vehicle to points on the Pacific Coast the maximum charge which may be added shall be (i) in the case of carload shipments, the actual transportation charge for the shipment from seller's factory point to the railroad siding nearest the consumer's plant, to the extent that such charge exceeds 76¢ per 100 lbs., but in no event shall such additional charge exceed 40¢ per 100 lbs. and (ii) in the case of less than car-

load shipments, the actual transportation charge for the shipment from seller's factory point to consumer's plant to the extent that such charge exceeds \$1.35 per 100 lbs., but in no event shall such additional charge exceed \$1.16 per 100 lbs.

(3) On shipments of 200 lbs. or more of semi-finished, castellated or slotted nuts to points on the Pacific Coast, no additional charge may be made.

(4) On shipments to points on the Pacific Coast of items named in paragraphs (a) (2) and (a) (3) of this Section, maximum delivered prices shall be computed as set forth in said paragraphs.

(c) Emergency transportation charges:

Where, in the case of shipments governed by the provisions of Paragraphs (a) and (b), of this section, an emergency high cost method of transportation, such as Railway Express, is requested by the purchaser, maximum delivered prices may include, in lieu of the transportation charges otherwise computed under the provisions of paragraphs (a) and (b), the excess of such emergency transportation charge over the amount of absorption which would be made by the shipper under the provisions of paragraphs (a) and (b).

(d) Sales to purchasers within continental United States intended for consumption outside United States:

On shipments of 300 lbs. or more of items named in paragraphs (a) and (b) of § 1368.13, the maximum charge which may be added shall be the actual public carrier's transportation charge from the point of shipment to the vessel's side to the extent that such charge exceeds the transportation charge at the applicable railroad rate for an identical quantity from the point of shipment to vessel's side in New York City.

§ 1368.15 Appendix D: Standard sizes, types and specifications. (a) The following types and sizes of bolts, nuts, screws and/or rivets are assumed to be manufactured to either American Standards Association's specifications or United States Department of Commerce National Bureau of Standards Handbook H28 or British Standard Association's specifications, all as in effect on the effective date of this Maximum Price Regulation No. 147.

(b) All items are made from ferrous metals unless otherwise specifically stated.

(c) Items checked with the symbol "x" are the items intended to be included in this Appendix.

Table I—Bolts

(1) American Standard square head machine bolts of American National coarse-thread series, Class 2 tolerance, (either cut thread in all listed sizes or rolled thread in all listed sizes up through 1/2" diameter by 6" long) or Whitworth thread (either cut thread in all listed sizes or rolled thread in all listed sizes up through 3/8" diameter by 6" long).

Lengths	Diameters											
	1/4	5/16	3/8	7/16	1/2	5/8	3/4	7/8	1	1 1/8	1 1/4	
1/2	x	x										
5/8	x	x										
3/4	x	x	x									
1	x	x	x	x	x	x	x					
1 1/4	x	x	x	x	x	x	x	x				
1 1/2	x	x	x	x	x	x	x	x	x			
1 3/4	x	x	x	x	x	x	x	x	x	x		
2	x	x	x	x	x	x	x	x	x	x	x	
2 1/4	x	x	x	x	x	x	x	x	x	x	x	x
2 1/2	x	x	x	x	x	x	x	x	x	x	x	x
2 3/4	x	x	x	x	x	x	x	x	x	x	x	x
3	x	x	x	x	x	x	x	x	x	x	x	x
3 1/4	x	x	x	x	x	x	x	x	x	x	x	x
3 1/2	x	x	x	x	x	x	x	x	x	x	x	x
3 3/4	x	x	x	x	x	x	x	x	x	x	x	x
4	x	x	x	x	x	x	x	x	x	x	x	x
4 1/4	x	x	x	x	x	x	x	x	x	x	x	x
4 1/2	x	x	x	x	x	x	x	x	x	x	x	x
4 3/4	x	x	x	x	x	x	x	x	x	x	x	x
5	x	x	x	x	x	x	x	x	x	x	x	x
5 1/2	x	x	x	x	x	x	x	x	x	x	x	x
6	x	x	x	x	x	x	x	x	x	x	x	x
6 1/2	x	x	x	x	x	x	x	x	x	x	x	x
7	x	x	x	x	x	x	x	x	x	x	x	x
7 1/2	x	x	x	x	x	x	x	x	x	x	x	x
8	x	x	x	x	x	x	x	x	x	x	x	x
8 1/2	x	x	x	x	x	x	x	x	x	x	x	x
9	x	x	x	x	x	x	x	x	x	x	x	x
9 1/2	x	x	x	x	x	x	x	x	x	x	x	x
10	x	x	x	x	x	x	x	x	x	x	x	x
10 1/2	x	x	x	x	x	x	x	x	x	x	x	x
11	x	x	x	x	x	x	x	x	x	x	x	x
11 1/2	x	x	x	x	x	x	x	x	x	x	x	x
12	x	x	x	x	x	x	x	x	x	x	x	x
12 1/2	x	x	x	x	x	x	x	x	x	x	x	x
13	x	x	x	x	x	x	x	x	x	x	x	x
13 1/2	x	x	x	x	x	x	x	x	x	x	x	x
14	x	x	x	x	x	x	x	x	x	x	x	x
14 1/2	x	x	x	x	x	x	x	x	x	x	x	x
15	x	x	x	x	x	x	x	x	x	x	x	x
15 1/2	x	x	x	x	x	x	x	x	x	x	x	x
16	x	x	x	x	x	x	x	x	x	x	x	x
16 1/2	x	x	x	x	x	x	x	x	x	x	x	x
17	x	x	x	x	x	x	x	x	x	x	x	x
17 1/2	x	x	x	x	x	x	x	x	x	x	x	x
18	x	x	x	x	x	x	x	x	x	x	x	x
18 1/2	x	x	x	x	x	x	x	x	x	x	x	x
19	x	x	x	x	x	x	x	x	x	x	x	x
19 1/2	x	x	x	x	x	x	x	x	x	x	x	x
20	x	x	x	x	x	x	x	x	x	x	x	x
20 1/2	x	x	x	x	x	x	x	x	x	x	x	x
22	x	x	x	x	x	x	x	x	x	x	x	x
24	x	x	x	x	x	x	x	x	x	x	x	x

(2) American Standard regular square head machine bolts, hot galvanized and of American National coarse-thread series:

Lengths	Diameters				
	1/4	5/16	3/8	1/2	5/8
1	x	x	x	x	x
1 1/2	x	x	x	x	x
2	x	x	x	x	x
2 1/2	x	x	x	x	x
3	x	x	x	x	x
3 1/2			x	x	x
4			x	x	x
4 1/2				x	x
5				x	x
5 1/2					x
6					x

(3) American Standard regular hexagon head machine bolts of American National coarse-thread series, Class 2 tolerance, or Whitworth thread:

Lengths	Diameters							
	1/4	5/16	3/8	1/2	5/8	3/4	7/8	1
1/2	x							
5/8	x	x						
3/4	x	x	x					
1	x	x	x	x				
1 1/4	x	x	x	x	x			
1 1/2	x	x	x	x	x	x		
1 3/4	x	x	x	x	x	x	x	
2	x	x	x	x	x	x	x	x
2 1/4	x	x	x	x	x	x	x	x
2 1/2			x	x	x	x	x	x
2 3/4			x	x	x	x	x	x
3			x	x	x	x	x	x
3 1/4			x	x	x	x	x	x
4			x	x	x	x	x	x
4 1/4			x	x	x	x	x	x
4 1/2			x	x	x	x	x	x
4 3/4			x	x	x	x	x	x
5			x	x	x	x	x	x
5 1/2			x	x	x	x	x	x
6			x	x	x	x	x	x
7			x	x	x	x	x	x
8			x	x	x	x	x	x

(4) American Standard square neck carriage bolts of American National coarse-thread series, Class 2 tolerance, (either cut thread in all listed sizes or rolled thread in all listed sizes up through 1/2" diameter by 6" long) or Whitworth thread (either cut thread in all listed sizes or rolled thread in all listed sizes up through 3/8" diameter by 6" long).

Lengths	Diameters							
	5/16	1/4	3/16	3/8	7/16	1/2	5/8	3/4
1/2	x	x						
5/8	x	x						
3/4	x	x	x					
1	x	x	x	x	x			
1 1/4	x	x	x	x	x	x		
1 1/2	x	x	x	x	x	x	x	
1 3/4	x	x	x	x	x	x	x	x
2	x	x	x	x	x	x	x	x
2 1/4	x	x	x	x	x	x	x	x
2 1/2	x	x	x	x	x	x	x	x
2 3/4	x	x	x	x	x	x	x	x
3	x	x	x	x	x	x	x	x
3 1/4	x	x	x	x	x	x	x	x
3 1/2	x	x	x	x	x	x	x	x
3 3/4	x	x	x	x	x	x	x	x
4	x	x	x	x	x	x	x	x
4 1/4	x	x	x	x	x	x	x	x
4 1/2	x	x	x	x	x	x	x	x
4 3/4	x	x	x	x	x	x	x	x
5	x	x	x	x	x	x	x	x
5 1/2	x	x	x	x	x	x	x	x
6	x	x	x	x	x	x	x	x
6 1/2	x	x	x	x	x	x	x	x
7	x	x	x	x	x	x	x	x
7 1/2	x	x	x	x	x	x	x	x
8	x	x	x	x	x	x	x	x
8 1/2	x	x	x	x	x	x	x	x
9	x	x	x	x	x	x	x	x
9 1/2	x	x	x	x	x	x	x	x
10	x	x	x	x	x	x	x	x
10 1/2	x	x	x	x	x	x	x	x
11	x	x	x	x	x	x	x	x
11 1/2	x	x	x	x	x	x	x	x
12	x	x	x	x	x	x	x	x
13	x	x	x	x	x	x	x	x
14	x	x	x	x	x	x	x	x
15	x	x	x	x	x	x	x	x
16	x	x	x	x	x	x	x	x
18	x	x	x	x	x	x	x	x

(5) American Standard square neck carriage bolts, hot galvanized, and of American National coarse-thread series:

Lengths	Diameters			
	1/4	5/16	3/8	1/2
1	x	x	x	
1 1/2	x	x	x	x
2	x	x	x	x
2 1/2	x	x	x	x
3	x	x	x	x
3 1/2			x	x
4			x	x
4 1/2				x
5				x
5 1/2				x
6				x

(6) Regular square head lag bolts:

Lengths	Diameters							
	1/4	5/16	3/8	7/16	1/2	5/8	3/4	
1	x	x	x					
1 1/4	x	x	x					
1 1/2	x	x	x	x				
1 3/4	x	x	x	x	x			
2	x	x	x	x	x	x		
2 1/4	x	x	x	x	x	x	x	
3	x	x	x	x	x	x	x	
3 1/4	x	x	x	x	x	x	x	
4	x	x	x	x	x	x	x	
4 1/4	x	x	x	x	x	x	x	
4 1/2	x	x	x	x	x	x	x	
5	x	x	x	x	x	x	x	
5 1/2	x	x	x	x	x	x	x	
6	x	x	x	x	x	x	x	
6 1/2	x	x	x	x	x	x	x	
7	x	x	x	x	x	x	x	
8	x	x	x	x	x	x	x	
9	x	x	x	x	x	x	x	
10	x	x	x	x	x	x	x	
11	x	x	x	x	x	x	x	
12	x	x	x	x	x	x	x	

(7) Regular square head lag bolts, hot galvanized:

Lengths	Diameters			
	1/4	5/16	3/8	1/2
1 1/2	x	x	x	
2	x	x	x	x
2 1/2	x	x	x	x
3	x	x	x	x
3 1/2				x
4				x

(8) Key head plow bolts, No. 1 heads, American National coarse-thread series, Class 2 tolerance:

(i) REGULAR HEADS

Lengths	Diameters				
	3/8	7/16	1/2	5/8	3/4
1	x	x	x		
1 1/4	x	x	x		
1 1/2	x	x	x	x	
1 3/4	x	x	x	x	
2	x	x	x	x	x
2 1/2	x	x	x	x	x
3	x	x	x	x	x

(ii) REPAIR HEADS

Lengths	Diameters		
	3/8	7/16	1/2
1	x	x	
1 1/4	x	x	
1 1/2	x	x	x
1 3/4	x	x	x
2	x	x	x
2 1/2	x	x	x
3	x	x	x

(9) Round head plow bolts, No. 2 heads, American National coarse-thread series, Class 2 tolerance:

(i) REGULAR HEADS

Lengths	Diameters				
	3/8	7/16	1/2	5/8	3/4
1	x		x		
1 1/4	x	x	x		
1 1/2	x	x	x	x	
1 3/4	x	x	x	x	
2	x	x	x	x	x
2 1/2	x	x	x	x	x
3	x	x	x	x	x

(10) Round head, square neck, countersunk plow bolts, No. 3 heads, American National Coarse-thread series, Class 2 tolerance:

(i) REGULAR HEADS

Lengths	Diameters					
	5/16	3/8	7/16	1/2	5/8	3/4
3/4	x	x				
1	x	x	x			
1 1/4	x	x	x	x		
1 1/2	x	x	x	x	x	
1 3/4	x	x	x	x	x	
2	x	x	x	x	x	x
2 1/4	x	x	x	x	x	x
2 1/2	x	x	x	x	x	x
2 3/4	x	x	x	x	x	x
3	x	x	x	x	x	x
3 1/2				x	x	x

(ii) REPAIR HEADS

Lengths	Diameters			
	3/8	7/16	1/2	5/8
1	x	x	x	
1 1/4	x	x	x	
1 1/2	x	x	x	x
1 3/4	x	x	x	x
2	x	x	x	x
2 1/4	x	x	x	x
2 1/2	x	x	x	x
2 3/4	x	x	x	x
3	x	x	x	x

(11) Square head, countersunk plow bolts, No. 4 heads, American National coarse-thread series, Class 2 tolerance:

(i) REGULAR HEADS

Lengths	Diameters			
	3/8	7/16	1/2	5/8
1	x	x		
1 1/4	x	x	x	
1 1/2	x	x	x	
1 3/4	x	x	x	
2	x	x	x	x
2 1/4	x	x	x	x
2 1/2	x	x	x	x
2 3/4	x	x		x
3	x	x		x

(ii) REPAIR HEADS

Lengths	Diameters		
	3/8	7/16	1/2
1	x	x	
1 1/4	x	x	
1 1/2	x	x	x
1 3/4	x	x	x
2	x	x	x
2 1/4	x	x	
2 1/2	x	x	
2 3/4	x		
3	x		

(12) Round head, reverse key, countersunk plow bolts, No. 7 heads, American National coarse-thread series, Class 2 tolerance:

(i) REGULAR HEADS

Lengths	Diameters			
	3/8	7/16	1/2	5/8
1	x	x		
1 1/4	x	x	x	
1 1/2	x	x	x	
1 3/4	x	x	x	x
2	x	x	x	x
2 1/4	x		x	
2 1/2	x		x	x
2 3/4			x	x
3			x	x

(ii) REPAIR HEADS

Lengths	Diameters		
	3/8	7/16	1/2
1	x		
1 1/4	x	x	
1 1/2	x	x	x
1 3/4	x	x	x
2	x	x	x
2 1/4	x		
2 1/2	x		

(13) American Standard step bolts, American National coarse-thread series, Class 2 tolerance:

Lengths	Diameters			
	3/16	1/4	5/16	3/8
5/8	x			
3/4	x	x		
1	x	x	x	x
1 1/4	x	x	x	x
1 1/2	x	x	x	x
1 3/4	x	x	x	x
2	x	x	x	x
2 1/4	x	x	x	x
2 1/2	x	x	x	x
2 3/4	x	x	x	x
3	x	x	x	x
3 1/2	x	x		
4	x	x		
4 1/2	x			
5	x			

(14) Elevator bolts, either No. 1 countersunk head, square neck, or No. 2 oval head, square neck, American National coarse-thread series, Class 2 tolerance:

Lengths	Diameters		
	1/4	5/16	3/8
3/4	x	x	
7/8	x	x	
1	x	x	x
1 1/4	x	x	x
1 1/2	x	x	x
1 3/4	x	x	x
2	x	x	x
2 1/4	x	x	x
2 1/2	x	x	x
3	x	x	x

(15) Tire bolts, American National coarse-thread series, Class 2 tolerance:

Lengths	Diameters			
	3/16	1/4	5/16	3/8
1 1/2	x	x		
1 3/4	x	x		
2	x	x	x	x
2 1/4	x	x	x	x
2 1/2	x	x	x	x
2 3/4	x	x	x	x
3	x	x	x	x
3 1/2	x	x	x	x
4	x	x	x	x

(16) Stove bolts:

Lengths	Diameters						
	3/8	7/16	1/2	5/8	3/4	7/8	1
3/8	FR	FRV	FRV				
1/2	FR	FRV	FRV	FRV			
5/8	FR	FRV	FRV	FRV			
3/4	FR	FRV	FRV	FRV	FRV	FR	FR
7/8	R	FRV	FRV	FRV	FR	FR	FR
1	FR	FRV	FRV	FRV	FRV	FR	FR
1 1/8	R	FR	FR	FR	FR		
1 1/4	FR	FR	FRV	FRV	FRV	FR	FR
1 1/2	FR	FR	FRV	FRV	FRV	FR	FR
1 3/4	R	FR	FR	FR	FR	FR	FR
2	R	FR	FRV	FRV	FR	FR	FR
2 1/4		FR	FR	FR	FR	FR	FR
2 1/2		FR	FR	FR	FR	FR	FR
2 3/4		FR	FR	FR	FR	FR	FR
3		FR	FR	FR	FR	FR	FR
3 1/2		FR	FR	FR	FR	FR	FR
4		FR	FR	FR	FR	FR	FR
4 1/2		FR	FR	FR	FR	FR	FR
5		FR	FR	FR	FR	FR	FR
6		FR	FR	FR	FR	FR	FR

Letters in the vertical columns under the bolt diameters indicate the style of head for a particular length of bolt as follows: F=Flat Head; R=Round Head; V=Oven Head.

(iii) BRASS MACHINE SCREWS—AMERICAN NATIONAL COARSE-THREAD SERIES

Lengths in inches	Machine screw numbers or nominal sizes												
	2	3	4	5	6	8	10	12	14	18	20	24	
	Threads per inch												
1/4	RP	RP	RP	RP	RP	RP	RP	RP	RP	RP	RP	RP	RP
3/8	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP
1/2	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP
5/8	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP
3/4	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP
7/8	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP
1	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP
1 1/4	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP
1 1/2	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP
1 3/4	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP
2	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP
2 1/4	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP
2 1/2	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP
3	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP

(iv) BRASS MACHINE SCREWS—AMERICAN NATIONAL FINE-THREAD SERIES

Lengths in inches	Machine screw numbers or nominal sizes											
	2	3	4	5	6	8	10	12	14	18	20	24
	Threads per inch											
1/4	RP	RP	RP	RP	RP	RP	RP	RP	RP	RP	RP	RP
3/8	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP
1/2	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP
5/8	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP
3/4	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP
7/8	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP
1	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP
1 1/4	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP
1 1/2	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP
1 3/4	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP
2	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP
2 1/4	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP
2 1/2	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP
3	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP	FRP

Letters in the vertical column under the nominal screw sizes indicate the style of head for a particular length of screw thus: F—flat head, R—round head, O—oval head, P—filister head. Short-length flat and oval head screws indicated in small letters have under cut head, with the countersunk portion approximately two-thirds of the standard height, with slot depths proportionately less, but with standard head diameters.

(v) AMERICAN NATIONAL FINE-THREAD SERIES

Lengths in inches	Machine screw numbers or nominal sizes			
	6	8	10	14
	Threads per inch			
1/4	RP	RP	RP	RP
3/8	FRP	FRP	FRP	FRP
1/2	FRP	FRP	FRP	FRP
5/8	FRP	FRP	FRP	FRP
3/4	FRP	FRP	FRP	FRP
7/8	FRP	FRP	FRP	FRP
1	FRP	FRP	FRP	FRP
1 1/4	FRP	FRP	FRP	FRP
1 1/2	FRP	FRP	FRP	FRP
1 3/4	FRP	FRP	FRP	FRP
2	FRP	FRP	FRP	FRP
2 1/4	FRP	FRP	FRP	FRP
2 1/2	FRP	FRP	FRP	FRP
3	FRP	FRP	FRP	FRP

(vi) BRASS MACHINE SCREWS—AMERICAN NATIONAL FINE-THREAD SERIES

Lengths in inches	Machine screw numbers or nominal sizes		Lengths in inches	Machine screw numbers or nominal sizes	
	10	Threads per inch		10	Threads per inch
	32	32		32	32
1/4	R	FRP	1	FRP	FRP
3/8	FRP	FRP	1 1/4	FRP	FRP
1/2	FRP	FRP	1 1/2	FRP	FRP
5/8	FRP	FRP	1 3/4	FRP	FRP
3/4	FRP	FRP	2	FRP	FRP
7/8	FRP	FRP	2 1/4	FRP	FRP
1	FRP	FRP	2 1/2	FRP	FRP
1 1/4	FRP	FRP	3	FRP	FRP

(11) Type "Z" Self-tapping sheet metal screws:

Lengths	Diameters of screws							
	No. 2	No. 4	No. 6	No. 7	No. 8	No. 10	No. 12	No. 14
3/4	RB	RBS	RBS	RB	RBS	RBS	RB	RBS
3/8	RB-FO	RBSFO	RBSFO	RB	RBS	RBS	RB	RBS
3/16	RB-FO	RBSFO	RBSFO	RB	RBS	RBS	RB	RBS
1/4	RB	RBS	RBSFO	RB	RBS	RBS	RB	RBS
1/8	RB	RBSFO	RBSFO	RB	RBSFO	RBSFO	RB	RBS
1/16	RB-FO	RBSFO	RBSFO	RB-FO	RBSFO	RBSFO	RB-FO	RBS
1	RB-FO	RBSFO	RBSFO	RB-FO	RBSFO	RBSFO	RB-FO	RBS
1 1/4	RB-FO	RBSFO	RBSFO	RB-FO	RBSFO	RBSFO	RB-FO	RBS
1 1/2	RB-FO	RBSFO	RBSFO	RB-FO	RBSFO	RBSFO	RB-FO	RBS
2	RB-FO	RBSFO	RBSFO	RB-FO	RBSFO	RBSFO	RB-FO	RBS

R—indicates that size is carried in round head.
 B—indicates that size is carried in binding head.
 S—indicates that size is carried in stove head.
 F—indicates that size is carried in countersunk flat head.
 O—indicates that size is carried in countersunk oval head.

(12) Hexagon head self-tapping cap screws:

Lengths	Diameters of screws				
	No. 6	No. 8	No. 10	No. 14	%
1 1/4	X	X	X	X	X
1 1/8	X	X	X	X	X
1 1/2	X	X	X	X	X
1 3/8	X	X	X	X	X
2	X	X	X	X	X
2 1/8	X	X	X	X	X
2 1/4	X	X	X	X	X
2 3/8	X	X	X	X	X
2 1/2	X	X	X	X	X
3	X	X	X	X	X
3 1/4	X	X	X	X	X
4	X	X	X	X	X

(2) American Standard small rivets, flat heads:

Lengths	Diameters					
	%	3/16	1/4	5/16	3/8	1/2
3/16						X
1/4						X
5/16						X
3/8						X
7/16						X
1/2						X
5/8						X
3/4						X
7/8						X
1						X
1 1/8						X
1 1/4						X
1 1/2						X

(1) American Standard small rivets, round heads:

Lengths	Diameters					
	%	3/16	1/4	5/16	3/8	1/2
3/4						X
3/8						X
3/16						X
1/4						X
5/16						X
3/8						X
1/2						X
5/8						X
3/4						X
7/8						X
1						X
1 1/8						X
1 1/4						X
1 1/2						X

TABLE IV—Rivets

(8) Wood screws:

Lengths	Diameters												
	2	3	4	5	6	7	8	9	10	12	14	16	18
1 1/4	FRO	FR	FRO	FRO	FRO	FRO	FRO	FRO	FR	FR	FR	FR	FR
3/4	FRO	FR	FRO	FRO	FRO	FRO	FRO	FRO	FR	FR	FR	FR	FR
3/8	FRO	FR	FRO	FRO	FRO	FRO	FRO	FRO	FR	FR	FR	FR	FR
1/4	FRO	FR	FRO	FRO	FRO	FRO	FRO	FRO	FR	FR	FR	FR	FR
1/8	FRO	FR	FRO	FRO	FRO	FRO	FRO	FRO	FR	FR	FR	FR	FR
1	FRO	FR	FRO	FRO	FRO	FRO	FRO	FRO	FR	FR	FR	FR	FR
1 1/4	FRO	FR	FRO	FRO	FRO	FRO	FRO	FRO	FR	FR	FR	FR	FR
1 1/2	FRO	FR	FRO	FRO	FRO	FRO	FRO	FRO	FR	FR	FR	FR	FR
2	FRO	FR	FRO	FRO	FRO	FRO	FRO	FRO	FR	FR	FR	FR	FR
2 1/4	FRO	FR	FRO	FRO	FRO	FRO	FRO	FRO	FR	FR	FR	FR	FR
2 1/2	FRO	FR	FRO	FRO	FRO	FRO	FRO	FRO	FR	FR	FR	FR	FR
3	FRO	FR	FRO	FRO	FRO	FRO	FRO	FRO	FR	FR	FR	FR	FR
3 1/2	FRO	FR	FRO	FRO	FRO	FRO	FRO	FRO	FR	FR	FR	FR	FR
4	FRO	FR	FRO	FRO	FRO	FRO	FRO	FRO	FR	FR	FR	FR	FR

F—indicates that size is carried in flat head.
 R—indicates that size is carried in round head.
 O—indicates that size is carried in oval head.

(9) Brass wood screws:

Lengths	Diameters												
	2	3	4	5	6	7	8	9	10	12	14	16	
1 1/4	FR	F	FR	FR	FR	FR	FR	FR	FR	FR	FR	FR	FR
3/4	FR	F	FR	FR	FR	FR	FR	FR	FR	FR	FR	FR	FR
3/8	FR	F	FR	FR	FR	FR	FR	FR	FR	FR	FR	FR	FR
1/4	FR	F	FR	FR	FR	FR	FR	FR	FR	FR	FR	FR	FR
1/8	FR	F	FR	FR	FR	FR	FR	FR	FR	FR	FR	FR	FR
1	FR	F	FR	FR	FR	FR	FR	FR	FR	FR	FR	FR	FR
1 1/4	FR	F	FR	FR	FR	FR	FR	FR	FR	FR	FR	FR	FR
1 1/2	FR	F	FR	FR	FR	FR	FR	FR	FR	FR	FR	FR	FR
2	FR	F	FR	FR	FR	FR	FR	FR	FR	FR	FR	FR	FR
2 1/4	FR	F	FR	FR	FR	FR	FR	FR	FR	FR	FR	FR	FR
2 1/2	FR	F	FR	FR	FR	FR	FR	FR	FR	FR	FR	FR	FR
3	FR	F	FR	FR	FR	FR	FR	FR	FR	FR	FR	FR	FR

F—indicates that size is carried in flat head.
 R—indicates that size is carried in round head.
 O—indicates that size is carried in oval head.

(10) Type "A" self-tapping sheet metal screws:

Lengths	Diameters of screws						
	No. 4	No. 6	No. 7	No. 8	No. 10	No. 12	No. 14
3/4	RBSFO	RBSFO	RBSFO	RBSFO	RBSFO	RBSFO	RBSFO
3/8	RBSFO	RBSFO	RBSFO	RBSFO	RBSFO	RBSFO	RBSFO
3/16	RBSFO	RBSFO	RBSFO	RBSFO	RBSFO	RBSFO	RBSFO
1/4	RBSFO	RBSFO	RBSFO	RBSFO	RBSFO	RBSFO	RBSFO
1/8	RBSFO	RBSFO	RBSFO	RBSFO	RBSFO	RBSFO	RBSFO
1	RBSFO	RBSFO	RBSFO	RBSFO	RBSFO	RBSFO	RBSFO
1 1/4	RBSFO	RBSFO	RBSFO	RBSFO	RBSFO	RBSFO	RBSFO
1 1/2	RBSFO	RBSFO	RBSFO	RBSFO	RBSFO	RBSFO	RBSFO
2	RBSFO	RBSFO	RBSFO	RBSFO	RBSFO	RBSFO	RBSFO

R—indicates that size is carried in round head.
 B—indicates that size is carried in binding head.
 S—indicates that size is carried in stove head.
 F—indicates that size is carried in countersunk flat head.
 O—indicates that size is carried in countersunk oval head.

(3) American Standard small rivets, truss or wagon-box head:

Lengths	Diameters		
	5/16	3/8	7/16
1/4			x
5/16			x
3/8		x	x
7/16		x	x
1	x	x	x
1 1/8	x	x	x
1 1/4	x	x	x
1 3/8	x	x	x
1 1/2	x	x	x
1 3/4	x	x	x
2	x	x	x
2 1/8	x	x	x
2 1/4	x	x	x
2 3/8	x	x	x
2 1/2	x	x	x
2 3/4	x	x	x
3	x	x	x
3 1/4	x	x	x
4	x	x	x

(4) American Standard small rivets, countersunk head:

Lengths	Diameters			
	3/8	5/16	3/4	7/16
1/4			x	x
5/16	x		x	x
3/8	x	x	x	x
7/16	x	x	x	x
1	x	x	x	x
1 1/8	x	x	x	x
1 1/4	x	x	x	x

(5) American Standard small rivets, belt rivets:

Numbers	Lengths					
	3/8	1/2	5/8	3/4	7/8	1
7	x	x	x	x	x	x
8	x	x	x	x	x	x
9	x	x	x	x	x	x
10	x	x	x	x	x	x
11	x	x	x	x	x	x
12	x	x	x	x	x	x
13	x	x	x	x	x	x
14	x	x	x	x	x	x

(6) American Standard small rivets, tinnerns' and cooper's. Size numbers refer to the weight of 1,000 rivets.

Size	Size	Size
6 oz.	10 oz.	14 oz.
8 oz.	12 oz.	1 lb.

Size	Size	Size
1 1/4 lb.	3 1/2 lb.	9 lb.
1 1/2 lb.	4 lb.	10 lb.
1 3/4 lb.	5 lb.	12 lb.
2 lb.	6 lb.	14 lb.
2 1/2 lb.	7 lb.	16 lb.
3 lb.	8 lb.	18 lb.

(7) American Standard large rivets, button heads:

Lengths	Diameters				
	1/2	5/8	3/4	7/8	1
1	x				
1 1/8	x				
1 1/4	x	x			
1 3/8	x	x			
1 1/2	x	x	x		
1 3/4	x	x	x		
2	x	x	x	x	
2 1/8	x	x	x	x	
2 1/4	x	x	x	x	
2 3/8	x	x	x	x	
2 1/2	x	x	x	x	x
2 3/4	x	x	x	x	x
3	x	x	x	x	x
3 1/8	x	x	x	x	x
3 1/4	x	x	x	x	x
3 3/8	x	x	x	x	x
3 1/2	x	x	x	x	x
3 3/4	x	x	x	x	x
4	x	x	x	x	x
4 1/8	x	x	x	x	x
4 1/4	x	x	x	x	x
4 3/8	x	x	x	x	x
4 1/2	x	x	x	x	x

TABLE V—Studs

(1) Milled studs, American National coarse-thread series:

Lengths	Diameters of screws									
	3/8	1/2	5/8	3/4	7/8	1	1 1/8	1 1/4	1 3/8	1 1/2
1	x									
1 1/4	x	x								
1 1/2	x	x	x							
1 3/4	x	x	x	x						
2	x	x	x	x	x					
2 1/4	x	x	x	x	x	x				
2 1/2	x	x	x	x	x	x	x			
2 3/4	x	x	x	x	x	x	x	x		
3	x	x	x	x	x	x	x	x	x	
3 1/4	x	x	x	x	x	x	x	x	x	x
3 1/2	x	x	x	x	x	x	x	x	x	x
4	x	x	x	x	x	x	x	x	x	x
4 1/4	x	x	x	x	x	x	x	x	x	x
4 1/2	x	x	x	x	x	x	x	x	x	x
4 3/4	x	x	x	x	x	x	x	x	x	x
5	x	x	x	x	x	x	x	x	x	x
5 1/4	x	x	x	x	x	x	x	x	x	x
5 1/2	x	x	x	x	x	x	x	x	x	x
6	x	x	x	x	x	x	x	x	x	x

§ 1368.16 Appendix E—Discount Lists applicable under § 1368.12 (a) and (b), other than Pacific Coast. The following discounts apply to bolts, nuts, screws and rivets made from ferrous metals unless otherwise specifically stated.

GROUP I—BOLTS AND NUTS

	Base discount ¹ less case lots	Full case allowance	Carload allowance
Carriage and machine bolts:			
Diameter	Lengths	Pct.	Pct.
1/2" and smaller	6" and shorter	65 1/2	10 5
5/16" and 3/8"	6" and shorter	63 1/2	10 5
3/4" through 1"	6" and shorter	61	10 5
1 1/8" and larger	All lengths	59	10 5
1/4" through 1"	Longer than 6"	59	10 5
Lag bolts		62	10 5
Plow bolts		65	10 5
Step bolts		56	10 5
Elevator bolts		56	10 5
Tire bolts		50	10 5
Hot galvanized carriage and machine bolts:			
1/2" and smaller	6" and shorter	38	10 5
5/16" and 3/8"	6" and shorter	37	10 5
3/4" through 1"	6" and shorter	36	10 5
1 1/8" and larger	All lengths	34	10 5
1/4" through 1"	Longer than 6"	34	10 5
Hot galvanized lag bolts		39	10 5
Cold punched and hot pressed nuts, square or hex:			
1/2" and smaller		62	10 5
5/16" through 1"		59	10 5
1 1/8" through 1 1/2"		57	10 5
1 3/8" and larger		56	10 5

SEMIFINISHED HEX NUTS

	Bulk shipments ¹	Discounts from bulk lists	
		Base-discount ¹ less keg lots	Full keg allowance
American standard regular and heavy:	Percent	Percent	
1/2" and smaller	62	10	
5/16" through 1"	59	10	
1 1/8" through 1 1/2"	57	10	
1 3/8" and larger	56	10	
American standard light and American standard light castellated:			
1/2" and smaller	64	10	
5/16" through 1"	60	10	
1 1/8" through 1 1/2"	58	10	
American standard heavy slotted nuts	48		

Footnotes on next page.

GROUP I—BOLTS AND NUTS—Continued
STOVE BOLTS

	Consumer	Jobber
Packages or less than bulk quantities:		
Nuts separate:	Percent	Percent
Plain finish.....	71-10	71-10-10
Plated finish ⁶	58-10	58-10-10
Nuts attached:		
Plain finish.....	71	71-10
Plated finish ⁶	58	58-10
Bulk, 3" and shorter, 15,000 pieces of size and kind, nuts separate.....	80	80
Bulk, over 3" long, 5,000 pieces of size and kind, nuts separate.....	80	80

¹ Bolts furnished without nuts or with hexagon nuts of the types and sizes listed in Table III of Appendix D (1368.15) are intended to be included herein.

² On sales to wholesale hardware jobbers, mill supply houses and steel warehouses customarily carrying bolts, nuts or rivets in stock for resale purposes, an additional discount of 5% shall be allowed.

³ On any item where more than one full case or keg is ordered, the full container allowance as listed above shall apply to the entire quantity including any fractional overage.

⁴ To obtain the carload price, a full carload of material limited to nuts, bolts, screws and/or rivets must be specified for delivery at one time. The minimum weight for a carload will be determined by the weight required to obtain all-rail carload freight rate in published all-rail freight tariff in effect at time of shipment.

⁵ Where semi-finished nuts are sold in packages the full keg discount shall apply against the applicable list price schedule for semi-finished nuts furnished in packages.

⁶ Plating includes nickel, brass, copper, cadmium, electro-galvanizing, parkerizing, blued and black oil finish.

GROUP II—SCREWS

	Discount from package lists	
	Consumer	Jobber
Machine screws:		
Packages:	Percent	Percent
Steel:		
Plain finish.....	62½-10	62½-10-10
Plated finish ¹	45-10	45-10-10
Brass:		
Plain finish.....	57½-10	57½-10-10
Plated finish ¹	47½-10	47½-10-10
Machine screw and stove bolt nuts:		
Packages:		
Steel:		
Plain finish.....	45-10	45-10-10
Plated finish ¹	22½-10	22½-10-10
Brass:		
Plain finish.....	67½-10	67½-10-10
Plated finish ¹	60-10	60-10-10

	Discount from bulk lists—consumer
Machine screws, bulk, 15,000 pieces of size and kind:	Percent
Steel, plain finish.....	25
Brass, plain finish.....	35
Machine screw and stove bolt nuts, bulk, 15,000 pieces of size and kind:	
Steel, plain finish.....	25
Brass, plain finish.....	10

	Consumer	Jobber
CAP SCREWS		
Hexagon head:		
Upset full finished, up to and including 1" x 6".....	64	64-20
Milled-from-bar full finished, up to and including 1" x 6".....	60	60-20
Upset 1035 heat treated up to and including ¾" x 6".....	64	64-20
Upset 1035 heat treated, ¾" and 1" diameter up to and including 6".....	53	53-20
Fillister head.....	51	51-20
Flat head.....	36	36-20
Button head.....	5	5-20

Footnote in column 3.

GROUP II—SCREWS—Continued

	Consumer	Jobber
SET SCREWS		
Square head.....	Percent 71	Percent 71-20
Headless:		
¾" diameter and larger.....	60	60-20
No. 10 diameter and smaller.....	70	70-20

For quantities of one diameter and length of cap screws or set screws as listed below, for one shipment from factory, the following discounts will apply:

Quantities	Diameters (inches)		
5,000 pieces and over.....	¼, ⅜, ½		
2,500 pieces and over.....	⅜, ½, ⅝, ¾		
1,000 pieces and over.....	¾, 1		

	Consumers	
	In packages	In bulk
CAP SCREWS		
Hexagon head:	Percent	Percent
Upset full finished, up to and including 1" x 6".....	64-20	74
Milled-From-Bar, full finished, up to and including 1" x 6".....	60-20	71
Upset 1035 heat treated up to and including ¾" x 6".....	64-20	74
Upset 1035 heat treated ¾" and 1" diameter up to and including 6".....	53-20	66
Fillister head.....	51-20	65
Flat head.....	36-20	64
SET SCREWS		
Square head.....	71-20	79

Wood screws	Packages; discounts from package lists	
	Consumer	Jobber
Steel:	Percent	Percent
Plain finish:		
Flat head.....	45-20-10	45-20-10-7½
Round or oval head.....	42½-20-10	42½-20-10-7½
Blued:		
Flat head.....	42½-20-10	42½-20-10-7½
Round or oval head.....	40-20-10	40-20-10-7½
Brass, bronze, copper, nickel plated (not polished) or electro-galvanized:		
Flat head.....	35-20-10	35-20-10-7½
Round or oval head.....	32½-20-10	32½-20-10-7½
Nickel plated (flat head polished):		
Flat head.....	0-20-10	0-20-10-7½
Cadmium or antique copper plated or statuary bronze, hot galvanized, japanned, parkerized or spartan finish:		
Flat head.....	30-20-10	30-20-10-7½
Round or oval head.....	27½-20-10	27½-20-10-7½
Silver plated:		
Flat head.....	17½-20-10	17½-20-10-7½
Round or oval head.....	15-20-10	15-20-10-7½
Silver plated (butler or oxidized):		
Flat, round and oval head.....	0-20-10	0-20-10-7½
Brass:		
Plain finish:		
Flat head.....	60-20-10	60-20-10-7½
Round or oval head.....	64-20-10	64-20-10-7½
Antique copper plated or nickel plated (not polished):		
Flat head.....	63-20-10	63-20-10-7½
Round or oval head.....	61-20-10	61-20-10-7½
Nickel plated (flat head polished):		
Flat head.....	58-20-10	58-20-10-7½

For quantities of 15,000 pieces or more of one diameter and length of wood

screws, for one shipment from factory, the following discounts will apply:

Consumers round, flat and oval head. Use bulk list Percent

Steel	
Plain finish.....	67
Blued.....	65
Brass, bronze, copper plated, electro-galvanized or nickel plated (not polished).....	60
Nickel plated (flat head polished).....	40
Cadmium plated, japanned, statuary, bronze, parkerized, antique copper plated, hot galvanized or spartan finish.....	57
Brass	
Plain finish.....	79
Antique copper plated.....	78
Nickel plated (not polished).....	78

Self-tapping sheet metal screws (Types A and Z). Hexagon head self-tapping cap screws. Plain or plated finish ¹	Discounts from package lists	
	Consumer	Jobber
Packages:	Percent	Percent
#10 x 1" and smaller.....	35	35-15
#10 x 1¼" to 14 x 2".....	27½	27½-15

	Discounts from bulk lists—Consumer, Percent
Bulk, 15,000 pieces of a size and kind, for shipment from factory at one time:	
#10 x 1" and smaller.....	50
#10 x 1¼" to 14 x 2".....	45

¹ Plating includes nickel, brass, copper, cadmium, electro-galvanizing, parkerizing, blued and black oil finish.

² Plating includes nickel, brass, copper, cadmium, electro-galvanizing and parkerizing.

GROUP III—RIVETS

	Consumer	Jobber
Rivets:		
¼" diameter and smaller.....	65-5%.	65-10%.
½" diameter and larger.....	\$3.75 per cwt. base.	\$3.75 per cwt. base less 2½%.

GROUP IV—STUDS

	Consumer	Jobber
Studs:		
Milled.....	Percent 46	Percent 46-20

§ 1368.17 Appendix F—Pacific Coast Discount Lists applicable under § 1368.12 (a) and (b). The following discounts apply to bolts, nuts, screws and rivets made from ferrous metals unless otherwise specifically stated.

Jobbers

GROUP I—BOLTS AND NUTS

Carriage and machine bolts:	Diameter	Lengths	Base discounts less case lots	Full case discounts	Full case carload discounts
			Pd.	Pct.	Pd.
½" and smaller.....	6" and shorter.....	62.25	65.52	68.87	
		57.03	60.49	66.17	
		54.66	58.36	63.14	
		52.40	56.20	61.30	
		52.70	56.65	61.52	

Footnote on next page.

GROUP I—BOLTS AND NUTS—Continued

	Base discounts less case lots		Full case discounts	Full case carload discounts
	Pct.	Pct.		
Lag bolts.....	55.61	59.22	63.96	
Plow bolts.....	61.27		68.03	
Step bolts.....	53.22		61.16	
Elevator bolts.....	53.22		61.16	
Hot galvanized bolts.....	40.00		40.00	
Cold punched or hot pressed nuts, square or hex:				
1/2" and smaller.....	58.92	62.53	66.03	
3/4" through 1".....	52.76	56.65	61.52	
1 1/4" through 1 1/2".....	50.86	54.94	59.89	
1 3/4" and larger.....	49.91	54.09	59.09	

	Bulk shipments—discounts from bulk lists ²		Package shipments—Discounts from package lists
	Less keg lots	Full keg lots	
Semi-finished hex nuts:			
American Standard Regular and Heavy:	Percent	Percent	Percent
1/2" and smaller.....	58.92	62.53	62.53
3/4" through 1".....	52.76	56.65	56.65
1 1/4" through 1 1/2".....	50.86	54.94	54.94
1 3/4" and larger.....	49.91	54.09	54.09
American Standard Light and American Standard Light Castellated:			
1/2" and smaller.....	60.82	64.24	64.24
3/4" through 1".....	53.71	57.51	57.51
1 1/4" through 1 1/2".....	51.81	55.80	55.80

¹ Bolts furnished without nuts or with hexagon nuts of the types and sizes listed herein in Table III of Appendix D (1368.15) are intended to be included herein.

² On any item where more than one full case or keg is ordered, the full container allowance as listed above shall apply to the entire quantity including any fractional overage.

³ To obtain the carload price, a full carload of material limited to bolts, nuts, screws and/or rivets must be specified for delivery at one time. The weight for a carload will be determined by the weight required to obtain the all-rail carload freight rate in published all-rail freight tariff in effect at time of shipment.

GROUP II—RIVETS

Rivets:	Percent
3/16" diameter & smaller.....	63

Consumers

GROUP III—BOLTS AND NUTS

Carriage and Machine Bolts:	Diameter	Length	Base discounts less case lots		Full case discounts	Full case carload discounts
			Pct.	Pct.		
1/2" and smaller.....	6" and shorter.....		60.52	63.97	67.40	
3/4" and 5/8".....	6" and shorter.....		55.21	58.86	63.62	
3/4" to 1".....	6" and shorter.....		52.71	56.61	61.48	
1 1/4" and larger.....	All lengths.....		50.35	54.45	59.55	
1/4" through 1".....	Over 6" long.....		50.71	54.81	59.76	
Lag bolts.....			53.71	57.51	62.34	
Plow bolts.....			60.02		66.97	
Step bolts.....			51.02		58.28	
Elevator bolts.....			51.02		59.28	
Hot galvanized bolts.....			35.00		35.00	
Cold punched and hot pressed nuts, square or hex:						
1/2" and smaller.....			57.02	60.82	64.41	
3/4" through 1".....			50.71	54.81	59.77	
1 1/4" through 1 1/2".....			48.71	53.01	58.06	
1 3/4" and larger.....			47.71	52.11	57.21	

GROUP III—BOLTS AND NUTS—Continued

Semi-finished hex nuts	Bulk shipments. Discounts from bulk lists		Package shipments. Discounts from package lists
	Less keg lots	Full keg lots ³	
American Standard Heavy or American Standard Regular:	Percent	Percent	Percent
1/2" and smaller.....	57.02	60.82	60.82
3/4" through 1".....	50.71	54.81	54.81
1 1/4" through 1 1/2".....	48.71	53.01	53.01
1 3/4" and larger.....	47.71	52.11	52.11
American Standard Light and American Standard Light Castellated:			
1/2" and smaller.....	59.02	62.62	62.62
3/4" through 1".....	51.71	55.71	55.71
1 1/4" through 1 1/2".....	49.71	53.91	53.91

¹ Bolts furnished without nuts or with hexagon nuts of the types and sizes listed herein in Table III of Appendix D (1368.15) are intended to be included herein.

² On any item where more than one full case or keg is ordered, the full container allowance as listed above shall apply to the entire quantity including any fractional overage.

³ To obtain the carload price, a full carload of material limited to bolts, nuts, screws and/or rivets must be specified for delivery at one time. The weight for a carload will be determined by the weight required to obtain the all-rail carload freight rate in published all-rail freight tariff in effect at time of shipment.

GROUP IV—RIVETS

Rivets:	Percent
3/16" diameter and smaller.....	61 percent
1/2" diameter and larger:	
Less carload.....	\$4.95 per 100 lbs. base.
Carload ¹	\$4.50 per 100 lbs. base.

¹ To obtain the carload price, a full carload of material limited to bolts, nuts, screws and/or rivets must be specified for delivery at one time. The weight for a carload will be determined by the weight required to obtain the all-rail carload freight rate in published all-rail freight tariff in effect at time of shipment.

§ 1368.18 Appendix G—Discount Lists applicable under § 1368.13. The following discounts apply to bolts, nuts, screws and/or rivets made from ferrous metals unless otherwise specifically stated.

GROUP I—BOLTS AND NUTS:

Diameter	Lengths	Percent
Carriage and machine bolts: ³		
1/2" and smaller.....	6" and shorter-rolled thread. ⁴	70-10-5
3/4" and smaller.....	6" and shorter-cut thread.	70-5
5/8" and 3/4".....	6" and shorter-cut thread.	60-10-5
3/4" through 1".....	6" and shorter-cut thread.	60-10
1/4" through 1".....	Longer than 6"-cut thread.	60-10
1 1/4" and larger.....	All lengths (machine bolts only) — cut thread.	60
Lag bolts.....		60-5
Stove bolts.....		78 1/2
Plow bolts.....		60-10
Tire bolts.....		40-10
Step bolts.....		50-10
Elevator bolts.....		50-10
Cold punched hex nuts, in bulk:		
3/4" through 1 1/2".....		(¹)
1 3/4" and larger.....		(¹)
Hot pressed hex or square nuts, in bulk:		
3/4" through 1 1/2".....		(¹)
1 3/4" and larger.....		(¹)

¹ \$2.50 per 100 pounds off list.
² List net.

Semi-finished hex nuts: Percent

American Standard heavy, in bulk:	
1/2" & smaller.....	65-10
3/4" through 1".....	65
1 1/4" through 1 1/2".....	60-5
1 3/4" & larger.....	60
American Standard light and American Standard light castellated, in bulk:	
3/10" & smaller.....	70
1/2" through 1".....	65
1 1/8" through 1 1/2".....	60-10
American Standard heavy slotted hex nuts, in bulk.....	40-10

¹ Bolts furnished without nuts or with hexagon nuts of the types and sizes listed herein in Table III of Appendix D (1368.15) are intended to be included herein.

² Packing extras except for semi-finished hex nuts:

Packing in standard cases or kegs of approximately 200 or 224 pounds.	No extra.
Packing, when so ordered, in cases or kegs of less than 200 pounds.	30¢ net extra per container.
Packing, when so ordered in bags (any weight).	30¢ net extra per bag.
Quantity extras except for stove bolts and semi-finished hex nuts:	
Items ordered in quantities of less than 200 pounds of a size.	Add 50¢ net per item.

(This quantity extra is in addition to extras shown above when ordered with special packing.)

³ Carriage and machine bolts sold from weight list price schedules are furnished in bulk only.

⁴ The discount applying to cut thread carriage and machine bolts shall apply to rolled thread carriage and machine bolts sold from weight list price schedules.

GROUP II—SCREWS¹

Cap screws:	Percent
Hex head:	
Full finished, up to & including 1" x 6".....	64-10
1035 heat treated, up to & including 3/4" x 6".....	64-10
1035 heat treated, 7/8" & 1" diameter to 6".....	53-10
Fillister head.....	51-10
Flat head.....	38-10
Button head.....	5-10
Set screws:	
Square head.....	71-10
Headless, 1/4" diameter & larger.....	60-10
Wood screws:	
Steel, plain finish.....	30
Brass, plain finish.....	30

¹ Packing Extras except on wood screws:

Packing in standard cases or kegs of approximately 200 or 224 pounds.	No extra.
Packing, when so ordered, in cases or kegs of less than 200 pounds.	30¢ net extra per container.
Packing, when so ordered in bags (any weight).	30¢ net extra per bag.
Quantity extras except on wood screws:	
Items ordered in quantities of less than 200 lbs. of a size.	Add 50¢ net per item.

(This quantity extra is in addition to extras shown above when ordered with special packing.)

GROUP III—RIVETS¹

Rivets:

3/16" diameter and smaller- 62 1/2 %.

1/2" diameter and larger:

Less carload.....	\$4.45 per 100 lbs. base.
Car load (45,000 lbs. gross).....	4.25 per 100 lbs. base.

¹River packing extras:

3/16" diameter and smaller:

Kegs of 100 to 199 lbs. or bags of 100 lbs and up.....	Add 1¢ to list.
50 lb. boxes or bags.....	Add 3¢ to list.
25 lb. boxes or bags.....	Add 4¢ to list.
5 or 10 lb. packages.....	Add 5¢ to list.
1 lb. packages.....	Add 8¢ to list.

1/2" diameter and larger: Packed in 100 to 199 lb. kegs or bags.....

	Add 25¢ per 100 lbs.
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Issued this 19th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4592; Filed, May 19, 1942; 5:20 p. m.]

PART 1301—MACHINE TOOLS

[Amendment 10 to Revised Price Schedule 67¹]

NEW MACHINE TOOLS

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. Subparagraph (9) of § 1301.51 (a) and subparagraph (4) of § 1301.54 (e) are amended as set forth below:

§ 1301.51 *Maximum prices for new machine tools and extras.* (a) * * *

(9) *Gould and Eberhardt, Newark, New Jersey.* Notwithstanding any other provision of this paragraph (a), on and after April 15, 1942, regardless of the terms of any existing contract of sale or other commitment, the maximum price at which Gould and Eberhardt may sell, offer to sell, deliver or transfer, and the maximum price at which any person may buy, offer to buy, or accept delivery from Gould and Eberhardt of, any of the two hundred (200) below listed machine tools manufactured by The Henry and Wright Manufacturing Co., Hartford, Connecticut, as subcontractor, shall be the applicable price set opposite each such machine tool.

Type of machine	Maximum price applicable to contracts executed prior to December 10, 1941	Maximum price applicable to all other contracts
24" Industrial Shaper, Standard.....	\$3,608	\$4,050
24" Industrial Shaper, Universal.....	4,125	4,580
28" Industrial Shaper, Standard.....	3,669	-----
28" Industrial Shaper, Universal.....	4,101	-----
32" Industrial Shaper, Standard.....	3,850	4,300
32" Industrial Shaper, Universal.....	4,361	4,840

¹ 7 F.R. 1337, 1836, 2000, 2105, 2472, 2639, 2680, 2996, 3445.

§ 1301.54 *Records and reports.* * * * (e) * * *

(4) *Gould and Eberhardt, Newark, N. J.* shall file with the Office of Price Administration, Washington, D. C., (i) not later than May 31, 1942 a list of all contracts executed prior to December 10, 1941, for the sale or delivery of any of the machine tools set forth in § 1301.51 (a) (9) and the quantity and type of machine tools covered by each such contract; and (ii) the serial number of each such machine tool manufactured by The Henry and Wright Manufacturing Co., as subcontractor, within five days after such number shall become available, together with specifications of each such machine tool as shall have been delivered to a purchaser holding a contract executed prior to December 10, 1941.

§ 1301.59a *Effective dates of amendments.* * * *

(j) Amendment No. 10 (§§ 1301.51 (a) (9), 1301.54 (e) (4) to Revised Price Schedule No. 67 shall become effective May 23, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 20th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4658; Filed, May 20, 1942; 5:20 p. m.]

PART 1303—ZINC

[Amendment 1 to Revised Price Schedule 3¹]

ZINC SCRAP MATERIALS AND SECONDARY SLAB ZINC

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.

Sections 1303.6 and 1303.8 (a) are amended to read as set forth below, and new paragraphs (e) and (f) are added to § 1303.8, and a new § 1303.11 is added as follows:

§ 1303.6 *Enforcement.* (a) Persons violating any provisions of this Revised Price Schedule No. 3 are subject to criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Revised Price Schedule No. 3 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation, are urged to communicate with the nearest District, State or Regional Office of the Office of Price Administration or its principal office in Washington, D. C.

(c) The provisions of Supplementary Order No. 5—Licensing, are applicable to every dealer subject to this Revised Price Schedule No. 3, selling, offering to sell, delivering or transferring at a price, zinc scrap materials to a consumer.

* * *

¹ 7 F.R. 1205, 1836, 2132.

§ 1303.8 *Definitions.* When used in Revised Price Schedule No. 3 the term:

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

(e) "Dealer" means an individual, corporation, partnership, association, or any other organized group of persons, or the legal successor or representative of any of the foregoing, whose business includes the acquisition of any material for the purpose of sale as waste, scrap or salvage materials.

(f) "Consumer" means any person who processes any zinc scrap materials otherwise than by sorting, cleaning, baling, compressing or reducing in size by any means.

1303.11 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1303.6, 1303.8 (a), (e), (f), and 1303.11) to Revised Price Schedule No. 3 shall become effective May 20, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 20th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4649; Filed, May 20, 1942; 5:17 p. m.]

PART 1336—RADIO, X-RAY AND COMMUNICATION APPARATUS

[Amendment 3 to Revised Price Schedule 83¹]

RADIO RECEIVERS AND PHONOGRAPHS

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

Section 1336.60 (a) (2) is amended to read as set forth below:

§ 1336.60 *Definitions.* (a) When used in Revised Price Schedule No. 83 the term:

(2) "Manufacturer" means any person regularly engaged in the manufacture or assembly of radio receiving sets or phonographs, but does not include a factory branch or subsidiary performing the function of a distributor or wholesaler.

§ 1336.62a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1336.60 (a) (2)), to Revised Price Schedule No. 83 shall become effective May 21, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 20th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4655; Filed, May 20, 1942; 5:19 p. m.]

¹ 7 F.R. 1360, 1836, 2000, 2302, 3125.

[Amendment 3 to Revised Price Schedule 84¹]

PART 1336—RADIO, X-RAY AND COMMUNICATION APPARATUS

RADIO RECEIVER AND PHONOGRAPH PARTS

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

Section 1336.109 (a) (2) is amended to read as set forth below:

§ 1336.109 Definitions.

(a) When used in Revised Price Schedule No. 84, the term:

(2) "Manufacturer" means any person regularly engaged in the manufacture or assembly of radio receiving sets or phonographs, but does not include a factory branch or subsidiary performing the function of a distributor or wholesaler.

§ 1336.110a Effective dates of amendments.

(c) Amendment No. 3 (§ 1336.109 (a) (2)), to Revised Price Schedule No. 84 shall become effective May 21, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 20th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4656; Filed, May 20, 1942; 5:19 p. m.]

PART 1351—FOODS AND FOOD PRODUCTS
[Amendment 2, Revised Price Schedule 53¹]

FATS AND OILS

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.

A new paragraph (b) (7) is added to § 1351.151 and a new paragraph (c) is added to § 1351.159, as set forth below:

§ 1351.151 Maximum prices for fats and oils.

(7) If the maximum price on a particular fat or oil covered by this Revised Price Schedule No. 53 cannot be determined under subparagraphs (1) to (6), both inclusive, of this paragraph (b) the affected party shall file an application with the Office of Price Administration in Washington, D. C. containing:

(i) A description of the fat or oil and showing wherein it is impossible to determine a maximum price therefor under said foregoing subparagraphs;

(ii) A statement of the facts of all transactions since January 1, 1941, of the applicant and all information he may have obtained concerning transac-

tions of others from said date in the fat or oil in question in any form or state of processing including transactions in the oil bearing material, raw product, and crude oil.

Upon receipt of such application the Office of Price Administration will proceed to fix a maximum price or instruct the applicant as to the method of determining the same and for reporting the price he may determine. Any price fixed or determined under this paragraph shall be subject to adjustment at any time by the Office of Price Administration.

§ 1351.159 Effective dates of amendments.

(b) Amendment No. 2 (§ 1351.151 (b) (7)) to Revised Price Schedule No. 53 shall become effective May 23, 1942.

(Public Law 421, 77th Cong.)

Issued this 20th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4657; Filed, May 20, 1942; 5:20 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[Maximum Price Regulation 148]

DRESSED HOGS AND WHOLESALE PORK CUTS

In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, to establish as the maximum prices for dressed hogs and wholesale pork cuts the prices prevailing with respect thereto during the period March 3, 1942 to March 7, 1942, inclusive. Prices determined as provided in section 1364.22 reflect the prices prevailing during such period. The Price Administrator has ascertained and given due consideration to the prices of dressed hogs and wholesale pork cuts prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

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

The maximum prices established herein are not below prices which will reflect to producers of the agricultural commodities from which dressed hogs and wholesale pork cuts are produced a price for their products equal to the highest of any of the following prices therefor determined and published by the Secretary of Agriculture: (1) 110 percentum of the

parity price for such commodity, adjusted by the Secretary of Agriculture for grade, location, and seasonal differentials; (2) the market prices prevailing for such commodity on October 1, 1941; (3) the market prices prevailing for such commodity on December 15, 1941; or (4) the average prices for such commodity during the period July 1, 1919, to June 30, 1929.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,¹ issued by the Office of Price Administration, Maximum Price Regulation No. 148 is hereby issued.

AUTHORITY: §§ 1364.21 to 1364.34, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1364.21 Prohibition against selling dressed hogs and wholesale pork cuts at prices above the maximum. On and after May 21, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver dressed hogs or any wholesale pork cut, and no person in the course of trade or business shall buy or receive dressed hogs or any wholesale pork cut at a price higher than the maximum price permitted by § 1364.22; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of dressed hogs or wholesale pork cuts to a purchaser if, prior to May 21, 1942, such dressed hogs or wholesale pork cuts have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser; nor to sales or deliveries of dressed hogs or wholesale pork cuts for export under unrevoked export licenses issued prior to March 7, 1942, where the contracts to sell were made not later than three days after March 7.

§ 1364.22 Maximum prices for dressed hogs and wholesale pork cuts. (a) Except as provided in paragraph (b) of this section, the maximum price for each wholesale pork cut shall be the highest price at which such wholesale pork cut was listed in the price list or lists upon the basis of which the seller made sales and deliveries at the delivery point during the period February 16, 1942, to February 20, 1942, inclusive, plus the specific addition for such cut which is allowed by paragraph (f) of this section: *Provided*, (1) That where the seller, because of unusual transportation, packaging, and handling costs, customarily sold to certain buyers during the ninety day period prior to March 9, 1942 at prices higher than the list prices, he may continue to include such unusual costs as are actually incurred in the sales to those buyers; and (2) That the seller must continue to allow all the deductions or discounts from his price list or lists which were customary during the ninety day period prior to March 9, 1942 and which were based on cost differentials arising from low transportation or packaging costs or any other saving in the cost of handling; except

¹ 7 F.R. 1362, 1836, 2000, 2132, 2169, 2303, 2512, 2543.

² 7 F.R. 1309, 1836, 2132, 3430.

¹ 7 F.R. 971.

that the provisions of this Proviso No. 2 of paragraph (a) shall not apply to any sales of wholesale pork cuts to the Federal Surplus Commodities Corporation or to any purchasing agency of the armed forces of the United States.

(b) (1) Where the seller customarily sold wholesale pork cuts to certain buyers during the ninety day period prior to March 9, 1942, at prices which he fixed by reference to market quotations for such cuts or related cuts, rather than by reference to his price list or lists, the maximum prices to such buyers shall be the highest prices at which such cuts or related cuts were listed in such market quotations during the period March 3, 1942 to March 7, 1942, inclusive, making adjustment for the transportation, processing and service costs which prevailed during the ninety day period and which

he regularly included in computing the prices charged during such period; except that in any sale to the Federal Surplus Commodities Corporation or to any purchasing agency of the armed forces of the United States of a wholesale pork cut listed in such market quotations, the maximum price for such cut shall not be higher than 1 1/2 cents per pound in excess of the highest prices listed for such cut in such market quotations during the period March 3, 1942, to March 7, 1942.

(2) In any sale of the following items to the Federal Surplus Commodities Corporation or to any purchasing agency of the armed forces of the United States, the maximum price per cwt. shall be as follows:

Cured Wiltshire sides.....	\$23.50
Pork Loins 8/10, 10/12 lbs.....	29.00
Pork Loins 12/15 lbs.....	27.50

	12 ounce can	1 1/2 pound can	2 pound can	2 1/2 pound can	6 pound can	12 pound can
Canned or packaged spiced luncheon meat made entirely from pork.....	\$42.00					
Canned or packaged spiced ham.....	43.50				\$38.00	
Canned pork sausage.....		\$20.50	\$40.00		39.50	
Canned pork & soya links.....					56.00	\$30.00
Canned corned pork.....	(6.00)	31.50				
Canned dry salt bacon.....		36.25			37.25	
Canned sliced bacon.....	41.25					
Canned pork tongues.....						

(3) The maximum price at which a person may sell or deliver any commodity for export shall be determined in accordance with the provisions of the Maximum Export Price Regulation issued by the Office of Price Administration on April 25, 1942.

(c) If the maximum price for any wholesale pork cut cannot be determined under paragraphs (a) or (b) above, the maximum price shall be the highest price at which the seller contracted or agreed, during the period February 16, 1942 to February 20, 1942 inclusive, to sell such wholesale pork cut to a similar purchaser in the locality of the delivery point, plus the specific addition for such cut which is allowed by paragraph (f) of this section.

(d) If the maximum price cannot be determined under paragraphs (a), (b), or (c) above, the maximum price shall be the highest price at which the seller contracted or agreed, during the period February 16, 1942 to February 20, 1942

inclusive, to sell such wholesale pork cut to a similar purchaser at the nearest delivery point plus the specific addition for such cut which is allowed by paragraph (f) of this section, making adjustment for the differences between transportation charges from the seller's shipping point to each of the two delivery points.

(e) If the maximum price cannot be determined under paragraphs (a), (b), (c), or (d) above, the maximum price shall be the highest price at which the most closely competitive seller of dressed hogs and wholesale pork cuts contracted or agreed, during the period February 16, 1942 to February 20, 1942 inclusive, to sell such wholesale pork cut to a buyer in the locality of the delivery point, plus the specific addition for such cut which is allowed by paragraph (f) of this section.

(f) To the seller's highest prices for wholesale pork cuts, as determined by paragraphs (a), (c), (d) and (e) of this section, the following additions may be made:

	Fresh or frozen	Cured	Smoked	Bolled	Baked or dried	Canned
1. Regular hams:						
Bone in.....	1/4	3/4	3/4	1	1 1/4	1 1/4
Boneless.....	3/4	1	1	1	1 1/4	1 1/4
2. Skinned hams:						
Bone in.....	1	1 1/2	1 1/4	1 1/4	2	2
Boneless.....	1 1/2	1 1/2	1 1/4	1 1/4	2 1/2	2 1/2
3. Virginia style hams, shoulders and sides:						
Shoulders.....	1	1 1/2	1 1/4	2	2	2
Bone in.....	1 1/4	1 1/4	1 1/4	2	2	2
Boneless.....	1 1/2	1 1/2	1 1/4	2	2	2
4. Butts:						
Bone in.....	1 1/4	1 1/4	1 1/4	2 1/4	3	3
Boneless.....	2	2	2 1/4	2 1/4	3	3

	Fresh or frozen	Cured	Smoked	Bolled	Sliced	Canned
7. Bellies:						
For bacon.....	3/4	3/4	1 1/4		1 1/4	1 1/4
For dry salt.....	1 1/2	1 1/2	1 1/4		2	2
8. Loins:						
Bone in.....	2	2	2 1/4		4	4
Boneless.....	3	3	3 1/4			
9. Spare ribs.....	1 1/2	1 1/2	1 1/4			
10. Fat backs.....	5/8	5/8	5/8			
11. Pates.....	1 1/4	1 1/4	1 1/2			
12. Loin butts.....	1 1/2	1 1/2	1 1/2			
13. Feet, tails, bones.....	1 1/2	1 1/2	1 1/2			
14. Pork trimmings.....	1 1/2	1 1/2	1 1/2			
15. Canned meats made entirely from pork.....						
16. For any cut not listed, the permitted addition is the amount applicable to the most nearly similar wholesale pork cut, derived from the same primal cut, and in the same stage of processing.						

(g) If the maximum price for any wholesale pork cut cannot be determined under paragraphs (a), (b), (c), (d) or (e) above, the maximum price for such cut shall be the maximum price (determined under said paragraphs) for the most nearly similar cut derived from the same primal cut, making adjustment for the differential between the prices of such cuts which the seller customarily maintains.

(h) The maximum price for each dressed hog shall be determined as follows:

(1) Where the seller sold dressed hogs, during the 30 day period prior to March 9, 1942, upon the basis of a percentage of the live hog price (hereinafter called a "denominator"), the maximum price shall be the live hog price multiplied by the average denominator used by the seller in sales during such period of dressed hogs of the same class upon the same specifications to a similar purchaser.

(2) Where the seller sold dressed hogs, during the 30 day period prior to March 9, 1942, but did not sell upon the de-

terminator basis, the maximum price shall be the live hog price multiplied by the average denominator (determined as hereinafter provided) in such seller's sales during such period of dressed hogs of the same class upon the same specifications to a similar purchaser. Such average denominator shall be determined by dividing the average price of all dressed hogs of the same class sold by the seller during such period upon the same specifications to a similar purchaser by the average price of the live hogs purchased for such dressing.

(3) Where the seller did not sell dressed hogs during the 30 day period prior to March 9, 1942, the maximum price shall be the live hog price multiplied by the average denominator (for dressed hogs of the same class sold during such period upon the same specifications to a similar purchaser) of the most closely competitive seller.

§ 1364.23 Conditional agreements. No seller of dressed hogs or wholesale pork cuts shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the

maximum prices provided by § 1364.22, in the event that this Maximum Price Regulation No. 148 is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That if a petition for amendment has been duly filed, and such petition requires extensive 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.

§ 1364.24. *Exempt sales.* The provisions of this Maximum Price Regulation No. 148 shall not apply to sales at retail; nor to deliveries made prior to July 1, 1942, to the Federal Surplus Commodities Corporation or to any purchasing agency of the armed forces of the United States, under contracts entered into after March 23, 1942, and prior to May 21, 1942.

§ 1364.25. *Less than maximum prices.* Lower prices than those set forth in § 1364.22 may be charged, demanded, paid or offered.

§ 1364.26. *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 148 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, dressed hogs or wholesale pork cuts, alone or in conjunction with any other commodity, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by changing the selection or grading or the style of cutting, trimming, curing, smoking, cooking, drying, or otherwise processing or the canning, wrapping or packaging of wholesale pork cuts.

§ 1364.27. *Records and reports.* (a) Every person making a sale of any dressed hogs or wholesale pork cuts on and after May 21, 1942, in the course of trade or business or otherwise dealing therein, shall make and preserve complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer and seller, the quantity and weight of all wholesale pork cuts sold, and the price charged or received therefor.

(b) Persons affected by this Maximum Price Regulation No. 148 shall submit such other reports to the Office of Price Administration as it may from time to time require.

§ 1364.28. *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 148 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, and proceedings for the suspension of licenses.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 148 or any price schedule, regulation, or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the

nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1364.29. *Petitions for amendment.* Persons seeking modification of any provision of this Maximum Price Regulation No. 148 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1364.30. *Licensing: applicability of General Maximum Price Regulation.* The provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation, relating to registration and licensing, shall apply to this Maximum Price Regulation No. 148, and every person subject to this Maximum Price Regulation No. 148 who is granted a license under § 1499.16 of the General Maximum Price Regulation, shall continue to be licensed under and in accordance with the provisions of said § 1499.16, and shall register with the Office of Price Administration at such time and in such manner as the Price Administrator may require pursuant to § 1499.15 of the General Maximum Price Regulation.

§ 1364.31. *Applicability of General Maximum Price Regulation.* Except as provided in § 1364.30, the provisions of this Maximum Price Regulation No. 148 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

§ 1364.32. *Definitions.* (a) When used in this Maximum Price Regulation No. 148, the term:

(1) "Person" means individual, corporation, partnership, association, car route, packer's branch house, or other organized group of persons, or legal successor or representative of any of the foregoing:

(2) "Wholesale pork cuts" means all cuts derived from the carcass of the hog, dressed with head off and kidney and leaf lard out, including but not limited to the following:

(i) Hams, shoulders, picnics, butts, loins, spare ribs, bellies, fat backs, plates, jowls, feet, tails and neck bones, including all combinations of such cuts and all cuts or trimmings derived from such cuts or from the hog carcass but not including sausage other than canned sausage.

(ii) Rough or trimmed, bone in or in boneless, whole or sliced.

(iii) Fresh or frozen, cured, smoked, cooked, dried, or canned.

(iv) Loose, wrapped or packed.

Cuts of each weight range, and of each brand or grade, and in each stage of processing, if customarily priced separately, shall be considered separate wholesale pork cuts, except that fresh and frozen cuts shall not be considered separate wholesale pork cuts. Pork trimmings of each grade and in each stage of processing shall be considered separate wholesale pork cuts. Each type of canned or packaged meat, made entirely

from pork, shall be considered a separate wholesale pork cut.

(3) "Price list" means the list of prices in writing, prepared by the seller, upon the basis of which the prices of dressed hogs or wholesale pork cuts are quoted.

(4) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no wholesaler, processor, packer, slaughterer, purchaser for resale, commercial user, or government agency, shall be deemed to be an ultimate consumer, except that a sale to a purveyor of meals, by a person regularly and generally engaged in selling at retail, made on usual retail terms, shall be regarded as a sale at retail.

(5) "Locality of the delivery point" means all places at which the seller customarily sells the same dressed hogs or wholesale pork cuts at the same prices as those at which he sells at the delivery point.

(6) "Similar", when used in the phrase "similar purchaser", refers to the type of purchaser to whom the same price customarily applied during the ninety day period prior to March 9, 1942.

(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.

§ 1364.33. *Revocation of Temporary Maximum Price Regulation No. 8.* Temporary Maximum Price Regulation No. 8 (§§ 1364.1 to 1364.13, inclusive), which was issued March 9, 1942, and which was to expire on May 21, 1942, is hereby revoked and is replaced by this Maximum Price Regulation No. 148.

§ 1364.34. *Effective date.* Maximum Price Regulation No. 148 (§§ 1364.21 to 1364.34, inclusive) shall become effective May 21, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 20th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4652; Filed, May 20, 1942; 5:18 p. m.]

PART 1355—LEAD

[Amendment 2, Revised Price Schedule 70¹]

LEAD SCRAP MATERIALS; SECONDARY LEAD, INCLUDING CALKING LEAD; BATTERY LEAD SCRAP; AND PRIMARY AND SECONDARY ANTIMONIAL LEAD

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.

Sections 1355.60 and 1355.62 (k) are amended to read as set forth below, and new paragraphs (r) and (s) are added to § 1355.62 as follows:

§ 1355.60. *Enforcement.* (a) Persons violating any provisions of this Revised Price Schedule No. 70 are subject to criminal penalties, civil enforcement actions, license suspension proceedings,

¹ 7 F.R. 3153, 3158.

¹ 7 F.R. 1341, 1836, 2000, 2132, 2188, 2542.

and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Revised Price Schedule No. 70 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation, are urged to communicate with the nearest District, State or Regional Office of the Office of Price Administration or its principal office in Washington, D. C.

(c) The provisions of Supplementary Order No. 5—Licensing, are applicable to every dealer subject to this Revised Price Schedule No. 70, selling, offering to sell, delivering or transferring lead scrap materials and battery lead scrap, to a consumer.

§ 1355.62 *Definitions.* When used in Revised Price Schedule No. 70, the term:

(k) "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.

(r) "Dealer" means an individual, corporation, partnership, association, or any other organized group of persons, or the legal successor or representative of any of the foregoing, whose business includes the acquisition of any material for the purpose of sale as waste, scrap or salvage materials.

(s) "Consumer" means any person who processes any lead scrap materials otherwise than by sorting, cleaning, baling, compressing or reducing in size by any means.

§ 1355.63a. *Effective dates of amendments.*

(c) Amendment No. 2 (§§ 1355.60, 1355.62 (k), (r) and (s)) to Revised Price Schedule No. 70 shall become effective May 20, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 20th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4651; Filed, May 20, 1942;
5:17 p. m.]

PART 1375—EXPORT PRICES

AMENDMENT NO. 1 TO MAXIMUM EXPORT PRICE REGULATION¹

A statement of the considerations involved in the issuance of this Amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register, § 1375.1; § 1375.2 (a); § 1375.4 (a); and § 1375.5 (a) (1) are amended to read as follows, and a new § 1375.9 is added:

§ 1375.1 *Maximum export price.* On and after April 30, 1942, the effective date

¹ 7 F. R. 3096.

of this Maximum Export Price Regulation, regardless of the terms of any contract of sale or purchase, or of any export license thereafter issued by the Board of Economic Warfare, no exporter shall sell, offer to sell, transport, ship, or participate in the transportation or shipment of, any commodity in an export sale at a price in excess of the following maximum export prices:

(a) In the case of an exporter other than the manufacturer or producer of the commodity, the maximum export price shall be either the price at which such commodity was acquired for export or the maximum domestic price, if any, applicable to the sale of the commodity to the exporter, whichever is higher, plus the additions thereto authorized by paragraphs (a) and (b) of § 1375.2, less any drawback of import duties or any export subsidy to which the exporter is entitled upon export of the commodity.

(b) In the case of an exporter who is the manufacturer or producer of the commodity to be exported, the maximum export price shall be his maximum domestic price for the commodity to a purchaser of the same class as the export purchaser, or, in case there is no such price, shall be his maximum domestic price to a similar purchaser for the most nearly similar commodity of equal or lower quality or grade or, in the absence of both of the foregoing, the highest price at which the commodity to be exported was sold to a similar purchaser in the domestic market on the date the contract of export sale was entered into, plus the additions thereto authorized by paragraphs (a) and (b) of § 1375.2 hereof, less any drawback of import duties or any export subsidy to which the exporter is entitled upon export of the commodity.

§ 1375.2 *Additions to cost or domestic price.* (a) An amount, not in excess of the average premium for the particular services or functions performed charged in the export trade on similar exports during either the period July 1–December 31, 1940, or March 1–April 15, 1942, whichever average premium is the lower, may be added by the exporter to his cost of acquisition, maximum domestic price or other basic price, as provided in § 1375.1 of this Maximum Export Price Regulation. In determining the applicable premium, due recognition shall be given to differentials existing during the base period in the export premiums charged by different types of exporters, differences in premium resulting from variations in the size or value of exports or from variations in the volume of business done by various exporters, as well as to differentials in premium between exports to the Territories and possessions of the United States, Canada and the various foreign nations: *Provided*, That in no event shall more than one such premium be added with respect to a particular export.

§ 1375.4 *Exceptions.* (a) The provisions of this Maximum Export Price Regulation shall not be applicable to any export made under a validly outstanding export license issued by the Board of Economic Warfare or the De-

partment of State prior to April 30, 1942, the effective date hereof: *Provided*, That the exception here granted shall apply to exports under general or unlimited licenses issued by the Board of Economic Warfare only if the contract of export sale was entered into prior to April 30, 1942 and the commodity is actually transported outside of the Continental United States prior to July 1, 1942.

§ 1375.5 *Definitions.* (a) When used in this Maximum Export Price Regulation the term:

(1) "Export" means 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 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.

§ 1375.9 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1375.1, 1375.2 (a), 1375.4 (a), 1375.5 (a) (1), 1375.9) to Maximum Export Price Regulation shall become effective May 25, 1942.

(Pub. Law 421, 77th Congress)

Issued this 20th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4646; Filed, May 20, 1942;
5:14 p. m.]

PART 1400—TEXTILE FABRICS: COTTON WOOL, SILK, SYNTHETICS AND ADMIXTURES

[Amendment 3 to Maximum Price Regulation 118¹]

COTTON PRODUCTS

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.

Section 1400.104 and § 1400.112 (a) are amended; in § 1400.115 (a), (5) (ii) (d) is amended, (5) (ii) (i) is added, and an addition is made to (5) (iii); and a new § 1400.118 is added, to read as set forth below.

§ 1400.104 *Wholesalers, jobbers, and retailers.* The provisions of this Maximum Price Regulation No. 118 are not applicable (a) to sales and deliveries of cotton products in the performance of a recognized distributive function¹ by any wholesaler, jobber, or retailer not con-

¹ 7 F. R. 3038, 3211, 3522, 3578.

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

trolling, controlled by, or under common control with the producer,⁹ or (b) to retail sales⁹ of cotton products made by the producer thereof through a retail establishment owned, maintained and regularly operated by such producer prior to May 4, 1942: *Provided*, That the maximum prices established herein shall apply to all sales and deliveries to a converter or finisher.

§ 1400.112 *Details required in contract of sale or invoice.* (a) Every seller of cotton products, with respect to each contract of sale thereof, shall deliver to the purchaser a written contract of sale which shall contain, in addition to the terms thereof, (1) the date on which the sale or contract of sale was made; (2) a full description of each type, construction, and grade of cotton product sold, including the number of yards or other units of measure or quantity per pound; and (3) if the applicable maximum price is established by § 1400.101 (b) and (d), a computation of such maximum price, in the form set forth below, for each type, construction, and grade sold.

§ 1400.115 *Definitions.*

(a) * * * * *

(5) "Cotton products" * * * * *

(ii) The term does not include * * * * *

(d) Colored-yarn or finished fabrics predominantly used for upholstery, furniture and automobile slip-covers, or draperies; * * * * *

(i) Bags, other than woven seamless bags; * * * * *

(iii) The term includes, without limitation except as provided in (ii) above: * * * * *

Bags, seamless woven * * * * *

⁹The term "producer," as used herein, includes converter, finisher, or fabricator.

⁹The term "retail sales," as used herein, means sales in small quantities to ultimate consumers for direct household consumption, and not for further processing or resale in any form.

§ 1400.118 *Specific maximum prices for certain cotton products.* (a) The effective dates of the maximum prices set forth in (d) below are as follows:

(1) For grey moleskins, flannels, grey soft-filled sheeting, warp sateens, woven table and laundry felts, carded grey gabardines, grey coutils, and ducks: May 25, 1942.

(b) Each maximum price set forth in (d) below shall apply, in lieu of the maximum price established by § 1400.101 (b) and (d), to

(1) Contracts of sale entered into on or after the effective date of the maximum price set forth in (d) below and deliveries against such contracts;

(2) Deliveries of cotton products to which title has not passed (within the terms of the Worth Street Rules) to the purchaser prior to said effective date, except deliveries pursuant to contracts entered into on or after May 4, 1942 and prior to said effective date; and

(3) Contracts of sale and deliveries made "on memorandum" (pursuant to permission granted in paragraph (e) of § 1400.101) within 30 days prior to said effective date.

(c) In addition to the maximum prices set forth in (d) below, a seller may charge for special put-up or special packaging a premium not in excess of such extra charge as he made for the same put-up or packaging during the base period.

(d) The following are established as maximum prices for all types, constructions, and grades of cotton products listed hereunder.¹¹

(1) *Grey moleskin.*

34½", 176 threads per square inch, 1.60-1.70 yards per pound..... 26 cents per yard.

(2) *Flannels.* The maximum prices for flannels set forth below are subject to terms of two per cent 10 days, 60 extra, with anticipation at the rate of 6 per cent per annum where payment is made after 9 days.

¹¹The maximum prices established by this section apply only to goods "consisting basically of cotton," as defined in section 1400.115 (a) (4).

Unless the contrary is stated, all numbers used herein are inclusive.

(i) BLEACHED AND SOLID COLOR FLANNELS

Width	Finished weight (yds. per lb., market designation)	Cents per yd.
36"	3.00	18¾
36"	13.00	19¼
36"	3.25	17½
36"	3.50	16½
36"	3.75	15½
36"	4.00	14½
36"	4.50	13¼
36"	4.75	12¾
30"	4.35	13¾
30"	4.75	12¾
30"	5.40	11¾
27"	4.00	14¾
27"	4.50	13¾
27"	4.65	12¾
27"	4.80	12¾
27"	5.00	12
27"	5.50	11¾
27"	6.00	10¾
27"	6.50	10

¹ Twills.

For special colors and sanforizing a seller may add to the above prices an amount not exceeding his extra charge therefor during March 1942.

The above maximum prices are to be discounted as follows for irregulars:

	Cents per yard	
	4.50 yd. and lighter	Heavier than 4.50 yd
Seconds.....	¾	¾
Short lengths:		
Bundles of 10 to 20 yd. pieces.....	¾	¾
Bundles of 2 to 9.99 yd. pieces.....	1¼	1¾

(ii) FANCY WOVEN OUTING FLANNELS

Width	Finished weight (yds. per lb., market designation)	Cents per yard		
		Un-bleached warp, un-bleached filling	Un-bleached warp, bleached filling	Bleached warp, bleached filling
36"	3.50	16¾	-----	17¾
36"	3.65	16¼	-----	17¼
36"	13.72	15½	-----	-----
36"	4.00	14½	-----	15¼
36"	4.50	13¾	13¾	-----
36"	4.75	12¾	-----	-----
36"	5.00	12¾	-----	-----
25"-26"	7.00	9½	-----	-----

¹ Treas. Department Proc. Div. Spec. No. 395, Type 2 (Nov. 6, 1939).

For light checks, dust stripes, dustones, dark stripes, and dark checks a seller may add to the above prices an amount not exceeding the differential over the price of light stripes charged by him during the base period.

For sanforizing a seller may add to the above maximum prices an amount not exceeding his charge therefor during March 1942.

The above maximum prices are to be discounted as follows for irregulars.

Type of goods	Seconds	Bundles of 10-20 yd. pieces	Bundles of 2-9.99 yd. pieces
25"-26" goods			1¢ per yd.
5.00 yd. goods	¼¢ per yd. on 20% of the order.	¼¢ per yd. on 20% of the order.	
4.50 and 4.75 yd. goods	¼¢ per yd.	¼¢ per yd.	
4.50 yd. and lighter goods			1¼¢ per yd.
Goods heavier than 4.50 yd.	½¢ per yd.	½¢ per yd.	1¼¢ per yd.

(iii) FANCY AND PLAIN WOVEN SHIRTING FLANNELS

Type (all widths 36")	Finished weight (yds. per lb.), market destination	Cents per yard
Woven domets	4.20	15¼
	3.50	17¾
Plain-color twills	3.00	20½
	2.66	23
	2.28	25
Plaids	2.00	26½
	3.50	19½
	3.00	21½
	2.66	24
	2.28	26½

The above prices apply to all put-ups of full pieces.

For sanforized goods, the following extra charges may be made:

Finished (unsanforized) weight:	Cents per yard
3.50	4
3.00	4½
2.66	5¼
2.28	6

The above maximum prices are to be discounted as follows for irregulars:

	Cents per yard	
	Woven domets	Plaids and plain-color twills
Seconds	¼	1¼
Bundles of 10-20 yd. pieces	¼	1¼
Bundles of 2-9.99 yd. pieces	1¼	2¼

(iv) CANTON FLANNELS (JOBBER TYPE)

Width	Finished weight (yds. per lb., market designation)	Cents per yard (unbleached goods)
28½"	4.60	12¾
28"	4.00	13¾
28"	3.60	15
28½"	3.50	16

For bleached goods the maximum prices are 1 cent per yard higher than the above.

The above maximum prices are to be discounted as follows for irregulars:

	Cents per yd.	
	Goods 4.50 yds. per lb. and lighter	Goods heavier than 4.50 yds. per lb.
Seconds	¼	¾
Bundles of 10-20 yd. pieces	¼	¾
Bundles of 2-9.99 yd. pieces	1¼	1¾

(v) GLOVE AND MITTEN FLANNEL

[Cents per yard]

Ounces per yd. (prorated to 34" width)	Unbleached	Light yellow ground with blue stripe	Blue ground with white stripe	Golden fleece	Stripes in "special" colors
5½	15¼	15¾	16	16¾	16¾
6	17	17¾	17¾	19	18¾
7	18¾	19¾	20	21¼	20¾
8	20¾	21¾	22	23¼	23
9	23¾	24½	24¾	26¼	25¾
10	25¾	27	27¾	28¾	28¾
11	28¾	29¾	30¾	31¼	31¼
12	30¾	32¼	32½	34¼	34
13	33¾	34¾	35¼	36¾	36¾
14	35½	37¼	37¾	39¾	39¾

The above maximum prices are to be discounted as follows for irregulars:

	Cents per yard
For seconds	½
For short lengths:	
20 to 40 yards	¾
10 to 19.99 yards	1½

(vi) INTERLINING FLANNEL

Weight (yds., per lb., all widths)	Cents per yard	
	Mottle	Black
1.75	24.95	26.66
2.00	22.25	23.75
2.25	20.16	21.49
2.50	18.48	19.68
2.75	17.11	18.20
3.00	15.96	16.96
3.25	14.99	15.92
3.50	14.16	15.02
3.75	13.45	14.25
4.00	12.82	13.57
4.10	12.59	13.32
4.25	12.26	12.97
4.50	11.77	12.44
4.75	11.33	11.96
5.00	10.93	11.53
5.25	10.57	11.14
5.50	10.25	10.79
5.75	9.94	10.47
6.00	9.67	10.17
6.25	9.42	9.90
6.50	9.19	9.65
6.75	8.97	9.42
7.00	8.78	9.20

The above maximum prices are to be discounted as follows for irregulars:

	Percent
For seconds	5
For short lengths:	
10 to 20 yards	5-5
2 to 9.99 yards	10-10

(vii) Other flannels. For flannels of any type, construction, or grade not covered by the maximum prices in (i) to (vi), inclusive, above, the maximum price shall be a price in line with¹² said maximum prices.

(3) Grey soft-filled sheeting. The base maximum prices for grey soft-filled sheeting shall be as follows:

	Cents per pound
Class A (average yarn numbers up to 15s, inclusive)	40.5
Class B (average yarn numbers 16s to 21s, inclusive)	41.5
Class C (average yarn numbers 22s to 25s, inclusive)	43.0
Class D (average yarn numbers above 25s)	45.0

The following premiums may be added to the above base-maximum price:

	Cents per yard
For goods 3.32 yards per pound and heavier before napping (weight to be prorated to 42 inches for goods over 42 inches in width)	1
For goods 3.33 yards per pound and lighter before napping (weight to be prorated to 42 inches for goods over 42 inches in width)	¾
For goods made with feeler motion	¼

¹² For definition of the term "in line with," see footnote 5 above.

Cents per yard

For single napping:	
Goods less than 40 inches in width after napping	¾
Goods 40 inches and over in width after napping	1
For double napping:	
Goods less than 40 inches in width after napping	1
Goods 40 inches and over in width after napping	1¼

Per cent

For goods over 42 inches in width as sold:	
If napped add to napped price	10
If unnapped add to the unnapped price	10

(4) Warp sateens.

Construction:		Cents per yard
30½ inches	118 x 64	2.25 yard----- 20½%
34 inches	118 x 64	2.00 yard----- 22½%
30½ inches	118 x 64	2.85 yard----- 16%
34 inches	108 x 56	3.00 yard----- 15½%
38 inches	104 x 68	1.62 yard----- 26½%

(5) Woven table and laundry felts.

Width (inches):	Cents per yard
48-----	67½%
54-----	74
64-----	85½%
72-----	96½%

The above maximum prices are for felts which prorate to a finished weight of 19 to 20 oz. on a 54" basis. For felts of other weights or of widths other than those listed, these maximum prices shall be adjusted in accordance with the cents-per-yard differentials observed by the seller during June 1941.

The following quantity discounts are to be accorded to purchasers:

Cases:	Compound discount, percent
1-4-----	5-5-2½
5-9-----	5-5-5
10-24-----	5-5-5-2½
25-49-----	5-5-5-5
50 and over-----	5-5-5-5-2½

The maximum prices for felts set forth below are subject to terms of two per cent 10 days, 60 extra, with anticipation at the rate of 6 percent per annum where payment is made after 9 days.

(6) Grey carded gabardines.

Construction:		Cents per yard
40" 110 x 76	1.75-----	27.50
40" 110 x 64	1.85-----	26.00
40" 110 x 76	2.00-----	25.00
51" 100 x 68	1.54-----	35.75

(7) Grey coutils.

Construction:		Cents per yard
40½" 104 x 84	2.05-----	24½%
38" 112 x 56	2.73-----	18½%
40½" 96 x 64	2.44-----	20½%
40½" 112 x 68	1.79-----	26
40½" 120 x 76	1.55-----	30¼
40½" 96 x 80	2.05-----	24½%
40½" 96 x 68	2.05-----	23
40½" 96 x 64	2.25-----	21½%
41" 104 x 68	2.05-----	23½%
38" 96 x 68	3.00-----	18½%

(8) Ducks (in the grey)—(i) Irregulars of all ducks. For irregulars of any duck the maximum price shall be the applicable dollars-and-cents maximum

price, determined from (ii) through (xii) below, less the following percentages:

	Percent
Seconds and two-piece rolls-----	5
Short lengths:	
20.01 to 40 yards-----	10
10.01 to 20 yards-----	15
2.01 to 10 yards-----	25

For pieces 2 yards or less in length, the maximum price shall be 20.37 cents per pound.

(ii) *Numbered duck (wide, sail, narrow, and harvester)*. The maximum prices for numbered duck shall be 35 per cent off the list (established February 4, 1935), subject to terms of 2 per cent 10 days, net 60 days, f. o. b. mill, actual freight (not to exceed \$1.00 per cwt.) to destination allowed. For constructions designated as non-standard on the established list, a premium of 5 per cent over the otherwise applicable dollars-and-cents maximum price may be charged in connection with orders of less than 15 rolls.

(iii) *Single-filling ounce duck (flat duck)*. (a) The maximum prices for single-filling ounce duck shall be subject to terms of 2 per cent 10 days, net 60 days, f. o. b. mill, actual freight to destination (not to exceed \$1.00 per cwt.) allowed.

(b) The base maximum prices for single-filling ounce duck shall be the card¹³ prices based on 19¾ cents and, for widths and weights other than those included in the established card, a price pro rata to the base maximum price per pound for single-filling ounce duck of the nearest width and weight included in the card: *Provided*, That the base maximum prices for the following special constructions shall be the base maximum price for the 29" 8 oz. construction, plus the following premiums:

Type	Weight (ounces)	Prorata to—	Premium (cents per pound)
		Inches	
Gem-----	8.80	30½	None
Gem-----	9.00	30½	None
Gem-----	8.00	30¼	None
Gem-----	7.00	30	1½
Paulin-----	15.00	36	½
Paulin-----	18.00	36	½
Plastic-----	8.00	36	2½
Plastic-----	10.6	36	1½
Plastic-----	11.0	36	1½
Plastic-----	15.2	36	½

(c) For "AA" grade (i. e., duck made entirely of clean cotton and having a total thread count per square inch of not less than 110), the maximum price shall be 1 cent per pound higher than the base maximum price; for "B" grade (i. e., duck made of off-grade cotton or part-waste yarns) the maximum price shall be 1 cent per pound less than the base maximum price.

(d) In addition to the otherwise applicable maximum price, the following

¹³ Card established March 2, 1931.

premiums may be charged for special widths:

Inches	Cents per pound
73 and wider-----	4
72¼ to 61-----	3
60¼ to 54-----	2
53¼ to 40¼-----	1
28¼ to 22-----	2
21¼ to 16-----	5

(iv) *Double-filling ounce duck (flat duck)*. (a) The maximum prices for double-filling ounce duck shall be subject to terms of 2 per cent 10 days, net 60 days, f. o. b. mill, actual freight to destination (not to exceed \$1.00 per cwt.) allowed.

(b) The base maximum prices for double-filling ounce duck shall be the card¹³ prices based on 20¾ cents and, for widths and weights other than those included in the established card, a price prorata to the base maximum prices per pound for double-filling ounce duck of the nearest width and weight included in the card.

(c) For "B" grade (i. e., duck made of off-grade cotton or part-waste yarns), the maximum price shall be 1 cent per pound less than the base maximum price.

(d) In addition to the otherwise applicable maximum price, the following premiums may be charged for special widths:

	Cents per Pound
73 inches and wider-----	4
61 inches to 72¼ inches-----	3
60¼ inches to 54 inches-----	2
53¼ inches to 40¼ inches-----	1
28¼ inches to 22 inches-----	2
21¼ inches to 16 inches-----	5

(v) *Army duck (including shoe duck)*. (a) The maximum prices for Army duck shall be subject to terms of 2 per cent 10 days, net 60 days, f. o. b. mill, actual freight to destination (not to exceed \$1.00 per cwt.) allowed.

(b) The base maximum prices for Army duck shall be 33 per cent less than the list prices (established April 9, 1934) and, for widths and weights other than those included in the established list, a price prorata to the base maximum price per pound for Army duck of the nearest width and weight included in the list: *Provided*, That the base maximum price for the following special constructions shall be the base maximum price for the 28½" 8 oz. construction, adjusted by the following differentials:

Weight (oz.)	Prorata to (Inches)	Differentials
10-----	40	(Cents per lb.) Add 2.
11-----	40	None.
12-----	40	None.
7-----	30½	Add 2.
8-----	30	Add ½.
8.65-----	30	None.
8.95-----	30	None.
12.90-----	30¼	Deduct 1½.
13.65-----	30¼	Deduct 1½.
13.30-----	37	Deduct ½.
9.00-----	37	Add 2.
8.00-----	37	Add 3.
7.50-----	37	Add 4.
7.00-----	37	Add 5.

(c) In addition to the base maximum price, the following premiums may be charged for special widths:

	Cents per pound
73 inches and over.....	4
72 3/4 inches to 61 inches.....	3
60 3/4 inches to 54 inches.....	2
53 3/4 inches to 40 1/4 inches.....	1
28 3/4 inches to 22 inches.....	2
21 3/4 inches to 16 inches.....	5
15 3/4 inches to 10 inches.....	10
9 3/4 inches to 7 inches.....	13
6 3/4 inches and under.....	21

(vi) *Wagon-cover duck (double-filling flat duck)*. (a) The maximum prices for wagon-cover duck shall be subject to terms of 2 per cent 10 days, net 60 days, f. o. b. mill, actual freight to destination (not to exceed \$1.00 per cwt.) allowed.

(b) The base maximum prices for wagon-cover duck shall be the card¹³ prices based on 20 3/4 cents.

(c) For "B" grade (i. e., duck made of off-grade cotton or part-waste yarns), the maximum prices shall be 1 cent per pound less than the base maximum prices.

(vii) *Hose and belting duck*. (a) The following maximum prices for hose and belting duck are subject to terms of net 10 days, f. o. b. mill, no freight allowed.

(b) The base maximum price for hose and belting duck (other than standard stitched belting duck) shall be 39 3/4 cents per pound. As used herein, the term "standard stitched belting duck" means belting duck made for manufacturers of stitched belt, weighing 26 oz. or more per square yard, having 16 or less picks per inch, and containing no yarns finer than 8s.

(c) The maximum price for hose and belting duck (other than standard stitched belting duck) having any of the characteristics set forth hereunder shall be the base maximum price plus or minus the applicable differential:

Weight per sq. yd.	Cents per lb.
24 to 36 oz.....	Deduct 1/2.
9 to 14.3 oz.....	Add 1.
Filling count per inch:	
16 and less.....	Deduct 1.
Over 19 but not more than 23.....	Add 1.
Over 23 but not more than 27.....	Add 2.
Presence of yarns in either warp or filling or both:	
Finer than— But not finer than—	Add
8s 10s.....	1.
10s 13s.....	2.
13s 15s.....	3.
15s 18s.....	4.
18s 21s.....	5.
21s 23s.....	6.
Width:	Add
Less than 36": for every 4 inches or fraction thereof by which the width is less than 36".....	1/2
More than 72".....	2

(d) The base maximum price for standard stitched belting duck shall be 38 3/4 cents per pound. In addition to this base maximum price the following

¹³ The established card heretofore used in the trade.

premiums may be charged for special widths:

	Cents per lb.
2" to 3 3/8".....	10
4" to 5 3/8".....	4
6" to 7 3/8".....	3
8" to 11 3/8".....	1 1/2
12" to 15 3/8".....	1/2
61 1/8" to 73".....	1
73 1/8" to 84".....	2
84 1/8" to 90".....	3
90 1/8" to 100".....	4

(e) No premium shall be charged for lengths over 185 yards per roll.

(viii) *Enameling duck*. (a) The maximum prices for enameling duck are subject to terms of 2 per cent 10 days, 60 extra (with anticipation allowed for payment after 9 days at 6 per cent per annum), f. o. b. mill, actual freight to destination (not to exceed \$1.00 per cwt.) allowed.

(b) The base maximum price for enameling duck shall be 44 1/4 cents per pound. This base maximum price shall apply, without any differential adjustment, to double-filling constructions which are 38" to 52" in width and which are prorata to weights of 9 to 10.25 oz. on a 38" basis.

(c) For single-filling enameling duck the maximum price shall be 1 cent per pound less than the base maximum price.

(d) In addition to the otherwise applicable maximum price, the following premiums may be charged:

	Premium
For weight (ounces prorata to 38 inches):	
8 3/4 to 8.....	1
7 3/4 to 6 1/2.....	2
Under 6 1/2.....	3
For width (inches):	
52 1/4 to 61 1/2.....	1
61 1/4 to 72.....	2
Over 72.....	4

(ix) *Laundry roll cover duck (plied warp and filling)*. (a) The maximum prices for laundry roll cover duck are subject to terms of 2 per cent 10 days, net 60 days, f. o. b. mill, actual freight to destination (not to exceed \$1.00 per cwt.) allowed.

(b) The base maximum price for laundry roll cover duck shall be 50 1/4 cents per pound.

(c) For fabrics having any of the following characteristics, the maximum price shall be the base maximum price adjusted in accordance with the following differentials:

	Cents per pound
Weight (ounces prorata to 90 inches):	
Under 21.....	Add 1.
23 to 23 3/4.....	Deduct 1.
24 to 24 3/4.....	Deduct 1 1/2.
25 and heavier.....	Deduct 2.
Total thread count per square inch:	
80 to 89.....	Deduct 1.
96 to 99.....	Add 1.
100 to 105.....	Add 2.
Yarns of more than two ply:	
Three-ply yarns in warp or filling or both.....	Add 2.
Four-ply yarns in warp or filling or both.....	Add 4.

(d) The term "laundry roll cover duck," as used herein, means duck made of plied warp and filling, 72" to 90" in width, and not heavier than 29 ounces per yard on a 90" basis.

(x) *Chafer fabrics*. (a) The maximum prices for chafer fabrics are subject to terms of net 10 days, f. o. b. mill, no freight allowed.

(b) The base maximum price for chafer fabrics shall be 37 1/2 cents per pound.

(c) For chafer fabrics having any of the following characteristics, the maximum price shall be the same maximum price adjusted by the applicable differential:

	Cents per pound
Weight (ounces per square yard):	
Over 15.....	Deduct 1.
11 to 12 3/4.....	Add 1.
9 to 10 3/4.....	Add 2.
Under 9.....	Add 3.
Total thread count per square inch:	
Under 45.....	Deduct 1.
Over 65.....	Add 1.
Plied yarns throughout.....	Add 6.

(d) The term "chafer fabrics," as used herein, means fabrics of plain weave, made of single yarns, having an approximately square count, and weighing from 7 to 18 ounces per square yard.

(xi) *Oil press duck (naught duck)*.

(a) The maximum prices for oil press duck shall be subject to terms of 2 per cent 10 days, net 60 days, f. o. b. mill, actual freight to destination (not to exceed \$1.00 per cwt.) allowed.

(b) The base maximum price for oil press duck shall be 43 cents per pound. This base maximum price shall apply, without any differential adjustment, to plain weave ducks in numbers from 3/0 to 12/0 and in widths from 42" to 56" and from 12" to 17 3/4".

(c) The maximum price for oil press duck of the following widths shall be the base maximum price adjusted by the following differentials for width:

	Cents per pound
18 inches to 29 3/4 inches.....	Deduct 2.
30 inches to 41 3/4 inches.....	Deduct 1.
11 3/4 inches to 6 inches.....	Add 2.
5 inches and 4 inches.....	Add 4.
2 inches.....	Add 8.

(xii) *Filter twills*. (a) The maximum prices for filter twills set forth below are subject to terms of 2 per cent 10 days, net 60 days, f. o. b. mill, actual freight to destination (not to exceed \$1.00 per cwt.) allowed.

(b) The base maximum price for filter twills shall be 43 cents per pound. This base maximum price shall apply, without any differential adjustment, to constructions weighing 22 ounces or more per square yard, having a warp count of 30 to 70 ends per inch and a filling count of 20 to 25, and in widths from 29" to 40".

(c) In addition to the base maximum price, the following premiums may be charged:

	Cents per Yard
For weight (ounces per square yard):	
21 3/4 to 19 1/4-----	1
19 to 16 1/4-----	2
16 to 13 1/4-----	3
Less than 13 1/4-----	4
For width (inches):	
Under 20-----	4
24 3/4 to 20-----	2
28 3/4 to 25-----	1
40 1/4 to 54-----	1
54 1/4 to 60-----	2
60 1/4 to 72-----	3
Over 72-----	4
For picks per inch:	
26 to 30-----	1
31 to 35-----	2
36 to 40-----	3
41 to 45-----	4
46 to 50-----	5
51 to 55-----	6

§ 1400.117 *Effective dates of amendments.*

(c) Amendment No. 3 (§§ 1400.104; 1400.112 (a); 1400.115 (a) (5) (ii) (d), (5) (ii) (i), (5) (iii); 1400.118) shall become effective May 25, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 20th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4648; Filed, May 20, 1942; 5:16 p. m.]

PART 1401—SYNTHETIC TEXTILE PRODUCTS
[Amendment 1 to Revised Price Schedule 90¹]

RAYON WASTE

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.

Paragraphs (a) and (b) of § 1401.55 are amended and a new paragraph (c) is added thereto, paragraph (a) of § 1401.57 is amended and § 1401.58a is added, as set forth below:

§ 1401.55 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 90 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest district, state or regional office of the Office of Price Administration or its principal office in Washington, D. C.

(c) The provisions of Supplementary Order No. 5²—Licensing, are applicable to every dealer selling a rayon waste subject to this Revised Price Schedule No. 90 to a consumer. "Dealer" shall in this paragraph (c) and this paragraph only have the meaning given to it by Supple-

¹ 7 F.R. 1377, 1836, 2132.
² 7 F.R. 3403.

mentary Order No. 5. "Consumer" shall in this paragraph (c) and this paragraph only mean a person who performs any or a combination of more than one of the processes of blending, sterilizing, dusting, stripping, dyeing, picking, carding, oiling or garnetting on rayon waste or who uses rayon waste in any manufacturing process.

§ 1401.57 *Definitions.* When used in Price Schedule No. 90, the term:

(a) "Person" means 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.

§ 1401.58a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1401.55, 1401.57 and 1401.58a) to Revised Price Schedule No. 90 shall become effective May 20, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 20th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4654; Filed, May 20, 1942; 5:19 p. m.]

PART 1410—WOOL

[Amendment 1 to Maximum Price Regulation 123¹]

RAW AND PROCESSED WOOL WASTE MATERIALS

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.

Paragraphs (a) and (b) of § 1410.76 are amended and a new paragraph (c) is added thereto, paragraph (a) (1) of § 1410.78 is amended and § 1410.79a is added as set forth below:

§ 1410.76 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 123 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest district, state or regional office of the Office of Price Administration or its principal office in Washington, D. C.

(c) The provisions of Supplementary Order No. 5²—Licensing, are applicable to every dealer selling wool waste materials subject to this Maximum Price Regulation No. 123 to a consumer.

¹ 7 F.R. 3088, 3330.
² 7 F.R. 3403.

"Dealer" shall in this paragraph (c) and this paragraph only have the meaning given to it by Supplementary Order No. 5. "Consumer" shall in this paragraph (c) and in this paragraph only mean a person who performs any or a combination of more than one of the processes enumerated in subparagraph (a) (3) of § 1410.78 on wool waste materials or who uses wool waste materials in the manufacture of woolen yarn or in any other manufacturing process.

§ 1410.78 *Definitions.* (a) When used in this Maximum Price Regulation No. 123, 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 and any agency thereof, or any other government or any of its political subdivisions, or any agency of the foregoing.

§ 1410.79a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1410.76, 1410.78 and 1410.79a) to Maximum Price Regulation No. 123 shall become effective May 20, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 20th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4650; Filed, May 20, 1942; 5:17 p. m.]

[Order No. 1]

PART 1499—COMMODITIES AND SERVICES
MAXIMUM PRICES AUTHORIZED UNDER § 2499.3 (b) OF THE GENERAL MAXIMUM PRICE REGULATION¹

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.3 (b) of the General Maximum Price Regulation, it is hereby ordered:

§ 1499.32 *Authorization to sellers of gray iron castings.* (a) Specific authorization is hereby given to any producer of gray iron castings to determine the maximum price for any gray iron casting produced by him and for which the maximum price cannot be established under § 1499.2 of the General Maximum Price Regulation by the following formula: The producer's maximum price for each such casting shall be a net price (after adjustment for all applicable customary extra charges, discounts or other allowances) not in excess of that at which he would have sold such a casting during March 1942 under the pricing formula or method of calculating price used by him in March 1942, employing the same cost factors (wage rates, prices of materials and overhead) and profit margins

¹ 7 F.R. 3153, 3300, 3666.

which were in effect for him in March 1942, even though his costs or profit margins may have increased since that date.

(b) On or before the last day of each month, beginning with June 30, 1942, a seller shall report the prices of all gray iron castings priced under § 1499.3 (b) of the General Maximum Price Regulation during the preceding month to the Office of Price Administration in Washington, D. C., upon a form to be supplied. Each price so reported shall be subject to adjustment at any time by the Office of Price Administration.

(c) This Order No. 1 may be revoked or amended by the Office of Price Administration at any time.

(d) This Order No. 1 shall become effective May 25, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 20th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4647; Filed, May 20, 1942;
5:15 p. m.]

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

[Amendment No. 10 to Revised Tire Rationing Regulations¹]

TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES, AND CAMELBACK

Paragraph (b) of § 1315.401 is amended to read as follows:

§ 1315.401 *Permitted and prohibited transfers and deliveries to consumers.*

(b) *Transfers of new tires or tubes to consumers*—(1) *Transfers by retailers and distributors.* Any retailer or distributor may transfer new tires or tubes to any consumer in exchange for a certificate authorizing such transfer issued by a Board.

(2) *Transfer by wholesalers.* (i) Any wholesaler may transfer new tires or tubes in exchange for a certificate authorizing such transfer issued by a Board to any consumer who purchased, leased, or otherwise acquired new tires or tubes direct from such wholesaler's warehouse during the calendar year 1941. This restriction shall not apply when the wholesaler makes such transfer to a consumer from the separate premises of its company-owned retail outlet.

(ii) Any wholesaler may lease new tires or tubes in exchange for a certificate authorizing such transfer issued by a Board to any transportation system regularly engaged in the business of transporting passengers by bus.

(3) *Transfers by manufacturers.* (i) Any manufacturer may transfer new tires or tubes in exchange for a certificate authorizing such transfer issued by a Board to any consumer who purchased, leased, or otherwise acquired new tires or tubes direct from such manufacturer's factory or warehouse during the calendar

¹ 7 F.R. 1027, 1089, 2106, 2541, 2633, 2945, 2948, 3237, 3551.

year 1941. This restriction shall not apply when the manufacturer makes such transfer to a consumer from the separate premises of its company-owned retail outlet.

(ii) Any manufacturer may lease new tires or tubes in exchange for a certificate authorizing such transfer issued by a Board to any transportation system regularly engaged in the business of transporting passengers by bus.

* * * * *
§ 1315.1199a *Effective dates of amendments.* * * *

(j) Amendment No. 10 (§§1315.401 (b) (1), 1315.401 (b) (2), and 1315.401 (b) (3)) shall become effective May 23, 1942.

(Pub. Law 421, 77th Cong., 2d Sess., Jan. 30, 1942, OPM Supp. Order No. M-15c, WPB Directive No. 1, Supp. Directive No. 1B, 6 F.R. 6792; 7 F.R. 562, 925)

Issued this 21st day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4691; Filed, May 21, 1942;
11:55 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Order No. 97]

PART 13—RULES GOVERNING COMMERCIAL RADIO OPERATORS

TEMPORARY LIMITED RADIOTELEGRAPH SECOND-CLASS OPERATOR LICENSES

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of May 1942;

The Commission having under consideration the request of the Defense Communications Board that the Commission consider the relaxation of its rules and regulations governing the requirements for operators of broadcast and other stations;

It is ordered, This 19th day of May 1942 that a class of operator license be established designated "Temporary Limited Radiotelegraph Second-class Operator License", in addition to the classes of licenses specified in section 13.61 of the rules and regulations, which will authorize the holder thereof, notwithstanding the provision of Commission Order No. 91-A, dated April 21, 1942, to operate licensed radiotelegraph equipment installed aboard ships only, for the duration of the war in which the United States is now engaged, but in no event for a period longer than five years; and

It is further ordered, That a Temporary Limited Radiotelegraph Second-class Operator License may be issued to:

(a) Any person found qualified to take an operator's examination, and who can pass the Commission's code test of at least 16 code groups per minute, and in addition obtain a rating of 50% or better on the Commission's written examination for a regular radiotelegraph second-class operator license.

(b) Any person found qualified to take an operator's examination who has previously held, but does not now hold, a radiotelegraph first or second-class operator license, and who can now pass the Commission's code test of at least 16 code groups per minute.

(c) An applicant enrolled in a Coast Guard Maritime Service Radio School, who has been certified to the Commission by that service that the applicant is qualified to take an operator's examination and possesses the qualifications prescribed by the Commission for this class of license, and that said service school's course of instruction covers the requirements for this type of license.

By the Commission.

[SEAL]

WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 42-4639; Filed, May 21, 1942;
11:57 a. m.]

Notices

WAR DEPARTMENT.

[Public Proclamation No. 1]

HEADQUARTERS EASTERN DEFENSE COMMAND AND FIRST ARMY, GOVERNORS ISLAND, NEW YORK

EASTERN MILITARY AREA DESIGNATED AND ESTABLISHED

MAY 16, 1942.

To: The people within the states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, part of the state of Florida, and the District of Columbia.

Whereas by virtue of orders issued by the War Department on December 20, 1941, and March 18, 1942, that portion of the continental United States east of the following line: The Ohio-Pennsylvania boundary, the West Virginia-Pennsylvania boundary, the West Virginia-Maryland boundary, the West Virginia-Virginia boundary, the Kentucky-Virginia boundary, the Tennessee-Virginia boundary, the Tennessee-North Carolina boundary, the Tennessee-Georgia boundary, the Alabama-Georgia boundary to its junction with Florida thence south along the Apalachicola River, has been established as the Eastern Defense Command under my command; and

Whereas by Executive Order 9066, dated February 19, 1942, the President of the United States authorized and directed the Secretary of War and the Military Commanders whom he may from time to time designate, whenever he or any such designated commander deems such action necessary or desirable, to prescribe military areas in such places and of such extent as he or the appropriate Military Commander may determine, with authority over such military areas as in such Executive Order prescribed; and

Whereas the Secretary of War on April 22, 1942, designated the under-

¹ 7 F.R. 1407.

signed as Military Commander to carry out the duties and responsibilities imposed by said Executive Order for that portion of the United States embraced in the Eastern Defense Command; and

Whereas the Eastern Defense Command embraces fifteen States, part of another State, and the District of Columbia, inhabited by millions of loyal citizens of the United States and hundreds of thousands of persons not yet citizens of the United States, but equally loyal; and

Whereas the economic life of this large portion of the population of our country, dwelling within the Eastern Defense Command, should be disturbed as little as may be consistent with requirements of adequate National Defense and internal security; and

Whereas the Eastern Defense Command embraces the entire Atlantic Coast and a portion of the Gulf Coast of the United States and by its geographical location is particularly subject to attack, and, in connection therewith, is subject to espionage and acts of sabotage, thereby requiring the adoption of military measures necessary to establish safeguards against such hostile operations;

Now, Therefore, I, Hugh A. Drum, Lieutenant General, U. S. Army, by virtue of the authority vested in me by the President of the United States and by the Secretary of War and my powers and prerogatives as Commanding General of the Eastern Defense Command and First Army, charged with the defense of the Eastern seaboard, do hereby declare and proclaim that:

1. The present situation requires as a matter of military necessity the establishment, in the territory embraced in the Eastern Defense Command within the continental United States, of Military Areas, and for that purpose, I do hereby prescribe all of the territory in the several States of the United States lying east and northeast of the westerly boundary line of the Eastern Defense Command, including the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, part of the State of Florida, and the District of Columbia, to be a Military Area and to be designated as the Eastern Military Area, as the same is shown on the map.

2. The functional subdivisions of the Eastern Military Area for purposes of enforcement of restrictions and orders issued from this Headquarters are the existing Corps Areas, namely, the First Corps Area, with Headquarters at Boston, Massachusetts; the Second Corps Area, with Headquarters at Governors Island, New York; the Third Corps Area, with Headquarters at Baltimore, Maryland; and the Fourth Corps Area, with Headquarters at Atlanta, Georgia. The Commanders of said Corps Areas are charged with responsibility for the enforcement of the restrictions and orders pertaining to their respective Corps Areas.

3. The protection of American commerce and that of the United States from damage or destruction by enemy attack, and the prevention of enemy action against our shores, along the Atlantic and Gulf Seaboards, involve the effective control of artificial lighting along these coasts and for a reasonable distance in the rear thereof. For the purpose of such control, the existing restrictions and orders of the Commanding Generals of the four Corps Areas of the Eastern Military Area are hereby adopted and declared to be a part of this Proclamation. Corps Area Commanders are designated as the authorities to promulgate the necessary restrictions and orders for control.

4. Wilful violation of any such restriction or order by an alien enemy, or repeated careless violations, even if not wilful, are cause for expulsion, internment or prosecution; similar violations by persons other than alien enemies are cause for expulsion or prosecution.

5. Nothing contained herein shall be construed as limiting or modifying the duty and responsibility of the Department of Justice under the Proclamations of the President of December 7 and 8, 1941,¹ insofar as the enforcement of rules and regulations for the conduct and control of alien enemies is concerned, or otherwise.

6. The Corps Areas in the Eastern Military Area, each within its respective sphere of activities, and such federal, state, municipal and local agencies, as the Commanding General, Eastern Defense Command, with the consent of such agencies, may from time to time deem advisable specifically to designate, are hereby designated as the agencies to enforce the provisions of these restrictions and orders and such restrictions and orders as may subsequently be issued by him; and these agencies, under the coordination of the Commanding General, Eastern Defense Command, have jurisdiction to conduct the investigations necessary to their respective enforcement thereof.

7. In accordance with representations made to the Governors of the States within the Eastern Military Area and the Commissioners of the District of Columbia, it is specifically requested that state and municipal police, and other officials and civilians within the States affected by this Proclamation, assist the agencies charged with enforcing restrictions by reporting to them the names and addresses of all persons believed to have violated restrictions, and such other information as may be called for by these agencies.

8. A copy of this Proclamation shall be displayed for public inspection at every Selective Service Local Board; at every Post Office; at every Court House; and at every Town Hall within the Eastern Military Area. Additional proclamations, announcements, restrictions, and orders will be issued from this Headquarters as occasion demands. Copies of such additional proclamations, an-

nouncements, restrictions, and orders will be available for inspection at every Selective Service Local Board; at every Post Office; at every Court House; and at every Town Hall within the Eastern Military Area. It shall be the duty of every person found within the Eastern Military Area to familiarize himself with the terms of every proclamation, announcement, restriction, or order issued by this Headquarters.

The assistance of public-spirited and patriotic newspapers, periodicals, radio and other media of public information within the Eastern Military Area is earnestly solicited and it is confidently expected that they will publish in full in a prominent position this Proclamation and every proclamation, announcement, restriction, or order issued by this Headquarters pursuant to this Proclamation.

[SEAL] H. A. DRUM,
Lieutenant General, U. S. Army,
Commanding.

Confirmed:

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-4671; Filed, May 21, 1942;
10:49 a. m.]

[Civilian Exclusion Order No. 77]

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA—SAN BENITO AND SANTA CLARA COUNTIES, CALIFORNIA

MAY 15, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1¹ and 2,² this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Thursday, May 21, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All of the county of San Benito and that portion of the county of Santa Clara, State of California, that lies southeasterly of the following boundary: beginning at a point on the Santa Cruz and Santa Clara County line due west of a line drawn through the peak of Loma Prieta; thence due east along said line through said peak to its intersection with Llagas Creek; thence downstream along said creek toward Madrone to the point where it is crossed by Llagas Avenue; thence northeasterly on Llagas Avenue to U. S. Highway No. 101; thence northerly on said Highway No. 101 to Cochran Road; thence northeasterly on Cochran Road to its junction with Steeley Road; thence easterly on Steeley Road to Madrone Springs; thence along a line projected due east from Madrone Springs to its intersection with the Santa Clara-Stanislous County line.

2. A responsible member of each family, and each individual living alone in the above described area will report be-

¹ 6 F.R. 6321, 6323, 6324.

¹ 7 F.R. 2320.

² 7 F.R. 2405.

tween the hours of 8:00 A. M. and 5:00 P. M., Saturday, May 16, 1942, or during the same hours on Sunday, May 17, 1942, to the Civil Control Station located at: Gilroy High School Gymnasium, IOOF Avenue, Gilroy, California.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Thursday, May 21, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

4. All persons within the bounds of an established Assembly Center pursuant to instructions from this Headquarters are excepted from the provisions of this order while those persons are in such Assembly Center.

[SEAL] J. L. DEWITT,
Lieutenant General, U. S. Army,
Commanding.

Confirmed:

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-4672; Filed, May 21, 1942;
10:49 a. m.]

[Civilian Exclusion Order No. 78]

HEADQUARTERS WESTERN DEFENSE COM-
MAND AND FOURTH ARMY, PRESIDIO OF
SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED
FROM RESTRICTED AREA—YOLO COUNTY,
CALIFORNIA

MAY 15, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1¹ and 2², this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Thursday, May 21, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All of the County of Yolo, State of California, lying northerly and westerly of the northerly and westerly line of U. S. Highway No. 40.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Saturday, May 16, 1942, or during the same hours on Sunday, May 17, 1942, to the Civil Control Station located at: American Legion Hall, Bush Street, Woodland, California.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of pub-

¹ 7 F. R. 2320.

² 7 F. R. 2405.

lished instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Thursday, May 21, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

4. All persons within the bounds of an established Assembly Center pursuant to instructions from this Headquarters are excepted from the provisions of this order while those persons are in such Assembly Center.

[SEAL] J. L. DEWITT,
Lieutenant General, U. S. Army,
Commanding.

Confirmed:

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-4673; Filed, May 21, 1942;
10:50 a. m.]

[Civilian Exclusion Order No. 79]

HEADQUARTERS WESTERN DEFENSE COM-
MAND AND FOURTH ARMY, PRESIDIO OF
SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED
FROM RESTRICTED AREA—KING COUNTY,
WASHINGTON

MAY 15, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1¹ and 2², this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Friday, May 22, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All that portion of the County of King, State of Washington, within that boundary beginning at a point about midway between the Cities of Tacoma and Seattle (east of Des Moines) at which U. S. Highway No. 99 intersects Washington State Highway No. 5A; thence easterly along said Highway No. 5A to Green River; thence easterly and following Green River to the King-Kittitas County line; thence southerly and following the King-Kittitas County line to the King-Pierce County line; thence westerly and following the King-Pierce County line to U. S. Highway No. 99; thence northerly along U. S. Highway No. 99 to the point of beginning.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Saturday, May 16, 1942, or during the same hours on Sunday, May 17, 1942, to the Civil Control Station located at: Auburn High School Gymnasium, 711 East Main Street, Auburn, Washington.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock

noon, P. W. T., of Friday, May 22, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

4. All persons within the bounds of an established Assembly Center pursuant to instructions from this Headquarters are excepted from the provisions of this Order while those persons are in such Assembly Center.

[SEAL] J. L. DEWITT,
Lieutenant General, U. S. Army,
Commanding.

Confirmed:

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-4674; Filed, May 21, 1942;
10:50 a. m.]

[Civilian Exclusion Order No. 80]

HEADQUARTERS WESTERN DEFENSE COM-
MAND AND FOURTH ARMY, PRESIDIO OF
SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED
FROM RESTRICTED AREA—KING COUNTY,
WASHINGTON

MAY 15, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1¹ and 2², this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Wednesday, May 20, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All of that portion of the County of King, State of Washington, within the boundary beginning at the point at which the Snohomish-King County line meets Puget Sound; thence easterly and following said county line to the western limits of the Snoqualmie National Forest; thence southerly and following the limits of said National Forest to the Middle Fork of the Snoqualmie River; thence westerly and following the Middle Fork of the Snoqualmie River, and the Snoqualmie River to its intersection with U. S. Highway No. 10 at Fall City; thence westerly along said Highway No. 10 crossing Lake Washington Floating Bridge to the west line of Lake Washington; thence northerly along the west line of Lake Washington to East 85th Street extended; thence westerly along East 85th Street extended and 85th Street to Puget Sound; thence northerly and following the shoreline of Puget Sound to the point of beginning.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Saturday, May 16, 1942, or during the same hours on Sunday, May 17, 1942, to the Civil Control Station located at: 122 Kirkland Avenue, Kirkland, Washington.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Wednesday, May 20, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

4. All persons within the bounds of an established Assembly Center pursuant to instructions from this Headquarters are excepted from the provisions of this order while those persons are in such Assembly Center.

[SEAL] J. L. DEWITT,
Lieutenant General, U. S. Army,
Commanding.

Confirmed:

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-4675; Filed, May 21, 1942;
10:51 a. m.]

[Civilian Exclusion Order No. 81]

HEADQUARTERS WESTERN DEFENSE COM-
MAND AND FOURTH ARMY, PRESIDIO OF
SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED
FROM RESTRICTED AREA—CITY AND COUNTY
OF SAN FRANCISCO, CALIFORNIA

MAY 15, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1¹ and 2,² this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Wednesday, May 20, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All of that portion of the City and County of San Francisco, State of California, within that boundary beginning at the intersection of Nineteenth Avenue and California Street; thence easterly on California Street to Presidio Avenue; thence southerly on Presidio Avenue to Geary Street; thence easterly on Geary Street to St. Joseph's Avenue; thence southerly on St. Joseph's Avenue to O'Farrell Street; thence easterly on O'Farrell Street to Van Ness Avenue; thence northerly on Van Ness Avenue to California Street; thence easterly on California Street to Market Street; thence northeasterly along Market Street to San Francisco Bay; thence southerly and following the shoreline of San Francisco Bay to the southerly limits of the City and County of San Francisco; thence westerly along the said southerly limits to Junipero Serra Boulevard; thence northerly on a line established by Junipero Serra Boulevard, Worcester Avenue, and Nineteenth Avenue to the point of beginning, together with all other parts of the City and County of San Francisco, and all parts of Alameda and Contra Costa

Counties, State of California, not covered by previous Civilian Exclusion Orders of this Headquarters.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Saturday, May 16, 1942, or during the same hours on Sunday, May 17, 1942, to the Civil Control Station located at: Raphael Weill School Auditorium, 1501 O'Farrell Street, San Francisco, California.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Wednesday, May 20, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

4. All persons within the bounds of an established Assembly Center pursuant to instructions from this Headquarters are excepted from the provisions of this order while those persons are in such Assembly Center.

[SEAL] J. L. DEWITT,
Lieutenant General, U. S. Army,
Commanding.

Confirmed:

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-4676; Filed, May 21, 1942;
10:51 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-240]

HUDSON FUEL COMPANY, DISTRIBUTOR
HEARING ORDER AMENDED

In the matter of Hudson Fuel Company, Registered Distributor, Registration No. 4581

The above-entitled matter having been scheduled for hearing on May 27, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 518, Bulkley Building, 1501 Euclid Avenue, Cleveland, Ohio, before W. A. Cuff or any other officer or officers of the Bituminous Coal Division duly designated for that purpose, pursuant to the Notice of and Order for Hearing dated April 27, 1942, and subsequently by Order dated May 13, 1942, said hearing having been postponed to June 8, 1942, at 10 a. m. at the same place and before Charles S. Mitchell, Trial Examiner, vice W. A. Cuff; and

The Acting Director deeming it advisable that said Notice of and Order for Hearing dated April 27, 1942, should be amended;

Now, therefore, it is ordered, That the Notice of and Order for Hearing dated April 27, 1942, be and the same hereby is amended by adding after the paragraph numbered 2 in said Notice of and Order for Hearing, a new paragraph numbered 3 reading as follows:

3. Failed to comply with § 304.11 of the Rules and Regulations for the Registration of Distributors by making false and misleading statements and by failing to state material facts in its application for registration with the Division as a distributor of bituminous coal, filed by said distributor with the Division on November 4, 1940, in that said distributor represented that it had no affiliations or financial connections with any coal transporter during the years 1937 and 1938, whereas in fact during said period the distributor and the Mazza Trucking Company, an Ohio Corporation, engaged in the business of trucking and transporting coal in the State of Ohio, were owned and controlled by the same person.

It is further ordered, That said Notice Of and Order for Hearing in the above-entitled matter dated April 27, 1942, as heretofore amended, shall in all other respects remain in full force and effect.
Dated: May 19, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4664; Filed, May 21, 1942;
10:22 a. m.]

[Docket No. B-255]

SHEESLEY COAL COMPANY, CODE MEMBER
NOTICE OF AND ORDER FOR HEARING

In the matter of Sheesley Coal Company, a corporation, Code Member.

A complaint dated April 29, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on May 1, 1942, by Bituminous Coal Producers Board for District No. 1, a district board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Sheesley Coal Company, a corporation (the "Code member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on June 24, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Community Room, City Hall, Altoona, Pennsylvania.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and

¹ 7 F.R. 2320.

² 7 F.R. 2405.

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 said Code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code member in the Code or directing the Code member to cease and desist from violating the Code and regulations made thereunder.

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violations by the above named Code member as follows: That the said Sheesley Coal Company, a corporation, 837 Horner Street, Johnstown, Pennsylvania, whose code membership became effective June 24, 1937, and which operates the Sheesley Mine, Mine Index No. 468, located in Subdistrict 29 of District 1, in Cambria County, Pennsylvania.

(1) Wilfully violated section 4 II (e) of the Act and Part II (e) of the Code by selling, subsequent to September 30, 1940, below the effective minimum prices established therefor in the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck, coal produced at the aforesaid mine, including sales, during the period from March 25, 1941 to April 9, 1941, both dates inclusive, to W. M. Hollenback, Philadelphia, Pennsylvania, registered distributor, Reg. No. 4445, of approximately 302.10 net tons of ¾" slack coal, Size Group 5, produced by said code member at its said mine, at a price of \$2.05 per ton f. o. b. the mine, less 12¢

per net ton as distributor's discount, whereas, pursuant to Price Instruction 5 contained in said schedule, said coal is priced at \$2.25 per ton f. o. b. said mine;

(2) wilfully violated Rule 1 of section III of the Marketing Rules and Regulations by allowing to the said W. M. Hollenback, Philadelphia, Pennsylvania, on the sales referred to in paragraph (1) hereof, a discount of 12 cents per net ton in addition to a reduction of 20 cents per net ton from the f. o. b. mine prices thereby allowing in effect a discount of 32 cents per net ton from the effective minimum prices on said coal, which is in excess of the maximum discount prescribed by the Division;

(3) wilfully violated Order No. 288, dated December 8, 1939, by failing, subsequent to September 30, 1940, to report to the Division, the District Board and the Field Office for District No. 1, within ten days after the occurrence, a change in the method of preparing coals or conditions effecting a material change in the sizes, analyses, or other characteristics of the coal produced by Code member, including the material changes in sizes made by said code member in the coal sold as alleged in paragraph (1) hereof.

Dated: May 19, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4665; Filed, May 21, 1942;
10:22 a. m.]

[Docket No. A-1450]

DELTA MINE PRICE EXCEPTION, DISTRICT 10
NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 10 for the establishment of a price exception for the Delta Mine.

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 June 23, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That 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 pro-

ceeding 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 June 18, 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 the petition of District Board No. 10 filed pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, for the establishment in the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck and For Truck Shipments of the following Price Exception for the coals of the Delta Mine, (Mine Index No. 36), of the Delta Coal Mining Company, a code member in District No. 10:

At Mine Index No. 36 the resultant coal, which is a mixture of coal which passes through dewatering screens with openings not larger than 10 mesh nor smaller than ½ mm., or the equivalent thereof, after the production of washed coal in other sizes, may be sold at a price not less than 85 cents per net ton.

Dated: May 19, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4666; Filed, May 21, 1942;
10:22 a. m.]

[Docket No. B-247]

O. M. BOWLING COAL COMPANY,
DISTRIBUTOR

NOTICE OF AND ORDER FOR HEARING

In the Matter of Owen M. Bowling, doing business under the Name and Style of O. M. Bowling Coal Company, Registered Distributor, Registration No. 0973.

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

A. Whether or not Owen M. Bowling, doing business under the name and style of O. M. Bowling Coal Company, registered distributor, Registration No. 0973, (hereinafter sometimes referred to as "Registered Distributor"), whose address is 788 Adair Avenue, N. E., Atlanta, Georgia, has violated any provisions of the Act, the Code, and orders

and regulations of the Division, including the Marketing Rules and Regulations, Rules for Registration of Distributors, and the Distributor's Agreement (the "Agreement"), dated October 31, 1940, and filed by Owen M. Bowling, pursuant to an Order of the Division, dated June 19, 1940, in General Docket No. 12, and more particularly whether or not subsequent to November 18, 1940, the effective date of registration, said Registered Distributor:

1. During the period August 12, 1941 to October 31, 1941, both dates inclusive, sold approximately 916.10 net tons of various sizes of coal under the trade name of "Red Gem" without filing said trade name with the Division, resulting in violation of Order No. 329 dated June 27, 1941.

2. During the period March 24, 1941 to October 13, 1941, both dates inclusive, sold approximately 2978.45 net tons of various sizes of coal for shipment by rail to consumers in Georgia and Tennessee, said coal being produced by the following code members:

Name and address	Mine Index No.
A. L. Engle, Grays, Ky.....	3083
Homer Moore, Place, Ky.....	2597
L. A. Walker, Saxton, Ky.....	1885
Lloyd Hart, Woodbine, Ky.....	769
Sollie Mills, Barbourville, Ky.....	1678
Joe L. Jones, Jellico, Tenn.....	1854
Straight Creek Jellico Coal Co., Barbourville, Ky.....	2599

whereas prices, temporary or final, had not been established for said coal for rail shipment, thereby participating in violations of the Order in General Docket No. 19, dated October 9, 1940, resulting in violation of paragraph (e) of the Agreement.

3. Accepted and retained a registered distributor's discount of 26½ cents per net ton on 47.40 net tons of block coal, Size Group No. 1, produced by the New Horse Creek Coal Company, a code member producer, in District No. 8, and resold by the Registered Distributor to the Southern Cooperative Foundry Company of Atlanta, Georgia, on or about March 12, 1941, whereas the maximum allowable discount on said coal was 22 cents per net ton as set forth in the Order in General Docket No. 12, dated June 19, 1940, resulting in violation of paragraph (a) of the Agreement.

4. Accepted and retained a registered distributor's discount of 22 cents per net ton on approximately 50.25 net tons of 2' lump coal, Size Group No. 4, produced by the Burke Hollow Coal Company, a code member producer, in District No. 8, and resold by the Registered Distributor to the Paul Johnston Lumber Company of Thomaston, Georgia, on or about March 28, 1941, whereas the maximum allowable discount on said coal was 17 cents per net ton as set forth in the Order in General Docket No. 12, dated June 19, 1940, resulting in violation of paragraph (a) of the Agreement.

5. (a) Filed invoices with the Statistical Bureau for District No. 8 of the Division for the sales of 419.90 net tons of coal sold between December 18, 1940, and March 31, 1941, both dates inclusive, and

failed to show thereon all the information required by Order No. 295 of the Division, dated June 14, 1940, resulting in violation of paragraphs (e) and (f) of the Agreement; and

(b) Filed invoices with the Statistical Bureau for District No. 8 of the Division for the sales of 2,971.23 net tons of coal sold between April 1, 1941, and December 24, 1941, both dates inclusive and failed to show thereon all the information required by Order No. 313 of the Division, dated February 24, 1941, resulting in violation of paragraphs (e) and (f) of the Agreement.

6. Prepaid freight charges in the amount of \$137.08 on 55.60 net tons of run of mine coal purchased from one or more code member producers and resold to Steele, Heddle Coal Company of Atlanta, Georgia, on June 9, 1941, resulting in violation of Rule 1 (J) of section VII of the Marketing Rules and Regulations and paragraph (e) of the Agreement.

7. (a) Diverted or reconsigned 148.70 net tons of coal during the period October 19, 1940 to March 15, 1941, both dates inclusive, and failed to file notice of said diversion or reconsignment with the Statistical Bureau for District No. 8 of the Division, in violation of Rule 9 of section XII of the Marketing Rules and Regulations and Order No. 295 of the Division, dated June 14, 1940, resulting in violation of paragraphs (e) and (f) of the Agreement; and

(b) Diverted or reconsigned 105.90 net tons during the period May 26, 1941, to May 30, 1941, both dates inclusive, and failed to file notice of said diversion or reconsignment with the Statistical Bureau for District No. 8 of the Division, in violation of Rule 9 of section XII of the Marketing Rules and Regulations and Order No. 313 of the Division, dated February 24, 1941, resulting in violation of paragraphs (e) and (f) of the Agreement.

8. (a) Failed to file with the Statistical Bureau for District No. 8 of the Division invoices for 73 cars of coal containing approximately 3,650 net tons of coal sold between November 18, 1940, and March 31, 1941, both dates inclusive, in violation of Order No. 295 of the Division, dated June 14, 1940, resulting in violation of paragraphs (e) and (f) of the Agreement; and

(b) Failed to file with the Statistical Bureau for District No. 8 of the Division invoices for 102 cars of coal containing approximately 5,100 net tons of coal sold between April 1, 1941, and December 3, 1941, both dates inclusive, in violation of Order No. 313 of the Division, dated February 24, 1941, resulting in violation of paragraphs (e) and (f) of the Agreement.

B. Whether or not the registration of said Owen M. Bowling, doing business under the name and style of O. M. Bowling Coal Company, should be revoked or suspended or other appropriate penalties should be imposed.

It is, therefore, ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Dis-

tributors, to determine whether or not the aforementioned O. M. Bowling Coal Company has committed violations in the respects heretofore described and whether or not the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on June 26, 1942, at 10 a. m. at the Court Room, City Hall, Middlesboro, Kentucky.

It is further ordered, That Travis Williams or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said O. M. Bowling Coal Company and to all persons and entities having an interest in such proceeding.

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

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

Dated: May 19, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4667; Filed, May 21, 1942;
10:23 a. m.]

General Land Office.

AIR NAVIGATION SITE WITHDRAWAL NO. 145
ENLARGED
ALASKA
Correction

In the boundary description appearing on page 3688 of the issue for Saturday, May 16, 1942, the latitude should read "62°57'40" "instead of "60°57'40" "

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

OMAHA-COUNCIL BLUFFS MARKETING AREA,
MILK DETERMINATION¹

Determination, approved by the President of the United States, with respect to the issuance of Amendment No. 3, to the order, as amended, regulating the handling of milk in the Omaha-Council Bluffs Marketing Area.

Pursuant to the powers conferred upon the Secretary of Agriculture of the United States by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 *et seq.*), there was issued on March 31, 1939, effective April 5, 1939, Order No. 35,² regulating the handling of milk in the Omaha-Council Bluffs marketing area. The Order has since been amended effective March 2, 1941 and October 2, 1941.

A marketing agreement, as amended, regulating the handling of milk in the Omaha-Council Bluffs marketing area was tentatively approved on September 5, 1941.

There being reason to believe that the issuance of an amendment to said tentatively approved marketing agreement, as amended, and to said order, as amended, would tend to effectuate the declared policy of the act, notice was given of a hearing which was held in Omaha, Nebraska, on February 25, 1942, on proposals to amend the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the Omaha-Council Bluffs marketing area, at which time and place all interested parties were afforded an opportunity to be heard upon such proposals.

After such hearing, and after the tentative approval, on May 2, 1942, of a marketing agreement, as amended, regulating the handling of milk in the Omaha-Council Bluffs marketing area, handlers of more than 50 percent of the volume of milk covered by said order, as amended, which is marketed within the Omaha-Council Bluffs marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk.

Pursuant to the powers conferred upon the Secretary of Agriculture by the above-mentioned act, it is hereby determined:

(1) That the refusal or failure of said handlers to sign such tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

(2) That the issuance of proposed amendment No. 3 to said Order No. 35, as amended, is the only practical means, pursuant to such policy, of advancing the interests of the producers of milk which is produced for sale in said area; and

(3) That the issuance of proposed amendment No. 3 to said Order No. 35, as amended, is approved or favored by

¹ See Title 7, Chapter VII, *supra*.

² 4 F.R. 1408; 6 F.R. 1189, 5035.

over two-thirds of the producers who participated in a referendum conducted by the Secretary, and who, during the month of February 1942, said month having been determined to be a representative period, were engaged in the production of milk for sale in said area.

Issued at Washington, D. C., on this 19th day of May 1942. Witness my hand and the seal of the Department of Agriculture.

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

Approved: May 19, 1942.

FRANKLIN D. ROOSEVELT,
The President of the United States.

[F. R. Doc. 42-4682; Filed, May 21, 1942;
11:11 a. m.]

LOUISVILLE MARKETING AREA, MILK
DETERMINATION

Determination, approved by the President of the United States, with respect to the issuance of Amendment No. 2 to the Order, as amended, regulating the handling of milk in the Louisville, Kentucky, Marketing Area.¹

Pursuant to the powers conferred upon the Secretary of Agriculture of the United States by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 *et seq.*) there was issued on March 29, 1940, effective April 1, 1940, Order No. 46² regulating the handling of milk in the Louisville, Kentucky, marketing area. This order has since been amended effective August 1, 1941.

A marketing agreement, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area was tentatively approved on June 24, 1941.

There being reason to believe that the issuance of an amendment to said tentatively approved marketing agreement, as amended, and to said order, as amended, would tend to effectuate the declared policy of the act, notice was given of a hearing which was held in Louisville, Kentucky, on November 18, 1941, and reopened on February 26, 1942, on proposals to amend the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area, at which times and place all interested parties were afforded an opportunity to be heard upon such proposals.

After such hearing, and after the tentative approval, on May 2, 1942, of a marketing agreement, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area, handlers of more than 50 percent of the volume of milk covered by said order, as amended, which is marketed within the Louisville, Kentucky, marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk.

Pursuant to the powers conferred upon the Secretary of Agriculture by the

¹ 5 F.R. 1233; 6 F.R. 3794.

above-mentioned act, it is hereby determined:

(1) That the refusal or failure of said handlers to sign such tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

(2) That the issuance of proposed amendment No. 2 to said Order No. 46, as amended, is the only practical means, pursuant to such policy, of advancing the interests of the producers of milk which is produced for sale in said area; and

(3) That the issuance of proposed amendment No. 2 to said Order No. 46, as amended, is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary, and who, during the month of February 1942, said month having been determined to be a representative period, were engaged in the production of milk for sale in said area.

Issued at Washington, D. C., on this 19th day of May 1942. Witness my hand and the Seal of the United States Department of Agriculture.

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

Approved: May 19, 1942.

FRANKLIN D. ROOSEVELT,
The President of the United States.

[F. R. Doc. 42-4683; Filed, May 21, 1942;
11:12 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order No. 148]

ORDER DISSOLVING CERTAIN INDUSTRY
COMMITTEES

Dissolving Industry Committee No. 20 for the Single Pants, Shirts, and Allied Garments Industry; Industry Committee No. 23 for the Gray Iron Jobbing Foundry Industry; Industry Committee No. 25 for the Textile Industry; Industry Committee No. 26 for the Jewelry Manufacturing Industry; Industry Committee No. 27 for the Women's Apparel Industry; Industry Committee No. 28 for the Knitted and Men's Woven Underwear and Commercial Knitting Industry; Industry Committee No. 29 for the Wood Furniture Manufacturing Industry; Industry Committee No. 31 for the Miscellaneous Apparel Industry; Industry Committee No. 32 for the Knitted Outerwear Industry; Industry Committee No. 33 for the Passenger Motor Carrier Industry; Industry Committee No. 34 for the Property Motor Carrier Industry; Industry Committee No. 35 for the Shoe Manufacturing and Allied Industries; Industry Committee No. 36 for the Woolen Industry; and Industry Committee No. 39 for the Textile Industry.

Whereas, the Administrator by Administrative Order No. 83, dated February 8, 1941, appointed Industry Committee No. 20 for the Single Pants, Shirts, and Allied Garments Industry; by Administrative Order No. 88, dated March

4, 1941, appointed Industry Committee No. 23 for the Gray Iron Jobbing Foundry Industry; by Administrative Order No. 92, dated March 10, 1941, appointed Industry Committee No. 25 for the Textile Industry; by Administrative Orders Nos. 100 and 107, dated April 24 and May 14, 1941, appointed Industry Committee No. 26 for the Jewelry Manufacturing Industry; by Administrative Order No. 103, dated May 6, 1941, appointed Industry Committee No. 27 for the Women's Apparel Industry; by Administrative Order No. 104, dated May 3, 1941, appointed Industry Committee No. 28 for the Knitted and Men's Woven Underwear and Commercial Knitting Industry; by Administrative Order No. 108, dated May 17, 1941, appointed Industry Committee No. 29 for the Wood Furniture Manufacturing Industry; by Administrative Order No. 116, dated July 8, 1941, appointed Industry Committee No. 31 for the Miscellaneous Apparel Industry; by Administrative Order No. 115, dated July 8, 1941, appointed Industry Committee No. 32 for the Knitted Outerwear Industry; by Administrative Order No. 117, dated July 8, 1941, appointed Industry Committee No. 33 for the Passenger Motor Carrier Industry; by Administrative Order No. 118, dated July 8, 1941, appointed Industry Committee No. 34 for the Property Motor Carrier Industry; by Administrative Order No. 119, dated July 8, 1941, appointed Industry Committee No. 35 for the Shoe Manufacturing and Allied Industries; by Administrative Order No. 126, dated August 27, 1941, appointed Industry Committee No. 36 for the Woolen Industry; and by Administrative Order No. 136, dated January 5, 1942, appointed Industry Committee No. 39 for the Textile Industry; which Committees have duly investigated conditions in said industries and recommended minimum wage rates therefor; and

Whereas, such recommendations have been approved and carried into effect by the Administrator in a wage order for the Single Pants, Shirts, and Allied Garments Industry, Regulations, Part 606, approved September 12, 1941; and in a wage order for the Gray Iron Jobbing Foundry Industry, Regulations, Part 602, approved October 13, 1941; and in a wage order for the Textile Industry, Regulations, Part 599, approved June 13, 1941; and in a wage order for the Jewelry Manufacturing Industry, Regulations, Part 607, approved October 16, 1941; and in a wage order for the Women's Apparel Industry, Regulations, Part 605, approved September 12, 1941; and in a wage order for the Knitted and Men's Woven Underwear and Commercial Knitting Industry, Regulations, Part 613, approved November 4, 1941; and in a wage order for the Wood Furniture Manufacturing Industry, Regulations, Part 611, approved October 17, 1941; and in a wage order for the Miscellaneous Apparel Industry, Regulations, Part 614, approved November 28, 1941; and in a wage order for the Knitted Outerwear Industry, Regulations, Part 617, approved March 30, 1942; and in a wage order for the Passenger Motor Carrier Industry, Regulations, Part 615, approved December 5, 1941; and in a wage

order for the Property Motor Carrier Industry, Regulations, Part 616, approved February 13, 1942; and in a wage order for the Shoe Manufacturing and Allied Industries, Regulations, Part 608, approved October 15, 1941; and in a wage order for the Woolen Industry, Regulations, Part 612, approved November 3, 1941; and in a wage order for the Textile Industry, Regulations, Part 619, approved April 2, 1942; and

Whereas, the functions of the said Committees have been completed,

Now, therefore, it is ordered, That Industry Committee No. 20 for the Single Pants, Shirts, and Allied Garments Industry, Industry Committee No. 23 for the Gray Iron Jobbing Foundry Industry, Industry Committee No. 25 for the Textile Industry, Industry Committee No. 26 for the Jewelry Manufacturing Industry, Industry Committee No. 27 for the Women's Apparel Industry, Industry Committee No. 28 for the Knitted and Men's Woven Underwear and Commercial Knitting Industry, Industry Committee No. 29 for the Wood Furniture Manufacturing Industry, Industry Committee No. 31 for the Miscellaneous Apparel Industry, Industry Committee No. 32 for the Knitted Outerwear Industry, Industry Committee No. 33 for the Passenger Motor Carrier Industry, Industry Committee No. 34 for the Property Motor Carrier Industry, Industry Committee No. 35 for the Shoe Manufacturing and Allied Industries, Industry Committee No. 36 for the Woolen Industry, and Industry Committee No. 39 for the Textile Industry, in accordance with Section 511.22, Part 511, regulations of the Wage and Hour Division applicable to industry committees, be and hereby are dissolved.

Signed at New York, New York, this 15th day of May 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-4680; Filed, May 21, 1942;
11:29 a. m.]

OFFICE OF DEFENSE TRANSPORTATION

[Supplementary Order O.D.T. No. 2-2]

DES MOINES RAILWAY COMPANY

SUBSTITUTION OF TROLLEY COACH SERVICE FOR STREET RAILWAY-PASSENGER SERVICE

Upon consideration of the application for authority to substitute trolley coach service for certain street railway passenger service filed with this Office by the Des Moines Railway Company, as contemplated by General Order O.D.T. No. 2,¹ and good cause appearing therefor,

It is hereby ordered, That Des Moines Railway Company is authorized to abandon the street railway passenger service and remove the rail on the Ingersoll and West Des Moines line now operated by it on Ingersoll Avenue, between 25th Street in Des Moines, Iowa, and the westerly terminus of said line in West

Des Moines, Iowa, and to substitute therefor trolley coach service to be operated by Des Moines Railway Company: *Provided, however,* That the effective date of this order shall be the effective date of an order or orders, if any, issued by appropriate regulatory authorities authorizing the abandonment of such rail service and the removal of such rail.

Issued at Washington, D. C., this 21st day of May 1942.

JOSEPH B. EASTMAN,

Director of Defense Transportation.

[F. R. Doc. 42-4690; Filed, May 21, 1942;
12:05 p. m.]

OFFICE OF PRICE ADMINISTRATION.

MOHAWK CARPET MILLS, INC.—PRICES FOR NEW FABRICS APPROVED

ORDER NO. 2 UNDER REVISED PRICE SCHEDULE NO. 57¹—WOOL FLOOR COVERINGS

On April 14, 1942, Mohawk Carpet Mills, Inc. of Amsterdam, New York, hereinafter called applicant, filed an application pursuant to § 1352.4 of Revised Price Schedule No. 57 for approval of maximum prices of certain fabrics containing jute, cotton and paper in the back and 50% wool and 50% rayon in the face. Applicant designated these proposed fabrics as "SP.W. 3184", "SP.P. 3185", "SP.P. 3186".

Due consideration has been given to the application and the specifications of the fabrics described therein and an opinion has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

(a) Mohawk Carpet Mills, Inc. may sell, offer to sell, deliver, or transfer the fabrics containing cotton, paper, and jute in the back and 50% wool and 50% rayon in the face at prices no higher than those set forth below:

SP.W. 3184 at 2.96 per square yard f. o. b. mill.

SP.P. 3185 at 2.18 per square yard f. o. b. mill.

SP.P. 3186 at 2.92 per square yard f. o. b. mill.

subject to discounts, allowances, and rebates no less favorable than those in effect as to "Bayshore", "SP.P. 2017", and "Startex" fabrics respectively, under § 1352.1 of Revised Price Schedule No. 57.

The differential between the maximum f. o. b. mill prices and the cut order, extra size, and zone maximum prices of "SP. W. 3184", "SP. P. 3185", and "SP. P. 3186" shall be no less favorable than the differential established under § 1352.1 of Revised Price Schedule No. 57 between the maximum f. o. b. mill prices and the cut order, extra size, and zone maximum prices of "Bayshore", "SP. P. 2017", and "Startex" fabrics respectively.

¹ 7 F.R. 2952.

¹ 7 F.R. 1314, 1836, 2000, 2132.

(b) This Order No. 2 may be revoked or amended by the Administrator at any time.

(c) Unless the context otherwise requires the definitions set forth in § 1352.11 of Revised Price Schedule No. 57 shall apply to terms used herein.

(d) This Order No. 2 shall become effective May 23, 1942.

Issued this 20th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4659; Filed, May 20, 1942;
5:21 p. m.]

MOORE & CRAGO—ADJUSTMENT GRANTED

[Docket No. 3113-2]

ORDER NO. 1 UNDER MAXIMUM PRICE REGULATION NO. 113—IRON ORE

On April 24, 1942, Moore & Crago, Torrey Building, Duluth, Minnesota, filed a petition for an adjustment pursuant to § 1369.9 (b) of Maximum Price Regulation No. 113. Due consideration has been given to the petition, and an opinion in support of this Order No. 1 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. 1,¹ issued by the Office of Price Administration, it is hereby ordered:

(a) Moore & Crago may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds and grades of iron ore set forth in paragraph (b), at prices not in excess of those stated therein. Any person may buy and receive, and agree, offer, solicit and attempt to buy and receive, such kinds and grades of iron ore at such prices from Moore & Crago.

(b) (1) Manganiferous ore (2.40% manganese or more, dried; 54.28% combined manganese and iron) \$2.1865 per gross ton, f. o. b. mine; silica penalty \$0.07 per unit over 10% natural.

(2) Mesabi Bessemer ore (52.20% iron, natural content) \$2.1828 per gross ton, f. o. b. mine; silica penalty \$0.07 per unit over 10% natural.

(3) Mesabi Non-Bessemer ore (52.20% iron, natural content) \$2.0328 per gross ton f. o. b. mine; silica penalty \$0.07 per unit over 10% natural.

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

(d) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in

¹7 F.R. 971.

§ 1369.11 of Maximum Price Regulation No. 113 shall apply to terms used herein.

This Order No. 1 shall become effective May 23, 1942.

Issued this 20th day of May, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4653; Filed, May 20, 1942;
5:18 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-272]

LONE STAR GAS CORPORATION

HEARING RECONVENED

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 20th day of May, 1942.

Lone Star Gas Corporation, a registered holding company, having filed with this Commission a declaration or application (or both) pursuant to the Public Utility Holding Company Act of 1935 and the Rules and Regulations promulgated thereunder with respect to the sale by said Company to Ban A. Bywaters, for \$5,000 in cash, of \$206,500 principal amount of Twenty Year 6% First Mortgage Gold Bonds of Northwest Cities Gas Company, a subsidiary of said Lone Star Gas Corporation; said Ban A. Bywaters to extend to the said Northwest Cities Gas Company, or its successor in reorganization, an option to purchase the said bonds from him;

A hearing with respect to said proposed transactions having been held at the Regional Office of the Commission at Fort Worth, Texas, on May 14, 1941 and May 15, 1941 pursuant to due notice;

Lone Star Gas Corporation having filed on April 25, 1942 an amendment of the said declaration of application (or both) so as to cause the same to provide for the sale of the aforementioned bonds to the said Northwest Cities Gas Company for \$5,000 in cash in connection with the reorganization of the said Northwest Cities Gas Company instead of providing for the sale of said bonds to the said Ban B. Bywaters with option to Northwest Cities Gas Company or its successor in reorganization as aforesaid:

It appearing to the Commission that the hearing herein should be reopened and reconvened;

It is ordered, That such hearing be reopened and reconvened on May 29, 1942, at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the Hearing Room 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 declaration or application (or both) shall become effective

or shall be granted. Notice is hereby given of said hearing to the above-named declarant or applicant and to all interested persons, said notice to be given to said declarant or applicant 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 hearings in such matter. The officer so designated to preside at any 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.

It is further ordered, That without limiting the scope of issues presented by said declaration or application (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

(1) The results of operations of the said Northwest Cities Gas Company for the twelve months ended December 31, 1941.

(2) The fairness of the proposed sale of the bonds by Lone Star to Northwest Cities;

(3) The reasonableness of any fees or expenses to be paid, directly or indirectly, in connection with said transaction;

(4) Generally, whether the proposed transaction is detrimental to the public interest or the interest of investors or consumers or will tend to circumvent the provisions of the Act or any rules, regulations or orders of the Commission thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-4661; Filed, May 21, 1942;
9:33 a. m.]

[File No. 52-17]

BONDHOLDERS COMMITTEE FOR NORTHWEST CITIES GAS COMPANY

HEARING RECONVENED

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 20th day of May 1942.

In the Matter of John H. Rauscher, W. D. Courtright, Earl W. Huntley, Paul C. Harper and Frederick T. Sutton, as Bondholders' Advisory Committee for Northwest Cities Gas Company.

The above-named parties having filed with this Commission a declaration or application (or both) pursuant to the Public Utility Holding Company Act of 1935 and the Rules and Regulations promulgated thereunder with respect to a plan of reorganization of Northwest Cities Gas Company, which company is a

subsidiary of Lone Star Gas Corporation, a registered holding company;

A hearing with respect thereto having been had pursuant to due notice and such hearing having been continued subject to call;

Amendments having since been filed which *inter alia* (a) supply additional financial data (b) provide that the shares of new common stock to be issued in connection with the reorganization shall have a par value of \$5 per share (c) provide for the purchase by said Northwest Cities Gas Company for \$5,000 in cash of \$206,500 principal amount of its outstanding bonds held by its said parent, Lone Star Gas Corporation, and (d) make certain changes in the personnel of the proposed initial board of directors of the reorganized company; the plan as presently amended providing that the initial board of directors of the reorganized company shall consist of the following:

H. M. Thomas, of Walla Walla, Washington.

M. A. Marquis, of Walla Walla, Washington.

Roger L. Shidler, of Seattle, Washington.

Paul R. Kelty, of Lafayette, Oregon.
Paul C. Newell, of Berkeley, California.
G. D. Hall, of Yakima, Washington.

The said Roger L. Shidler to serve as representative of Drumheller, Ehrlichman & Company, an investment banker and owner of certain of the outstanding first mortgage bonds of the said Northwest Cities Gas Company;

It appearing to the Commission that the hearing herein should be reconvened;

It is ordered, That such hearing be reconvened on May 29, 1942, at 10:30 o'clock in the forenoon of that day at the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the Hearing Room 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 declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarants or applicants and to all interested persons, said notice to be given to said declarants or 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 hearings in such matter. The officer so designated to preside at any 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.

It is further ordered, That without limiting the scope of issues presented by said declaration or application (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

(1) The results of operations of the said Northwest Cities Gas Company for the twelve months ended December 31, 1941;

(2) The fairness of the proposed sale of bonds by Lone Star Gas Corporation to Northwest Cities Gas Company;

(3) Whether the proposed personnel of the initial board of directors of the reorganized company is appropriate;

(4) Whether the proposed par value of the shares of new common stock is appropriate;

(5) The subject matter of the before-mentioned amendments and any hereafter filed;

(6) Whether the public interest requires continued operation of the business conducted by Northwest Cities Gas Company;

(7) Whether the plan as now or hereafter amended should be approved by this Commission pursuant to Section 11 (f) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-4662; Filed, May 21, 1942;
9:33 a. m.]

A. K. ETLINGER COMPANY

REGISTRATION REVOKED

In the Matter of Albert K. Ettlenger, doing business as A. K. Ettlenger Company, 29 Broadway, New York, New York.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 19th day of May 1942.

1. Albert K. Ettlenger, doing business as A. K. Ettlenger Company, hereinafter called registrant, is registered with this Commission as a broker and dealer under section 15 of the Securities Exchange Act of 1934.

2. On March 20, 1942, we instituted proceedings under section 15 (b) to determine whether registrant's registration as a broker and dealer should be suspended or revoked. The order for proceedings stated that information had been reported to the Commission by its staff, which, if true, tended to show that registrant had wilfully violated the anti-fraud provisions of section 17-(a) of the Securities Act of 1933, section 15 (c) (1) of the Securities Exchange Act of 1934, and the Commission's Rules X-15C1-2 (a) and (b), promulgated pursuant thereto. The information reported to the Commission indicated:

(a) That during the period from approximately January 1, 1941, to approximately September 30, 1941, registrant solicited the accounts of certain persons who for the most part were uninformed and inexperienced in matters of investment, and by his representations to, and his conduct toward such persons, induced them to believe that he would act and was acting for them in their best interests, and to repose trust and confidence in his advice with respect to the purchase and sale of securities for their accounts;

whereas, in truth and in fact, registrant did not intend to act for them in their best interests, but, in violation of the trust and confidence so reposed in him, intended to act and acted for his own account and in his own interest and induced said persons to purchase, and sold to such persons, various securities at prices far in excess of the prices which registrant, at or about the time of such purchases, paid for such securities, and far in excess of the prevailing market prices therefor, and thereby derived secret profits.

(b) That during the aforesaid period, registrant, while representing himself as engaged in the securities business, for the purpose of selling to certain persons, and inducing them to purchase, various securities at prices far in excess of prevailing market prices, intended to and did withhold from such persons information as to the prevailing market prices thereof, and sold to them and induced them to purchase such securities at prices having no reasonable relationship to such prevailing market prices.

3. On April 27, 1942, registrant submitted to the trial examiner a stipulation, to be considered as part of the record herein and as evidence in this and any other revocation proceeding brought pursuant to section 15 (b) of the Securities Exchange Act of 1934 but not in any other action or proceeding. In said stipulation registrant agrees that:

(a) A copy of the aforesaid order for proceedings and notice of hearing on the question of revocation and suspension of registration pursuant to section 15 (b) of the Securities Exchange Act of 1934 was duly served on registrant and that he appears generally in said proceeding, personally and through counsel, and waives an opportunity for hearing.

(b) During a period from approximately January 1, 1941, to approximately September 30, 1941, registrant was engaged in the securities business as a broker and dealer and used the mails and instruments of interstate commerce in effecting the transactions in and inducing the purchase and sale of securities with customers hereinafter mentioned otherwise than on a national securities exchange.

(c) On or about and between January 1, 1941, and September 30, 1941, registrant effected transactions in securities with Telka and Gerda Nilson, Olive L. Stillman, Martha Ziegler, Reginald Mason, Rheta Coles, Pat Gesino, and Anna H. Matt, all customers of the registrant, and said transactions were effected as set forth in the schedules which pertained to each of the above customers, which schedules were attached to, and made part of, the stipulation.

(d) The column referred to as "Low Bid" and "High Offer" in the schedules mentioned above represents the bid and asked prices as printed in the National Quotation Sheets for the respective dates mentioned.

(e) The registrant did not disclose to any of the above mentioned customers the prevailing market price of the securities mentioned and referred to in the schedules.

Registrant has also consented to the entry of an order revoking its registration as an over-the-counter broker and dealer.

4. From the said schedules, it appears and we find that registrant had effected approximately 22 transactions with the aforesaid customers at prices which ranged from 21% to 42% in excess of the high offering prices for said securities as reported in the National Quotation Bureau Sheets.

We find, also, that registrant did not disclose to any of the above mentioned

customers the prevailing market prices of the securities involved in said transactions.

5. We find that the registrant has willfully violated section 15 (c) (1) of the Securities Exchange Act of 1934 and Rules X-15C-1-2 (a) and (b) of the Rules and Regulations thereunder, and section 17 (a) of the Securities Act of 1933, and that it is necessary and appropriate in the public interest and for the protection of investors to revoke the registrant's registration as an over-the-counter broker and dealer.

Accordingly, *It is ordered*, pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration of Albert K. Ettliger, doing business as A. K. Ettliger Company, as a broker and dealer be and it hereby is revoked.

By the Commission (Chairman Purcell and Commissioners Healy, Pike, Burke, and O'Brien).

[SEAL]

ORVAL L. DuBOIS,
Secretary.

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