

Reference

APR 29 1942



FEDERAL REGISTER

VOLUME 7

NUMBER 82

Washington, Tuesday, April 28, 1942

The President

EXECUTIVE ORDER 9145

RESERVING PUBLIC LANDS FOR THE USE OF THE ALASKA ROAD COMMISSION IN CONNECTION WITH THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE PALMER-RICHARDSON HIGHWAY

ALASKA

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. Executive Orders No. 2319 of February 16, 1916, No. 5582 of March 18, 1931, No. 9035 of January 21, 1942,¹ No. 9085 of March 4, 1942,² withdrawing certain lands for townsite purpose, examination and classification, supply base and repair shop site, administrative and fire patrol station site, and other purposes, are hereby modified to the extent necessary to permit the reservation described in Section 2 of this order.

SECTION 2. Subject to all valid existing rights, there is hereby reserved for the use of the Alaska Road Commission, in connection with the construction, operation and maintenance of the Palmer-Richardson Highway, a right-of-way 200 feet wide, 100 feet on each side of the center line, beginning from terminal point Station 1369-42.8, in the NE¹/₄ Section 36, T. 20 N., R. 5 E., Seward Meridian, and extending easterly and north-easterly over surveyed and unsurveyed lands to its point of connection with the Richardson Highway in the SE¹/₄ Section 19, T. 4 N., R. 1 W., Copper River Meridian, Alaska, a distance of approximately 145 miles, as shown on the map, dated March 14, 1942, No. 1877260, on file in the General Land Office.

FRANKLIN D ROOSEVELT
THE WHITE HOUSE,
April 23, 1942.

[F. R. Doc. 42-3667; Filed April 24, 1942; 2:59 p. m.]

¹ 7 F.R. 457.
² 7 F.R. 1746.

EXECUTIVE ORDER 9146

AUTHORIZING THE SECRETARY OF THE INTERIOR TO WITHDRAW AND RESERVE PUBLIC LANDS

By virtue of the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, and as President of the United States, I hereby authorize the Secretary of the Interior to sign all orders withdrawing or reserving public lands of the United States, and all orders revoking or modifying such orders: *Provided*, that all such orders shall have the prior approval of the Director of the Bureau of the Budget and the Attorney General, as now required with respect to proposed Executive Orders by Executive Order No. 7298 of February 18, 1936, and shall be submitted to the Division of the Federal Register for filing and publication: *Provided, further*, that no such order which affects lands under the administrative jurisdiction of any executive department or agency of the Government, other than the Department of the Interior, shall be signed by the Secretary of the Interior without the prior concurrence of the head of the department or agency concerned.

FRANKLIN D ROOSEVELT
THE WHITE HOUSE,
April 24, 1942.

[F. R. Doc. 42-3682; Filed, April 25, 1942; 11:04 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Administration
[O-47-1]

PART 947—MILK IN THE FALL RIVER, MASSACHUSETTS, MARKETING AREA

AMENDMENT NO. 1 TO THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE FALL RIVER, MASSACHUSETTS, MARKETING AREA¹

The Secretary of Agriculture of the United States of America, pursuant to

¹ 6 F.R. 6168. See also Department of Agriculture, Agricultural Marketing Administration, *infra*.

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Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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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 December 2, 1941, effective as of December 3, 1941, the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area.

There being reason to believe that amendment of said order, as amended, would tend to effectuate the declared policy of the act, notice was given on the 14th day of January 1942, of a hearing which was held on January 22 at Westport, Massachusetts; at which time and place all interested parties were afforded an opportunity to be heard on proposed amendments to said order, as amended.

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):

§ 947.0 Findings.

(d) 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 8c (50 Stat. 246; 7 U.S.C. 1940 ed. 602, 608c), are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk and that the minimum prices set forth in this 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 of maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

(e) 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

(f) That the issuance of this amendment to the order, as amended, and all of the terms and conditions of the order, as so amended, tends to effectuate the declared policy of the act.

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

1. Delete § 947.3 (a) (2) (i) and substitute therefor the following:

§ 947.3 Classification of milk—(a) Sales and use of classification.

(2) * * * (i) as being sold, distributed, or disposed of other than as or in milk which contains one-half of 1 percent or more, but less than 16 percent of butterfat, and other than as or in chocolate or flavored whole or skim milk, buttermilk, or cultured skim milk for human consumption; and * * *

2. Delete § 947.4 (a) and substitute therefor the following:

§ 947.4 Minimum prices—(a) Class I price. Each handler shall pay producers or associations of producers for their milk, containing 3.7 percent butterfat, during each delivery period, in the manner set forth in § 947.9, not less than the prices set forth in the table in this paragraph, for delivery periods prior to April 1, 1943, and thereafter \$3.42 per hundredweight except that for milk purchased by the city of Fall River for relief clients and charity hospitals and for milk disposed of 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 53 cents per hundredweight less than the respective prices set forth in this paragraph.

2-score butter, wholesale, at New York, average of daily quotations of the U. S. Department of Agriculture for 30 days immediately preceding the 25th day of each month (cents per pound)	Class I price for the delivery period following the 25th day of each month
	Dollars per hundredweight
Under 40.....	3.88
40 or over.....	4.11

3. Delete part (a) of the proviso in § 947.4 (b) and substitute therefor the following:

(b) **Class II price.** * * *

(a) Compute the average for all the dry skim milk powder quotations for cartons for "human food products (roller process) in barrels" and for "animal feed products (hot roller) in bags," (using midpoint of any range as one quotation), published during such delivery period by the United States Department of Agriculture for New York City, subtract 4.56 cents, multiply by 7; and * * *

4. Add a subdivision (iii) to § 947.4 (d) (1) as follows:

(d) **Sales outside of the marketing area.**

(1) * * *

(iii) In the event that a Class I price of \$4.11 per hundredweight becomes effective pursuant to § 947.4 (a), as of the effective date of such price and for all delivery periods thereafter, § 947.4 (d) (1) shall not apply and the applicable price pursuant to § 947.4 (a) shall apply.

5. Delete § 947.6 (e), and substitute therefor the following:

§ 947.6 Application of provisions.

(e) **Handlers not distributing milk in the marketing area.** No provisions hereof except § 947.1 (a) (7), § 947.3, § 947.5, § 947.9 (h), and § 947.11 shall apply to the handling of milk of a handler, except a cooperative association which causes milk to be delivered directly from producers' farms to the plant of another handler for the account of such cooperative association, whose disposition of milk in the marketing area is to other handlers only.

6. Delete § 947.6 (g) (2) and substitute therefor the following:

(g) **Exemptions.**

(2) § 947.1 (a) (7), § 947.3, and § 947.5 shall apply to the handling of milk received at a receiving plant of a handler as defined by another Federal marketing agreement or order.

7. Delete § 947.6 (g) (3).

8. Delete § 947.7 (b) and substitute therefor the following:

§ 947.7 Determination of uniform prices to producers.

(b) **Computation and announcement of uniform prices.** The market administrator shall compute and announce the uniform price per hundredweight of milk received during each delivery period in the following manner:

(1) For delivery periods except April, May, and June of each year—(i) combine into one total the respective values of milk, pursuant to paragraph (a) of this section, for each handler who made the reports required by § 947.5 (a), for milk received during such delivery period.

(ii) Add the total amount of the payments required of handlers pursuant to § 947.9 (h) and (i).

(iii) Add the cash balance, if any, in his hands from payments made by handlers, during the delivery period next preceding but one, to meet the obligations arising out of § 947.9 (d).

(iv) Divide by the total quantity of milk which is included in these computations.

(v) Subtract not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining a cash balance in connection with the payments set forth in § 947.9 (d).

(vi) On or before the 11th day after the end of each delivery period, mail to all handlers and publicly announce: (a) such of these computations as do not disclose information confidential pursuant to the act; (b) the blended price per hundredweight which is the result of these computations; (c) the Class II price, the butterfat differential; and (d) the name of the handler, the Class I price, Class II price, and the blended prices of any milk paid for pursuant to § 947.9 (g).

(2) For each of the delivery periods of April, May, and June of each year—(i) combine into one total the respective

values of milk, pursuant to paragraph (a) of this section, for each handler who made the reports required by § 947.5 (a), for milk received during such delivery period.

(ii) Add the total amount of the payments required of handlers pursuant to § 947.9 (h) and (i).

(iii) Subtract the amount to be paid to producers pursuant to § 947.9 (a) (2) (ii).

(iv) Add the cash balance, if any, in his hands from payments made by handlers, during the delivery period next preceding but one, to meet the obligations arising out of § 947.9 (d).

(v) Divide by the total quantity of milk which is not in excess of the delivered bases of producers and which is included in these computations.

(vi) Subtract not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining a cash balance in connection with the payments set forth in § 947.9 (d).

(vii) On or before the 11th day after the end of such delivery period, mail to all handlers and publicly announce: (a) such of these computations as do not disclose information confidential pursuant to the act, (b) the blended price per hundredweight which is the result of these computations, (c) the Class II price, the butterfat differential, and (d) the name of the handler, the Class I price, the Class II price, and the blended prices of any milk paid for pursuant to § 947.9 (g).

9. Delete the introductory part of § 947.8 (a) (3) and substitute therefor the following:

§ 947.8 Base ratings—(a) Determination of base.

(3) In case reports show (i) total deliveries of milk of producers with daily bases for any two consecutive delivery periods to be less than 110 percent, and the sum of the current daily bases of the same producers multiplied by the number of days in the two delivery periods is less than 115 percent of the Class I milk of handlers who have reported pursuant to § 947.5 (a) (6) during such delivery periods, the market administrator shall add, pro rata, to each producer's daily base an amount determined as follows:

10. Delete § 947.8 (a) (4) and substitute therefor the following:

(4) For a producer who did not regularly sell milk for a period of 30 days prior to June 1, 1940, to a handler or to persons within the marketing area, or who for other reasons is without a base, the base shall be 75 percent of the quantity of milk delivered by such producer for the first two full calendar months immediately following the first regular delivery, or, in the case of a producer previously holding a base, the first two full calendar months immediately following the date of termination of such producer's base; thereafter the daily base

of such producer shall be his average daily deliveries of milk during such two full calendar months multiplied by the percentage that total reported base deliveries were to reported total deliveries of milk to the market by all daily base-holding producers during such two calendar months.

11. Delete § 947.9 (a) and substitute therefor the following:

§ 947.9 *Payments for milk*—(a) *Time and method of payments.* (1) On or before the 1st day after the end of each delivery period, each handler shall make payment to producers for the approximate value of milk received during the first 15 days of such delivery period. On or before the 17th day after the end of each delivery period, for all delivery periods except April, May, and June of each year, except as provided in paragraph (g) of this section, each handler shall make payment for the total value of milk received from producers or associations of producers during the preceding delivery period, computed pursuant to § 947.7 (a), subject to the differential set forth in paragraph (c) of § 947.4 and paragraph (f) of this section as follows:

(i) To producers, at not less than the blended price per hundredweight computed pursuant to § 947.7 (b) (1) for the quantity of milk delivered by each producer.

(ii) To an association of producers for milk which is caused to be delivered to a handler from producers by such association, and for which such association collects payment, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers pursuant to subdivision (i) of this subparagraph.

(2) On or before the 17th day after the end of each delivery period for the delivery periods of April, May, and June of each year, except as provided in paragraph (g) of this section, each handler shall make payment for the total value of milk received from producers or associations of producers during the preceding delivery period, computed pursuant to § 947.7 (a), subject to the differential set forth in paragraph (c) of § 947.4 and paragraph (f) of this section as follows:

(i) To producers, at not less than the blended price per hundredweight, computed pursuant to § 947.7 (b) (2), for that quantity of milk received from each producer not in excess of his base determined pursuant to § 947.8.

(ii) To producers at not less than the Class II price, for that quantity of milk received from each producer in excess of his base determined pursuant to § 947.8.

(iii) To an association of producers for milk which is caused to be delivered to a handler from producers by such association, and for which such association collects payment, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers pursuant to subdivisions (i) and (ii) of this subparagraph.* (48 Stat. 21, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U.S.C. and Sup., 601 et seq.)

Issued at Washington, D. C., this 25th day of April 1942, to become effective on and after the 1st day of May 1942. Witness my hand and the official seal of the Department of Agriculture.

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

[F. R. Doc. 42-3697; Filed, April 25, 1942; 12:35 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, AND CHAPLAINS¹

OFFICERS APPOINTED IN THE ARMY OF THE UNITED STATES UNDER THE PROVISIONS OF THE ACT OF SEPTEMBER 22, 1941

§ 73.219 *Commissions for dental and veterinary students.* (a) Authority is granted to corps area commanders to waive the provisions of § 61.69 (d) 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 dental and veterinary schools within 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 (Dental or Veterinary Corps).

(b) (1) Appointment will be made without reference to an examining board as prescribed in § 61.5 (c) and without reference to procurement objectives.

(2) Applications and accompanying papers as prescribed in §§ 73.200 to 73.218 and AR 605-10² will be forwarded by the Dean of the dental or veterinary 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 dentistry or veterinary medicine at the institution.

(3) Officers appointed under the provisions of this section will be discharged for the convenience of the Government, under the following circumstances:

(i) Discontinuance of dental or veterinary education.

(ii) Matriculation at an unapproved school of dentistry or veterinary medicine.

(iii) Failure to complete successfully the prescribed four-year course of dental or veterinary instruction.

(iv) Failure to secure appointment in the Army of the United States (Dental or Veterinary Corps) within three months after completion of the prescribed four-year course of dental or veterinary instruction.

(4) The Surgeon General will maintain adequate records to assure timely

¹ § 73.219 is added.

² Administrative regulations of the War Department relative to officers appointed in the Army of the United States.

application for appointment as first lieutenant, Army of the United States (Dental or Veterinary Corps), and to assure discharge as provided above. (Act of September 22, 1941, Pub. Law 252, 77th Cong.) [Letter A.G.O. dated April 17, 1942, AG 210.1 (4-6-42) RB]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-3681; Filed, April 25, 1942; 10:17 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Amendment 61-34, Civil Air Regs.]

PART 61—SCHEDULED AIR CARRIER RULES

INSTALLATION DATE OF ALTITUDE RECORDING DEVICE POSTPONED

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 22d day of April 1942.

Acting pursuant to sections 205 (a), 601 and 604 (a) of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective April 22, 1942, Part 61 of the Civil Air Regulations is amended as follows:

By striking § 61.341 and inserting in lieu thereof the following:

§ 61.341 *Altitude recording device.* No aircraft with gross weight in excess of 10,000 pounds shall be operated in scheduled air transportation of passengers after July 1, 1943, unless it is equipped with a device or devices which make a record of the altitude of the aircraft and the use of the aircraft's radio transmitter at all times during flight. This device shall be so constructed and installed as to afford substantial protection of the record in the event of an accident to the aircraft.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-3701; Filed, April 27, 1942; 10:02 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4531]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF DR. A. M. LOUGHNEY, ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety.* In connection with offer, etc., of a treatment for asthma, hay fever, constipation or various other diseases, disorders or conditions, consisting of the medicinal preparations "Anti-Spasm-Oyl" and

"Bowelklean", or any other similar preparation, to be used separately or in conjunction with the program set forth in the brochure and supplemental inserts entitled "Dr. A. M. Loughney's Dependable Guide to Self-Help", or in any other literature containing a substantially similar program, and among other things, as in order set forth, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly, or indirectly, purchase in commerce, etc., of said preparations, which advertisements represent, directly, indirectly or through inference, that respondents' treatment, or the medicinal preparations "Anti-Spasm-Oyl" or "Bowelklean" used separately, jointly or in any combination with the program set out in "Dr. A. M. Loughney's Dependable Guide to Self-Help" are a cure or remedy for, or have any therapeutic value in the treatment of, or constitute a safe or effective treatment for, asthma, hay fever, neuritis, rheumatism, impaired circulation, catarrh, bronchitis, sinusitis, mucuscolitis, stomach trouble, bowel trouble, high blood pressure, weight control, diabetes, or nephritis; or have any therapeutic value in the treatment of the symptoms of asthma or hay fever, or will cause such symptoms to disappear; 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, Dr. A. M. Loughney, et al., Docket 4531, April 20, 1942]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* In connection with offer, etc., of a treatment for asthma, hay fever, constipation or various other diseases, disorders or conditions, consisting of the medicinal preparations "Anti-Spasm-Oyl" and "Bowelklean", or any other similar preparation, to be used separately or in conjunction with the program set forth in the brochure and supplemental inserts entitled "Dr. A. M. Loughney's Dependable Guide to Self-Help", or in any other literature containing a substantially similar program, and among other things, as in order set forth, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly, or indirectly, purchase in commerce, etc., of said preparations, which advertisements represent, directly, indirectly, or through inference, that respondents' medicinal preparation "Anti-Spasm-Oyl", used alone or in any combination with the medicinal preparation "Bowelklean" and the program set out in the brochure "Dr. A. M. Loughney's Dependable Guide to Self-Help" is a cure or remedy for, or has any therapeutic value in the treatment of, or constitutes a safe or effective treatment for, pharyngitis, laryngitis, rhinitis, chest cold, head cold or pneumonia; will protect mucous membrane against asthma, hay fever, bronchitis, sinusitis, pharyngitis, laryngitis, rhinitis, chest cold, head cold or pneumonia; will cleanse or disin-

fect the head cavities; or is a safe or effective intra-lung medicant, possessing sedative, healing or disinfectant properties; 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, Dr. A. M. Loughney, et al., Docket 4531, April 20, 1942]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.6 (y 10) *Advertising falsely or misleadingly—Scientific or other relevant facts.* In connection with offer, etc., of a treatment for asthma, hay fever, constipation or various other diseases, disorders or conditions, consisting of the medicinal preparations "Anti-Spasm-Oyl" and "Bowelklean", or any other similar preparation, to be used separately or in conjunction with the program set forth in the brochure and supplemental inserts entitled "Dr. A. M. Loughney's Dependable Guide to Self-Help", or in any other literature containing a substantially similar program, and among other things, as in order set forth, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly, or indirectly, purchase in commerce, etc., of said preparations, which advertisements represent, directly, indirectly or through inference, that respondents' medicinal preparation "Bowelklean", used alone or in any combination with the medicinal preparation "Anti-Spasm-Oyl" and the program set out in the brochure "Dr. A. M. Loughney's Dependable Guide to Self-Help" is a cure or remedy for or has any therapeutic value in the treatment of constipation or intestinal putrescence other than the temporary evacuation of the bowels; will eliminate gas, counteract gastric acidity, act as a normalizer, aid indigestion or correct the cause of intestinal putrescence; is a normalizer, a natural bowel or intestinal cleanser or eliminator, a natural bowel remedy or has any tonic value whatever; will have any therapeutic value whatever in the treatment of catarrh, sinusitis, acne and unsightly skin eruptions, mucus colitis or kindred ailments, or that such conditions or ailments are symptoms or manifestations of constipation or intestinal putrescence; is a safe treatment for nausea or upset stomach; or has any therapeutic value in the treatment of sour breath, coated tongue, indigestion, gas and bloating, headaches, lack of energy, dizziness, loss of appetite or perverted appetite, except in those cases where constipation or intestinal putrescence is the basic cause of, or a contributing factor to, the disorder causing such symptoms in which event the therapeutic value must be limited to that furnished by a laxative-cathartic; 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, Dr. A. M. Loughney, et al., Docket 4531, April 20, 1942]

§ 3.6 (y 10) *Advertising falsely or misleadingly—Scientific or other rele-*

vant facts. In connection with offer, etc., of a treatment for asthma, hay fever, constipation or various other diseases, disorders or conditions, consisting of the medicinal preparations "Anti-Spasm-Oyl" and "Bowelklean", or any other similar preparation, to be used separately or in conjunction with the program set forth in the brochure and supplemental inserts entitled "Dr. A. M. Loughney's Dependable Guide to Self-Help", or in any other literature containing a substantially similar program, and among other things, as in order set forth, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly, or indirectly, purchase in commerce, etc., of said preparations, which advertisements represent, directly, indirectly or through inference, that the existence of such symptoms as sour breath, coated tongue, indigestion, gas and bloating, nausea, lack of energy, headaches, dizziness, upset stomach, loss of appetite or perverted appetite are generally symptomatic of and indicate that constipation or intestinal putrescence is the basic cause of such symptoms; 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, Dr. A. M. Loughney, et al., Docket 4531, April 20, 1942]

§ 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with offer, etc., of a treatment for asthma, hay fever, constipation or various other diseases, disorders or conditions, consisting of the medicinal preparations "Anti-Spasm-Oyl" and "Bowelklean", or any other similar preparation, to be used separately or in conjunction with the program set forth in the brochure and supplemental inserts entitled "Dr. A. M. Loughney's Dependable Guide to Self-Help", or in any other literature containing a substantially similar program, and among other things, as in order set forth, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly, or indirectly, purchase in commerce, etc., of said preparations which advertisements fail to reveal (1) that the frequent use of preparation "Anti-Spasm-Oyl" may cause oil pneumonia; (2) that preparation "Bowelklean" should not be used by persons suffering from abdominal pains, nausea, vomiting, or other symptoms of appendicitis; and (3) that the Brochure "Dr. A. M. Loughney's Dependable Guide to Self-Help" and the supplemental inserts for use in the treatment of any disease or as a system to be followed in restoring or regaining health should not be used or followed by persons suffering from under-nourishment or from diabetes; prohibited, subject to provisions, however, as respects the first two prohibitions, that if the directions for use, wherever they appear on the label, in the labeling, or both on the label and in the labeling, contain a warning of the potential dangers in the use of said prep-

arations as herein set forth, such advertisements need contain only the cautionary statement: "Caution, Use Only as Directed." (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 49b) [Cease and desist order, Dr. A. M. Loughney, et al., Docket 4531, April 20, 1942]

In the Matter of Al Modey Loughney, Individually and Trading Under the Name of Dr. A. M. Loughney; and Roger G. Loughney, an Individual

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of April, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondents Al Modey Loughney and Roger G. Loughney, their agents, representatives and employees, individually or when trading under any trade name or through any corporate or other device, in connection with the offering for sale, sale or distribution of a treatment for asthma, hay fever, constipation or various other diseases, disorders or conditions, consisting of the medicinal preparations "Anti-Spasm-Oyl" and "Bowelklean", or any other preparation, possessing substantially similar properties or substantially similar ingredients, to be used separately or in conjunction with the program set forth in the brochure and supplemental inserts entitled "Dr. A. M. Loughney's Dependable Guide to Self-Help", or in any other literature containing a substantially similar program, under whatever name or names designated, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mail or by any means in commerce, as commerce is defined in the Federal Trade Commission Act, which advertisement represents directly, indirectly or through inference:

A. That respondents' treatment, or the medicinal preparations "Anti-Spasm-Oyl" or "Bowelklean" used separately, jointly or in any combination with the program set out in "Dr. A. M. Loughney's Dependable Guide to Self-Help":

(a) is a cure or remedy for, or has any therapeutic value in the treatment, of or constitutes a safe or effective treatment for, asthma, hay fever, neuritis, rheumatism, impaired circulation, catarrh, bronchitis, sinusitis, mucuscolitis, stomach trouble, bowel trouble, high blood pressure, weight control, diabetes, or nephritis; or,

(b) has any therapeutic value in the treatment of the symptoms of asthma or hay fever, or will cause such symptoms to disappear.

B. That respondent's medicinal preparation "Anti-Spasm-Oyl" used alone or in any combination with the medicinal preparation "Bowelklean" and the program set out in the brochure "Dr. A. M. Loughney's Dependable Guide to Self-Help":

(a) is a cure or remedy for, or has any therapeutic value in the treatment of, or constitutes a safe or effective treatment for, pharyngitis, laryngitis, rhinitis, chest cold, head cold or pneumonia;

(b) will protect mucous membrane against asthma, hay fever, bronchitis, sinusitis, pharyngitis, laryngitis, rhinitis, chest cold, head cold or pneumonia;

(c) will cleanse or disinfect the head cavities; or,

(d) is a safe or effective intra-lung medicant, possessing sedative, healing or disinfectant properties.

C. That respondent's medicinal preparation "Bowelklean" used alone or in any combination with the medicinal preparations "Anti-Spasm-Oyl" and the program set out in the brochure "Dr. A. M. Loughney's Dependable Guide to Self-Help":

(a) is a cure or remedy for or has any therapeutic value in the treatment of constipation or intestinal putrescence other than the temporary evacuation of the bowels;

(b) will eliminate gas, counteract gastric acidity, act as a normalizer, aid indigestion or correct the cause of intestinal putrescence;

(c) is a normalizer, a natural bowel or intestinal cleanser or eliminator, a natural bowel remedy or has any tonic value whatever;

(d) will have any therapeutic value whatever in the treatment of catarrh, sinusitis, acne and unsightly skin eruptions, mucus colitis or kindred ailments or that such conditions or ailments are symptoms or manifestations of constipation or intestinal putrescence;

(e) is a safe treatment for nausea or upset stomach; or

(f) has any therapeutic value in the treatment of sour breath, coated tongue, indigestion, gas and bloating, headaches, lack of energy, dizziness, loss of appetite or perverted appetite except in those cases where constipation or intestinal putrescence is the basic cause of, or a contributing factor to, the disorder causing such symptoms in which event the therapeutic value must be limited to that furnished by a laxative-cathartic.

D. That the existence of such symptoms as sour breath, coated tongue, indigestion, gas and bloating, nausea, lack of energy, headaches, dizziness, upset stomach, loss of appetite or perverted appetite are generally symptomatic of and indicate that constipation or intestinal putrescence is the basic cause of such symptoms.

2. Disseminating or causing to be disseminated, by means of the United States mail or by any means in commerce, as commerce is defined in the Federal Trade Commission Act, any advertisement:

A. of the preparation "Anti-Spasm-Oyl", which advertisement fails to reveal that the frequent use of such preparation may cause oil pneumonia: *Provided, however*, That if the directions for use, wherever they appear on the label, in the labeling, or both on the label and in the labeling, contain a warning of the potential dangers in the use of said preparation as herein set forth, such advertisement need contain only the cautionary statement: "Caution; Use Only as Directed";

B. of the preparation "Bowelklean" which advertisement fails to reveal that such preparation should not be used by persons suffering from abdominal pains, nausea, vomiting, or other symptoms of appendicitis: *Provided, however*, That if the directions for use, wherever they appear on the label, in the labeling, or both on the label and in the labeling, contain a warning of the potential dangers involved in the use of said preparation as herein set forth, such advertisement need contain only the cautionary statement: "Caution, Use Only as Directed";

C. of the Brochure "Dr. A. M. Loughney's Dependable Guide to Self-Help" and the supplemental inserts for use in the treatment of any disease or as a system to be followed in restoring or regaining health, which advertisement fails to reveal that the program should not be used or followed by persons suffering from under-nourishment or from diabetes.

3. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of respondents' "treatment" or the individual items or medicinal preparations of which said "treatment" is composed, which advertisement contains any of the representations prohibited in paragraph 1 hereof, or fails to contain the affirmative warnings or cautionary statements required in paragraph 2 hereof.

It is further ordered, That the respondents shall within ten (10) days after service upon them of this order, file with the Commission an interim report in writing stating whether they intend to comply with this order, and, if so, the manner and form in which they intend to comply; and that within sixty (60) days after the service upon them of this order, said respondents shall file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-3703; Filed, April 27, 1942; 11:28 a. m.]

[Docket No. 4615]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF FREEMAN'S PRODUCTS

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting unfairly or deceptively, to make material disclosure—Safety.* In connection with offer, etc., of respondent's "Freeman's Pyletts", or other similar preparation, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or by implication, that respondent's said preparation is a cure or remedy for, or constitutes a competent or effective treatment for piles, hemorrhoids or swelling capillaries in the lower part of the bowels, or that said preparation has any substantial therapeutic value in the treatment of said conditions; that said preparation will ease pain quickly or effectively, promote general good health, or that said preparation has any therapeutic value in the promotion of good health in excess of its laxative properties; or which advertisements fail to reveal that said preparation should not be used by persons suffering from nausea, vomiting, abdominal pains or other symptoms of appendicitis, and that the repeated and continued use may result in phosphorus poisoning and resulting in deterioration of the bones of the body; prohibited, subject to the provision, however, that if the directions for use, wherever they appear on the label, in the labeling or both on the label and in the labeling, contain a warning of the potential dangers in the use of said preparation as hereinabove set forth, such advertisement need contain only the cautionary statement: "Caution, Use Only as Directed." (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, Freeman's Products, Docket 4615, April 20, 1942]

In the Matter of Merritt Freeman Butler, an Individual Trading as Freeman's Products

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C. on the 20th day of April, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Merritt Freeman Butler, an individual trading as Freeman's Products, or trading under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of his medicinal preparation designated "Freeman's Pyletts" or any preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails or (b) by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that respondent's said preparation is a cure or remedy for, or constitutes a competent or effective treatment for piles, hemorrhoids or swelling capillaries in the lower part of the bowels, or that said preparation has any substantial therapeutic value in the treatment of said conditions; that said preparation will ease pain quickly or effectively, promote general good health, or that said preparation has any therapeutic value in the promotion of good health in excess of its laxative properties; or which advertisement fails to reveal that said preparation should not be used by persons suffering from nausea, vomiting, abdominal pains or other symptoms of appendicitis, and further that the repeated and continued use may result in phosphorus poisoning and resulting deterioration of the bones of the body: *Provided, however,* That if the directions for use, wherever they appear on the label, in the labeling or both on the label and in the labeling, contain a warning of the potential dangers in the use of said preparation as hereinabove set forth, such advertisement need contain only the cautionary statement: "Caution, Use Only As Directed";

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in paragraph 1 hereof, or which fails to comply with the affirmative requirements set forth in said paragraph 1.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-3704; Filed, April 27, 1942; 11:28 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Agricultural Marketing Administration and Commodity Exchange Commission

PART 0—RULES OF PRACTICE

SUBPART B—RULES APPLICABLE TO PROCEEDINGS BEFORE THE COMMODITY EXCHANGE COMMISSION

Amendment of §§ 0.52, 0.53, 0.73, 0.76, and 0.77

By virtue of the authority vested in the Commodity Exchange Commission by the Commodity Exchange Act (42 Stat. 998, as amended; 7 U. S. C. 1940 ed. 1-17a), the following amendments to Title 17, Chapter I, Part 0, Subpart B, Code of Federal Regulations, published in the FEDERAL REGISTER on August 20, 1941 (6 F.R. 4185), are hereby promulgated:

Section 0.52 (e) is amended to read as follows:

(e) The term "Administration" means the Agricultural Marketing Administration of the Department;

Section 0.52 (q) is amended by striking the period and the asterisk at the end thereof and substituting for them a semicolon.

Section 0.52 (r) is inserted after § 0.52 (q), to read as follows:

(r) The term "Administrator" means the Administrator of the Administration.

In §§ 0.53 (a), 0.73, 0.76 (a) and 0.77 (a), the words "Chief of the Administration" are stricken and the word "Administrator" substituted therefor.

In testimony whereof we have hereunto affixed our respective signatures this 22d day of April 1942.

[SEAL] COMMODITY EXCHANGE
COMMISSION.

CLAUDE R. WICKARD,
Secretary of Agriculture, Chairman.
JESSE H. JONES,
Secretary of Commerce.
FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 42-3666; Filed, April 24, 1942; 2:36 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1319]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF THE BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 8 FOR AN INCREASE IN PRICE CLASSIFICATIONS AND MINIMUM PRICES APPLICABLE TO THE COALS OF THE WINDROCK MINE, MINE INDEX NO. 589, OF BESSEMER COAL, IRON AND LAND COMPANY, A CODE MEMBER IN DISTRICT NO. 8

This proceeding was instituted upon an original petition filed with the Bi-

tuminous Coal Division on February 12, 1942, by the Bituminous Coal Producers Board for District No. 8 (hereinafter referred to as "District Board No. 8"), pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petitioner seeks the issuance of an order increasing the price classifications and minimum prices applicable to coals produced by the Bessemer Coal, Iron and Land Company, a code member in District No. 8, at its Windrock Mine, Mine Index No. 589.

Pursuant to an Order of the Acting Director dated February 23, 1942, and after notice to all interested persons, a hearing in this matter was held before Charles O. Fowler, a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., on March 24, 1942, and after a continuance, on March 30, 1942. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. The petitioner appeared. At the close of the hearing the preparation and filing of a Report by the Examiner was waived and the record was thereupon submitted to the undersigned.

The Windrock Mine (Mine Index No. 589) is located in Anderson County, Tennessee, in the Pee Wee Seam Area. The coal produced is sold in competition with the coals produced at a number of mines in the vicinity producing coal from this same seam, the prices of which coal are based on an "A" classification. District Board No. 8 alleges in its petition that the present prices for Windrock Mine coal, since they are not based on "A" classifications, do not reflect the market value of the Windrock coals, and that they are unjust as between the Bessemer Coal, Iron and Land Company and other producers in the Pee Wee Seam Area.

The existing price classifications for coals produced at the Windrock Mine were established by Orders of the Director in Dockets Nos. A-81 and A-550. According to St. John Reynolds, who testified on behalf of the petitioner, the present price classifications for the Windrock Mine were proposed for temporary use only. They were established at a time when development of the mine had just been started and when no estimation of the qualities or the market value of the coal could safely be ventured. The witness stated that it has since been discovered that the quality and market value of the Windrock coal are such as to warrant a higher minimum price than that presently established. A compilation of analyses taken from the files of District Board No. 8 of coal both from the Windrock Mine and from competing mines in the Pee Wee Seam Area shows that Wind-

rock coals are comparable to that produced at competing mines which possess prices based on "A" classifications. The trade has accepted Windrock coals when sold at price levels on "A" classifications.

Witness Reynolds testified that the requested increase would not tend to raise Windrock prices artificially but rather would tend to maintain Windrock prices at the level justified by the qualities of the coal. It is explained that relief is sought because "the trade is beginning to accept the classifications of the Division as somewhat accurately representing relative values of coal." No objection has been entered to the granting of the relief requested.

I find that an increase in the price classifications effective for the Windrock Mine, Mine Index No. 589, is necessary in order that the relative market values of the coals produced at the Windrock Mine may be more fairly reflected in the price schedules and in order that fair competitive opportunities may be maintained. In this way the applicable standards of the Act will be satisfied.

It is therefore ordered, That § 328.11 (Alphabetical list of code members) in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck and § 328.34 (General prices for high volatile coals in cents per net ton for shipment into all market areas) in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipment be and they hereby are amended by the establishment, for coals produced by the Bessemer Coal, Iron and Land Company from the Windrock Mine, Mine Index No. 589, the following price classifications and minimum prices:

RAIL DESTINATIONS OTHER THAN GREAT LAKES

	Size group										
	1, 2	3, 4	5, 6	7	8	9	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	26	
Classification	A	A	A	A	A	A	A	A	A	G	A

FOR GREAT LAKES CARGO ONLY

	Size group										
	1, 2	3, 4	5, 6	7	8	9	16, 17	18, 19, 20, 21	26		
Classification	A	A	A	A	A	A	B	G	A		

Size groups	1	2	3	4	5	6	8	9	10	11	12	13
Prices	475	425	425	450	425	405	355	290	215	205	185	360

FOR TRUCK SHIPMENTS

	Size group							
	1	2	3	4	5	6	7	8
Price	335	315	235	260	225	225	170	165

Dated: April 25, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3710; Filed, April 27, 1942; 11:24 a. m.]

[Docket No. A-1410]

PART 336—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 16

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO 16 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR TRUCK SHIPMENTS FOR THE COALS OF THE GORHAM NO. 3 MINE (MINE INDEX NO. 154) IN DISTRICT NO. 16

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Argo Coal Company's Gorham No. 3 Mine (Mine Index No. 154) in District No. 16 for truck shipments; and

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

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

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

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 336.21 (General prices) in the Schedule of Effective Minimum Prices for District No. 16 for Truck Shipments is supplemented to include for the coals for shipment by truck, produced from the Gorham No. 3 Mine (Mine Index No. 154), of code member Argo Coal Company, located in Boulder County, Colorado, in Subdistrict No. 4 in District No. 16, the following effective minimum prices in cents per net ton f. o. b. the transportation facilities at the mine:

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

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

Dated: April 24, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3711; Filed, April 27, 1942;
11:24 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Division of Industry Operations

PART 922—MAGNESIUM

EXTENSION OF GENERAL PREFERENCE ORDER
M-2-b¹

It is hereby ordered, That General Preference Order M-2-b (§ 922.3), expiring by its terms on April 30, 1942, shall continue in effect until October 31, 1942, unless sooner revoked by the Director of Industry Operations. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong. as amended by Pub. Law 89, 77th Cong.)

Issued this 25th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations

[F. R. Doc. 42-3690; Filed, April 25, 1942;
12:08 p. m.]

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

PRIORITIES REGULATION NO. 9—EXPORT RATINGS
ASSIGNED ON FORM PD-311 OR OTHER
PRESCRIBED FORMS

§ 944.30 *Priorities Regulation 9—(a) Forms for export; scope of regulation.* Preference Ratings for export may hereafter be assigned on Form PD-311 pursuant to application on such Form filed by or in the name of the person desiring the export of the material involved. Such person is hereinafter referred to as the applicant, which term shall also include any agency authorized to place purchase orders for such persons. This regulation shall be applicable to ratings assigned on such form or any other form prescribed exclusively for exports which by its term is expressly subject to this regulation.

(b) *Application and extension of ratings.* (1) One copy of Form PD-311 will

be returned to the applicant indicating the ratings assigned to deliveries of materials specified thereon. The applicant shall not be entitled to apply the rating to any delivery until he has received an Export License or a statement of authority to export the specified materials. Such ratings shall be applied and extended only in the manner provided in (2) and (3) below, subject, however, to the same limitations as are imposed by Priorities Regulation No. 3 on the application and extension of ratings on Forms PD-1A and PD-3A.

(2) The applicant, in order to apply a preference rating to deliveries to be made to him, must submit to his Supplier an Export License or statement of authority to export (or a copy thereof if authorized by the issuing agency) including or accompanied by a certificate of the issuing agency stating that the preference rating has been assigned by the Director of Industry Operations to the delivery or deliveries covered by such License or statement of authority. Delivery of such a certificate to the Supplier shall have the effect of applying the rating to the delivery or deliveries specified therein.

(3) A supplier with whom a purchase order or contract has been placed for a delivery to the applicant, to which the rating has been applied as provided in (2) above, may extend such rating to his Suppliers and they may in turn extend to their Suppliers by endorsing on the purchase order or other equivalent document a certificate in substantially the following form, signed manually or as provided in Priorities Regulation No. 7 (§ 944.27):

Preference Rating ----- is hereby applied pursuant to Form -----, Serial No. -----, in accordance with Priorities Regulation No. 9, with which I certify I have complied.

-----	-----
(Address)	(Supplier)
-----	-----
(Date)	(Signature or Title of Official)

(c) *Effect of revocation.* If the Export License or statement of authority to export any material is revoked, any preference rating subject to this regulation which has been assigned to the delivery of such material shall be automatically cancelled, as regards delivery to the Applicant; and no delivery of such material shall be made to or received by the Applicant. As regards each Supplier of the Applicant or of another Supplier, who has extended such rating, it shall likewise be automatically cancelled, and each such Supplier shall promptly notify his Suppliers of such cancellation: *Provided, however,* That if, in the opinion of any Supplier, cancellation of the rating would seriously interfere with any program of war work, he may make application in writing to the Director of Industry Operations, Washington, D. C., Att: Requirements Branch, requesting continuation of the rating. The Director of Industry Operations may thereupon grant such relief as he may deem appropriate.

(d) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1,

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

Issued this 25th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3694; Filed, April 25, 1942;
12:10 p. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS
AND PASSENGER CARRIERS

AMENDMENT NO. 7 TO LIMITATION ORDER
L-1-a¹

Section 976.1 (*Limitation Order L-1-a*) as amended, is hereby further amended by striking paragraph (b) (3) from said Order. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

This amendment shall take effect immediately.

Issued this 25th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3684; Filed, April 25, 1942;
12:07 p. m.]

PART 983—MATERIALS ENTERING INTO THE
PRODUCTION OF REPLACEMENT PARTS FOR
PASSENGER AUTOMOBILES AND LIGHT
TRUCKS

SUPPLEMENTARY LIMITATION ORDER L-4-b—
STORAGE BATTERIES

The fulfillment of requirements for the Defense of the United States has created a shortage in the supply of antimony, lead, tin, rubber, and other materials entering into the production of replacement storage batteries used in the operation of passenger automobiles and light trucks for defense, for private account, and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 983.4 *Supplementary Limitation Order L-4-b—(a) Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

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

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

(2) "Passenger Automobile" means any passenger vehicle propelled by an internal combustion engine, and having a seating capacity of less than fifteen

¹ 6 F.R. 5806.

¹ 7 F.R. 2578.

persons, including taxis, station wagons, ambulances, and hearses.

(3) "Light Truck" means a complete motor truck with a maximum gross vehicle weight rating of less than 9,000 pounds, as authorized by the manufacturer thereof, or the chassis therefor.

(4) "Automobile Replacement Storage Battery" means any electric storage battery, or the equivalent in unassembled plates, groups, and elements therefor, designed and built for operating a starter, ignition system, lighting system, or electrical signaling device on any Passenger Automobile or Light Truck, and which may be used to replace a storage battery delivered as original equipment. Automobile Replacement Storage Batteries are sometimes referred to hereafter for convenience as "Batteries."

(5) "Minimum Ampere Hour Capacity" means the ampere hour capacity of a Replacement Storage Battery as developed on or before the third discharge when tested at the 20 hour rate at 80 degrees Fahrenheit.

(6) "Group" means either (1) One Division (of those numbered I, II, III, IV, V) of the "Table of Maximum Adjustment Units for Automobile Batteries in Passenger Car Service," as issued in 1939 by the National Battery Manufacturers Association, Inc., now known as Association of American Battery Manufacturers and referred to in paragraph (c) of this section as AABM; or (2) A battery number, as shown in Table I, "Battery Classifications, Ratings and Dimensions," appearing on Page 103 of the publication entitled "Storage Batteries for Motor Vehicles," issued in 1938 by the Society of Automotive Engineers, Inc., and referred to in paragraph (c) of this section as SAE.

(7) "Producer" means any individual, partnership, association, corporation, or other form of business enterprise engaged in the manufacture of Automobile Replacement Storage Batteries.

(8) "Inventory" means stocks of Automobile Replacement Storage Batteries on hand, on consignment, or held for the account of the owner thereof in any other name, manner, or place.

(9) "Retailer" means any person engaged in the business of selling Automobile Replacement Storage Batteries at retail to the public.

(10) "Jobber" means any person, other than a Producer, engaged in the business of selling Automobile Replacement Storage Batteries to Retailers.

(11) "Warehouse" means any person engaged in the business of operating a warehouse in which Automobile Replacement Storage Batteries, either new, used, or condemned, are held in storage.

(c) *Limitations on capacities of automobile replacement storage batteries.* (1) On and after April 30, 1942, no Producer shall manufacture any Automobile Replacement Storage Batteries except in the following minimum ampere hour capacities:

AABM	SAE	Minimum ampere-hour capacity 20 hour rate 80° F.
Group I.....	80
Group I.....	IM.....	90
Group I.....	IH.....	100
Group IS.....	90
Group IS.....	2L.....	100
Group (IE-116) (IE-125).....	2ME.....	110
Group IIHF (Ford).....	100
Group (II-115).....	(2M-105) (2H-116).....	110
Group IIS.....	4L.....	110
Group III.....	3 M, (3H-133).....	120

(2) From Groups IV and V, of AABM, or from Groups 4H and 5H, of SAE, a producer may select and manufacture one size only of Automobile Storage Batteries specified in each such Group.

(3) Notwithstanding the limitations on capacities of batteries, specified in subparagraphs (1) and (2) of this paragraph, a Producer may manufacture not more than one model with mechanical or double insulation in not more than three of the above groups.

(d) *Restrictions on production.* (1) Notwithstanding the provisions of Amendment No. 1 to Limitation Order L-4-A, issued January 23, 1942,¹ during the period commencing April 1, 1942, and ending September 30, 1942, no Producer of Automobile Replacement Storage Batteries shall manufacture more than seventy-five percent (75%) of the number of such Batteries sold by him during the corresponding period of the year 1941.

(2) Producers may manufacture, on or before May 31, 1942, Batteries from materials on hand at the effective date of this Order in Minimum Ampere Hour Capacities other than as specified in paragraph (c) of this section, provided no additional material is required, and provided further that such material on hand cannot be consumed without change in form in manufacturing Batteries of the capacities specified in Paragraph (c) of this section. Any such Batteries so produced must be included in the number authorized for production in the period specified in paragraph (d) (1).

(3) While this Order is in effect, no producer shall have in inventory on the first day in any month a stock of Batteries in excess of the number of Batteries sold by him during the sixty (60) day period in 1941 corresponding to the sixty (60) day period following the date of the inventory.

(e) *General restrictions.* (1) No retailer shall sell or deliver, on and after April 30, 1942, a new Automobile Replacement Battery to any purchaser unless such purchaser delivers to such retailer concurrently with his purchase one used Automobile Battery for each new Auto-

mobile Replacement Battery delivered to such purchaser.

(2) No retailer, jobber, or warehouse shall order more than a forty-five (45) days' supply of Replacement Storage Batteries, and no retailer, jobber, or warehouse shall accept delivery of any Replacement Storage Batteries which in combination with his existing inventory will aggregate more than a forty-five (45) days' supply. In any month, a forty-five (45) days' supply means that number of Replacement Batteries sold during the corresponding month in 1941 plus one-half of the number of Batteries sold in the next succeeding month in 1941.

(3) No producer, retailer, jobber, or warehouse may keep in inventory, in his possession, or under his control for a period of more than thirty (30) days any used, traded-in-, imperfect or condemned Storage Battery, or parts thereof, for the purpose of repairing or rebuilding the same, or for any other purpose, but must dispose of such material through customary disposal channels.

(f) *General exceptions.* The limitations and prohibitions contained in paragraphs (c), (d), and (e) of this section shall not be applicable to Automobile Replacement Storage Batteries produced under contracts or orders for delivery to or for the account of:

(1) the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Offices of Scientific Research and Development;

(2) the government of any of the following countries: the United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia, and Yugoslavia;

(3) any agency of the United States Government, for material or equipment to be delivered to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." (Lend-Lease Act.)

(g) *Records.* Every person to whom this Order applies shall keep and preserve for a period of not less than two years accurate and complete records of his inventories, production and sales.

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

(i) *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.

¹ 7 F.R. 516.

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

(k) *Appeal.* Any person affected by this Order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may appeal to the War Production Board, setting forth pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(l) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to:

War Production Board, Automotive Branch, Washington, D. C. Ref.: Order L-4-B.

(m) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 25th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3689; Filed, April 25, 1942;
12:08 p. m.]

PART 989—DOMESTIC MECHANICAL REFRIGERATORS

AMENDMENT NO. 2 TO GENERAL LIMITATION ORDER L-5¹

Paragraph (a) (1) of § 989.1 (*General Limitation Order L-5*), as amended March 3rd, 1942, is hereby further amended by adding at the end thereof the following sentence:

* * * A low temperature mechanical refrigerator designed for the storage of frozen foods or for the quick-freezing of food, where the low temperature compartment customarily operates at a temperature of not higher than 15 degrees above zero (Fahrenheit) and contains 75% or more of the total refrigerating space in the refrigerator, shall not be considered a domestic mechanical refrigerator.

This Amendment shall take effect immediately. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561,

¹ 6 F.R. 5008; 7 F.R. 1670, 2939.

E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 25th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3691; Filed, April 25, 1942;
12:09 p. m.]

PART 1072—SOLE LEATHER

AMENDMENT NO. 2 TO GENERAL PREFERENCE ORDER M-80¹

Section 1072.1 (*General Preference Order M-80*), as amended April 4, 1942, is hereby further amended in the following respects:

Paragraph (b) (9) is amended to read as follows:

(b) (9) "Reserved cut soles" means all cut soles set aside pursuant to the terms of this Order and, in addition, all other manufacturers type cut outer and inner soles of military weight and quality on hand on the effective date of this Amendment No. 2 in sole cutters' stocks or in the stocks of any other person, which were cut on any sole patterns which will fit the Army, Navy and Marine Corps lasts: *Provided, however,* That the term shall not include any cut soles certified by the Commanding Officer, Boston Quartermaster Depot, Boston, Massachusetts, as not suitable or necessary for military use.

Paragraph (d) is amended to read as follows:

(d) *Restrictions on sole cutters.* (1) Unless specifically authorized by the Director of Industry Operations, each sole cutter shall hereafter set aside each day all cut outer or cut inner soles of military weight and quality that are obtainable from all manufacturers whole stock cut by him. All such cut soles so set aside shall be cut on Army size dies to fit the Munson Last in sizes and widths to fit the sizes of shoes bought on U. S. Army Tariffs as issued, or cut on the dies required by the Navy and Marine Corps to fit their schedules, or cut in accordance with the schedules of any other defense orders for shoes.

(2) Unless specifically authorized by the Director of Industry Operations, each sole cutter shall hereafter set aside each day all finders' cut stock of military weight and quality cut from finders' whole stock received by him. Each sole cutter shall provide that the cut stock so set aside shall include a sufficient quantity of cut outer soles so as to insure the fulfillment of his contracts to deliver such soles for use on military shoes. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong. as amended by Pub. Law 89, 77th Cong.)

¹ 7 F.R. 1977, 2626.

This amendment shall take effect immediately.

Issued this 25th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3685; Filed, April 25, 1942;
12:07 p. m.]

PART 1076—PLUMBING AND HEATING SIMPLIFICATION

SCHEDULE VIII TO LIMITATION ORDER L-42, VAPOR AND VACUUM HEATING SPECIALTIES

§ 1076.10 *Schedule VIII to Limitation Order L-42—(a) Definitions.* For the purposes of this Schedule:

(1) "Producer" means any person who manufactures, processes, fabricates or assembles vapor and/or vacuum heating specialties.

(2) "Low pressure" means having a maximum steam working pressure of 15 pounds per square inch.

(3) "Copper base alloy" means any alloy which contains 40% or more copper by weight.

(b) *Limitations.* Pursuant to Limitation Order No. L-42 the following limitations are established for the manufacture of the vapor and vacuum heating specialties specified below:

(1) *Low pressure thermostatic radiator traps.* (i) Shall be of angle pattern only and only one type, either the diaphragm or bellows type, shall be produced by any one producer.

(ii) Bodies shall be of cast iron with cast iron removable caps. The inlet shall be tapped left-hand and the outlet shall be tapped right-hand.

(iii) The thermostatic elements, plungers and seats shall be of copper base alloy.

(iv) Sizes shall be as follows:

½ inch up to 200 square feet capacity.

¾ inch from 200 to 400 square feet capacity.

¾ inch from 400 to 700 square feet capacity.

(2) *Low pressure float and thermostatic traps.* (i) Bodies and cleanout caps shall be of cast iron.

(ii) Bodies shall have female tapped inlet and outlet.

(iii) The elements, plungers and seats shall be of copper base alloy.

(iv) Only one type shall be produced by any one producer but all present sizes now being produced shall be permitted.

(3) *Low pressure boiler return traps.* (i) Shall have a cast iron body and cover.

(ii) The float seat and working parts shall be of copper base alloy.

(iii) Bodies shall have a female tapped inlet and outlet.

(iv) Only one type shall be produced by any one producer but all present sizes now being produced shall be permitted.

(4) *Strainers.* (i) All strainer bodies, covers and plugs shall be of cast iron and limited to one type.

(ii) Strainer sediment baskets shall be perforated copper base alloy.

(iii) All present sizes now being produced shall be permitted.

(5) *Low pressure supply valves.* (i) Bodies and bonnets shall be cast iron of angle pattern only.

(ii) The inlet shall be tapped right-hand and the outlet shall be tapped left-hand.

(iii) The valve stem and seat and working parts shall be copper base alloy. Each producer shall be limited to one type of spring packless.

(iv) The handle shall be nonmetallic.

(v) The sizes shall be limited to $\frac{3}{4}$ inch and one inch only.

(c) *General exception.* The prohibitions and restrictions contained in this Schedule shall not apply to the use of copper or copper base alloy in the manufacture of articles or parts thereof which are being produced:

(1) Under a specific contract or sub-contract for use in chemical plants, research laboratories or hospitals, where and to the extent that the physical and chemical properties make the use of any other material impractical. Such use is not deemed impractical for ordinary vapor and vacuum heating specialties and the exception covers only those cases where the technical operation of the plant makes the use of other material impractical;

(2) Under a specific contract or sub-contract for use as part of the equipment of vessels other than pleasure craft and of aircraft where corrosive action makes the use of other material impractical.

(d) *Effective date of simplified practices; exceptions.* On and after June 15, 1942, no vapor or vacuum heating specialties of the classes referred to in this Schedule which do not conform to the standards established by this Schedule shall be produced or delivered by any producer or accepted by any person from any such producer, except with the express permission of the Director of Industry Operations: *Provided, however,* That the foregoing shall not prohibit the delivery by any producer of such vapor or vacuum heating specialties as were in his stock in finished form on June 15, 1942, or which had, on said date, been cast, machined or otherwise processed in such manner that their manufacture in conformity with this Schedule would be impractical, nor the receipt of such vapor or vacuum heating specialties from such producer.

(e) *Records covering excepted vapor and vacuum heating specialties.* Each producer shall retain in his files records showing his inventory of excepted vapor and vacuum heating specialties (by types and sizes) as of June 15, 1942, and such records shall be kept readily available and open to audit and inspection by duly authorized representatives of the War Production Board. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th

Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 25th day of April 1942.

J. S. KNOWLSON,

Director of Industry Operations.

[F. R. Doc. 42-3693; Filed, April 25, 1942; 12:10 p. m.]

PART 1076—PLUMBING AND HEATING
SIMPLIFICATION

SCHEDULE IX TO LIMITATION ORDER NO.
L-42—DIRECT FIRED GAS STORAGE WATER
HEATERS

§ 1076.11 *Schedule IX to Limitation Order L-42—(a) Definitions.* For the purposes of this Schedule:

(1) "Producer" means any person who manufactures, processes, fabricates or assembles direct fired gas storage water heaters, or metal jackets for such heaters, as the case may be.

(2) "Copper base alloy" means any alloy which contains 40% or more copper by weight.

(b) *Simplified practices.* Pursuant to Limitation Order No. L-42 the following simplified practices are hereby established for the manufacture of direct fired gas storage water heaters:

(1) Storage tanks shall be made in the following sizes:

- 20 gallons.
- 30 gallons.
- 40 gallons.

(2) Cold water inlet pipe or dip tube shall be of galvanized or enameled iron; no copper or copper base alloy shall be used.

(3) Metal jackets shall be eliminated.

(4) Brass draw-off cocks shall be eliminated.

(5) Models requiring more than one heat flue shall be eliminated.

(c) *Effective date of simplified practices; exceptions.* (1) On and after May 15, 1942, no direct fired gas storage water heaters which do not conform to the practices established by paragraph (b) hereof shall be produced or delivered by any producer or accepted by any person from any such producer, except with the express permission of the Director of Industry Operations: *Provided, however,* That the foregoing shall not prohibit the delivery by any producer of such heaters as were in his stock in finished form on May 15, 1942, or which had, on said date, been cast, machined or otherwise processed in such manner that their manufacture in conformity with this Schedule would be impractical, nor the receipt of such heaters from such producer;

(2) On and after May 15, 1942, no metal jackets for direct fired gas storage water heaters shall be produced or delivered by any producer or accepted by any person from any such producer, except with the express permission of the Director of Industry Operations: *Provided, however,* That the foregoing shall not prohibit the delivery by any producer of such jackets as were in his stock in

finished form on May 15, 1942, or which had on said date been cast, machined, or otherwise processed so that the use of the metal therein for any other purpose would be impractical, nor the receipt of such jackets from such producer.

(d) *Records covering excepted articles.* (1) Each producer (of direct fired gas storage water heaters) shall retain in his files records showing his inventory of excepted direct fired gas storage water heaters as of May 15, 1942, and such records shall be kept readily available and open to audit and inspection by duly authorized representatives of the War Production Board;

(2) Each producer (of metal jackets) shall retain in his files records showing his inventory of excepted metal jackets as of May 15, 1942, and such records shall be kept readily available and open to audit and inspection by duly authorized representatives of the War Production Board. (P.D. Reg. 1, as amended 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 25th day of April 1942.

J. S. KNOWLSON,

Director of Industry Operations.

[F. R. Doc. 42-3692; Filed, April 25, 1942; 12:09 p. m.]

PART 1108—REPAIR, MAINTENANCE, AND
OPERATION OF PLANTS PROCESSING OR
PRODUCING DAIRY PRODUCTS

AMENDMENT NO. 1 TO PREFERENCE RATING
ORDER NO. P-118¹

Paragraph (d) (1) (i) of § 1108.1 (*Preference Rating Order P-118*) is hereby amended to read as follows:

(d) *Restrictions on use of ratings—*
(1) *Restrictions on processor.* (i) Every contract and purchase order for Material, to which a preference rating is to be applied hereunder, must specify the date or dates by which delivery is required, and the preference rating may be applied only to such Material, or portion thereof, which, under the contract or purchase order, is to be delivered to the Processor for his operations during the period from the date of the issuance of this Order to the date of its expiration. The Processor may apply the ratings only to these quantities and kinds of Material essential to enable him to maintain his production schedules for that period.

This amendment shall take effect immediately. (P.D. Reg. 1, as amended 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 27th day of April 1942.

J. S. KNOWLSON,

Director of Industry Operations.

[F. R. Doc. 42-3686; Filed, April 25, 1942; 12:07 p. m.]

¹ 7 F.R. 2937.

PART 1128—TINPLATE AND TERNEPLATE
CLOSURES FOR GLASS CONTAINERSAMENDMENT NO. 2 TO CONSERVATION ORDER
M-104¹

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

Amendment No. 1 to Conservation Order M-104 is hereby repealed in its entirety.

This amendment shall be effective from the date of issuance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 24th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3695; Filed, April 25, 1942;
12:10 p. m.]

PART 1192—DOMESTIC SEWING MACHINES
GENERAL LIMITATION ORDER L-98

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

§ 1192.1 *General Limitation Order L-98*—(a) *Definitions*. For the purposes of this Order:

(1) "Domestic sewing machine" means any sewing machine designed for household use.

(2) "Attachment" means any special purpose detachable device which is designed for use with a domestic sewing machine but which is not essential to the most simplified operation of such machine.

(3) "Sewing machine part" means any part (including, but not limited to, an electric motor, a cabinet, a portable base, a cover, a table or a stand) of a domestic sewing machine, but does not include an attachment.

(4) "Attachment part" means any part of an attachment.

(5) "Repair part" means any sewing machine part used for the purpose of repairing or replacing a similar part which through wear, tear or damage has caused a domestic sewing machine to become unfit to perform its function of sewing in the most simplified manner. Repair parts shall not include any attachment part.

(6) "To produce a new domestic sewing machine" means to complete the manufacturing operations on a new domestic sewing machine other than the final assembly of the machine head into a cabinet, portable base and cover, or table and stand.

(7) "Manufacturer" means any person who produces any new domestic sewing machine or who manufactures or assem-

bles any sewing machine part, attachment or attachment part.

(8) "Restricted period" means the period from the effective date of this Order to June 15, 1942, inclusive.

(9) "Average daily production" or "average daily manufacture" means the total production or manufacture within a specified period divided by the number of days (including Sundays and holidays) contained in such period.

(b) *General Restrictions*. (1) During the restricted period no manufacturer shall:

(i) Produce more new domestic sewing machines than 75% of his average daily production of such new machines in the year 1940 multiplied by the number of days (including Sundays and holidays) in the restricted period; or

(ii) Manufacture more new attachments of any type than 75% of his average daily manufacture of new attachments of such type in the year 1940 multiplied by the number of days (including Sundays and holidays) in the restricted period.

(2) On and after May 1, 1942, no manufacturer shall manufacture any new sewing machine parts or new attachment parts, except that:

(i) He may manufacture such new parts as are necessary (in addition to those parts in inventory on May 1, 1942) to complete the new domestic sewing machines and new attachments which he (or any other manufacturer to whom he supplies parts) is permitted to produce or manufacture under the terms of subparagraph (b) (1) of this section; and

(ii) During the period of six months beginning May 1, 1942, he may manufacture not more of any new sewing machine part than six times 125% of the average monthly number of such parts manufactured by him during the two-year period ending December 31, 1941, and used for purposes other than the production of new domestic sewing machines.

(3) On and after the thirtieth day after the effective date of this Order, no manufacturer shall install any new sewing machine part other than a repair part in a new or used domestic sewing machine, except to complete the new domestic sewing machines the production of which is permitted under the terms of subparagraph (b) (1) of this section.

(4) On and after June 16, 1942, no manufacturer shall:

(i) Produce any new domestic sewing machines or (except as provided in subparagraph (b) (5) of this section) assemble any new sewing machine parts for the production of such machines; or

(ii) Manufacture or assemble any new attachments or new attachment parts.

(5) Nothing in the foregoing provisions shall limit the final assembly by a manufacturer or any other person of a new domestic sewing machine head into a cabinet, portable base and cover, or

table and stand: *Provided*, That such head, cabinet, base and cover, or table and stand were not produced or manufactured in violation of the terms of this or of any other Order heretofore or hereafter issued by the Director of Priorities or by the Director of Industry Operations.

(6) On and after the effective date of this Order, no manufacturer shall sell, transfer or deliver any part of his inventory of metals or rubber (whether in the form of raw materials, semi-processed materials or finished parts) held for use in the manufacture of domestic sewing machines, attachments, sewing-machine parts or attachment parts, except:

(i) In connection with his manufacture or sale of domestic sewing machines, attachments, sewing-machine parts or attachment parts to the extent that such manufacture or sale is not prohibited by the terms of this Order or of any other Order heretofore or hereafter issued by the Director of Priorities or by the Director of Industry Operations;

(ii) To any other manufacturer of domestic sewing machines for use in the manufacture of any domestic sewing machines, attachments, sewing-machine parts or attachment parts thereof to the extent that such manufacture is not prohibited by the terms of this Order or of any other Order heretofore or hereafter issued by the Director of Priorities or by the Director of Industry Operations;

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

(iv) Pursuant to an order bearing a preference rating higher than A-2; or

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

(c) *Inventory restrictions*. No manufacturer shall accumulate for use in the manufacture of domestic sewing machines, attachments, or parts thereof inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of domestic sewing machines, attachments, or parts thereof at the rates permitted by this Order.

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

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

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

(g) *Violations*. Any person who willfully violates any provision of this Order, or who, in connection with this Order, wilfully conceals a material fact or fur-

¹ 7 F.R. 2597.

nishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

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

(i) *Applicability of other Orders.* Insofar as any other Order heretofore or hereafter issued by the Director of Priorities or by the Director of Industry Operations limits the use of any material in the production of domestic sewing machines, attachments, or parts thereof to a greater extent than the limits imposed by this Order, the restrictions in such other Order shall govern unless otherwise specified therein.

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

(k) *Communications.* All reports to be filed, appeals and other communications concerning this Order should be addressed to the War Production Board, Washington, D. C., Ref: L-98.

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

Issued this 25th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3688; Filed, April 25, 1942;
12:08 p. m.]

PART 1199—METAL HAIRPINS AND METAL BOB PINS

LIMITATION ORDER L-104

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the

public interest and to promote the national defense:

§ 1199.1 *General Limitation Order L-104*—(a) *General restrictions.* (1) During the period of ninety days beginning with the effective date of this Order, no manufacturer shall produce more metal hairpins or metal bob pins than three times 50% of the monthly average of pounds of metal hairpins or metal bob pins, respectively, produced by him during the calendar year 1941.

(2) On and after the effective date of this Order, no manufacturer shall procure or acquire any wire for use in the production of metal hairpins or metal bob pins, except low carbon steel wire of a gauge less than .035 inch.

(3) Beginning with the eleventh day following the effective date of this Order, no manufacturer shall produce any metal hairpins or metal bob pins of a length greater than 2 inches.

(4) On and after the effective date of this Order, no manufacturer shall sell any metal hairpins except in packages containing less than a hundred metal hairpins.

(b) *Inventory restrictions.* No manufacturer shall accumulate for use in the production of metal hairpins and metal bob pins inventories of raw materials or semi-processed materials in quantities in excess of the minimum amount necessary to maintain production of metal hairpins and metal bob pins at the rates permitted by this Order.

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

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

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

(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 request.

(g) *Appeal.* Any person affected by this Order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work may appeal to the "War Production Board, Washington, D. C., Ref:

L-104," setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(h) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this Order shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref: L-104.

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

(j) *Application of other Orders.* Insofar as any other Order issued by the Director of Priorities or the Director of Industry Operations, or to be issued hereafter by the Director of Industry Operations, limits the use of any iron and steel in the production of metal hairpins or metal bob pins to a greater extent than the limits imposed by this Order, the restrictions in such other Order shall govern unless otherwise specified therein.

(k) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 25th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3687; Filed, April 25, 1942;
12:07 p. m.]

PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

AMENDMENT NO. 9 TO SUPPLEMENTARY ORDER M-15-b¹ TO RESTRICT THE USE AND SALE OF RUBBER

Section 940.3 (*Supplementary Order M-15-b*) is hereby amended as follows:

1. By changing that part of paragraph (1) (3) thereof which precedes, subdivision (1) of said paragraph (1) (3) to read as follows:

(3) To manufacture products of the groups listed in List F: *Provided*, That no person shall consume more Reclaimed and Scrap Rubber during each of the months of April and May, 1942, in the production of any such groups of products than a quantity determined (by weight) as follows:

2. By substituting "June 1, 1942" for "May 1, 1942" in that part of paragraph (1) (3) thereof which follows immediately after subdivision (iii) of said paragraph (1) (3). (P.D. Reg. 1, as

¹ 7 F.R. 2459, 2782.

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

This Order shall take effect upon the date of its issuance.

Issued this 27th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3719; Filed, April 27, 1942;
11:18 a. m.]

PART 1028—DOMESTIC COOKING APPLIANCES
SUPPLEMENTARY GENERAL LIMITATION ORDER
NO. L-23-A

In accordance with the provisions of § 1028.1 (*General Limitation Order L-23*)¹ which the following Order supplements:

§ 1028.2 *Supplementary General Limitation Order L-23-a*. (a) During the period beginning May 1, 1942, and ending May 15, 1942, no manufacturer shall use in the production of any one fuel-burning type of domestic cooking appliance (not including electric ranges and cooking stoves) iron and steel in excess of the greater of the following two limits:

(1) One-eighth of the quantity of iron and steel permitted by General Limitation Order No. L-23 to be used by him for the manufacture of such fuel-burning type of domestic cooking appliance during the four months' period from January 1, 1942, to April 30, 1942, inclusive, or

(2) The quantity of iron and steel permitted under any grant of relief pursuant to paragraph (i) of General Limitation Order No. L-23, and such grants of relief are hereby confirmed and continued notwithstanding the provisions of this Order.

(b) *Appeals*. Any manufacturer affected by this Order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in his community, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may apply for relief by addressing a letter directed to the Director of Industry Operations, Social Security Building, Washington, D. C., setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(c) *Effective date*. This Order shall take effect immediately. (P.D. Reg. 1, as amended 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th

¹ 6 F.R. 6425; 7 F.R. 902.

Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 25th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3712; Filed, April 27, 1942;
11:17 a. m.]

PART 1046—SUPPLIERS

AMENDMENT NO. 1 TO SUPPLIERS' INVENTORY
LIMITATION ORDER L-63

Section 1046.3 (*Limitation Order L-63*)¹ is hereby amended in the following particulars:

Subparagraph (1) of paragraph (a) is amended by striking out "(xi) Health Supplies." (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

This amendment shall take effect immediately.

Issued this 27th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3714; Filed, April 27, 1942;
11:17 a. m.]

PART 1050—DISTILLED SPIRITS

AMENDMENT NO. 1 TO GENERAL PREFERENCE
ORDER NO. M-69²

Section 1050.1 (*General Preference Order M-69*) is hereby amended in the following particulars:

1. The following definition is hereby added in paragraph (a):

(a) (4) "High wines" means spirits between 100 and 189 proof inclusive produced from corn or grain."

2. Paragraph (d) is hereby amended to read as follows:

(d) *Restrictions on deliveries of distilled spirits and high wines*. During each calendar month, commencing with the month of January, 1942, the Director of Industry Operations will direct each Producer to deliver specified quantities of Distilled Spirits, either denatured or in bond, to certain designated persons for non-beverage purposes; and during each calendar month, commencing with the month of April, 1942, the Director of Industry Operations will direct each Producer to deliver specified quantities of High Wines, either denatured or in bond, to certain designated persons for non-beverage purposes. No Producer shall deliver any Distilled Spirits or High Wines to any person until all deliveries required to be made by the Director of Industry Operations have been provided

¹ 7 F.R. 2630.

² 7 F.R. 224.

for by such Producer. No person shall accept delivery of Distilled Spirits or High Wines if such person knows or has reason to believe that the said delivery is made in violation of the restrictions of this paragraph (d).

3. Paragraph (g) is hereby amended to read as follows:

(g) *Reports*. Each Producer, who has not heretofore done so, shall forthwith report to the Chemicals Branch of the War Production Board the quantity of Distilled Spirits and High Wines which his Distillery is capable of producing and the storage facilities, including that in cistern rooms, (together with the location of the same) for such Distilled Spirits or High Wines which he owns, possesses or controls. Additional reports shall be made at such times, on such forms and with respect to such matters as shall be prescribed by the said Chemicals Branch.

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

This Order shall take effect immediately.

Issued this 27th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3717; Filed, April 27, 1942;
11:19 a. m.]

PART 1055—WOOL CLOTHING FOR MEN AND BOYS

GENERAL CONSERVATION ORDER M-73-a AS
AMENDED APRIL 27, 1942

Section 1055.2 (*General Conservation Order M-73-a*) is hereby amended to read as follows:

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

§ 1055.2 *General Conservation Order M-73-a*—(a) *Applicability of Priorities Regulation No. 1*. This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

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

(1) "Wool cloth" means any cloth containing new wool, reprocessed wool or reused wool.

(2) "Put into process" means the first cutting operation of the wool cloth in the manufacture of Men's or Boys' clothing by any person, including tailors-to-the-trade and merchant tailors.

(3) "Men's" means clothing graded as men's, young men's, students', or all that does not normally grade from size 14.

(4) "Boys'" shall mean all clothing normally graded up and down from size 14.

(5) "Children's (male)" shall mean boys' clothing falling between sizes 2 to 10 inclusive.

(6) Measurements—Whenever particular measurements are set forth in this Order, such shall refer to finished measurements after all manufacturing operations have been completed and the garment is ready for shipment.

(c) *Restrictions on use of wool cloth in the manufacture and finishing of men's and boys' clothing*—(1) *Curtailments on use of wool cloth in the manufacture of coats, trousers, vests or suits, including lumber jackets, leisure or loafer coats, work pants, slack-suit trousers and similar types of garments.* No person shall put into process or cause to be put into process by others for his account any wool cloth for manufacture of:

(i) A second pair of trousers for any suit, whether two or three pieces, of the same or matching material,

(ii) A vest for a double-breasted suit of the same or matching material,

(iii) A sack coat, jacket, or lumber jacket, exceeding the following lengths:

(a) Men's—29¾ inches for a size 37 Regular with other sizes and variations in normal proportion,

(b) Boys'—24¾ inches for a size 14 with other sizes in normal proportion,

(iv) A sack coat, jacket, or lumber jacket, with outside patch pockets or inside patch pockets of wool cloth, except unlined utility jackets commonly called lumberjackets, which may have two lower inside patchpockets of wool cloth,

(v) A sack coat, jacket, or lumber jacket, with a vent or belted back, or any other type of fancy back with pleats, tucks, bellows, gussets, or yokes, except a two piece back with a belt stitched on in such a way that there is no overlay of wool cloth on wool cloth greater than one-half inch on the upper and the lower side of the belt.

(vi) A pair of trousers exceeding a maximum width of 22 inches at the knee and 18½ inches at the bottom for a pair of trousers size 32 inch waist Regular with other sizes and variations in normal proportion,

(vii) A pair of trousers with inseam measurement exceeding:

(a) Men's—35 inches (including the turn-up) for a pair of trousers size 32 inch waist Regular with other sizes and variations in normal proportion,

(b) Boys'—30½ inches (including turn-up) for a size 14 with other sizes in normal proportion,

(viii) A pleated, tucked or continuous waistband pair of trousers, except a continuous waistband short trouser for children (male),

(ix) A trouser belt,

(x) A pair of trousers with patch pockets,

(xi) A vest with patch pockets, collar, lapels, or of a double-breasted style.

(2) *Curtailments on finishing trousers.* No person shall finish a pair of trousers made of wool cloth with cuffs or with a permanent turn-up of over 3 inches, or cause such to be finished with cuffs, or with such turn-up, by others for his account, except that tailors-to-the-trade may complete garments, the cloth for which shall have been put into process on or before May 9, 1942.

(3) *Curtailments on the use of wool cloth in the manufacture of topcoats and overcoats, including work overcoats, fingertip coats, mackinaws, and similar types of garments.* No person shall put into process or cause to be put into process by others for his account any wool cloth for the manufacture of:

(i) *Single breasted topcoats, overcoats or mackinaws.* (a) A man's single-breasted topcoat or overcoat exceeding 43¼ inches in length and 56 inches in sweep for a size 37 Regular, with other sizes and variations in normal proportion, except that in the case of a man's single-breasted mackinaw, the length shall in no case exceed 32 inches;

(b) A boy's single-breasted topcoat or overcoat exceeding 37¼ inches in length and 48 inches in sweep for a size 14, with other sizes in normal proportion, except that in the case of a boy's single-breasted mackinaw, the length shall not exceed 30 inches for a size 18, with other sizes graded up and down in normal proportion;

(ii) *Double-breasted topcoats, overcoats or mackinaws.* (a) A man's double-breasted topcoat or overcoat exceeding 44¼ inches in length and 62 inches in sweep for a size 37 Regular, with other sizes and variations in normal proportion, except that in the case of a man's double-breasted mackinaw, the length shall in no case exceed 32 inches;

(b) A boy's double-breasted topcoat or overcoat exceeding 37¼ inches in length and 53 inches in sweep for a size 14, with other sizes in normal proportion, except that in the case of a boy's double-breasted mackinaw, the length shall not exceed 30 inches for a size 18, with other sizes graded up and down in normal proportion;

(iii) A topcoat or overcoat with inside or outside patch pockets of wool cloth, any type of cuffs on the sleeves, a belt, pleats, or any type of fancy back, except a man's or boy's unlined utility mackinaw which may have two lower inside patch pockets of wool cloth and except a two-piece back with a belt stitched on in such a way that there is no overlay of wool cloth on wool cloth greater than ½ inch on the upper and the lower side of the belt;

(iv) A topcoat or overcoat with a lining cloth containing new wool;

(v) A reversible coat made of wool cloth on more than one side.

(4) *Curtailments on reference swatches and selling samples.* No person shall cut

or cause to be cut by others for his account a selling sample containing over 54 square inches of wool cloth or a reference swatch containing over 6 square inches of wool cloth.

(5) *Curtailments on the manufacture of full-dress coats, cutaway coats, or double-breasted tuxedo coats.* No person shall hereafter put into process or cause to be put into process by others for his account any wool cloth in the manufacture of a full-dress coat, a cutaway coat, or a double-breasted tuxedo coat.

(6) *Additional curtailments on the use of wool cloth in the manufacture of that portion of boy's clothing known as "children's (male) clothing."* No person shall put into process or cause to be put into process by others for his account, any wool cloth for the manufacture of:

(i) A suit, jacket, mackinaw, topcoat, or overcoat with separate or attached hood, scarf, hat, helmet, cap, mittens, gloves, or purse of the same or matching material, except a mackinaw or jacket with an attached hood, if made without a collar.

(ii) A snow or ski suit with:

(a) A wool cloth lining,

(b) Separate, or attached cape, muff, scarf, bag, hat, coat, or mittens of the same or matching material,

(c) Self or contrasting wool cloth belt exceeding 2 inches in width,

(d) A separate or detachable hood,

(e) A collar if an attached hood is used,

(f) An attached hood of wool cloth lined with wool cloth,

(g) More than one pair of pants or leggings.

(d) *Prohibition against sales and deliveries.* On and after May 30, 1942, no person shall sell or deliver any men's and boy's clothing except:

(1) Clothing manufactured in accordance with the restrictions of paragraph (c) of this section; or

(2) Clothing, the cloth for which was put into process prior to May 30, 1942; or

(3) Secondhand clothing.

(e) *Exclusions from this Order.* The provisions and terms of this Order shall not apply to the cutting or manufacturing of:

(1) Garments on defense orders.

(2) Uniforms for any of the following:

(i) U. S. Army Officers

(ii) U. S. Navy Officers and Chief Petty Officers

(iii) U. S. Marine Corps Officers

(iv) U. S. Coast Guard Officers and Chief Petty Officers

(v) U. S. Coast and Geodetic Officers

(vi) U. S. Government Military and Naval Academy and Training Schools Students

(vii) Maritime Commission employees.

(3) Clothing, robes, and vestments as required by the rules of religious orders and sects.

(4) Historical costumes for theatrical productions.

(f) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an excep-

tional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of wool cloth conserved, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or telegram, Reference M-73-a, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

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

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

(i) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this Order shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: M-73-a.

(j) *Effective date.* This Order shall take effect on March 30, 1942, with respect to all persons except tailors-to-the-trade or merchant tailors, and shall take effect upon them on May 30, 1942, with respect to all paragraphs except paragraph (c) (2), which paragraph shall take effect with respect to them as to all garments the cloth for which shall have been put into process after May 9, 1942, on the date of issuance of this Amended Order. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.).

Issued this 27th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3720; Filed, April 27, 1942;
11:19 a. m.]

PART 1073—FIRE PROTECTIVE EQUIPMENT
AMENDMENT NO. 1 TO GENERAL LIMITATION
ORDER L-39¹

Section 1073.1 (*General Limitation Order L-39*), is hereby amended in the following respects:

(A) Paragraph (c) is amended to read as follows:

(c) *General exceptions.* (1) Parts which were finished and ready for assembly on the effective date of this Or-

der, the incorporation of which in the manufacture of fire protective equipment is prohibited by the provisions of paragraph (b) of this section, may, nevertheless, be assembled by the person owning such parts on said date to fill contracts or purchase orders for fire protective equipment bearing a preference rating of A-2 or higher: *Provided, however,* That any 2½" brass fire hose couplings which are in the possession or control of any fire hose manufacturer on April 27, 1942, may not be transferred, sold or used thereafter, except upon specific authorization by the Director of Industry Operations.

(2) The provisions of paragraph (b) of this section shall not apply to the use of brass in the manufacture of 1½" fire hose couplings, suction fire hose couplings and special fire hose couplings of odd sizes and unconventional types, until May 15, 1942, after which date the provisions of paragraph (b) of this section shall govern.

(3) The provisions of paragraph (b) of this section shall not apply to the manufacture or sale of any brass fire hose couplings to fill contracts or purchase orders for any such couplings which are to be used in the Panama Canal Zone or by the United States Navy on board ship.

(B) The first part of paragraph (d) (1) of this section is amended to read as follows:

No person shall, in any quarter, beginning with the quarter ending March 31, 1942, complete the manufacture of a quantity of any type of foam extinguishers in excess of 25% of the total quantity of such type of foam extinguishers manufactured by him during the 12 month period ending November 30, 1941. In determining the total quantity manufactured during said 12 month period, amounts manufactured to fill contracts with any of the following shall be excluded:

(C) Appendix A is amended in the following respects:

(1) Subparagraph (4) (ii) is amended to read as follows:

as a component of stainless steel the use of which is permitted by subparagraph (10) of this section;

(2) Subparagraph (5) (iii) is amended to read as follows:

bodies, ends, inner chambers, valves and their component parts for vaporizing liquid, or 2½ Gal. foam extinguishers;

(3) Subparagraph (5) (xvi) is amended to read as follows:

The following hydrant fittings to the extent essential to their efficient functioning; valve seat discs, guides, operating valve stems, stuffing boxes, nuts, bolts, bushings, rivets and retainer rings;

(4) Subparagraph (6) (ii) is amended to read as follows:

in underground pipe connections to the extent essential to efficient functioning of such connections, and in hose connections for hydrants;

(5) Subparagraph (12) is amended to read as follows:

Asbestos in gaskets on fixed foam applicator pipes and hydrants;

(6) Subparagraph (13) is amended by deleting the following words:

for dry valves on sprinkler systems. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

This Amendment shall take effect immediately.

Issued this 27th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3713; Filed, April 27, 1942;
11:17 a. m.]

PART 1124—COTTON TEXTILE FABRICS FOR
USE AS AGRICULTURAL BAGS

AMENDMENT NO. 1 OF GENERAL PREFERENCE
ORDER M-107¹

Paragraph (b) (1) is hereby amended to read as follows:

(1) "Agricultural bags" shall mean any new cotton bags or cotton wrapping used to carry or bag agricultural products including but not limited to grains, flour, feed, meal, vegetables, nuts, sugar, salt, coffee, seeds, potatoes, beans, peas, shellfish, hops, brewers' malt, tobacco and nursery stock, and also including meats, fertilizers, ground poultry grit, metal abrasives (shot and grit) for use in air and airless cleaning of metal products and like products manufactured and natural abrasive grain, metal parts and chemicals, even though not agricultural products, and the term "agricultural bags" shall also include, for the purposes of this Order only, cotton picking sacks and sheets.

Paragraph (b) (2) is hereby amended to include the following fabric under "sheetings":

40" 48/48 2.85 yd.

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

Issued this 27th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3721; Filed, April 27, 1942,
11:19 a. m.]

PART 1167—LIQUEFIED PETROLEUM GAS
EQUIPMENT

INTERPRETATION NO. 1 OF GENERAL LIMITATION
ORDER L-86²

The following official interpretation is hereby issued by the Director of Industry Operations with respect to § 1167.1 (General Limitation Order L-86):

¹ 7 F.R. 1835, 2169.

² 7 F.R. 2709.

Subparagraph (d) (3) of General Limitation Order L-86 reads as follows:

(3) To any case where liquefied petroleum gas equipment is to be installed which liquefied petroleum gas equipment was installed and in actual use prior to April 1, 1942, and which liquefied petroleum gas equipment was subsequently withdrawn from such use;

The phrase "subsequently withdrawn from such use" in this subparagraph refers to withdrawal subsequent to April 1, 1942, and only equipment installed and in actual use prior to April 1, 1942, and withdrawn subsequent to that date, may come within the exception in this subparagraph. (P.D. Reg. 1, as amended 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law, 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)
Issued this 27th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3715; Filed, April 27, 1942;
11:18 a. m.]

PART 1190—COTTON TEXTILE FABRICS FOR
USE AS INDUSTRIAL CLOTH OR TAPE

GENERAL PREFERENCE ORDER M-134

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of cotton textile fabrics for use in the manufacture of industrial cloth or tape for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1190.1 *General Preference Order M-134*—(a) *Applicability of Priorities Regulation No. 1*. This Order and all transactions affected hereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

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

(1) "Industrial cloth or tape" shall mean any adhesive, gummed, varnished, or otherwise treated cloth or tape used primarily for electrical insulation, for separator and protective purposes in the rubber industry, for reinforcing joints in corrugated or fibre shipping containers and other uses, including, but not limited to, varnished cambric cloth or tape, insulating tape, friction tape, and carton tape.

(2) "Industrial cloth or tape manufacturer" means any person purchasing cotton textile fabrics suitable for Industrial cloth or tape or partially processed fabrics, as hereinafter defined, for manufacture into industrial cloth or tape.

(3) "Intermediate processor" means any person purchasing cotton textile fabrics suitable for industrial cloth or tape for the purpose of bleaching, finishing or processing for resale to an industrial cloth or tape manufacturer.

(4) "Cotton textile fabrics suitable for industrial cloth or tape" shall mean the constructions listed below:

Osnaburgs:		
40"	32 x 28	3.55 yd.
Sheetings:		
40"	44 x 40	5.50 yd.
40"	56 x 48	4.30 yd.
40"	44 x 40	4.25 yd.
Print cloths:		
38½"	64 x 60	5.35 yd.
39"	68 x 72	4.75 yd.
39"	72 x 68	4.73 yd.
39½"	72 x 72	4.52 yd.
Carded lawns:		
39"	72 x 68	6.25 yd.
Tubings:		
27"	68 x 72	3.37 yd.
27"	72 x 68	4.10 yd.

This definition shall also include pro rata widths of like count and weight to the above constructions, provided such other width fabrics, wider or narrower, are produced for the purpose of utilizing maximum productive width of looms or augmenting the supply of square yardage in fabric widths suitable for economical use in the manufacture of industrial cloth and tape.

To the extent consistent with machinery limitations, the manufacture of industrial cloth or tape or partially processed fabrics, as hereinafter defined, in the foregoing constructions shall be made pursuant to additional specifications, if furnished by an industrial cloth or tape manufacturer or an intermediate processor, establishing special physical requirements which cannot be met by the same goods of commercial quality.

(5) "Partially processed fabrics" shall mean any of the above-defined cotton textile fabrics suitable for industrial cloth and tape after they have been bleached, finished, or processed in preparation for final manufacture into industrial cloth or tape.

(c) *Assignment of preference rating*. Purchase Orders for cotton textile fabrics suitable for industrial cloth or tape placed by industrial cloth or tape manufacturers or by intermediate processors are hereby assigned a preference rating of A-2.

(d) *Restrictions on inventories of cotton textile fabrics suitable for industrial cloth or tape and of partially processed fabrics*. (1) No industrial cloth or tape manufacturer shall hereafter hold in any mill, warehouse, place of storage or manufacturing plant, any cotton textile fabrics suitable for industrial cloth or tape in excess of a practical minimum working inventory, and in no event, in excess of the aggregate yardage of such fabrics which will be completely manufactured by him into industrial cloth or tape within sixty (60) days after the receipt

of any delivery thereof at such mill, warehouse, place of storage or manufacturing plant.

(2) No industrial cloth or tape manufacturer shall hereafter hold in any mill, warehouse, place of storage, or manufacturing plant, any partially processed fabrics, in excess of a practical minimum working inventory, and in no event, in excess of the aggregate yardage of such fabrics which will be completely manufactured by him into Industrial Cloth or Tape within thirty (30) days after the receipt of any delivery thereof at such mill, warehouse, place of storage or manufacturing plant.

(3) No intermediate processor shall hereafter hold in any mill, warehouse, place of storage or manufacturing plant cotton textile fabrics suitable for industrial cloth or tape, such fabrics in process of conversion to partially processed fabrics and partially processed fabrics in excess of the aggregate yardage of all such fabrics which is scheduled to be shipped by him within sixty (60) days after receipt of any delivery of cotton textile fabrics suitable for industrial cloth or tape at such mill, warehouse, place of storage, or manufacturing plant.

(e) *Restriction on sale of partially processed fabrics*. No intermediate processor shall sell or deliver any partially processed fabrics to any industrial cloth or tape manufacturer unless and until such intermediate processor shall have received from such industrial cloth or tape manufacturer a certificate, manually signed by such industrial cloth or tape manufacturer or by an authorized individual, substantially in the following form:

The undersigned hereby certifies to the vendor and to the War Production Board that he is familiar with the terms of Order M-134; that the Partially Processed Fabrics, as defined in Order M-134, covered by the annexed purchase order are needed for manufacture into Industrial Cloth or Tape, as defined in Order M-134; that to the best of the undersigned's knowledge and belief, such Partially Processed Fabrics will be manufactured into Industrial Cloth or Tape within the next thirty (30) days after receipt of any delivery against this purchase order."

Name of industrial cloth or tape manufacturer
By _____
Duly authorized person

No industrial cloth or tape manufacturer shall resell or deliver any Partially Processed Fabric so purchased to any other person, unless and until such industrial cloth or tape manufacturer shall have first received from such other person a certificate in the above form.

(f) *Application of preference rating*. Any Industrial Cloth or Tape Manufacturer, in order to apply the preference rating assigned by paragraph (c) of this section to deliveries of cotton textile fabrics suitable for industrial cloth or tape to him, must endorse on each purchase order which is covered by the rating as-

signed hereunder, a statement in the following form signed by an individual duly authorized for such purpose:

Preference Rating A-2 is applied hereto under General Preference Order M-134, with the terms of which Order the undersigned is familiar. Furthermore, the undersigned certifies that the cotton textile fabrics suitable for industrial cloth or tape hereby purchased will be placed in process solely for the manufacture of industrial cloth or tape and that any additions to his holdings at any mill, warehouse, place of storage, or manufacturing plant, of the fabrics hereby purchased will not increase his total holdings at such locations to an amount in excess of the aggregate yardage of cotton textile fabrics suitable for industrial cloth or tape which will be manufactured by him into industrial cloth or tape within sixty (60) days after receipt of any delivery against this purchase order.

Name of industrial cloth or tape manufacturer
By -----
Duly authorized person

Any intermediate processor, in order to apply the preference rating assigned by paragraph (c) of this section to deliveries of cotton textile fabrics suitable for industrial cloth or tape to him, must endorse on each purchase order which is covered by the rating assigned hereunder, a statement in the following form, signed by an individual duly authorized for such purpose:

Preference Rating A-2 is applied hereto under General Preference Order M-134, with the terms of which Order the undersigned is familiar. Furthermore, the undersigned certifies that the cotton textile fabrics suitable for industrial cloth or tape hereby purchased will be placed in process solely for the manufacture of partially processed fabrics; and that any additions to his holdings at any mill, warehouse, place of storage or manufacturing plant, of the fabrics hereby purchased will not increase his combined holdings of cotton textile fabrics suitable for industrial cloth or tape, such fabrics in process of conversion to partially processed fabrics and partially processed fabrics at such locations, to an amount in excess of the aggregate yardage of such fabrics which is scheduled to be shipped by him within sixty (60) days after receipt of any delivery against this purchase order.

Name of intermediate processor
By -----
Duly authorized person

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

(g) *Records.* All industrial cloth or tape manufacturers, intermediate processors and persons selling cotton textile fabrics suitable for industrial cloth or tape shall keep and preserve for a period of not less than two years accurate and complete records concerning inventories, production and sales.

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

(i) *Reports.* All industrial cloth or tape manufacturers, intermediate processors and persons selling cotton textile fabrics suitable for industrial cloth or tape shall execute and file with the War Production Board such other reports and questionnaires as may be required by the War Production Board from time to time.

(j) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of cotton textile fabrics suitable for industrial cloth or tape or of partially processed fabrics conserved or made available, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may appeal in writing to the War Production Board, Reference M-134 setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(k) *Communications to the War Production Board.* All communications concerning this Order, or any reports required to be filed hereunder, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: M-134.

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

(m) *Effective date.* This Order shall take effect upon the date of issuance hereof. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 27th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3718; Filed, April 27, 1942;
11:20 a. m.]

PART 1203—FINISHES OF METALWORKING
EQUIPMENT

LIMITATION ORDER L-108

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metalworking equipment for defense, for private account and for export; the unnecessary finishing of such equipment delays the production and delivery thereof; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1203.1 *Limitation Order L-108—(a) Definitions.* For the purposes of this Order:

(1) "Metalworking equipment" means any machinery of the following types used for the processing of metal, whether such machinery is standard or special:

Machines for

Back Spot Facing.
Balancing.
Bending.
Boring and Turning.
Broaching.
Burnishing.
Cam Cutting.
Centering.
Chambering.
Chamfering.
Cold Sawing.
Die Sinking.
Drilling.
Duplicating.
Engraving.
Filing.
Flattening.
Forging.
Gear Cutting.
Gear Generating.
Gear Grinding.
Gear Measuring.
Gear Rounding.
Gear Testing.
Graduating.
Grinding.
Honing.
Keyseating.
Knurling.
Lapping.
Marking.
Measuring.
Milling.
Nibbling.
Nut Slotting.
Oil Grooving.
Pointing.
Polishing and Buffing.
Precision Boring.
Profiling.
Punching.
Rack Cutting.
Reaming.
Rifling.
Roll Threading.
Rotary Flaring.

Sawing.
Saw Sharpening.
Scraping.
Screw Slotting.
Shaving.
Shearing.
Shell Banding.
Slitting.
Slotting.
Spinning.
Straightening.
Stretching.
Superfinishing.
Swaging.
Tapping.
Testing.
Threading.

Also the following

Ammunition Machinery.
Automatic Chucking Machines.
Automatic Screw Machines.
Bolt, Nut, Rivet, and Screw Machinery.
Cartridge Case Machinery.
Cutoff Machines.
Draw Benches.
Formers.
Lathes.
Planers.
Presses and Hammers.
Press Brakes.
Shapers.
Shell Machinery.
Shrinkers.

(2) "Filler" means any material used to fill in and smooth out irregularities in metal surfaces.

(3) "Primer or sealer" means any permanent protective coating of liquid applied to a metal surface prior to painting such surface.

(b) *Restrictions on painting of metalworking equipment.* After April 30, 1942, all persons except ultimate purchasers are subject to the following restrictions in preparing for painting, or painting new metalworking equipment or any parts or assemblies for incorporation in such new equipment.

(1) Only one coat of primer or sealer may be applied.

(2) No filler may be applied.

(3) Not more than two coats of paint, enamel or lacquer may be applied.

(4) No color other than "old machine-tool gray" shall be used for the final coat of paint, enamel or lacquer, notwithstanding customers' requests for other colors.

(c) *Reports.* Each person to whom this Order applies shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

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

(e) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreason-

ably disproportionate compared with the amount of material conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Director of Industry Operations by addressing a letter to the War Production Board, Washington, D. C., Ref.: L-108, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(f) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: L-108.

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

(h) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 551, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong. as amended by Pub. Law 89, 77th Cong.)

Issued this 27th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc 42-3716; Filed, April 27, 1942;
11:18 a. m.]

Chapter XI—Office of Price Administration

PART 1304—IRON AND STEEL SCRAP

AMENDMENT NO. 3 TO REVISED PRICE SCHEDULE NO. 4¹—IRON AND STEEL SCRAP

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 (e) is added to § 1304.8, footnote 6 of § 1304.13 (a), subdivision (v) of § 1304.14 (d) (2), and footnote 1 of § 1304.15 (a), are amended to read as set forth below:

§ 1304.8 *Record-keeping and reporting requirements.*

(e) Where shipment of scrap to the consumer or his broker involves rail or water movement, the shipper must execute and mail to the consumer or broker a shipping notice simultaneously with the shipment of the scrap. Such shipping notice must contain the date of shipment, number and initial of car or name of vessel, the consumer's and/or broker's purchase order number, the specific grade or grades of scrap as they are designated in the applicable appendix of this Revised Price Schedule No. 4 (e. g., No. 2 Heavy Melting Steel, Cut Automotive Steel 2 ft. and under, Unprepared Heavy Melting Steel, Heavy Breakable Cast, No. 1 Cupola Cast), and the signature of the shipper or his duly authorized representative.

§ 1304.13 *Appendix A: Maximum prices for iron and steel scrap other than railroad scrap.* (a) Basing Point¹ prices from which shipping point prices and consumers' delivered prices are to be computed.

¹ (a) Except upon prior approval by the Office of Price Administration, no special preparation charges may be added to the prices listed above.

(b) Except upon prior approval by the Office of Price Administration, no grade of scrap deemed by buyer or seller or both to be superior to any grade listed above shall be priced at a premium above the corresponding listed grade, with the following exceptions:

(1) In the case of cast iron borings containing no more than 0.5 percent oil content for chemical use, the basing point price shall be \$5.00 per gross ton over the price of Item 11.

(2) In the case of ingot iron scrap and any alloyed ferrous scrap, except manganese scrap, purchased by an Electric Furnace or Acid Open Hearth for recovery of alloy content, such grades may be purchased at the differential above the corresponding listed grade which the consumer paid during the period September 1, 1940 to January 31, 1941: *Provided, however,* That this provision does not apply to any alloyed ferrous scrap for which maximum prices are established by any other Price Schedule or Regulation issued by the Office of Price Administration.

(3) In the case of high manganese steel scrap sold for *Electric Furnace use only*, the basing point price shall be \$7.00 per gross ton above the price of No. 1 Heavy Melting Steel.

¹ 7 F. R. 1207, 1836, 2132, 2155, 2507.

High manganese steel scrap shall be defined as: "Steel scrap containing at least 10% manganese cut 12" x 24" x 8" and under, and suitable without further preparation for direct charging into an electric furnace."

(4) Where a person purchases Item 7 (Machine Shop Turnings), Item 8 (Mixed Borings & Turnings), Item 9 (Shovelling Turnings), or Item 11 (Cast Iron Borings), for briquetting purposes, such person shall, for such purchases, be deemed a "consumer" in accordance with paragraph (f) of § 1304.11. Where Items 7, 8, 9 or 11 have been briquetted in accordance with the specifications set forth in paragraph (f) for Items 7A, 8A, 9A and 11A, the basing point prices for such material shall be (1) In the case of Items 7A and 9A, \$4.00 per gross ton above the basing point price for Items 7 and 9; and (2) In the case of Items 8A and 11A, \$3.00 per gross ton above the basing point price of Items 8 and 11.

(c) Inferior grades shall continue to be purchased at the differential below the corresponding listed grade price which the consumer paid during the period September 1, 1940 to January 31, 1941, with the following exception: In the case of bundles consisting exclusively of tin-coated material, the basing point price shall be \$4.00 per gross ton below the price of No. 2 Dealers' Bundles. Such bundles must be hydraulically compressed into charging box size. Any bundles containing tin-coated material but not compressed exclusively of such material shall have a basing point price of \$8.00 per gross ton below the price of No. 2 Dealers' Bundles. No tin-coated material shall be deemed to have been detained until after it has been subjected to a process whose primary purpose is the recovery of the tin.

(d) The inclusion in one vehicle of more than one of the grades of scrap whose maximum prices are governed by the provisions of this Revised Price Schedule No. 4 shall render the shipment one of unprepared scrap which shall be priced at \$2.50 per gross ton below the maximum price applicable for the lowest priced grade in the shipment.

§ 1304.14 *Appendix B: Maximum prices for iron and steel scrap originating from railroads.*

(d) *Maximum prices for scrap which has lost its railroad origin, scrap originating from mines, logging roads, and similar sources and scrap originating from roads who did not within two weeks after February 9, 1942, file average price information with the Office of Price Administration.*

(2) All other grades of such scrap shall be classified under § 1304.13, Appendix A, or § 1304.15, Appendix C, and their maximum prices shall be governed by the provisions of the applicable appendix, *except that:*

(v) In the case of railroad brake shoes, the maximum shipping point price shall be \$4.75 per gross ton below the price of No. 1 Cupola Cast at the applicable shipping point. The definition of "Railroad brake shoes" shall be: cast iron driving and/or car brake shoes of all types except composition filled shoes, suitable for foundry use.

§ 1304.15 *Appendix C: Maximum price for cast iron scrap other than railroad scrap* (all the prices given below are

per gross ton)—(a) *Maximum price at shipping point.*

(d) The inclusion in one vehicle of more than one of the grades of scrap whose maximum prices are governed by the provisions of this Revised Price Schedule No. 4 shall render the shipment one of unprepared scrap which shall be priced at \$2.50 per gross ton below the maximum price applicable for the lowest priced grade in the shipment.

§ 1304.12a *Effective date of amendments.*

(c) Amendment No. 3 (§§ 1304.8 (e), 1304.13 (a), 1304.14 (d) (2) (v), 1304.15 (a)) to Revised Price Schedule No. 4 shall become effective April 28, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 24th day of April, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3662; Filed, April 24, 1942; 12:30 p. m.]

PART 1334—SUGAR

AMENDMENT NO. 1 TO ORDER NO. 1² UNDER REVISED PRICE SCHEDULE NO. 60¹—DIRECT-CONSUMPTION SUGARS

Paragraph (c) of § 1334.151 is amended to read as set forth below:

§ 1334.151 *Granting approval to Defense Supplies Corporation and its designee or designees pursuant to § 1334.61 (b).*

(c) The permission granted to Defense Supplies Corporation and its designee or designees in this section is subject to the following conditions:

(1) With respect to the sugars specified in paragraph (b) (1) of this section, for each one hundred pounds of such sugars sold by each designee of Defense Supplies Corporation under the permission granted in this section, each such designee shall pay to Defense Supplies Corporation an amount of money, in the discretion of Defense Supplies Corporation, not in excess of an amount equal to the difference between the applicable maximum basis price for such sugars specified in § 1334.51 (a) (3) of Revised Price Schedule No. 60 and the maximum basis price for such sugars specified in paragraph (b) (1) of this section.

(2) With respect to the sugars specified in paragraph (b) (2) of this section, for each one hundred pounds of such sugars sold by each designee of Defense Supplies Corporation under the permission granted in this section, each such designee shall pay to Defense Supplies Corporation an amount of money, in the discretion of Defense Supplies Corporation, not in excess of an amount equal to the difference between the applicable

¹ 7 F. R. 1320, 2510.

² 7 F. R. 2793.

maximum basis price for such sugars specified in § 1334.51 (a) (4) (i) of Revised Price Schedule No. 60 and the maximum basis price for such sugars specified in paragraph (b) (2) of this section. (Pub. Law 421, 77th Cong.)

This amendment No. 1 shall become effective April 24, 1942.

Issued this 23d day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3663; Filed, April 24, 1942;
12:30 p. m.]

PART 1410—WOOL

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 58,¹ AS AMENDED—WOOL AND WOOL TOPS AND YARNS

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

Subparagraph (2) of § 1410.57 (a) is amended to read as set forth below:

§ 1410.57 Definitions.

(a)

(2) "Wool" means the fibers from the fleece of the sheep or lamb, or hair of the Angora or Cashmere goat or of the camel, alpaca, llama or vicuna, and shall include noils, except that sales of unscoured wool shorn from sheep or lambs in the continental United States are excepted from the operation of this Revised Price Schedule No. 58, as amended.

§ 1410.60 Effective dates of amendments.

(b) Amendment No. 1 (§ 1410.57 (a) (2)) to Revised Price Schedule No. 58, as amended, shall become effective April 28, 1942.

Issued this 24th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3672; Filed, April 24, 1942;
5:22 p. m.]

PART 1410—WOOL

MAXIMUM PRICE REGULATION NO. 123—RAW AND PROCESSED WOOL WASTE MATERIALS

In the judgment of the Price Administrator, the prices of raw and processed wool waste materials have risen and are threatening further to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of raw and processed wool waste materials 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 Admin-

istrator 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. 123 is hereby issued.

AUTHORITY: §§ 1410.71 to 1410.80, inclusive, issued pursuant to Pub. Law No. 421, 77th Cong.

§ 1410.71 *Maximum prices for raw and processed wool waste materials.* On and after April 28, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver raw or processed wool waste materials and no person shall buy or receive raw or processed wool waste materials in the course of trade or business, at prices higher than the maximum prices established herein; and no person shall agree, offer, solicit or attempt to do any of the foregoing: *Provided*, That contracts entered into prior to April 28, 1942, at prices in compliance with Revised Price Schedule No. 58,² as amended, may be carried out at the contract price.

(a) *Raw wool waste materials.* (1) The maximum price for any raw wool waste material of the type, kind, classification and grade (including color and percentage of wool content) enumerated in Tables I to VI, inclusive, of Appendix A, incorporated herein as § 1410.80, shall be the price set forth therein.

(2) The maximum price for any type, kind, classification or grade of raw wool waste material not enumerated in Tables I to VI, inclusive, of Appendix A, incorporated herein as § 1410.80, shall be a price in line with the maximum price set forth in Tables I to VI, inclusive, for the nearest related type, kind, classification and grade (including color and percentage of wool content) of raw wool waste material. The term "in line with," as used in this subparagraph, means having a justifiable relation to the maximum price with commensurate decreases or increases to give effect to actual differences in the type, kind, classification, grade, condition, and quality of the materials.

(b) *Processed wool waste materials.* The maximum price for processed wool waste materials shall be the aggregate of:

(1) The prices actually paid by the seller for the constituent raw materials (not including dyes, chemicals, oil or similar substances): *Provided*, That the prices for the constituent raw wool waste materials do not exceed the applicable

maximum prices of such materials, established herein; and

(2) The "applicable processing margin" as defined in and subject to the provisions of § 1410.78:

Provided, That every person making a sale of processed wool waste materials in the course of trade or business or otherwise dealing therein, after April 27, 1942, shall deliver to the purchaser an invoice or similar document which shall show, in addition to the other items specifically required in this Maximum Price Regulation No. 123: (i) the quantity of the processed wool waste materials shipped or delivered and the price contracted for, received or paid therefor; (ii) the aggregate quantity of and the aggregate price paid by the seller for, the raw wool waste materials in the processed product so sold; (iii) an itemization of each of the processing services actually performed by the seller, or for his account; (iv) the applicable processing margin.

(c) *Export sales.* The maximum price for raw or processed wool waste materials sold for export shall be the applicable maximum price of such materials, determined in accordance with the provisions of paragraphs (a) and (b) of this section, to which may be added additional expenses, such as charges for packaging for export, war risk insurance, consular fees, demurrage charges, and shipping charges, incident to the export and actually absorbed or to be absorbed by the exporter; *Provided*, That an invoice, bill of lading or similar document shall be delivered by the seller to the purchaser separately itemizing the amount of each such additional expense.

§ 1410.72 *Less than maximum prices.* Lower prices than the maximum prices established by this Maximum Price Regulation No. 123 may be charged, demanded, paid or offered.

§ 1410.73 *Conditional agreements.* No seller of raw or processed wool waste materials shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by this Maximum Price Regulation No. 123 in the event that this Maximum Price Regulation No. 123 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, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.

§ 1410.74 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 123 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 raw or processed wool waste materials, alone or in con-

¹ 7 F.R. 971.

² 7 F.R. 1916.

junction 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.

§ 1410.75 *Records and reports*—(a) *Raw wool waste materials.* Every person making a purchase or sale of raw wool waste materials in the course of trade or business or otherwise dealing therein, after April 27, 1942, 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: (1) the date thereof; (2) the name and address of the seller and buyer; and (3) the quantity of and the price contracted for, received or paid for each type, kind, classification and grade of materials so purchased or sold. An invoice or other similar document shall be delivered by the seller to the purchaser showing each of these items, in addition to the other items specifically required by this Maximum Price Regulation No. 123.

(b) *Processed wool waste materials.*

(1) Every person making a sale of processed wool waste materials in the course of trade or business or otherwise dealing therein, after April 27, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records showing with respect to each such sale (i) the date thereof; (ii) the name and address of the purchaser; (iii) the quantity and cost price to the seller of each kind, classification and grade of the constituent materials in the processed product so sold; (iv) the quantity of processed wool waste material shipped or delivered to the purchaser and the price contracted for, received or paid therefor; (v) an itemization of each of the processes actually performed by the seller, or for his account, and the amount charged or paid therefor; (vi) the percentages and allowances for shrinkage or gain in processing and (vii) any other charges.

(2) Every person making a sale of processed wool waste materials in the course of trade or business or otherwise dealing therein, after April 27, 1942, shall keep and preserve in a safe place and make available for the inspection of the Office of Price Administration existing records showing each of the items (i) to (vii), inclusive, listed in subparagraph (1) of this paragraph, with respect to each sale during the period between October 1 and December 15, 1941, inclusive.

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

§ 1410.76 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 123 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. 123 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.

§ 1410.77 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 123 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.

§ 1410.78 *Definitions.* (a) When used in this Maximum Price Regulation No. 123, the term:

(1) "Person" includes an individual, corporation, 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) "Raw wool waste materials" includes the types, kinds, classifications and grades of raw wool waste materials enumerated in Tables I to VI, inclusive, of Appendix A hereof (§ 1410.80) as well as all related types, kinds, classifications and grades of raw wool waste materials except those covered by other Regulations and Price Schedules issued by the Office of Price Administration.

(3) "Processing" includes any one or a combination of more than one of the following processes: blending, sterilizing, dusting, neutralizing, carbonizing, scouring, stripping, dyeing, picking, carding, oiling and garnetting.

(4) "Processed wool waste materials" means raw wool waste materials which have been subjected to any one or any combination of more than one of the processes enumerated in subparagraph (3). Without limiting the generality of the above definition, processed wool waste materials includes both "reused wool" and "reprocessed wool" as those terms are defined in the Wool Products Labeling Act of 1939.

(5) "Applicable processing margin" means:

(i) The margin received by the seller for the sale or delivery to a purchaser of the same general class, during the period between October 1 and December 15, 1941, inclusive, of processed wool waste materials, of the same general type, classification and grade, on which the same process or processes have been performed. This margin shall be determined by subtracting the price paid by the seller for the constituent raw materials from the price received by the seller for the processed wool waste materials; or

(ii) If during said period no such sale or delivery were made, an amount in line with the applicable processing margin, determined in accordance with subdivision (i) of this subparagraph, received by

the seller for the sale or delivery during the period between October 1 to December 15, 1941, inclusive, of the same, or if not the same, the nearest related type, classification and grade of processed wool waste materials on which the same, or if not the same, the nearest related process or processes have been performed. The term "in line with" as used in this subdivision means having a justifiable relation to the applicable processing margin, as determined in accordance with subdivision (i) of this subparagraph, with commensurate increases or decreases to give effect to actual differences in the processes performed and in type, classification and grade of the constituent raw materials; or

(iii) In those cases in which the seller did not make a sale or delivery during the period between October 1 and December 15, 1941, inclusive, of the same or related processed wool waste materials on which the same or related process or processes have been performed, the margin or amount, determined in accordance with subdivisions (i) and (ii) of this subparagraph, received by the most closely competitive seller of the same general class for the sale or delivery during the period between October 1 and December 15, 1941, inclusive, of the processed wool waste materials of the same, or if not the same, the nearest type, classification and grade on which the same, or if not the same, the nearest related process or processes have been performed.

(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.

1410.79 *Effective date.* This Maximum Price Regulation No. 123 (§§ 1410.71 to 1410.80, inclusive) shall become effective April 28, 1942.

§ 1410.80 *Appendix A: Maximum prices for raw and processed wool waste material.* (a) The maximum prices for raw wool waste material set forth in the following Tables I to VI, inclusive, and the maximum prices for processed wool waste materials as determined in accordance with § 1410.71 (b), are f. o. b. shipping point. Raw and processed wool waste materials may, however, be sold, offered for sale, delivered or transferred at prices delivered buyer's receiving point. In such case, the transportation charges must be shown as a separate item on the invoice or other document to be delivered by the seller to the purchaser, and the price f. o. b. shipping point, obtained by subtracting the transportation charge from the total delivered price, must not exceed the maximum f. o. b. shipping point price established herein. Whenever delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable on an identical shipment from the same point of shipment to the same receiving point at the lowest commercial transportation rate. In such cases the transportation charges must be shown as a separate item on the invoice or other similar document to be delivered by the seller to the purchaser.

TABLE I—Maximum Prices for Wool Waste—Continued

Classifications	100% wool as defined by wool labeling act					95 to 100% wool, balance other fibres				
	White	Light	Straight Colors	Colored	Khaki	White	Light	Straight Colors	Colored	Khaki
Worsted spinning threads:										
Fine and 1/2 blood.....	\$0.92	\$0.72	\$0.62	\$0.55	\$0.56	\$0.90	\$0.70	\$0.60	\$0.52	\$0.52
3/4 blood.....	.82	.62	.58	.51	.54	.80	.60	.55	.48	.50
1/2 blood.....	.75	.55	.50	.46	.48	.72	.53	.47	.42	.45
44's and below.....	.58	.49	.48	.41	.48	.55	.48	.45	.40	.45
Worsted soft knitting threads:										
Fine and 1/2 blood.....	.97	.80	.67	.60	.61	.95	.75	.65	.57	.57
3/4 blood.....	.87	.70	.63	.56	.59	.85	.65	.58	.53	.53
1/2 blood.....	.80	.63	.55	.51	.56	.77	.58	.52	.47	.48
44's and below.....	.63	.57	.53	.46	.53	.60	.53	.50	.45	.50
Mohair spg. or weav. thds.:										
Fine.....	.88	.70	.60	.55	.55	.83	.65	.55	.50	.50
Medium.....	.58	.52	.45	.40	.45	.48	.42	.37	.35	.40
Coarse.....	.53	.46	.43	.38	.43	.50	.43	.40	.35	.40
Mohair soft knitting threads:										
Fine.....	.93	.75	.65	.60	.60	.88	.70	.60	.55	.55
Medium.....	.63	.57	.50	.45	.50	.60	.53	.47	.43	.47
Coarse.....	.58	.51	.48	.43	.48	.55	.48	.45	.40	.45
Spinners' brush and sweeps:										
Fine.....	.58	.40	.35	.28	.28	.53	.38	.33	.29	.29
Medium.....	.53	.40	.35	.28	.28	.50	.38	.33	.29	.29
Coarse.....	.50	.35	.30	.24	.24	.47	.33	.28	.24	.24
Worsted weaving threads:										
Fine and 1/2 blood.....	.85	.65	.57	.47	.52	.82	.60	.52	.44	.48
3/4 blood.....	.75	.57	.50	.42	.48	.70	.52	.47	.40	.46
1/2 blood.....	.68	.50	.45	.37	.45	.65	.48	.43	.36	.44
44's and below.....	.53	.46	.43	.35	.42	.50	.43	.40	.32	.40
Weavers' sweeps:										
Fine.....	.15			.08	.13	.12			.06	.10
Medium.....	.12			.05	.10	.10			.04	.08
Coarse.....	.10			.05	.08	.08			.04	.06

Classifications	85 to 95% wool, balance other fibres					75 to 85% wool, balance other fibres				
	White	Light	Straight Colors	Colored	Khaki	White	Light	Straight Colors	Colored	Khaki
Drawing laps:										
Fine and 1/2 blood.....	\$1.10	\$0.90	\$0.80	\$0.75	\$0.80	\$1.00	\$0.85	\$0.70	\$0.65	\$0.70
3/4 blood.....	.85	.75	.70	.65	.70	.75	.65	.60	.55	.60
1/2 blood.....	.75	.70	.65	.60	.65	.65	.55	.50	.45	.50
44's and below.....	.58	.55	.52	.45	.52	.53	.50	.47	.40	.50
Spinning and roving laps:										
Fine.....	1.00	.80	.75	.70	.75	.90	.75	.65	.60	.65
Medium.....	.80	.70	.65	.60	.65	.70	.60	.55	.50	.55
Coarse.....	.70	.65	.60	.55	.60	.60	.50	.45	.40	.45
44's and below.....	.55	.50	.48	.42	.50	.50	.47	.45	.38	.47
Rings:										
Fine.....	.95	.76	.70	.66	.70	.85	.70	.60	.55	.60
Medium.....	.75	.65	.60	.55	.60	.65	.55	.50	.45	.50
Coarse.....	.68	.60	.55	.50	.55	.58	.52	.47	.43	.47
44's and below.....	.53	.47	.45	.40	.48	.50	.41	.43	.37	.45
Mohair laps:										
Drawing, spinning, roving:										
Fine.....	.85	.70	.65	.60	.65	.75	.65	.55	.50	.65
Medium.....	.60	.52	.47	.43	.48	.55	.47	.43	.38	.45
Coarse.....	.52	.47	.43	.40	.48	.50	.45	.40	.35	.45
Worsted spinning threads:										
Fine and 1/2 blood.....	.80	.60	.52	.45	.45	.70	.62	.45	.40	.40
3/4 blood.....	.75	.55	.47	.43	.45	.65	.50	.43	.40	.40
1/2 blood.....	.65	.50	.45	.40	.45	.55	.45	.40	.37	.40
44's and below.....	.48	.45	.40	.38	.43	.45	.40	.35	.30	.35
Worsted soft knitting threads:										
Fine and 1/2 blood.....	.85	.65	.57	.50	.50	.75	.57	.50	.45	.45
3/4 blood.....	.80	.60	.52	.48	.48	.70	.55	.48	.45	.45
1/2 blood.....	.68	.55	.50	.45	.50	.58	.50	.45	.40	.45
44's and below.....	.53	.50	.45	.43	.48	.50	.45	.40	.35	.40
Mohair spg. or weav. thds.:										
Fine.....	.78	.60	.52	.45	.45	.65	.50	.45	.40	.40
Medium.....	.50	.45	.40	.35	.35	.45	.42	.38	.30	.35
Coarse.....	.47	.40	.37	.32	.37	.45	.38	.35	.30	.35

chases from the United States Government wool clips of the types, kinds, classifications and grades enumerated in Table VI hereof, for resale, may upon such resale, add to the applicable maximum price established by this Regulation for such clips, a premium of 1/2 cent a pound or 3%, whichever is greater, if he resells them in their original government baling, and an additional premium of 1 cent a pound if sorted free of contraries and rebaled; *Provided*, That if such clips are sold after they have been subjected to any of the processes listed in § 1410.78 (a) (3) no such premium may be added but the maximum price shall be determined in accordance with § 1410.71 (b).

(3) *Trimming and seaming.* The maximum prices for wool rags of the types, kinds, classifications and grades enumerated in Table IV hereof, are on an untrimmed and unseamed basis. Where such rags are trimmed or seamed the maximum price shall be the applicable maximum price of such material as established in Table IV hereof, increased by the following amount (including any allowance for shrinkage):

3 cents per pound, if trimmed and trimmed

5 cents per pound, if seamed and trimmed

Provided, That in no case shall such increase be made unless the operation is actually performed to meet the specifications of the purchaser.

TABLE I—Maximum Prices for Wool Waste

Classifications	100% wool as defined by wool labeling act					95 to 100% wool, balance other fibres				
	White	Light	Straight Colors	Colored	Khaki	White	Light	Straight Colors	Colored	Khaki
Drawing laps:										
Fine and 1/2 blood.....	\$1.25	\$1.15	\$1.00	\$0.96	\$1.06	\$1.20	\$1.05	\$0.92	\$0.85	\$0.95
3/4 blood.....	1.05	.98	.87	.83	.92	.95	.85	.75	.75	.80
1/2 blood.....	.81	.82	.74	.70	.81	.82	.75	.65	.65	.70
44's and below.....	.68	.65	.60	.56	.65	.62	.58	.55	.50	.55
Spinning and roving laps:										
Fine.....	1.15	1.05	.93	.90	.97	1.10	1.00	.88	.80	.90
Medium.....	1.00	.92	.83	.82	.90	.90	.82	.75	.70	.75
Coarse.....	.85	.80	.74	.71	.80	.80	.72	.65	.60	.65
44's and below.....	.65	.62	.57	.53	.62	.60	.55	.50	.45	.52
Rings:										
Fine.....	1.10	1.00	.88	.83	.93	1.05	.95	.83	.75	.85
Medium.....	.95	.87	.80	.75	.85	.85	.77	.72	.65	.72
Coarse.....	.82	.70	.65	.60	.70	.78	.65	.60	.55	.60
44's and below.....	.63	.60	.55	.50	.60	.60	.53	.50	.45	.53
Mohair laps:										
Drawing, spinning, roving:										
Fine.....	1.00	.90	.80	.77	.80	.95	.85	.75	.70	.75
Medium.....	.70	.62	.55	.52	.55	.65	.57	.50	.45	.50
Coarse.....	.65	.58	.55	.50	.55	.57	.52	.47	.45	.50

TABLE I—Maximum Prices for Wool Waste—Continued

Classifications	65 to 75% wool, balance other fibres				55 to 65% wool, balance other fibres			
	White	Light	Straight Colors	Khaki	White	Light	Straight Colors	Khaki
Worsted weaving threads:								
Fine and 1/2 blood.....	\$0.50	\$0.40	\$0.35	\$0.30	\$0.40	\$0.30	\$0.25	\$0.20
3/4 blood.....	.45	.35	.30	.25	.35	.25	.20	.15
1/2 blood.....	.40	.30	.25	.20	.30	.20	.15	.10
44's and below.....	.30	.25	.20	.17	.25	.17	.12	.07
Weavers' sweeps:								
Fine.....	.07			.05	.05			.02
Medium.....	.06			.04	.04			.02
Coarse.....	.04			.03	.03			.02

Classifications	45 to 55% wool, balance other fibres			
	White	Light	Straight Colors	Khaki
Drawing laps:				
Fine and 1/2 blood.....	\$0.60	\$0.50	\$0.45	\$0.40
3/4 blood.....	.55	.45	.40	.35
1/2 blood.....	.50	.40	.35	.30
44's and below.....	.40	.37	.32	.27
Spinning and roving laps:				
Fine and 1/2 blood.....	.55	.45	.40	.35
3/4 blood.....	.50	.40	.35	.30
1/2 blood.....	.45	.35	.30	.25
44's and below.....	.33	.27	.22	.18
Rings:				
Fine.....	.50	.40	.35	.30
Medium.....	.45	.35	.30	.25
Coarse.....	.40	.30	.25	.20
Mohair laps:				
44's and below.....	.32	.28	.24	.20
Drawing, spinning, roving:				
Fine.....	.40	.35	.30	.25
Medium.....	.35	.30	.25	.20
Coarse.....	.30	.25	.20	.15
Worsted spinning threads:				
Fine and 1/2 blood.....	.45	.35	.30	.25
3/4 blood.....	.40	.30	.25	.20
1/2 blood.....	.35	.25	.22	.18
44's and below.....	.25	.20	.18	.14
Worsted soft knitting threads:				
Fine and 1/2 blood.....	.50	.40	.35	.30
3/4 blood.....	.45	.35	.30	.25
1/2 blood.....	.40	.30	.25	.20
44's and below.....	.30	.25	.23	.18
Mohair spg. or weav. thds:				
Fine.....	.40	.30	.25	.20
Medium.....	.35	.25	.20	.15
Coarse.....	.30	.22	.18	.13
Mohair soft knitting threads:				
Fine.....	.45	.35	.30	.25
Medium.....	.40	.30	.25	.20
Coarse.....	.35	.27	.22	.17
Spinners' brush and sweeps:				
Fine.....	.20	.15	.12	.08
Medium.....	.18	.13	.10	.08
Coarse.....	.15	.10	.08	.05
Worsted weaving threads:				
Fine and 1/2 blood.....	.30	.25	.20	.15
3/4 blood.....	.25	.20	.15	.10
1/2 blood.....	.22	.18	.13	.08
44's and below.....	.18	.13	.10	.05
Weavers' sweeps:				
Fine.....	.04	.02	.02	.02
Medium.....	.03	.02	.02	.02
Coarse.....	.03	.02	.02	.02

TABLE I—Maximum Prices for Wool Waste—Continued

Classifications	85 to 95% wool, balance other fibres				75 to 85% wool, balance other fibres			
	White	Light	Straight Colors	Khaki	White	Light	Straight Colors	Khaki
Mohair soft knitting threads:								
Fine.....	\$0.83	\$0.65	\$0.57	\$0.50	\$0.70	\$0.55	\$0.50	\$0.45
Medium.....	.53	.45	.40	.34	.46	.42	.39	.34
Coarse.....	.52	.45	.37	.30	.42	.37	.30	.23
Spinners' brush and sweeps:								
Fine.....	.50	.32	.30	.25	.45	.27	.25	.23
Medium.....	.45	.32	.25	.20	.40	.27	.25	.20
Coarse.....	.40	.28	.25	.20	.35	.25	.22	.20
Worsted weaving threads:								
Fine and 1/2 blood.....	.75	.55	.45	.30	.60	.45	.40	.35
3/4 blood.....	.65	.45	.42	.28	.55	.40	.35	.30
1/2 blood.....	.60	.40	.42	.28	.48	.35	.30	.25
44's and below.....	.45	.40	.35	.25	.40	.32	.27	.25
Weavers' sweeps:								
Fine.....	.10			.05	.08			.04
Medium.....	.08			.03	.06			.02
Coarse.....	.06			.03	.04			.02

Classifications	65 to 75% wool, balance other fibres				55 to 65% wool, balance other fibres			
	White	Light	Straight Colors	Khaki	White	Light	Straight Colors	Khaki
Drawing laps:								
Fine and 1/2 blood.....	\$0.75	\$0.65	\$0.55	\$0.60	\$0.65	\$0.55	\$0.50	\$0.55
3/4 blood.....	.65	.55	.50	.45	.60	.50	.45	.45
1/2 blood.....	.60	.50	.45	.40	.55	.45	.40	.40
44's and below.....	.48	.45	.42	.37	.43	.40	.35	.40
Spinning and roving laps:								
Fine and 1/2 blood.....	.70	.60	.50	.45	.60	.50	.45	.50
3/4 blood.....	.63	.53	.47	.43	.55	.45	.40	.45
1/2 blood.....	.55	.48	.43	.38	.50	.40	.35	.40
44's and below.....	.45	.42	.40	.35	.43	.38	.33	.38
Rings:								
Fine.....	.65	.57	.47	.43	.55	.45	.40	.45
Medium.....	.60	.50	.45	.40	.50	.40	.35	.40
Coarse.....	.53	.50	.45	.40	.45	.35	.30	.35
Mohair laps:								
44's and below.....	.43	.40	.38	.33	.40	.33	.30	.35
Drawing, spinning, roving:								
Fine.....	.60	.50	.45	.40	.55	.45	.40	.40
Medium.....	.50	.45	.40	.36	.45	.35	.30	.35
Coarse.....	.46	.43	.38	.34	.40	.30	.25	.30
Worsted spinning threads:								
Fine and 1/2 blood.....	.55	.45	.40	.35	.50	.40	.35	.30
3/4 blood.....	.55	.45	.40	.30	.45	.35	.30	.25
1/2 blood.....	.48	.43	.38	.30	.40	.30	.25	.20
44's and below.....	.38	.35	.30	.25	.30	.25	.20	.15
Worsted soft knitting threads:								
Fine and 1/2 blood.....	.60	.50	.45	.40	.55	.45	.40	.35
3/4 blood.....	.60	.50	.45	.40	.50	.40	.35	.30
1/2 blood.....	.53	.48	.43	.35	.45	.35	.30	.25
44's and below.....	.43	.40	.35	.30	.38	.30	.25	.20
Mohair spg. or weav. thds:								
Fine.....	.55	.45	.40	.35	.45	.35	.30	.25
Medium.....	.45	.40	.35	.25	.40	.30	.25	.20
Coarse.....	.43	.30	.33	.22	.35	.25	.20	.15
Mohair soft knitting threads:								
Fine.....	.60	.50	.45	.40	.50	.40	.35	.30
Medium.....	.50	.43	.38	.28	.45	.33	.28	.23
Coarse.....	.47	.40	.36	.25	.38	.28	.23	.18
Spinners' brush and sweeps:								
Fine.....	.30	.22	.20	.18	.20	.20	.15	.15
Medium.....	.30	.22	.20	.15	.20	.20	.15	.10
Coarse.....	.25	.20	.18	.16	.15	.15	.10	.10

TABLE I—Maximum Prices for Wool Waste—Continued

Classifications	Wool and other fibers ("wool" includes reprocessed and/or reused)				
	Khaki				
	80 to 98% wool, balance other fibers	70 to 80% wool, balance other fibers	60 to 70% wool, balance other fibers	50 to 60% wool, balance other fibers	25 to 50% wool, balance other fibers
Woolen card waste:					
Fine.....	\$0.20	\$0.16	\$0.14	\$0.12	\$0.10
Medium.....	.18	.16	.14	.12	.10
Coarse.....	.16	.14	.14	.12	.10
Woolen strips:					
Fine.....	.04	.03	.02	.02	.02
Medium.....	.04	.03	.02	.02	.02
Coarse.....	.04	.03	.02	.02	.02
Wapper flecks:					
Wool.....	.09	.07	.05	.04	.03
Blanket.....	.13	.10	.08	.06	.04

Classifications	100% wool as defined by wool labeling act		
	White	Colored or red	Beige or yellow
Tanners waste (boiled sheepskin trimmings scoured basis):			
Fine 1" to 1 1/4" long.....	\$0.81	\$0.40	\$0.66
Medium 1" to 1 1/4" long.....	.72	.36	.56
Coarse 1" to 1 1/4" long.....	.61	.29	.46
Fine 1/2" to 1 1/4" long.....	.65	.30	.50
Medium 1/2" to 1 1/4" long.....	.54	.26	.44
Coarse 1/2" to 1 1/4" long.....	.46	.20	.36
Fine 1/4" to 1 1/4" long.....	.50	.24	.35
Medium 1/4" to 1 1/4" long.....	.41	.20	.30
Coarse 1/4" to 1 1/4" long.....	.29	.16	.25
Tanners shearings (sheepskin flecks—scoured basis after removal of leather and dirt):			
Fine 1" to 1 1/4" long.....	.92	.50	.70
Medium 1" to 1 1/4" long.....	.81	.41	.62
Coarse 1" to 1 1/4" long.....	.60	.33	.50
Fine 1/2" to 1 1/4" long.....	.58	.30	.50
Medium 1/2" to 1 1/4" long.....	.50	.26	.38
Coarse 1/2" to 1 1/4" long.....	.41	.20	.30
Fine 1/4" to 1 1/4" long.....	.50	.29	.35
Medium 1/4" to 1 1/4" long.....	.41	.17	.30
Coarse 1/4" to 1 1/4" long.....	.29	.14	.20
Paper making felt:			
Rovings:			
Fine.....	.85		
Medium.....	.80		
Coarse.....	.70		
Threads:			
Fine.....	.80		
Medium.....	.75		
Coarse.....	.65		
Card waste:			
Fine.....	.60		
Medium.....	.55		
Coarse.....	.50		

TABLE II—Maximum prices for new wool clips—Continued

Classifications (sorted to grades and color)	Men's wear—Continued			
	100% wool, 98% boil out	Free of cotton warp		
		80 to 98% wool, balance other fibres	60 to 80% wool, balance other fibres	40 to 60% wool, balance other fibres
Topcoatings:				
Camel hair shade.....	\$0.40	\$0.32	\$0.24	\$0.16
Chocolate.....	.28	.22	.17	.11
Tan.....	.26	.21	.16	.10
Light brown.....	.24	.19	.14	.10
Dark brown.....	.23	.18	.14	.09
Brown.....	.23	.18	.14	.09
Pearl gray.....	.35	.28	.21	.14
Oxford.....	.22	.18	.13	.09
Black and white.....	.25	.20	.15	.10
Royal blue.....	.2350	.19	.14	.09
Powder blue.....	.25	.20	.15	.10
Light green.....	.23	.18	.14	.09
Dark green.....	.22	.17	.13	.09
All other shades or colors.....	.24	.19	.14	.10
Mixed light.....	.20	.16	.12	.08
Mixed dark.....	.1750	.14	.10	.07
Mixed after sorts.....	.18	.14	.11	.07
Tan covert.....	.28	.22	.17	.11
Mixed light covert.....	.21	.17	.13	.09
Mixed dark covert.....	.20	.16	.12	.08
Overcoatings:				
Camel hair shade.....	.45	.36	.27	.18
Tan.....	.19	.15	.11	.07
Light brown.....	.20	.16	.12	.08
Dark brown.....	.19	.15	.11	.07
Mixed brown.....	.19	.15	.11	.07
Pearl gray.....	.32	.25	.18	.13
Oxford.....	.18	.14	.11	.07
Black and white.....	.20	.16	.12	.08
Blue.....	.18	.14	.11	.07
Royal blue.....	.20	.16	.12	.08
Powder blue.....	.21	.17	.13	.09
Bluish.....	.19	.15	.11	.07
Light green.....	.16	.13	.10	.06
Dark green.....	.14	.11	.08	.06
Mixed green.....	.15	.12	.09	.06
All other shades or colors.....	.16	.13	.10	.06
Mixed light.....	.16	.13	.10	.06
Mixed dark.....	.14	.11	.08	.06
Mixed after sorts.....	.14	.11	.08	.06
Fleeces, mixed.....	.14	.11	.08	.06
Fleeces, medium.....	.16	.13	.10	.06
Fleeces, highlight.....	.33	.26	.20	.13
Mackinaw.....	.09	.07	.05	.04

TABLE II—Maximum prices for new wool clips

[Expressed in dollars per pound, f. o. b. shipping point, gross weight tare not to exceed 5 percent]

Classifications (sorted to grades and color)	Men's wear			
	100% wool, 98% boil out	Free of cotton warp		
		80 to 98% wool, balance other fibres	60 to 80% wool, balance other fibres	40 to 60% wool, balance other fibres
Worsted:				
White.....	\$0.58	\$0.46	\$0.35	\$0.23
Pearl gray.....	.44	.35	.26	.18
Oxford.....	.37	.30	.22	.15
Oxford (free of bankers).....	.36	.29	.21	.14
Bankers gray.....	.35	.28	.21	.14
Light gray.....	.34	.28	.20	.13
Black.....	.36	.29	.21	.14
Black and white.....	.32	.25	.18	.13
Tan.....	.36	.29	.21	.14
Light brown.....	.33	.26	.20	.13
Dark brown.....	.31	.25	.18	.12

TABLE II—Maximum prices for new wool clips—Continued

Men's wear—Continued

Classifications (sorted to grades and color)	100% wool, 98% boil out	Free of cotton warp		
		80 to 98% wool, balance other fibres	60 to 80% wool, balance other fibres	40 to 60% wool, balance other fibres
	Worsted—Continued.			
Mixed brown.....	\$0.32	\$0.25	\$0.18	\$0.13
Blue.....	.35	.28	.21	.14
Navy blue (pencil stripe).....	.32	.26	.20	.13
Powder blue.....	.32	.25	.18	.13
Royal blue.....	.33	.26	.20	.13
Teal blue.....	.35	.28	.21	.14
Slate blue.....	.3250	.26	.20	.13
Light green.....	.33	.26	.20	.13
Dark green.....	.32	.25	.18	.13
Forestry.....	.32	.26	.20	.13
All other shades or colors.....	.32	.25	.18	.13
Mixed light.....	.29	.23	.17	.12
Medium mixed light.....	.27	.22	.16	.11
Mixed dark.....	.25	.20	.15	.10
Double dark.....	.27	.22	.16	.11

TABLE II—Maximum prices for new wool clips—Continued

Classifications (sorted to grade and color)	Women's wear			
	100% wool, 98% boil out	Free of cotton warp		
		80 to 98% wool, balance other fibres	60 to 80% wool, balance other fibres	40 to 60% wool, balance other fibres
Crepes:				
Pastel.....	\$0.37	\$0.30	\$0.22	\$0.15
Pearl gray.....	.37	.30	.22	.15
Blue.....	.23	.18	.14	.09
Tan.....	.40	.32	.24	.16
Black.....	.25	.20	.15	.10
All other shades or colors.....	.25	.20	.15	.10
Highlight.....	.39	.31	.24	.16
Mixed light.....	.31	.25	.18	.12
Mixed medium.....	.28	.22	.17	.11
Mixed dark.....	.23	.18	.14	.09
Light rabbit hair.....	.33	.26	.20	.13
Medium rabbit hair.....	.27	.22	.16	.11
Dark rabbit hair.....	.20	.16	.12	.08
Tricotines (free of silk, cotton, and rayon decorations):				
Pastel.....	.40	.32	.24	.16
Blue.....	.24	.19	.14	.10
Tan.....	.40	.32	.24	.16
Brown.....	.24	.19	.14	.10
Black.....	.24	.19	.14	.10
All other shades or colors.....	.25	.20	.15	.10
Mixed light.....	.29	.23	.17	.12
Mixed dark.....	.23	.18	.14	.09

TABLE II—Maximum prices for new wool clips—Continued

Women's wear—Continued

Classifications (sorted to grade and color)	100% wool, 98% boil out	Free of cotton warp			
		80 to 98% wool, balance other fibres	60 to 80% wool, balance other fibres	40 to 60% wool, balance other fibres	Under 60% wool, balance other fibres
Sbetlands:					
Pastel	\$0.39	\$0.31	\$0.24	\$0.16	
Mixed light	.32	.25	.18	.13	
Mixed medium	.20	.16	.12	.08	
Mixed dark	.18	.14	.11	.07	
Suedes:					
Pastel	.35	.28	.21	.14	
Mixed light	.29	.23	.17	.12	
Mixed medium	.19	.15	.11	.07	
Mixed dark	.14	.11	.08	.06	
Worsted plaids:					
Pastel	.45	.36	.27	.18	
Mixed light	.32	.25	.18	.13	
Mixed medium	.25	.20	.15	.10	
Mixed dark	.22	.17	.13	.09	
Woolen plaids:					
Mixed light	.21	.17	.13	.09	
Mixed dark	.18	.14	.11	.07	
Fleeces:					
Highlight	.38	.30	.23	.15	
Mixed	.15	.12	.09	.06	
Mixed medium	.18	.14	.11	.07	
Boys cashmere	.16	.13	.10	.06	

Classifications (sorted to grade and color)	100% wool, 95% boil out	Free of cotton warp			
		80 to 95% wool, balance other fibres	50 to 80% wool, balance other fibres	Under 60% wool, balance other fibres	Under 60% wool, balance other fibres
Polos:					
White	\$0.57	\$0.46	\$0.34	\$0.23	
Solid pastel	.35	.28	.21	.14	
Pastel two tone	.30	.24	.18	.12	
Pastel checks	.31	.25	.18	.12	
Eggshell	.40	.32	.24	.16	
Camel hair shade	.43	.34	.26	.17	
Chocolate	.30	.24	.18	.12	
Tan	.39	.31	.24	.16	
Tannish	.26	.21	.16	.10	
Tan and white	.30	.24	.18	.12	
Pearl gray	.33	.26	.20	.13	
Black and white	.24	.19	.14	.10	
All other shades or colors	.26	.21	.16	.10	
Mixed light	.24	.19	.14	.10	
Mixed dark	.19	.15	.11	.07	
Mixed light spring	.27	.22	.16	.11	
Mixed light fall	.21	.17	.13	.09	
Tweeds:					
Pastel	.30	.24	.18	.12	
Powder blue	.26	.21	.16	.10	
Tan	.27	.22	.16	.11	
Brown	.25	.20	.15	.10	
Black and white	.25	.20	.15	.10	
Green	.26	.21	.16	.10	
All other shades or colors	.25	.20	.15	.10	
Mixed light	.20	.16	.12	.09	
Mixed dark	.18	.14	.11	.07	
Flannels:					
Pastel	.40	.32	.24	.16	
Scarlet	.32	.25	.18	.13	
Billiard green	.27	.22	.16	.11	
Tan	.38	.30	.23	.15	
Camel hair shade	.40	.32	.24	.16	
Light checkered	.18	.14	.11	.07	
All other shades or colors	.28	.22	.17	.11	
Mixed light	.25	.20	.15	.10	
Medium	.21	.17	.13	.09	
Mixed dark	.19	.15	.12	.08	
Gabardines (100% wool—98% boil out—Free of silk, cotton or rayon decorations):					
White	.60				
Tan	.43				
Light brown	.32				
Brown	.32				
Blue	.37				
Light blue	.40				
Green	.38				
Light green	.40				
All other shades or colors	.34				
Mixed light	.33				
Mixed dark	.28				
Mixed gabardines	.30				
White serge and flannel	.57				

TABLE II—Maximum prices for new wool clips—Continued

Classifications (sorted to grade and color)	100% wool, 95% boil out	Free of cotton warp			
		80 to 95% wool, balance other fibres	50 to 80% wool, balance other fibres	Under 60% wool, balance other fibres	Under 60% wool, balance other fibres
After sorts:					
Mixed worsteds (100% worsteds—98% boil out)					\$ 2450
Mixed men's wear suitings (Minimum 75% worsted, maximum 25% wool, 98% boil out)					.23
Mixed men's wear suitings (Minimum 50% worsted, maximum 50% wool, 98% boil out)					.2150
Mixed men's wear suitings (100% wool, free of worsteds—98% boil out)					.18
Mixed rayon worsteds (80% worsteds—20% rayon or cotton)					.15
Mixed rayon worsteds (60% worsted—40% rayon or cotton)					.1250
White worsteds (Minimum 75% worsted, maximum 25% flannel—98% boil out)					.58
Alpacunas (Minimum 50% wool—maximum 50% rayon or cotton):					
Tan					.09
Vicuana					.09
Oxford					.06
Navy blue					.06
Powder blue					.06
Green					.06
Black and white					.06
Light brown					.06
Dark brown					.06
All other shades or colors					.06
Mixed overcoatings and topcoatings					.04
Snow and ski suits:					
Blue	\$.12	\$.10	\$.06		.05
Royal blue	.14	.11	.07		.06
Teal	.12	.10	.06		.05
Scarlet	.25	.20	.1250		.10
Red	.11	.09	.0550		.0450
Orange	.18	.14	.09		.07
Brown	.11	.09	.0550		.0450
Green	.11	.09	.0550		.0450
Kelly green	.24	.19	.12		.10
Light checkered	.15	.12	.0750		.06
All other shades or colors	.11	.09	.0550		.0450
Mixed	.10	.08	.05		.04
Boucles (100% wool—98% boil out):					
Tan					.37
Mixed light					.29
Mixed medium					.26
Mixed dark					.2250
Boucles (wool, cotton or rayon):					
Mixed medium					.06
Mixed dark					.05
Serpes (100% wool—98% boil out)					
Mixed light					.30
Mixed dark					.20

Miscellaneous

Classifications (sorted to grade and color)	100% wool, 95% boil out	Free of cotton warp			
		80 to 95% wool, balance other fibres	50 to 80% wool, balance other fibres	Under 60% wool, balance other fibres	Under 60% wool, balance other fibres
Pastel blanket clips	\$0.35	\$0.28	\$0.21	\$0.14	
Mixed light blanket clips	.30	.24	.18	.12	
Mixed dark blanket clips	.17	.14	.10	.07	
Mixed upholstery clips	.12	.10	.07	.05	
Tan upholstery clips	.14	.11	.08	.06	
Slate upholstery clips	.12	.10	.07	.05	
Pearl gray upholstery clips	.17	.14	.10	.07	
Upholstery clips (all other shades or colors)	.12	.10	.07	.05	
Upholstery clips—Cotton warp					.04
Upholstery clips—Cotton carded					.08
Worsted auto clips—(Combed cotton or rayon, with cotton warp)					.08
Worsted and woolen auto clips (with cotton warp, combed cotton or rayon)					.06
White felt clips (100% wool—98% boil out)					.17
Khaki felt clips (100% wool—98% boil out)					.08
Necktie clips:					
White (all wool)					.49
Black (all wool)					.26
Black and white (all wool)					.34
Black challis					.22
All other shades and colors					.24
Mixed fancy (all wool)					.21

TABLE II—Maximum prices for new wool clips—Continued

Miscellaneous—Con.

Classifications (sorted to grade and color)	100% wool, 98% boil out	80 to 98% wool, balance other fibres	60 to 80% wool, balance other fibres	Under 60% wool, balance other fibres	Under 60% wool, balance other fibres	
						Cotton warp clips:
Worsted—All colors						\$0.03
Gabardines—Tan						.12
Overcoatings—All colors						.03
Polos—Cotton twist spring						.08
Polos—Cotton twist fall						.09
Unions (minimum 60% wool—maximum 40% cotton)						.06
Unions (minimum 30% wool—maximum 70% cotton)						.03

TABLE III—Maximum prices for knitted wool clips

[Expressed in dollars, f. o. b. shipping point, net weight]

NEW CLIPS

Worsted (100% wool 98% boil out):

Fine:

White..... \$0.81

Mixed light..... .55

Pastel..... .63

Medium..... .50

Mixed dark..... .47

Coarse and medium:

White..... .81

Mixed light..... .53

Pastel..... .62

Medium..... .50

Mixed dark..... .41

Khaki..... .59

Seamers:

White..... .57

Mixed light..... .35

Pastel..... .45

Medium..... .35

Mixed dark..... .31

Wool (100% wool 98% boil out):

Fine:

White..... .61

Mixed light..... .40

Pastel..... .48

Medium..... .35

Mixed dark..... .30

Coarse and medium:

White..... .61

Mixed light..... .40

Pastel..... .48

Medium..... .35

Mixed dark..... .28

Khaki..... .45

Seamers:

White..... .40

Mixed light..... .25

Pastel..... .32

Medium..... .22

Mixed dark..... .20

Worsted knits (100% wool 98% boil out):

Sorted colors:

Pastel..... .70

Dark heather..... .42

Light heather..... .51

Navy blue..... .55

Royal blue..... .66

Black..... .54

Brown..... .66

Dark green..... .66

Wine and maroon..... .66

Light oxford..... .66

All other shades or colors..... .60

Wool knits (100% wool 98% boil out):

Sorted colors:

Pastel..... .50

Dark heather..... .35

Light heather..... .40

TABLE III—Maximum prices for knitted wool clips—Continued

NEW CLIPS—Continued	
Wool knits (100% wool 98% boll—out)—Continued.	
Sorted colors—Continued.	
Navy blue.....	\$0.38
Royal blue.....	.45
Black.....	.35
Brown.....	.45
Dark green.....	.45
Wine and maroon.....	.45
Light oxford.....	.45
All other shades and colors.....	.40
Worsted and rayon knits (minimum 50% wool maximum 50% rayon):	
White.....	.32
Mixed light.....	.22
Pastel.....	.30
Medium.....	.19
Mixed dark.....	.16
All straight colors.....	.24
Mixed light seamers.....	.14
Pastel seamers.....	.38
Medium seamers.....	.12
Mixed dark seamers.....	.12
White seamers.....	.30
Worsted and cotton knits (Minimum 75% wool maximum 25% cotton):	
White.....	.28
Mixed light.....	.11
Pastel.....	.15
Medium.....	.1050
Mixed dark.....	.08
All straight colors.....	.17
(Minimum 50% wool maximum 50% cotton):	
White.....	.25
Mixed light.....	.08
Pastel.....	.12
Medium.....	.0750
Mixed dark.....	.06
All straight colors.....	.15
(Minimum 25% wool maximum 75% cotton):	
White.....	.22
Mixed light.....	.05
Pastel.....	.09
Medium.....	.05
Mixed dark.....	.04
All straight colors.....	.13

OLD CLIPS

Knits (to contain minimum of 95% knits maximum 5% linseys):	
White knits (free of silk and free of underwear).....	.45
White softs (50% white knit—50% white flannel and serge).....	.37
White silk and wool.....	.28
Regular white hoods (free of silk and wool).....	.2550
Medium light hoods.....	.23
Pastel hoods.....	.3050
Buff hoods.....	.34
Silk and wool hoods.....	.17
Pastel light jersey.....	.33
Regular light jersey (bathing suits and fine jerseys).....	.31
Fancy knits (free of heathers).....	.1450
Knits—Sorted colors (to contain minimum of 95% knits maximum 5% linseys):	
Mixed green.....	.20
Dark green.....	.25
Light green.....	.27
Kelly green.....	.28
Mixed brown.....	.1750
Dark brown.....	.1950
Light brown.....	.20
Mixed blue.....	.1850
Navy blue.....	.1950
Light blue.....	.20
Royal blue.....	.22
Khaki.....	.25
Black.....	.20
Mixed red.....	.19
Maroon.....	.2250

TABLE III—Maximum prices for knitted wool clips—Continued

OLD CLIPS—Continued	
Knits—Sorted colors (to contain minimum of 95% knits maximum 5% linseys)—Continued.	
Cardinal red.....	\$0.26
Scarlet and jockey.....	.30
Light red.....	.23
Oxford (free of knitex).....	.17
Pearl gray (free of knitex).....	.31
Mixed steel gray (60% light, 40% dark—free of knitex not over 10% linseys).....	.20
Wool underwear.....	.24
Fine white knit wool underwear.....	.26
Light gray underwear (part wool—part cotton).....	.0950
Mixed heather knit.....	.14
Dark jersey (all bathing suits).....	.17
Knitex (95% wool).....	.12
Knitex (80% wool).....	.11
Fine dark jersey.....	.18
All other shades or colors.....	.18
Knits (to contain minimum of 80% knits maximum 20% linseys):	
Gray wool underwear.....	.21
Fancy knits with heather.....	.13
Brown heather knits.....	.18
Green heather knits.....	.20
All other shades or colors.....	.18
Linsey sweaters (to contain 30 to 50% wool):	
Light hoods.....	.06
Dark hoods.....	.04
Black.....	.05
Red.....	.05
Brown.....	.05
Blue.....	.05
Green.....	.0550
Gray.....	.05
Pearl gray.....	.06
White.....	.12
All other shades or colors.....	.05
Half wool knits (to contain minimum of 50% wool):	
White.....	.14
Light hoods.....	.10
Graded to color.....	.0875
Mixed.....	.07

TABLE IV—Maximum prices for graded old wool rags

[Expressed in dollars, f. o. b. shipping point, gross weight, tare not to exceed 5%]

MEN'S WEAR

Skirted worsteds: (100% worsteds—free of cashmeres, chevliots and cottonades):	
Dark.....	\$0.0775
Mixed brown.....	.0975
Red brown.....	.1050
Light brown.....	.1050
Dark brown.....	.10
Tan.....	.11
Mixed blue.....	.0975
Powder blue.....	.0950
Slate blue.....	.0950
Fancy blue.....	.0850
Fine blue.....	.1125
Coarse blue.....	.1150
Letter carrier.....	.17
Black.....	.1025
Black and white.....	.0975
Oxford.....	.0975
Pearl gray.....	.15
Bankers gray.....	.11
Light.....	.09
Khaki worsted and cloth (1/3 each worsteds, suitings and overcoatings).....	.1425
Mixed forestry and cloth.....	.1250
Mixed cadet and cloth.....	.1125
All other shades or colors.....	.1050

TABLE IV—Maximum prices for graded old wool rags—Continued

MEN'S WEAR—Continued	
Skirted chevliots (to contain not more than 3% silk noils or other fibres):	
Dark.....	\$0.04
Light.....	.05
Brown.....	.04
Black and white.....	.0550
Oxford.....	.0450
Tan.....	.0725
Powder blue.....	.0550
Blue.....	.0450
All other shades and colors.....	.05
Skirted overcoats (approximately all wool):	
Dark.....	.0325
Mixed light.....	.0625
Tan.....	.0775
Mixed brown.....	.0375
Light brown.....	.0425
Dark brown.....	.04
Oxford.....	.0425
Black and white.....	.0625
Black.....	.0375
Khaki.....	.16
Powder blue.....	.0675
Navy blue.....	.0425
All other shades and colors.....	.0475
MISCELLANEOUS	
No. 1 white quilt wool.....	.29
No. 2 white quilt wool.....	.1250
Billiard cloth.....	.07
No. 1 bed wool.....	.36
No. 2 bed wool.....	.19
Paper mill felts:	
White.....	.4650
Near white.....	.36
Cream.....	.32
Tan.....	.28
Dark gray.....	.26
Mixed light.....	.2250
Mixed dark.....	.1750
Couch rolls.....	.16
Slasher cloth.....	.0550
Carpets:	
Wool.....	.0750
Soft back.....	.0350
Linsey.....	.0275

WOMEN'S WEAR

Softs (all merinos listed herein—under to contain not more than 5% fibres other than wool):	
No. 1 fine light merinos (free of black and black and white).....	.20
Pastel fine light merinos.....	.27
Black and white fine light merinos.....	.16
No. 2 fine light merinos.....	.18
Fine dark merinos (all fine broadcloth flannels, including bolivias).....	.04
Fine dark merinos (all fine broadcloth flannels—free of bolivias).....	.06
Coarse Light Merinos (women's wear)	
No. 1 (containing all colors).....	.11
No. 2 (containing black).....	.0750
No. 2 (free of black).....	.0850
Pastel (highlight colors free of black).....	.16
Black and white.....	.0850
Tannish (free of dark brown).....	.1350
Pearl gray.....	.16
All other shades and colors.....	.13
Coarse Light Merinos (75% women's wear—25% men's wear cashmeres)	
No. 1 (containing all colors).....	.10
No. 2 (containing black).....	.0650
No. 2 (free of black).....	.0750
Pastel (highlight colors free of black).....	.15
Black and white.....	.0750
Tannish (free of dark brown).....	.1250
Pearl gray.....	.15
All other shades or colors.....	.12
Silk noils coarse light merinos.....	.04

TABLE IV—Maximum prices for graded old wool rags—Continued

WOMEN'S WEAR—CONTINUED	
Softs (all merinos listed hereinunder to contain not more than 5% fibres other than wool)—Con.	
Coarse dark merinos (women's wear free of men's overcoats).....	\$0.0350
Light softs (women's wear coarse light flannels, serges and blankets).....	.15
Light blankets.....	.1925
Tan polos (all highlight solid tan).....	.1725
Skirted wool bodies (all women's wear).....	.0550
Fine flannels (not less than 95% wool—free of bolivas and chongas—all solid colors):	
Blue.....	.06
Black.....	.05
Brown.....	.06
Green.....	.06
Maroon.....	.08
Light blue.....	.08
Royal blue.....	.07
Bright red.....	.13
Scarlet.....	.13
All other shades or colors.....	.07
Mixed reds.....	.09
Chongas (free of flannels and serges—all solid colors):	
Blue.....	.06
Black.....	.0350
Brown.....	.04
Green.....	.04
Red.....	.08
Light blue.....	.07
Royal blue.....	.06
All other shades or colors.....	.05
Mixed fine flannels and chongas (all solid colors):	
Blue.....	.05
Black.....	.0450
Brown.....	.05
Green.....	.0550
Red.....	.09
Maroon.....	.08
Light blue.....	.07
Royal blue.....	.06
All other shades or colors.....	.06
Worsted serges (100% worsteds—all solid colors):	
Blue.....	.10
Black.....	.0850
Brown.....	.11
Green.....	.12
Red.....	.13
Light blue.....	.13
Royal blue.....	.12
All other shades or colors.....	.11
Tricotines and thibets (100% worsteds—all solid colors):	
Blue.....	.1050
Black.....	.09
Brown.....	.12
Green.....	.12
Red.....	.14
Light blue.....	.14
Royal blue.....	.14
All other shades or colors.....	.12
Tan.....	.25
Light tricotines.....	.23
White serge and flannel.....	.36
Mixed worsted thibets (100% worsteds).....	.10
Mixed thibets (75% worsteds—25% fine flannels).....	.08
Linsey flannels:	
White.....	.0750
Mixed.....	.04
Khaki cotton warp shirts.....	.0750
Khaki shirts free of cotton warp.....	.1650

TABLE V—Maximum prices for old wool rags, mixed stock

[Expressed in dollars per pound, f. o. b. shipping point, gross weight, tare not to exceed 5%]	
Mixed soft wools (to contain minimum 33% knits).....	\$0.10
Mixed knits.....	.1850
Skirted merinos.....	.0625
Mixed rough cloth and worsteds.....	.0350
Mixed rough worsteds (free of vests).....	.0425
Rough wool bodies.....	.0325
Mixed linsey sweaters.....	.0350
Mixed rough overcoats.....	.0275
Rough light overcoats.....	.03
Rough dark overcoats.....	.0250
Rough chevlots.....	.0350
Rough khaki.....	.08
Rough vests.....	.02

TABLE VI—Maximum prices for Government wool clips

[Expressed in dollars per pound, f. o. b. shipping point, gross weight. Tare not to exceed 5%]

ARMY	
Felt Wool (O. D. Mixed with Lining).....	\$0.0206
Felt, Wool O. D.....	.0406
Felt, Wool, Blue.....	.02689
Lining, Wool O. D. 12 oz.....	.1481
Lining, Wool O. D. 11 oz.....	.1469
Wool, O. D. (Mixed with Seams).....	.1106
Wool, Green, (Mixed with Seams).....	.0602
Wool and Cotton (With Seams).....	.0748
Wool, O. D. 20 oz.....	.1909
Wool, O. D. 32 oz.....	.1759
Wool, Knitted.....	.1619
Wool, Knitted Brushed O. D.....	.1901
Wool, Green, 20 oz.....	.1378
Wool, Green, 32 oz.....	.0780
Wool, Com. Mixed.....	.0554
Wool and Cotton Mixed.....	.0801
Wool, Blue, Mixed.....	.2125
Serge, O. D. 18 oz. Dark.....	.3156
Serge O. D. 18 oz. Light.....	.3211
Serge O. D. 10½ oz. Light.....	.2806
Elastique, O. D. 18 oz. Light.....	.3215
Elastique, O. D. 18 oz. Dark.....	.2709
Shirting, Flannel, O. D.....	.1975
Shirting, Worsted, O. D.....	.3170
Worsted, Knitted, O. D.....	.4952
Doeskin, O. D.....	.1320
Doeskin, 26 oz.....	.1317
Doeskin, 16 oz.....	.1210
Cloth, Facings, Mixed Colors.....	.1039
Bunting, Wool Mixed.....	.2278
Factory Sweepings.....	.0191

NAVY	
Kersey, Overcoatings, 32 oz.....	.0769
Melton, Suitings 16 oz.....	.1101
Flannels.....	.2029
Serge.....	.3109

MARINE CORPS	
Winterfield, Overcoatings, 22 oz.....	.0825
Winterfield, Suitings, 16 oz.....	.1111
Khaki Flannel Shirting.....	.2731
Dark Blue Kersey, 16 oz.....	.11
Sky Blue Kersey, 16 oz.....	.16

Issued this 24th day of April, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3673; Filed, April 24, 1942; 5:23 p. m.]

1375—EXPORT PRICES

MAXIMUM EXPORT PRICE REGULATION

In the judgment of the Price Administrator, the level of export prices and the margins charged by exporters are threatening to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator, has, so far as practicable, given due consideration to the level of export prices and the margins charged by exporters between October 1 and October 15, 1941, and has made such adjustments to the prices and margins prevailing during that period as he has determined to be necessary.

The Price Administrator has, so far as practicable, advised and consulted with representative members of the export industry. In the judgment of the Price Administrator, the maximum prices and margins established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of considerations involved in the issuance of this Regulation is issued simultaneously herewith and has been filed with the Division of the Federal Register.

Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, including section 201 (d) thereof, it is ordered that:

AUTHORITY: §§ 1375.1 to 1375.8, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1375.1 *Maximum export price.* On and after April 30, 1942, the effective date 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 person shall export any commodity at a price in excess of the following maximum export prices:

(a) In the case of a person other than the manufacturer or producer of the commodity the maximum export price shall be the price at which such commodity was acquired for export, plus the additions thereto authorized by paragraphs (a) and (b) of § 1375.2, and

(b) In the case of the manufacturer or producer the maximum export price shall be his maximum domestic price for the commodity, or, in case there is no such price, shall be his maximum domestic price for the most nearly similar commodity of equal or lower quality or grade or, in the absence of both of the foregoing, the price at which the commodity to be exported is customarily sold in the domestic market, plus the additions thereto authorized by paragraphs (a) and (b) of § 1375.2.

§ 1375.2 *Additions to cost or domestic price.* (a) An amount not in excess of the average premium charged in the ex-

port trade for the particular services or functions performed 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 base price, as provided in § 1375.1 of this Maximum Export Price Regulation. In determining the applicable premium, due recognition shall be given to existing differentials 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 by the exporter with respect to a particular export.

(b) An amount, in addition to the foregoing premium, may be added by the exporter to his cost of acquisition, maximum domestic price or other base price as provided in § 1375.1 of this Maximum Export Price Regulation, to compensate for expenses, such as war risk insurance, consular fees, demurrage charges, and shipping charges, incident to the export and absorbed or to be absorbed by the exporter.

§ 1375.3 *Records*. (a) Each exporter, either in the space provided under question 17 of the duplicate and triplicate copies of the new form of export license application to be filed with the Office of Export Control, Board of Economic Warfare, or in the space provided under question 7 of the duplicate and triplicate copies of the old form of export license application, or in the space provided in any form of export license application hereafter promulgated, shall state the following information:

(1) In the case of an exporter other than the manufacturer, the cost of acquiring the commodity (exclusive of any expenses incident to export), or in the case of the manufacturer, the maximum domestic price or other base price to which the additions authorized by paragraphs (a) and (b) of § 1375.2 are to be made, and

(2) The amount of the premium to be added pursuant to § 1375.2 (a).

(b) In addition, each exporter shall, for a period of not less than two years from the date of export, retain a record of each export transaction which shall contain all the facts pertinent thereto, including:

(1) The name and address of the person from whom the commodity was acquired and the cost of such acquisition in the case of an export by a person other than the manufacturer, or the maximum domestic price or other base price of the commodity to which the additions authorized by paragraphs (a) and (b) of § 1375.2 were made in the case of an export by the manufacturer.

(2) The name and address of the importer to whom the export sale was made, and

(3) The aggregate price charged, the amount of the premium added pursuant to § 1375.2 (a) and the amount of each additional item of expense added pursuant to § 1375.2 (b) together with a copy of the invoice, bill of lading or other statement rendered to the importer in connection with the export sale.

(c) Such records shall be available for inspection by duly authorized representatives of the Office of Price Administration and the Administrator may require their submission for periodical inspection if he deems such inspection necessary or desirable.

§ 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 prior to April 30, 1942, the effective date hereof.

(b) The Administrator, subject to such terms and conditions as he shall determine to be necessary or desirable, may grant an exception to the provisions of this Maximum Export Price Regulation in any case in which a certificate is received by the Administrator from the Board of Economic Warfare certifying that such exception is necessary for considerations of political or military necessity or because of the requirements of economic warfare.

§ 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.

(2) "Exporter" means any individual, partnership, association or corporation, including a manufacturer, export agent, export merchant, or commission merchant, engaging, effecting, or participating, as principal or agent, in an export sale.

(3) "Continental United States" means only the forty-eight states and the District of Columbia.

(4) "Manufacturer's maximum domestic price" means the highest price at which the particular manufacturer may, under any applicable price schedule, regulation or order issued by the Office of Price Administration, sell, offer to sell, deliver or transfer a particular commodity within the Continental United States.

(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.

§ 1375.6 *Enforcement*. (a) Any person violating either directly or indirectly the provisions of this Maximum Export Price Regulation shall be subject to the civil and criminal penalties, civil enforcement actions, suits for treble damages or other enforcement procedures authorized by the Emergency Price Control Act of 1942.

(b) Any person having evidence of any violation of this Maximum Export Price Regulation or any maximum price schedule, regulation or order issued by the Of-

fice of Price Administration is urged to communicate with the nearest regional or field office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1375.7 *Existing maximum price schedules, regulations or orders*. No provision of any maximum price schedule, regulation or order heretofore promulgated by the Office of Price Administration shall be deemed to authorize any action inconsistent with the provisions of this Maximum Export Price Regulation and, to the extent that the provisions of any existing schedule, regulation or order are inconsistent or in conflict with the provisions hereof, such provisions are hereby revoked and superseded.

§ 1375.8 *Effective date of Maximum Export Price Regulation*. The Maximum Export Price Regulation (§§ 1375.1 to 1375.8, inclusive, shall become effective April 30, 1942.

Issued this 25th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3698; Filed, April 25, 1942;
12:42 p. m.]

PART 1360—MOTOR VEHICLE AND MOTOR
VEHICLES EQUIPMENT

AMENDMENT NO. 6 TO RATIONING ORDER NO.
2A—NEW PASSENGER AUTOMOBILE RATION-
ING REGULATIONS

Section 1360.371 is hereby amended and a new paragraph (f) is added to § 1360.442 as set forth below:

Persons eligible to acquire new passenger automobiles by transfer with certificates

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

(a) Unless other circumstances require a contrary conclusion, an applicant shall be deemed to have established his need of an automobile if he shows any of the following, in connection with the specified services: (1) he must travel quickly and would be better able to do so by automobile than by other means of transportation; or (2) he must transport passengers or heavy or bulky tools or material; or (3) without an automobile, and using the most convenient public transportation facilities, he would have to walk a total of at least three miles in going to and coming from work; or (4) he would have to spend a total of at least 1½ hours, including necessary walking and waiting time, in going to and coming from work through the use of public transportation facilities, which time could be reduced by at least 45 minutes through the use of an automobile; or (5) his duties are exceptionally arduous, or his hours of work

are unusually long or require travel late at night; or (6) the public transportation facilities on which he depends are overcrowded; or (7) his physical condition would make it a hardship for him to walk or to use public transportation facilities; or (8) he clearly needs an automobile because of other unusual circumstances; or (9) the automobile is needed primarily for the transportation of officers, employees, or agents of the applicant who otherwise meet one of the above standards.

(b) Unless other circumstances require a contrary conclusion, an applicant shall be deemed to have established that an automobile of which he has the use is inadequate if he shows any of the following: (1) the automobile is a 1939 or earlier model; or (2) it has been driven more than 40,000 miles; or (3) it has been rendered unserviceable by fire, collision or otherwise; or (4) it is not sufficiently reliable considering the nature of his services and the circumstances of its use; or (5) demands upon the applicant for the specified services or his responsibilities for rendering such services have increased to such an extent that he needs an additional automobile to render such services.

Effective Dates

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

(f) Amendment No. 6 (§ 1360.371) to Rationing Order No. 2A shall become effective April 29, 1942.

(Pub. Law 421, 77th Cong., W.P.B. Directive No. 1, supplementary Directive No. 1A, 7 F.R. 562, 698, 1493)

Issued this 27th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3699; Filed, April 27, 1942; 9:13 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation

[No. 40]

PART 402—ANNUAL WATER CHARGES¹

SUNNYSIDE DIVISION—YAKIMA PROJECT—ANNUAL WATER CHARGES²

APRIL 9, 1942.

1. *Operation and maintenance charges for lands subject to public notice rates.* Notice is hereby given that for the irrigation season of 1942, each acre of irrigable land subject to public notice rates in the Sunnyside Division, Yakima Project, Washington, shall be charged, whether water is used or not, with a minimum operation and maintenance charge of two dollars (\$2.00), which will permit, subject to the variations permitted under the Rules and Regulations issued on this date, the delivery of not more than the acre-foot quantities per irrigable acre, designated by, or pursuant to, the provisions of the contract, dated May 31, 1941, between the United States and the Sun-

¹ Affects tabulation in § 402.2e.
² Act of June 17, 1902, 32 Stat. 388, as amended or supplemented.

nyside Valley Irrigation District, in accordance with the following schedule:

MONTHLY SCHEDULE OF DELIVERIES

April.....	11.7%
May.....	16.7%
June.....	16.7%
July.....	18.3%
August.....	18.3%
September.....	13.3%
October.....	5.0%

2. *Operation and maintenance charges for old supplemental lands.* For lands (so-called Old Supplemental Lands) receiving water under said division of said project by virtue of certain supplemental water right contracts with the United States, there will be made for the irrigation season of 1942 an operation and maintenance charge of \$1.00 per acre which will permit, subject to the variations permitted by the Rules and Regulations issued on this date, the delivery, on the above monthly schedule of deliveries, of the amounts of water designated by, or pursuant to, the provisions of the contract dated May 31, 1941, between the United States and the Sunnyside Valley Irrigation District.

3. *Operation and maintenance charges for excess water for lands in Sunnyside Valley Irrigation District.* For lands in the Sunnyside Valley Irrigation District, consisting of Public Notice, Old Supplemental, Supplemental and Warren Act lands, water in excess of said monthly schedule of amounts designated by, or pursuant to, the provisions of the contract dated May 31, 1941, will be delivered, when available, after June 1 at the rate of \$1.00 per acre-foot, upon the signing of a request therefor substantially in the form in use in 1930. When available, water in excess of the monthly schedule of said designated amounts will be delivered prior to June 1 without extra charge.

4. *Operation and maintenance charges for excess water for other lands in Sunnyside Division.* For other lands in the Sunnyside Division, consisting of Public Notice, Supplemental, and special Warren Act lands not covered by Paragraph 3, water in excess of the monthly schedule of amounts established under notices and contracts will be delivered, when available, after June 1 at the rate of \$1.00 per acre-foot, upon the signing of a request therefor substantially in the form in use in 1930. When available, water in excess of the monthly schedule of said established amounts will be delivered prior to June 1 without extra charge.

5. *Water rental charges for lands outside the project.* For water which may be furnished lands outside the limits of the said division of said project, the charge shall be one dollar (\$1.00) per acre-foot for the irrigation season of 1941, due and payable in advance of the delivery of water.

6. *Time of payments.* All water charges announced herein are due and payable on December 31 following the irrigation season, except as provided in Paragraph 5.

7. All charges collected under this public notice shall be credited to the operation and maintenance account of the Sunnyside Division.

Rules and Regulations as to Water Deliveries in Sunnyside Valley Irrigation District, Yakima Project, for the Irrigation Season of 1942

Temporarily during the irrigation season of 1942, while litigation is pending, the amounts of water designated to be delivered to water users in the Sunnyside Valley Irrigation District for the minimum operation and maintenance charges for the irrigation season of 1941 will be adopted as the amounts of water to be delivered to water users for the minimum operation and maintenance charges for the irrigation season of 1942, announced in the Public Notice for Sunnyside Division issued on this date, with the following modifications as set forth in these rules and regulations:

(1) Said public notice of operation and maintenance charges states that the minimum operation and maintenance charge of two dollars (\$2.00), applicable to lands subject to public notice rates, and the operation and maintenance charge of one dollar (\$1.00), applicable to old supplemental lands, will permit the deliveries of the amounts of water designated by, and pursuant to, the provisions of the contract dated May 31, 1941, between the United States and the Sunnyside Valley Irrigation District. By these Rules and Regulations, the District may modify for the irrigation season of 1942 the amounts designated in 1941 for old supplemental lands and may extend or modify its classification of other lands as long as the aggregate amount of water designated does not exceed for the season or any month thereof, the following delivery total or the monthly schedule thereof, respectively:

	<i>Average rate of delivery in cubic feet per second</i>	<i>Delivery in acre-feet</i>
April.....	413	24,550
May.....	620	38,110
June.....	715	42,570
July.....	729	44,830
August.....	729	44,830
September.....	561	33,390
October.....	252	15,010
		243,290

less the amounts required in the conclusive judgment of the project superintendent to supply the rights of lands within the District's boundaries for which there are no water right applications or contracts with the United States.

(2) The practice of interchange of amounts of water in the months of the period of storage release in effect during the irrigation season of 1941 shall be in effect during the irrigation season of 1942, but such variations in the monthly schedule of delivery percentages set forth in Paragraph 1 of said public notice will be confined to the following range and scale of percentages: 5%, 6.7%, 8.3%, 10%, 11.7%, 13.3%, 15%, 16.7%, and 18.3%.

JOHN J. DEMPSEY,
Under Secretary.

[F. R. Doc. 42-3680; Filed, April 25, 1942; 10:17 a. m.]

Chapter III—Grazing Service

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

MODIFICATION OF DEPARTMENTAL ORDERS ESTABLISHING MONTANA GRAZING DISTRICTS NOS. 1, 2, AND 6¹

Under and pursuant to the provisions of the act of June 28, 1934, 48 Stat. 1269, as amended, 43 U. S. C. 315 et seq., commonly known as the Taylor Grazing Act, the Departmental orders of July 11, 1935, and October 4, 1939, establishing Montana Grazing Districts Nos. 1, 2, and 6, are hereby modified so as to permit the use by the War Department in connection with the construction and operation of the Fort Peck Dam and Reservoir Project of the public lands in the area described below:

MONTANA

PRINCIPAL MERIDIAN

- T. 22 N., R. 23 E., sec. 9,
- T. 21 N., R. 24 E., sec. 6,
- T. 21 N., R. 26 E., sec. 21,
- T. 21 N., R. 27 E., secs. 1 and 19,
- T. 21 N., R. 28 E., secs. 19 and 20,
- T. 20 N., R. 29 E., sec. 26,
- T. 20 N., R. 30 E., secs. 12 and 13, sec. 24, N $\frac{1}{2}$ and SE $\frac{1}{4}$,
- T. 25 N., R. 39 E., sec. 25.

The public lands affected by this order shall remain under the jurisdiction and administration of this Department for the conservation and development of natural wildlife resources and for the protection and improvement of public grazing lands and natural forage resources, as provided by E. O. 7509 of December 11, 1936, so far as such uses will not interfere with the needs and purposes of the War Department in connection with the project mentioned.

This order shall become effective upon the issuance of an Executive Order withdrawing the lands for the use of the War Department.

HAROLD L. ICKES,
Secretary of the Interior.

APRIL 1, 1942.

[F. R. Doc. 42-3679; Filed, April 25, 1942; 10:16 a. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

Subchapter K—Seamen

Section 132.5 is amended to read as follows:

§ 132.5 *Limitation on amount of allotment.* No allotment which calls for the payment of more than 90 percent of the wages upon which an allotment may be based (see preceding section) shall be approved.

(Sec. 10, 23 Stat. 55, as amended; 46 U.S.C., 599; E.O. 9083, 7 F.R. 1609)

R. R. WAESCHE,
Commandant.

APRIL 24, 1942.

[F. R. Doc. 42-3678; Filed, April 25, 1942; 10:16 a. m.]

¹ Affects tabulation in § 502.1e.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 10—STEAM ROADS: UNIFORM SYSTEM OF ACCOUNTS

NOTE: An order of the Interstate Commerce Commission modifying the classification of Investment in Road and Equipment; Operating Revenues and Operating Expenses; Income, Profit and Loss, and General Balance Sheet Accounts; also Accounting Bulletin No. 15, dated April 21, 1942, effective January 1, 1943, was filed with the Division of the Federal Register, April 27, 1942, at 11:30 a. m., F.R. Doc. No. 42-3723. Requests for copies should be addressed to the Interstate Commerce Commission.

Notices

DEPARTMENT OF THE INTERIOR

Bituminous Coal Division.

[No. 35]

APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Acting Director:

Name and address	Date application filed
Adams Coal Co., 9th & Norris Sts., Philadelphia, Pa.	March 31, 1942
Eastern Coal Sales Co., Peery Building, Bluefield, W. Va.	April 13, 1942
Freeman Coal Mng. Corp., 120 W. Adams St., Chicago, Ill.	April 17, 1942
Edward A. McConville (Gem Coal Co.), 400 E. Prairie St., Centerville, Iowa.	April 1, 1942
Quality Coal Sales Co., Greenwood, Ark.	April 15, 1942
Joseph S. Reitz, 4 North Brady St., DuBois, Pa.	April 13, 1942
H. B. Robinson, Comer Bldg., Birmingham, Ala.	April 17, 1942
F. B. Rohrbaugh, 126 N. Beaver St., York, Pa.	April 14, 1942
Standard Banner Coal Corp., Wakenva, Va.	April 13, 1942
William B. Vinson, (J. A. Vinson estate), S. Center St., Goldsboro, N. C.	April 13, 1942
R. G. Wheeler, Winfield, Ala.	April 3, 1942
C. L. Woodward, College Bldg., Ottawa, Ill.	April 18, 1942

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act, and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before May 25, 1942. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

Dated: April 24, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3705; Filed, April 27, 1942; 11:24 a. m.]

REVOCATION OF REGISTRATIONS AS DISTRIBUTORS OF ASARCO MERCANTILE COMPANY, FLOYD BREYER (BREYER'S EQUITY EXCHANGE), O. W. FERGUSON, GEORGE D. HEDENBERG, D. L. JOHNSON (JOHNSON COAL COMPANY), JOE H. KELLER, MARISETTE FUEL & DOCK COMPANY, CHARLES J. MOORE (MOORE FUEL COMPANY), PHILIPS COAL & WOOD YARD, ROLAPP-ROMNEY COMPANY, THAD M. SALTER (SALTER COAL COMPANY), J. T. SINCLAIR COMPANY, TENNIES COAL COMPANY, JOHN J. TOWN COAL COMPANY, INC., J. R. TWILLEY (TWILLEY #9 COAL), YORKTOWN ICE AND STORAGE CORPORATION

ORDER REVOKING CERTAIN REGISTRATIONS

The registered distributors, whose names are set forth in Exhibit A, attached hereto and made a part hereof, having requested revocation of registration, having discontinued or disposed of their distribution business, having been reorganized under a new name, having been otherwise succeeded in their business or for other reasons being no longer engaged in business, the registrations previously granted to them should be revoked and their names withdrawn from the list of registered distributors.

Accordingly, it is so ordered.

Dated: April 25, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3709; Filed, April 27, 1942; 11:26 a. m.]

[Docket No. D-17]

APPLICATION OF CONTINENTAL COAL COMPANY FOR PERMISSION TO RECEIVE SALES AGENTS' COMMISSIONS AND DISTRIBUTORS' DISCOUNTS ON COAL SOLD TO CERTAIN RETAIL YARDS IN WHICH IT IS FINANCIALLY OR OTHERWISE INTERESTED

NOTICE OF AND ORDER FOR HEARING

Continental Coal Company, a corporation organized under the laws of Washington, with its principal offices in Spokane, Washington, and registered with the Division as a distributor, No. 1812, filed its petition praying:

1. For a determination that its "ownership" or "control" over the two retail yards, listed below, is bona fide, is not established to secure an indirect price reduction, and is not within the prohibition of paragraphs 11 and 12 of section 4, Part II (i) of the Bituminous Coal Act.

2. That it be given permission to accept and retail sales agents' commissions and distributors' discounts on all coal sold to each of the following retailers:

Name and address

Colonial Fuel Co., Spokane, Wash.
Kellogg Lumber Co., Kellogg, Idaho.

It is, therefore, ordered, That a hearing on such matter be held on May 19, 1942, at 10 a. m. in the forenoon of that day, at a hearing room of the Bituminous Coal Division, at the Billings Commercial Club, Billings, Montana.

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 such petitioner and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before May 14, 1942, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

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

Dated: April 24, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3706; Filed, April 27, 1942;
11:25 a. m.]

[Docket No. A-1402]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF A TEMPORARY ADDITIONAL LOADING POINT FOR THE COALS OF THE BIRCH CREEK MINE (MINE INDEX NO. 8) OF THE BIRCH CREEK COAL COMPANY, INCORPORATED, CODE MEMBER IN DISTRICT NO. 11

ORDER GRANTING TEMPORARY RELIEF

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 was duly filed with this Division requesting the establishment of a temporary additional loading point for the coals of the Birch Creek Mine (Mine Index No. 8) of the Birch Creek Coal Company, Incorporated, a code member in District No. 11, for all shipments except truck.

It appears that while the tippie of the Birch Creek Mine is not equipped with a crusher, the present market demand is mainly for industrial sizes, and that in order to enable this mine to maintain normal production capacity during this period, the larger sizes must be crushed to meet the demand for the industrial sizes. It further appears that the seam from which the Birch Creek Mine is

producing is underlaid with clay which is being supplied for use in a defense industry and that to obtain this clay the coal must first be removed. It further appears that the Birch Creek Mine has secured the right for a period of ninety (90) days to use the tippie of the Rock Hill Mine (Mine Index No. 74) of the Big Ben Collieries, Incorporated, which is equipped with a crusher, and that the shipping point for both mines is Center Point, Indiana, on the Pennsylvania Railroad.

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

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

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

It is ordered, That temporary relief is granted as follows: Commencing forthwith and effective for a period of ninety (90) days from the date of this order, the coals of the Birch Creek Mine (Mine Index No. 8) of the Birch Creek Coal Company, Incorporated, may be prepared and loaded from the tippie of the Rock Hill Mine (Mine Index No. 74) of the Big Ben Collieries, Incorporated.

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

Dated: April 25, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3707; Filed, April 27, 1942;
11:25 a. m.]

[Docket Nos. A-1376, A-1376 Part II]

PETITIONS OF DISTRICT BOARD NO. 15 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 15 AND FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES, FOR TRUCK SHIPMENTS, FOR THE COALS OF THE COWAN MINE (MINE INDEX NO. 1600) IN PRODUCTION GROUP 3 IN DISTRICT NO. 15.

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1376 PART II FROM DOCKET NO. A-1376 AND GRANTING TEMPORARY RELIEF IN DOCKET NO. A-1376 PART II.

The original petition in the above-entitled matter, filed with this Division pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937, requests the es-

tablishment of temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 15.

As indicated in a separate order issued in Docket No. A-1376 a reasonable showing of necessity has been made for the granting of relief prayed for by petitioner except with respect to the establishment of permanent price classifications and minimum prices for truck shipments for the coals of the Cowan Mine, Mine Index No. 1600, operated by Pearl Cowan (Cowan Coal Company) in Putnam County, Missouri, Production Group 3 in District No. 15.

It appears from the petition that the coals of Mine Index No. 1600 possess marketing qualities and factors similar to those of other coals heretofore classified and priced and now being produced in Putnam County, Missouri, and that uniform minimum prices should be applicable for all such coals, in their respective size groups, for shipment by truck into all market areas. Those previously priced coals are now subject to the temporary minimum prices set forth in the order entered December 7, 1940 in Docket No. A-179. Pending final determination of the issues in that docket, a petition was filed by District Board No. 15 in Docket No. A-492 wherein it was requested that those minimum prices temporarily in effect in Docket No. A-179 be made permanent. The two dockets were subsequently consolidated. However, in accordance with a request and stipulation entered into by all parties to the consolidated proceeding, there has been no change in the temporary prices made effective by the order of December 7, 1940 and no permanent order has been entered.

In view of the foregoing, it is deemed advisable at this time to establish only temporarily the price classifications and minimum prices proposed for the coals of Mine Index No. 1600, and that their permanent classification and pricing should await final determination of the related issues raised in Docket No. A-179 and A-492.

Now, therefore, it is ordered, That the portion of Docket No. A-1376 relating to the coals of the Cowan Mine, Mine Index No. 1600, operated by Pearl Cowan (Cowan Coal Company) in Putnam County, Missouri, Production Group 3 in District No. 15, be, and it hereby is, severed from the remainder of that docket and designated as Docket No. A-1376 Part II.

It is further ordered, That temporary relief pending final disposition of Docket No. A-1376 Part II is hereby granted as follows: Commencing forthwith the Schedule of Effective Minimum Prices for District No. 15 for Truck Shipments is supplemented to include the price classifications and minimum prices set forth below for the coals of the Cowan Mine, Mine Index No. 1600, of code member Pearl Cowan (Cowan Coal Company):

Mine index '0N	Code member	Mine name	Production Group No.	County	Prices and size group Nos.														
					1	2	3	4	5	6	7	8	9	10	11	12	14	15	
1600	Cowan, Pearl (Cowan Coal Co.)	Cowan..	3	Putnam, Mo..	230	230	230	230	230	215	200	190	230	185	210	195	135	35	

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. Dated: April 25, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3708; Filed, April 27, 1942; 11:25 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

DETERMINATION, APPROVED BY THE PRESIDENT OF THE UNITED STATES, WITH RESPECT TO THE ISSUANCE OF AMENDMENT NO. 1 TO THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE FALL RIVER, MASSACHUSETTS, MARKETING AREA¹

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 December 2, 1941, effective December 3, 1941, Order No. 47, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area.

A marketing agreement, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area was tentatively approved on October 16, 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 Westport, Massachusetts, on January 22, 1942, on proposals to amend the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the Fall River, Massachusetts 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 April 1, 1942, of a marketing agreement, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area, handlers of more than 50 percent of the volume of milk covered by said order, as amended, which is marketed within the Fall River, Massachusetts, marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk.

¹ See Title 7, chapter IX, *supra*.

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 the proposed amendment No. 1 to said Order No. 47, 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 the proposed amendment No. 1 to said Order No. 47, 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 November 1941, 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 21st day of April 1942. Witness my hand and the seal of the Department of Agriculture.

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

Approved:

FRANKLIN D. ROOSEVELT
The President of the United States.

Dated: April 23, 1942.

[F. R. Doc. 42-3696; Filed, April 25, 1942; 12:35 p. m.]

Farm Security Administration.

DESIGNATION OF LOCALITIES IN COUNTIES IN WHICH LOANS, PURSUANT TO TITLE I OF THE BANKHEAD-JONES FARM TENANT ACT, MAY BE MADE

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, loans made in the counties mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated.

The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

Region I—New York

Franklin County. Locality I—Consisting of the towns of Bombay, Westville, Fort Covington, Constable, Burke, Cha-teaugay, Moira, Bangor, Malone, Dickinson, Altamont, Duane, Brighton, and Harrietstown, \$4,726.

Locality II—Consisting of the towns of Franklin and Bellmont, \$3,354.

Locality III—Consisting of the towns of Santa Clara, Waverly, and Brandon, \$2,212.

Locality IV—Consisting of St. Regis Indian Reservation, \$2,593.

Region V—Georgia

Hall County. Locality I—Consisting of district 268, \$1,786.

Locality II—Consisting of district 385, \$1,976.

Locality III—Consisting of district 392, \$1,685.

Locality IV—Consisting of district 403, \$1,349.

Locality V—Consisting of district 410, \$991.

Locality VI—Consisting of district 411, \$2,858.

Locality VII—Consisting of district 413, \$1,531.

Locality VIII—Consisting of district 434, \$1,292.

Locality IX—Consisting of district 565, \$1,823.

Locality X—Consisting of district 569, \$1,185.

Locality XI—Consisting of district 570, \$1,894.

Locality XII—Consisting of district 575, \$1,901.

Locality XIII—Consisting of district 803, \$1,106.

Locality XIV—Consisting of district 810, \$1,108.

Locality XV—Consisting of district 1270, \$2,079.

Locality XVI—Consisting of district 1385, \$1,611.

Locality XVII—Consisting of district 1419, \$1,886.

Locality XVIII—Consisting of district 1557, \$1,421.

Locality XIX—Consisting of district 1605, \$1,835.

Locality XX—Consisting of district 1690, \$1,056.

Locality XXI—Consisting of district 1695, \$1,253.

Locality XXII—Consisting of district 1745, \$2,258.

Region VI—Arkansas

Arkansas County. Locality I—Consisting of the townships of Barton, Brewer, and Henton, \$2,549.

Locality II—Consisting of the townships of Bayou Meto, Garland, Gum

Pond, La Grue, McFall, Mill Bayou, Morris, Point De Luce, Stanley, \$7,992.

Locality III—Consisting of the townships of Arkansas, Chester, Crockett, Keaton, and Prairie, \$3,594.

The purchase price limits previously established for the counties above-mentioned are hereby cancelled.

Approved: April 22, 1942.

[SEAL]

C. B. BALDWIN,
Administrator.

[F.R. Doc. 42-3665; Filed, April 24, 1942;
2:36 p. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE TEXTILE INDUSTRY

NOTICE OF OPPORTUNITY TO SHOW CAUSE

The Secretary of Labor, pursuant to section 1 (b) of the Walsh-Healy Public Contracts Act (49 Stat. 2036, 41 U.S.C., sec. 35), issued on November 17, 1941, a determination that the prevailing minimum wage in the Textile Industry is 37½ cents per hour, the minimum wage then applicable to the industry under a wage order issued by the Administrator of the Wage and Hour Division, pursuant to the Fair Labor Standards Act of 1938, and further providing that learners and handicapped workers may be employed in accordance with applicable regulations under the Fair Labor Standards Act (6 F.R. 5852).

The Administrator of the Wage and Hour Division on April 2, 1942, issued a wage order effective April 20, 1942 (7 F.R. 2594), providing that wages at a rate of not less than 40 cents per hour shall be paid by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the Textile Industry, and defining the industry to mean:

(a) The manufacturing or processing of yarn or thread and all processes preparatory thereto, and the manufacturing, bleaching, dyeing, printing and other finishing of woven fabrics (other than carpets and rugs containing any wool) from cotton, flax, jute, other vegetable fiber, silk, grass, or any synthetic fiber, or from mixtures of these fibers; or from such mixtures of these fibers with wool or animal fiber (other than silk) as are specified in clauses (g) and (h); except the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber;

(b) The manufacturing of batting, wadding, or filling and the processing of waste from the fibers enumerated in clause (a);

(c) The manufacturing, bleaching, dyeing, or other finishing of pile fabrics

or cords (except carpets and rugs containing any wool) from any fiber or yarn;

(d) The processing of any textile fabric, included in this definition of this industry, into any of the following products: bags; bandages and surgical gauze; bath mats and related articles; bedspreads; blankets; diapers; dish-cloths; scrubbing cloths and wash-cloths; sheets and pillow cases; table-cloths, lunch-cloths and napkins; towels; window curtains; shoe laces and similar laces;

(e) The manufacturing or finishing of braid, net or lace from any fiber or yarn;

(f) The manufacturing of cordage, rope or twine from any fiber or yarn including the manufacturing of paper yarn and twine;

(g) The manufacturing, or processing of yarn (except carpet yarn containing any carpet wool) or thread by systems other than the woolen system from mixtures of wool or animal fiber (other than silk) with any of the fibers designated in clause (a), containing not more than 45 percent by weight of wool or animal fiber (other than silk);

(h) The manufacturing, bleaching, dyeing, printing or other finishing of woven fabrics (other than carpets and rugs) from mixtures of wool or animal fiber (other than silk) containing not more than 25 percent by weight of wool or animal fiber (other than silk), with any of the fibers designated in clause (a), with a margin of tolerance of 2 percent to meet the exigencies of manufacture;

(i) The manufacturing, dyeing, finishing or processing of rugs or carpets from grass, paper, or from any yarn or fiber except yarn containing any wool but not including the manufacturing by hand of such products.

Evidence before the Department of Labor shows that substantially all members of the Textile Industry are engaged in commerce or in the production of goods for interstate commerce, and are subject to this wage order which has the effect of establishing 40 cents per hour as the prevailing minimum wage in the Textile Industry, within the meaning of section 1 (b) of the Walsh-Healy Public Contracts Act.

On January 28, 1939, the Secretary of Labor issued a prevailing minimum wage determination for the manufacture of bobbinets (4 F.R. 486), which are covered by the above definition of the Textile Industry under the Fair Labor Standards Act.

Notice is hereby given to all interested parties of opportunity to show cause on or before May 7, 1942, why the Secretary should not (1) modify the previous determination of the prevailing minimum wage in the Textile Industry by finding that the prevailing minimum wage in the industry is now 40 cents an hour, and (2) modify the determination by adopting the present definition of the industry under the Fair Labor Standards Act.

All objections or protests should be addressed to the Administrator, Division of Public Contracts, United States Department of Labor, Washington, D. C. An original and four copies should be filed.

Dated: April 24, 1942.

WM. R. McCOMB,
Assistant Administrator.

[F. R. Doc. 42-3663; Filed, April 25, 1942;
11:14 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 736]

IN THE MATTER OF THE APPLICATION OF UNITED AIR LINES TRANSPORT CORPORATION FOR APPROVAL OF THE ACQUISITION OF CONTROL OF UNITED AIR LINES VICTORY CORPORATION AND FOR APPROVAL OF THE LEASING OF CERTAIN PROPERTY

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 408 and 1001 of said Act, in the above-entitled proceeding, that hearing is hereby assigned to be held on April 30, 1942, at 10 a. m. (E. W. T.) in the foyer of the Commerce Building Auditorium, 14th Street and Constitution Ave. NW., Washington, D. C., before Examiner Berdon M. Bell.

Dated Washington, D. C., April 27, 1942.
By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-3727; Filed, April 27, 1942;
12:07 p. m.]

[Dockets Nos. 277 and 383]

IN THE MATTER OF THE CONSOLIDATED APPLICATIONS OF AEROVIAS NACIONALES PUERTO RICO INC., AND CARIBBEAN-ATLANTIC AIRLINES, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, in the above-entitled proceeding, that further hearing, on the issues of fitness, willingness, and ability on the consolidated applications of Aerovias Nacionales Puerto Rico Inc., and Caribbean-Atlantic Airlines, Inc., for a certificate of public convenience and necessity to authorize air transportation between San Juan and Ponce, P. R.; San Juan and Mayaguez, via Aguadilla; San Juan and Vieques; and, between San Juan and St. Croix, Virgin Islands, via St. Thomas, is hereby assigned for May 25, 1942, at 10 a. m. (Eastern War Time) in Room 1851,

Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C.
Dated Washington, D. C., April 27, 1942.

By the Civil Aeronautics Board.

[SEAL] BERDON M. BELL,
Examiner.
FRANK P. MCINTYRE,
Examiner.

[F. R. Doc. 42-3726; Filed, April 27, 1942;
12:07 p. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4703]

IN THE MATTER OF LINCOLN ACADEMY, INC.,
ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of April, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., sec. 41),

It is ordered, That John P. Bramhall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, May 11, 1942, at ten o'clock in the forenoon of that day (Eastern War Time) in Court Room No. 1, Federal Building, Newark, New Jersey.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-3702; Filed, April 27, 1942;
11:28 a. m.]

INTERSTATE COMMERCE COMMISSION.

WAIVER OF RULE REGARDING USE OF PAPER IN MIMEOGRAPHED AND TYPEWRITTEN DOCUMENTS

APRIL 22, 1942.

Pursuant to suggestions by the Bureau of the Budget, and the Office of Price Administration, in the interest of conservation of paper, until further notice the Commission will waive the requirement of Rule XXI (b) of its Rules of Practice so as to permit the use of both sides of the paper in mimeographed and typewritten documents, provided both mar-

gins are approximately 1½ inches in width, sufficient to permit binding the documents in the Commission's docket.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-3722; Filed, April 27, 1942;
11:30 a. m.]

OFFICE OF PRICE ADMINISTRATION

DIRECT-CONSUMPTION SUGARS

ORDER NO. 2 UNDER REVISED PRICE SCHEDULE NO. 60¹

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

Granting approval to Defense Supplies Corporation and its designee or designees pursuant to § 1334.61, paragraph (b),

(a) Defense Supplies Corporation and its designee or designees may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the sugar set forth in paragraph (b) of this Order No. 2 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 sugars at such prices from Defense Supplies Corporation and its designee and designees.

(b) (1) Fine granulated beet sugar manufactured in the continental United States—\$5.45 per one hundred pounds f. o. b. United States seaboard cane sugar refinery nearest freightwise to point of delivery.

(2) The maximum delivered prices for the sugar specified in this paragraph shall not exceed the maximum delivered prices as calculated and determined under § 1334.51, (a) (7), Revised Price Schedule No. 60, except that the basis price specified in this Order No. 2 shall be the applicable maximum basis price instead of the basis price designated for this sugar in said § 1334.51, (a) (7).

(c) The permission granted to Defense Supplies Corporation and its designee or designees in this Order No. 2 is subject to the following conditions:

(1) With respect to the sugar specified in paragraph (b) (1) of this Order No. 2, for each one hundred pounds of such sugar sold by each designee of Defense Supplies Corporation under the permission granted in this Order No. 2, each such designee shall pay to Defense Supplies Corporation an amount of money in the discretion of Defense Supplies Corporation, not in excess of an amount equal to the difference between the applicable maximum basis price for such sugar specified in § 1334.51 (a) (3), of Revised Price Schedule No. 60, and the maximum basis price for such sugar specified in paragraph (b) (1) of this Order No. 2.

¹ 7 F.R. 1320, 2610.

(2) The sugar specified in paragraph (b) (1) of this Order No. 2 may be sold for delivery only in Maryland, Virginia, West Virginia, and the District of Columbia.

(d) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1334.59 of Revised Price Schedule No. 60 shall apply to the terms used herein.

This Order No. 2 shall become effective April 24, 1942.

Issued this 23d day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3664; Filed, April 24, 1942;
12:31 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-2282]

IN THE MATTER OF CHOLLAR EXTENSION MINING COMPANY 10¢ PAR COMMON STOCK

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of April, A. D., 1942.

The San Francisco Mining Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 10¢ Par Common Stock of Chollar Extension Mining Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Monday, May 25, 1942, at the office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That John G. Clarkson, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-3668; Filed, April 24, 1942;
3:04 p. m.]

**IN THE MATTER OF VER HULST & COMPANY,
INC., 538 FIRST NATIONAL BANK BLDG.,
DENVER, COLORADO**

**FINDINGS AND ORDER PERMITTING WITH-
DRAWAL OF REGISTRATION AND DISMISSING
PROCEEDING**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22nd day of April, A. D., 1942.

1. Ver Hulst & Company, Inc., a Colorado corporation, is registered with this Commission as an over-the-counter broker-dealer pursuant to section 15 of the Securities Exchange Act of 1934 and is a member of the National Association of Securities Dealers, Inc., a national securities association registered under section 15A of the Act. By order dated February 21, 1942, we instituted this proceeding under sections 15 (b) and 15A (1) (2) to determine whether registrant's registration as a broker-dealer should be suspended or revoked, and whether registrant should be suspended or expelled from membership in the National Association of Securities Dealers, Inc.

2. The order instituting this proceeding stated that members of the staff had reported to the Commission information obtained as a result of an investigation which tended to show that:

A. Registrant has transacted a business in securities through the medium of a member of a national securities exchange and otherwise since July 2, 1938;

B. On August 31, 1941, and for some time prior thereto, registrant had no net capital employed in its business and at the same time, in the ordinary course of its business as a broker, owed substantial sums to various customers and others;

C. During a period subsequent to February 24, 1941, registrant, directly and indirectly, hypothecated and arranged for and permitted the continued hypothecation of certain securities carried for the accounts of certain customers under circumstances that permitted the commingling of such securities with the securities carried for the accounts of other customers without first obtaining the written consent of each such customer to such hypothecation;

D. During the period from approximately June 14, 1941, to and including approximately January 26, 1942, registrant, while representing itself to be in the securities business, accepted orders from divers persons to purchase certain securities, obtained payment therefor, and represented to such persons, expressly or impliedly, that such securities would be delivered promptly, in accordance with the custom of the trade, when in fact registrant intended not to and did not deliver such securities promptly or within any reasonable period of time and in certain instances never did deliver such securities to customers;

E. During the period from approximately June 14, 1941, to about January 26, 1942, registrant sold certain securities to divers persons and in connection therewith accepted certain other securities, on the representation that a portion

of such securities would be sold and the proceeds applied in payment of the purchase price, and that the remainder would be held by registrant, when in fact registrant at all times intended to and did sell the latter securities without the knowledge or consent of said persons, and thereafter appropriated the proceeds of such sales to its own use and benefit;

F. During the period from approximately June 14, 1941, to about January 26, 1942, registrant, as agent, accepted orders from certain customers to sell securities for their accounts and in connection therewith received certificates representing a greater number of shares than those to be sold, upon the representation that a portion of the securities represented by such certificates would be sold and that the remainder would not be sold, when in fact registrant at all times intended to and did sell the latter securities without the knowledge or consent of said persons, and thereafter appropriated the proceeds of such sales to its own use and benefit for varying periods of time;

G. During the period from approximately June 14, 1941, to about January 26, 1942, registrant, as agent, executed orders for the purchase of securities for the accounts of various customers and obtained payment therefor. At and after the time of accepting and executing the orders, registrant intended to and did sell such securities without the knowledge or consent of such customers, and thereafter appropriated the proceeds of such sales to its own use and benefit for varying periods of time;

H. Registrant was insolvent at the time many of the foregoing transactions were effected;

I. During the period from approximately January 2, 1940, to approximately December 22, 1941, registrant failed to make and keep current the books and records required by section 17 (a) of the Securities Exchange Act and the Commission's rules promulgated thereunder.

The Commission's order further stated that the information reported by its staff, as set forth above, tended, if true, to show that the registrant had wilfully violated sections 8 (b), 8 (c), 15 (c) (1) and 17 (a) of the Securities Exchange Act of 1934, Rules X-8C-1, X-15C1-2 and X-17A-3 promulgated thereunder and section 17 (a) of the Securities Act of 1933.

3. The registrant has filed an "Admission" in which it is stated that registrant "for the purposes of this case, and for the use of the Commission in any possible future proceeding under section 15 (b) of the Securities and [sic] Exchange Act of 1934 only, admits the willful violations of sections 8 (b), 8 (c), 15 (c) (1) and 17 (a) of the Securities Exchange Act of 1934 and of section 17 (a) of Securities Act of 1933, as set forth in the order for proceedings and notice of hearing dated February 21, 1942, in this proceeding."

4. Subsequent to the institution of this proceeding, registrant filed a petition for permission to withdraw its registration as a broker-dealer. The petition states

that registrant has ceased and discontinued all of its business, activities other than those necessary for the winding up of its affairs and has executed and transmitted its resignation from the National Association of Securities Dealers, Inc. The petition further states that registrant will be promptly dissolved and that registrant's president, George M. Ver Hulst, will never again enter the securities business. It is also stated in support of the petition that, since the institution of this proceeding, registrant has either paid or arranged for the payment of all claims outstanding against it in an aggregate amount of approximately \$55,000, and that no customer will suffer any loss by reason of registrant's violations of the Securities Act and the Securities Exchange Act.

After the institution of revocation proceedings, the withdrawal of registration is not a matter of right but may be permitted only in the discretion of the Commission if it appears to the Commission that such withdrawal would be consistent with the public interest and the protection of investors. *Monroe Marks, 9 S. E. C. — (1941), Securities Exchange Act Release No. 2950.* Under the circumstances noted above, we find that withdrawal in this case would not be inconsistent with the public interest and the protection of investors.

Accordingly, it is ordered, That registrant's petition for permission to withdraw its registration as an over-the-counter broker-dealer be, and it hereby is, granted and registration is hereby withdrawn; and

It is further ordered, That the proceeding ordered herein, under sections 15 (b) and 15A (1) (2) of the Securities Exchange Act of 1934, be, and it hereby is, dismissed.

By the Commission (Commissioners Healy, Pike, Burke, and O'Brien), Chairman Purcell being absent and not participating.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-3669; Filed, April 23, 1942;
3:04 p. m.]

[File No. 70-536]

IN THE MATTER OF THE UNITED GAS IMPROVEMENT COMPANY, AND COMMONWEALTH UTILITIES CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23rd day of April, 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The United Gas Improvement Company and Commonwealth Utilities Corporation; and

Notice is further given that any interested parties may, not later than May 8, 1942 at 5:30 P. M., E. W. T., request the Commission in writing that a hearing may be held on such matter, stating the

reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction, as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Commonwealth Utilities Corporation, a registered holding company and a subsidiary of The United Gas Improvement Company, also a registered holding company, proposes to use the net proceeds in the sum of \$3,238,169 from the sale of the common stock of its former subsidiary, St. Louis County Water Company, to purchase for retirement 2,345 shares of its Class A common stock and 200,675 shares of its Class B common stock at \$15.95 per share, being the book value of such common stock per share as of March 31, 1942.

The United Gas Improvement Company, owning the majority of the outstanding shares of said Class A (92.8%) and Class B (99.9%) common stock, proposes to sell to Commonwealth Utilities Corporation shares of said stock only in amounts equal to the difference between the number of shares tendered by other stockholders and the amount to be purchased for retirement. The offer to purchase such stock through tenders by stockholders other than The United Gas Improvement Company is to remain open during the period May 22, 1942 to 3:00 P. M. June 8, 1942, and such tenders within the time specified are to be accepted in full.

Section 12 of the Act and Rules U-42 and U-43 are designated as being applicable to the above transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-3670; Filed, April 24, 1942;
3:04 p. m.]

[File No. 70-535]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION AND COLUMBIA CORPORATION

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23rd day of April, 1942.

Notice is hereby given that a combined application or declaration (or both) has

been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Columbia Gas & Electric Corporation, a registered holding company and a subsidiary of The United Corporation, also a registered holding company, and by Columbia Corporation, a subsidiary of said corporations. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Columbia Gas & Electric Corporation proposes to expend not in excess of \$9,477,000 in the acquisition of its outstanding 23-Year, 5% Debenture Bonds, Due April 15, 1952, and 25-Year, 5% Debenture Bonds, Due May 1, 1952. \$27,800 principal amount of the 23-Year Debentures would be acquired from Columbia Corporation for the sum of \$24,612.89, which is represented to be cost to the seller. The remaining sum (\$9,452,500) would be used, in the discretion of Columbia Gas & Electric Corporation, to acquire said 23-Year and 25-Year Debentures at the lowest price offered by the holders thereof pursuant to invitations for tenders but not in excess of 102% of the principal amount thereof (redemption price) plus accrued interest to the date of delivery: *Provided, however, That*

(1) If insufficient tenders are received, to exhaust the said sum (\$9,452,500), the balance remaining after the acceptance of any tenders would be used to acquire said Debentures from the holders thereof on the New York Stock Exchange, or otherwise, at the lowest price obtainable; or

(2) If the prices at which tenders are received, in the opinion of Columbia Gas & Electric Corporation, are unreasonably high in relation to the New York Stock Exchange quotations which have prevailed prior to the date on which tenders are received. Columbia Gas & Electric Corporation, in its discretion, would reject all tenders at prices higher than a reasonable maximum price and apply the balance of \$9,452,500 remaining after acceptance of tenders at prices deemed reasonable to the acquisition of said Debentures from holders thereof on the New York Stock Exchange, or otherwise, at the lowest prices obtainable but not in excess of 102% of the principal amount, plus accrued interest to the date of delivery.

Columbia Gas & Electric Corporation would authorize Guaranty Trust Company of New York (Trustee under the Indenture securing said Debentures) as its agent to perform certain duties in respect of the invitations and the tenders and, in this connection, would, upon approval of this Commission of the proposed transaction, deposit with said Trust Company the sum of \$9,452,500. Any unexpended balance of such sum remaining after the purchase of Debentures accepted by Columbia Gas & Electric Corporation would be returned thereto and applied to the acquisition of

said Debentures on the New York Stock Exchange, or otherwise, at prices not in excess of 102% thereof and accrued interest.

It appearing to the Commission that it is appropriate and in the public interest and the interest of investors that a hearing be held with respect to such declaration and that said declaration shall not become effective except pursuant to further order of the Commission;

It is ordered, That a hearing on such matter, under the applicable provisions of the Public Utility Holding Company Act of 1935, be held on May 7, 1942 at 10:00 A. M. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing shall be held. At such hearing cause shall be shown why the aforesaid declaration shall become effective. Notice is hereby given of said hearing to the above-named declarants and to all interested persons, said notice to be given to said declarants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by the Commission for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at the 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 the issues presented by the aforesaid declaration, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed acquisition by Columbia Gas & Electric Corporation of its 5% Debentures is in the public interest and the interest of investors and consumers.

2. Whether the methods proposed for such acquisition are appropriate and in the public interest and in the interests of investors and consumers.

3. Whether the fees, commissions or other remunerations to be paid, directly or indirectly, in connection with the proposed transaction are reasonable.

4. Whether the proposed acquisition is detrimental to the carrying out of the provisions of section 11 of the Act or tends to circumvent any provisions of the Act or any Rules, Regulations or Orders of the Commission.

5. Whether any terms or conditions should be imposed in respect of the proposed transaction, in the public interest or for the protection of investors and consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-3671; Filed, April 24, 1942;
3:05 p. m.]

[File No. 70-507]

IN THE MATTER OF ASSOCIATED ELECTRIC
COMPANYSUPPLEMENTAL FINDINGS AND ORDER OF THE
COMMISSION(Public Utility Holding Company Act of
1935—Sections 12 (d) and 6 (b))

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 23d day of April, A. D. 1942.

On April 20, 1942 the Commission permitted to become effective a declaration filed by Associated Electric Company for the sale of securities of Union Gas & Electric Company, a wholly owned subsidiary. The declaration contemplated a sale of all of the outstanding securities of Union Gas & Electric Company to Union Utilities Company, an Illinois corporation, for a consideration of \$800,000, subject to certain adjustments, in accordance with an agreement dated November 15, 1941. The purchase agreement was made subject to the consummation of certain refinancing arrangement by Union Gas & Electric Company. Under these arrangements \$600,000 face amount of First Mortgage 4% Bonds were to be issued and sold to the Connecticut Mutual Life Insurance Company. In addition, the transaction contemplated the issuance of \$90,000 face amount of unsecured installment notes and \$100,000 par value of 6% cumulative preferred stock.

In the course of the hearing on the declaration, testimony was given by officers of the company concerning the original cost of its properties. On the basis of this testimony it appeared that the Property Account, as stated on the books, contained substantial amounts in excess of the original cost of the company's properties. Representatives of the declarant indicated a willingness to cause Union Gas & Electric Company to create an appropriate reserve on its books with respect to the excess over original cost.

On the basis of the agreement by declarant, we included among the conditions to our order a provision that the sale be carried out:

"In accordance with the assurances given by counsel with respect to the establishment of a reserve to write down the plant account to original cost."

After the issuance of our Findings, Opinion and Order of April 16, copies were furnished by the declarant to counsel for the purchasers and counsel for the Connecticut Mutual Life Insurance Company, purchaser of the proposed First Mortgage Bonds. The commitment of the insurance company to purchase these bonds expires April 30th. On April 22nd, the declarant was advised that counsel for the Connecticut Mutual Life Insurance Company stated that that company could not accept the Union Gas & Electric Balance Sheet as proposed to be revised in the light of the condition contained in our order of April 16, 1942. The declarant was also advised that the insurance company would not make a further extension of their

commitment agreement. On April 23, declarant filed with this Commission a petition to modify the conditions contained in our order of April 16th, by striking the condition concerning the creation of a reserve.

Declarant has urged that, in its opinion, the position of the insurance company is not justified, but that in order to expedite the matter and to eliminate any possible controversy, declarant desires such modification. Declarant points out that the question of proper accounting entries will at all times be subject to the jurisdiction of the Illinois Commerce Commission and urges that under such circumstances the condition contained in this Commission's order is unnecessary.

It is difficult for us to understand the position taken by the insurance company. Presumably the insurance company was informed as to the character of the property account of Union Gas & Electric Company, inasmuch as such property represented the security behind its loan. Our action in ordering the creation of a reserve was merely to require adequate disclosure of these facts in the company's financial statements.

However, upon consummation of these transactions Union Gas & Electric Company will no longer be subject to our jurisdiction but will continue subject to that of the Illinois Commerce Commission. As we indicated in our Findings, this whole matter is pending before, and must be passed upon by, the Illinois Commerce Commission. That Commission has prescribed a uniform system of accounts for electric and gas utility companies. Union Gas & Electric Company has submitted to that Commission a study of the original cost of its properties. It is our understanding that all questions relating to the determination of the original cost of these properties and the proper disposition of any excess in the accounts will be fully considered by the Illinois Commerce Commission at whatever time that Commission deems appropriate.

Under all the circumstances we deem it appropriate that our order may be modified in accordance with declarant's present petition to eliminate the condition referred to. We also deem it appropriate, in accordance with declarant's request, to eliminate from our previous Findings and Opinion the references to the creation of the reserve.

It therefore appearing to the Commission that on the basis of the record in this matter and on the basis of the findings hereinbefore set forth, that it is in the public interest and the interests of investors and consumers that certain amendments be made to the Commission's previous Findings and Opinion and Order in the manner hereinafter set forth:

It is ordered, That the order of the Commission in this matter dated April 16, 1942 be and is hereby modified by striking from Paragraph 2 thereof the following language:

"and in accordance with the assurances given by counsel with respect to the

establishment of the reserve to write down the plant account to original cost;" so that said paragraph of said order will read as follows:

"2. That all acts in connection with the sale by Associated Electric Company to Union Utilities Company shall be performed in accordance with the terms and conditions of and for the purposes represented by the declaration."

It is further ordered, That the Findings and Opinion of the Commission issued in this matter on April 16, 1942 be and are hereby modified by deleting from the ninth paragraph thereof the following language:

"Counsel for declarants have agreed that prior to the consummation of the transaction, a reserve of \$1,037,356 will be established which will be available for writing down the property from the book figure to the original-cost figure.;"

and by deleting from the thirteenth paragraph thereof the following language:

"The one point raised with respect to accounts has been resolved by the agreement of counsel for Aelec that a reserve of \$1,037,356 would be established for the purpose of writing down the fixed capital to original cost."

It is further ordered, That the action hereby taken shall be effective as of April 16, 1942.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.[F. R. Doc. 42-3674; Filed, April 25, 1942;
10:15 a. m.]

[File No. 70-534]

IN THE MATTER OF GENERAL GAS &
ELECTRIC CORPORATION

[File Nos. 59-30, 70-427 and 54-49]

IN THE MATTER OF VIRGINIA PUBLIC
SERVICE COMPANY, ET AL.NOTICE OF FILING, ORDER OF CONSOLIDATION,
AND SUPPLEMENTAL ORDER FOR HEARING(Sections 11 (b) (2), 6 (b) and 11 (c)
of the Public Utility Holding Company
Act)

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 23d day of April, A. D. 1942.

Notice is hereby given that General Gas & Electric Corporation has filed a declaration pursuant to the Public Utility Holding Company Act of 1935. The declaration (File No. 70-534) relates to certain bonds of Virginia Public Service Company, which are the subject of other proceedings pending before this Commission (File Nos. 59-30, 70-427 and 54-49). All interested persons are referred to said declaration, and to said other matters under the aforesaid file numbers, for a statement of the proposed transactions. Certain of said transactions are as follows:

General Gas & Electric Corporation proposes to sell for cash its investment

in \$1,200,000 principal amount to Virginia Public Service Company First Mortgage and Refunding 20 years 5% Bonds, Series B, due December 1, 1950. Said bonds were acquired from Virginia Public Service Company during June 1937, at a price of 97.

The declaration does not state to whom it is proposed to sell the bonds, or the proposed price at which such bonds are to be sold; it is stated that such information will be supplied by amendment. The declaration states that the latest available market quotation for the bonds is 102.

At the time the bonds were acquired from Virginia Public Service Company it was agreed by the parent holding companies that in the event Virginia Public Service Company determined to call the bonds while owned by one of such holding companies, either for refunding or otherwise, the holding company would resell and deliver to Virginia Public Service Company any of such bonds at the said price of 97, together with accrued interest. In this connection, Associated Gas and Electric Company, parent holding company of the General Gas & Electric Corporation, advised Virginia Public Service Company as follows:

"It is not contemplated that the holder of said bonds or any part thereof on any call of said bonds will be paid an amount in excess of the amount which the seller paid to your company, with interest to date of call, and this company will, as far as it legally can, see that this plan is carried out, so long as said bonds or any part thereof are owned or controlled by any such affiliate."

General Gas & Electric Corporation owns all of the common stock of Virginia Public Service Company. The majority control of General Gas & Electric Corporation is held by Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation.

The declaration of General Gas & Electric Corporation with respect to the sale of said bonds contains an application for exemption from the competitive bidding requirements of Rule U-50, stating that exemption is requested on the basis of Paragraph (a) (5) of said rule.

It appearing to the Commission that a hearing should be held with respect to said declaration of General Gas & Electric Corporation (File No. 70-534), that said declaration should not become effective except pursuant to further order of the Commission, that because of common and related questions of law and fact said declaration should be consolidated with other proceedings pending before this Commission with respect to Virginia Public Service Company (Files No. 59-30, 70-427 and 54-49), which other proceedings have heretofore been consolidated herein and set for hearing by previous order of this Commission on April 30, 1942;

It is ordered, That the said declaration be and is hereby consolidated with the aforesaid proceedings concerning Virginia Public Service Company, and that a hearing on said matter shall be held and said hearing be and is hereby con-

solidated with the hearing heretofore directed to be held on April 30, 1942 at 10 a. m. at the Philadelphia offices of the Commission, before the Trial Examiner previously designated herein, or before any other officer hereafter designated as Trial Examiner.

It is further ordered, That at said consolidated hearing there will be considered, in addition to the matters set forth in the Commission's order of April 18, 1942, and without limiting the scope of the issues presented by any of the said filings or otherwise to be considered in any of said proceedings, the following matters and questions:

1. Whether, in the light of the provisions of the Public Utility Holding Company Act of 1935, particularly sections 4 (a) (4) and 26 (b) thereof, said \$1,200,000 of Bonds represent lawful and valid obligations of Virginia Public Service Company in the hands of General Gas & Electric Corporation.

2. More specifically, whether whatever interest General Gas & Electric Corporation may have in Virginia Public Service Company, represented by said \$1,200,000 of bonds, should be treated as an equity interest, subordinate to the preferred stock of Virginia Public Service Company outstanding in the hands of the public.

3. Whether the application of Virginia Public Service Company (File No. 70-427), as amended, to issue refunding bonds to the extent that it proposes to refund said \$1,200,000 of bonds held by General Gas & Electric Corporation, can be considered "solely for the purpose of financing the business" of said company, and whether to that extent exemption can be granted under section 6 (b) of the Act.

4. Whether, in the event that, and to the extent, if any, it should be determined that any of said \$1,200,000 of bonds of Virginia Public Service Company are lawful and valid obligations in the hands of said General Gas & Electric Corporation, said General Gas & Electric Corporation should, in realizing upon such obligations, be limited to its cost.

It is further ordered, That jurisdiction be and is hereby reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues or questions which may arise in any of the proceedings herein or heretofore consolidated and to take such other action as may appear necessary to the orderly and economical disposition of the issues involved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-3875; Filed, April 25, 1942;
10:15 a. m.]

[File No. 70-492]

IN THE MATTER OF CRESCENT PUBLIC SERVICE COMPANY, G. M. DUNNE, AND D. E. DUNNE, JR.

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its

office in the City of Philadelphia, Pennsylvania, on the 24th day of April, A. D. 1942.

Crescent Public Service Company, a registered holding company, having filed a declaration and amendments thereto pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and Rule U-44 of the Commission promulgated thereunder, and regarding the proposed sale by Crescent Public Service Company for \$80,500 of all of the outstanding securities of its subsidiary company, The Caney Electric Company, such securities consisting of 248 shares of common stock, \$100 par value, and a 7% unsecured promissory note, payable on demand, in the original principal amount of \$31,467.73, of which there remains unpaid the sum of \$30,000; and a declaration and amendments thereto pursuant to sections 10 and 12 (c) of said Act and Rule U-42 thereunder regarding the proposed utilization by Crescent Public Service Company of said \$80,500 for the purchase, on the open market, and retirement of its Collateral Trust 6% Income Bonds, Series D, due October 1, 1954;

G. M. Dunne and D. E. Dunne, Jr., as individuals, having filed a declaration, and amendments thereto, pursuant to section 10 of said Act, regarding the purchase of the above described securities of The Caney Electric Company;

Crescent Public Service Company having consented to separate treatment of its declaration regarding the proposed sale by that company of the securities of The Caney Electric Company from its declaration regarding the utilization of the proceeds of said sale and having requested that its declaration with respect to said sale be permitted to become effective at once by order of the Commission;

Said declarations, as amended, having been filed on January 30, 1942 and amendments thereto having been filed on February 25, and April 14, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act and the Commission not having received a request for a hearing with respect to said declarations within the period specified in said notice or otherwise and not having ordered a hearing thereon except as hereinafter set forth;

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration pursuant to section 12 (d) of said Act with respect to the proposed sale by Crescent Public Service Company of the above referred to securities of The Caney Electric Company and said declaration by G. M. Dunne and D. E. Dunne, Jr. pursuant to section 10 of said Act relative to the acquisition of said securities to become effective, and finding with respect to said declaration pursuant to section 12 (d) and Rule U-44 that the requirements of said section and said Rule are satisfied, and finding with respect to said declaration under section 10 of said Act that no adverse findings are necessary under section 10 (b) and 10 (c) (1) and that the transaction involved has the tendency required by section 10 (c) (2); and

It appearing to the Commission that it is appropriate in the public interest and the interest of investors to hold a hearing with respect to the declaration of Crescent Public Service Company regarding the use of the proceeds to be received by that company from the sale of all of the securities of The Caney Electric Company.

It is hereby ordered, pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that said declaration, as amended, of Crescent Public Service Company with respect to its sale of securities of The Caney Electric Company and said declaration, as amended, by G. M. Dunne and D. E. Dunne, Jr. with respect to the acquisition thereof be and the same hereby are permitted to become effective, forthwith;

It is further ordered, That, under the applicable provisions of said Act and Rules of the Commission thereunder, a hearing on said declaration, as amended, of Crescent Public Service Company with respect to the utilization of the proceeds of the proposed sale of the securities of The Caney Electric Company for the purchase and retirement of its Collateral Trust 6% Income Bonds be held on the 11th day of May, 1942, at 10:00 A. M., E. W. T., at the office of 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.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on 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 the issue presented by said declaration, as amended, and to be considered at the hearing herein ordered, particular attention will be directed at such hearing to the question of whether the proposal of Crescent Public Service Company to purchase its Collateral Trust 6% Income Bonds, on the open market, and to retire the bonds so purchased, satisfies the applicable provisions of said Act, particularly sections 12 (c) and 10 thereof.

Notice of the hearing herein ordered is hereby given to Crescent Public Service Company and to any other person whose presence in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceedings shall file a notice to that effect with the Commission on or before the 5th day of May 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-3676; Filed, April 25, 1942; 10:15 a. m.]

[File No. 70-526]

IN THE MATTER OF CLARENCE A. SOUTHERLAND AND JAY SAMUEL HARTT, TRUSTEES OF THE ESTATE OF MIDLAND UTILITIES COMPANY

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of April, A. D. 1942.

Clarence A. Southerland and Jay Samuel Hartt, Trustees of the Estate of Midland Utilities Company (hereinafter referred to as "Utilities"), a registered holding company, having filed an application pursuant to section 10 of the Public Utility Holding Company Act of 1935 and a declaration pursuant to section 12 (f) of the said Act, and Rule U-43 promulgated thereunder, regarding the exchange by Utilities of the securities which it owns in its subsidiary, Chicago South Shore and South Bend Railroad (hereinafter referred to as the "Railroad"), pursuant to a proposed plan of recapitalization of the Railroad which provides for a reduction of the capitalization of the Railroad and a simplification of its capital structure by eliminating the presently outstanding common stock and issuing new common stock to the holders of the presently outstanding First Preferred and Second Preferred Stocks in exchange for the latter securities.

The Railroad being subject to the jurisdiction of the Interstate Commerce Commission and the Interstate Commerce Commission having approved the issuance of the proposed securities in connection with the recapitalization of the Railroad; and

Said application and declaration having been filed on April 6, 1942, and notice of said filing having been duly given in form and manner prescribed by Rule U-23 promulgated pursuant to said Act and the Commission not having received a request for a hearing with respect to said application and declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission making no adverse findings on the said application pursuant to section 10 of the said Act and, finding with respect to said declaration pursuant to section 12 (f) of the said Act and Rule U-43 promulgated thereunder that such section of the Act and such Rule are satisfied;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application be and it is hereby granted, and that the aforesaid declaration be and it is hereby permitted to become effective forthwith.

It is further ordered, That nothing herein contained shall constitute any determination with respect to whether Midland Utilities Company may retain the aforesaid interest in the securities of said Chicago South Shore and South

Bend Railroad within the standards of section 11 of the Holding Company Act.

By the Commission, Commissioner Healy dissenting for the reasons stated in his memorandum of April 1, 1940.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-3677; Filed, April 25, 1942; 10:16 a. m.]

[File No. 70-509]

IN THE MATTER OF NORTHERN STATES POWER COMPANY (MINNESOTA), PEOPLES NATURAL GAS COMPANY (DELAWARE), AND NORTHERN NATURAL GAS COMPANY, DELAWARE)

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 24th day of April, A. D. 1942.

A joint application and declaration having been filed with this Commission by the above-named parties pursuant to sections 10 and 12 (d) of the Public Utility Holding Company Act of 1935 and Rule U-44 thereunder; and

The said joint application and declaration concerning the proposed sale by Peoples Natural Gas Company, a wholly owned subsidiary of Northern Natural Gas Company which is a registered holding company, and the acquisition by Northern States Power Company, also a registered holding company, of certain gas utility assets located within the City of St. Paul, Minnesota, for \$1.00 in cash; and

It appearing to the Commission that it is appropriate and in the public interest, and in the interests of investors and consumers that a hearing be held with respect to said joint application and declaration, and that said declaration shall not become effective or said application be granted except pursuant to further order of the Commission, and that at said hearing there be considered, among other things, the various matters hereinafter set forth;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the Rules of the Commission there under be held on May 7, 1942, at 10:00 A. M., at the offices of 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.

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at 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.

Notice of such hearing is hereby given to such applicants and declarants, and to any other person whose participation

in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard, or to be admitted as a party to such proceeding, shall file notice to that effect with the Commission on or before May 5, 1942.

It is further ordered, That without limiting the scope of issues presented by said joint application and declaration, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the consideration to be received by Peoples Natural Gas Company is fair and reasonable under all the circumstances.

(2) The amount of any loss resulting from the proposed sale and whether any such loss should be absorbed by Northern Natural Gas Company or by its subsidiary, Peoples Natural Gas Company.

(3) Whether the proposed accounting treatment of the transactions involved is in accordance with generally accepted accounting principles.

(4) Generally, whether the proposed sale and acquisition are in accordance with the provisions of the Act and the Rules and Regulations thereunder and are consistent with the public interest and the interest of investors and consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-3700; Filed, April 27, 1942;
9:58 a. m.]