

# FEDERAL REGISTER

VOLUME 7 1934 NUMBER 59

WASHINGTON, THURSDAY, MARCH 26, 1942

## The President

### EXECUTIVE ORDER 9110

#### ENLARGING THE FORT GULICK MILITARY RESERVATION

##### CANAL ZONE

By virtue of the authority vested in me by section 5 of title 2 of the Canal Zone Code, approved June 19, 1934, and as President of the United States, section 1 of Executive Order No. 8737 of April 16, 1941, establishing the Fort Gulick Military Reservation in the Canal Zone, is hereby amended by adding to the area described therein as the Main Reservation the following-described area of land in the Canal Zone, subject to the provisions of section 2 of that order:

Beginning at Monument No. 22, which is a 2½-inch galvanized iron pipe set in concrete on the western boundary of the Fort Gulick Military Reservation, as described in section 1 of the said Executive Order No. 8737 of April 16, 1941;

Thence from the said initial point, by metes and bounds:

S. 89°58'00" W., a distance of 100.00 feet; thence N. 10°16'09" W., a distance of 1,575.69 feet; thence N. 89°58'00" E., a distance of 380.00 feet to Monument No. 25, which is a 2½-inch galvanized iron pipe set in concrete on the western boundary of the Fort Gulick Military Reservation; thence S. 00°02'00" E., a distance of 1,550.60 feet through Monuments Nos. 24 and 23 along the said western boundary to the place of beginning.

The additional tract as described herein contains an area of 8.64 acres.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

March 24, 1942.

[F. R. Doc. 42-2596; Filed, March 25, 1942; 11:42 a. m.]

## Rules, Regulations, Orders

### TITLE 7—AGRICULTURE

#### Chapter VII—Agricultural Adjustment Agency, Agricultural Conservation and Adjustment Administration

[ACP-1942-8]

#### PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

##### SUBPART D-1942

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1149, 16 U.S.C. 590g to 590q) as amended, the 1942 Agricultural Conservation Program,<sup>1</sup> as amended, is further amended as follows:

1. Section 701.301 (a) (1) is amended to read as follows:

§ 701.301 *Allotments, yields, grazing capacities, payments, and deductions—*  
(a) *Corn—*(1) *National and State acreage allotments.* The State acreage allotment of corn for each State in the commercial corn-producing area and the total corn acreage allotment for such area (the National allotment) are as follows:

##### State and Corn Allotment

Illinois, 7,225,235; Indiana, 3,550,009; Iowa, 9,054,584; Michigan, 433,194; Minnesota, 3,486,490; Missouri, 3,259,272; Nebraska, 6,579,778; Ohio, 2,638,739; South Dakota, 1,546,824; Wisconsin, 731,210; Delaware, 51,605; Kansas, 1,772,450; Kentucky, 354,870; Maryland, 249,154; and Pennsylvania, 404,586.

Total (National Allotment), 41,338,000.

2. Section 701.301 (a) (2) is amended to read as follows:

<sup>1</sup> 7 FR. 1825.

## CONTENTS

### THE PRESIDENT

Executive Order:	Page
Fort Gulick Military Reservation, Canal Zone, enlargement.....	2287

### RULES, REGULATIONS, ORDERS

TITLE 7—AGRICULTURE:	
Agricultural Adjustment Agency:	
Conservation program, 1942, supplement.....	2287
Corn, county acreage allotments, 1942.....	2288
Sugar Service:	
Mainland area, proportionate shares for farms, 1942 crop .....	2289
TITLE 8—ALIENS AND NATIONALITY:	
Alien Property Custodian:	
Receipt and disposition of claims.....	2290
TITLE 30—MINERAL RESOURCES:	
Bituminous Coal Division:	
Minimum price schedules, relief orders, etc.:	
District 8.....	2290
District 10 (2 documents) ..	2293, 2294
TITLE 32—NATIONAL DEFENSE:	
Office of Price Administration:	
Automobile rationing regulations amended.....	2305
Price schedules, amendments, etc.:	
Containers; second hand bags .....	2300
Cotton textiles; bed linens (2 documents) .....	2299, 2300
Fuel:	
Pennsylvania grade crude oil .....	2304
Petroleum and petroleum products.....	2304
Iron and steel products (2 documents) .....	2298, 2299

(Continued on next page)	
	2287





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.

### CONTENTS—Continued

<b>TITLE 32—NATIONAL DEFENSE—CON.</b>	
Office of Price Administration—Continued.	
Price schedules, amendments, etc.—Continued.	Page
Meat products; dressed hogs and wholesale pork cuts (2 documents).....	2306, 2307
Radio receivers and phonographs (2 documents).....	2302, 2303
Parts.....	2303
Refrigerators, household mechanical.....	2311
Stoves and ranges.....	2304
Typewriters (2 documents).....	2216, 2217
Vacuum cleaners and attachments.....	2307
Washing and ironing machines.....	2315
<b>War Production Board:</b>	
Limitation orders:	
Metal plastering bases and accessories.....	2296
Metal signs.....	2295
Metal windows.....	2298
Razors and razor blades.....	2297
Wool, conservation order amended.....	2296
<b>TITLE 36—PARKS AND FORESTS:</b>	
Forest Service:	
Timber, modification of regulation S-2.....	2319
<b>TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF:</b>	
Veterans' Administration:	
Patient's personal effects and funds, disposition upon death or discharge.....	2319
<b>TITLE 46—SHIPPING:</b>	
War Shipping Administration:	
Passenger vessels, uniform bareboat charter.....	2320
<b>NOTICES</b>	
Civil Aeronautics Board:	
Eastern Air Lines, Inc., notice of oral argument.....	2325

### CONTENTS—Continued

<b>Department of Agriculture:</b>	Page
Agricultural Marketing Administration:	
Toledo, Ohio, milk marketing area, hearing on proposed amendment to marketing agreement.....	2324
<b>Department of the Interior:</b>	
Bituminous Coal Division:	
Almond, Richard, and George Galbavy, code membership restored.....	2321
Booth, Inc., application for disposition without formal hearing.....	2321
Hearings, postponements, etc.:	
Delta Coal Mining Co.....	2322
Gerard and Rumble.....	2322
Sheban Mining Co.....	2323
Weiderkehr, Francis.....	2322
<b>Securities and Exchange Commission:</b>	
Filing notices:	
Central Kansas Power Co.....	2326
Florida Power Corp., and Florida West Coast Towing Co.....	2326
Hearings:	
Miller and Hart, Inc.....	2326
Sivyer Steel Casting Co.....	2325
York Railways Co.....	2325
Louisville Gas and Electric Co. (Ky.), and Standard Gas and Electric Co., order amended.....	2327
<b>War Department:</b>	
Military Areas Nos. 1 and 2 designated and established.....	2320

(2) *County acreage allotments.* The 1942 county corn acreage allotments shall be the revised 1942 county corn acreage allotments approved by the Secretary pursuant to the provisions of Title III of the Agricultural Adjustment Act of 1938, as amended. (Secs. 7 to 17, inclusive, of the Act (49 Stat. 1149, 16 U.S.C. 1940 ed 590g to 590q)

Done at Washington, D. C., this 24th day of March 1942. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 42-2549; Filed, March 24, 1942; 12:16 p. m.]

### PART 721—CORN

#### PROCLAMATIONS AND DETERMINATIONS RELATING TO CORN ALLOTMENTS—DETERMINATION OF COUNTY CORN ACREAGE ALLOTMENTS FOR 1942—REVISED

Pursuant to the authority vested in the Secretary of Agriculture under section 329 (a) of the Agricultural Adjustment Act of 1938, as amended, the revised corn acreage allotment for the commercial corn-producing area for 1942 as established by the proclamation dated March 3, 1942,<sup>1</sup> is hereby apportioned among the commercial corn-producing counties, hereby superseding the determination

of county corn acreage allotments for 1942,<sup>2</sup> approved December 31, 1941, as follows:

#### § 721.403 *County corn acreage allotments for 1942.*

*Illinois:* Adams, 71,886; Alexander, 19,614; Bond, 31,073; Boone, 42,770; Brown, 28,347; Bureau, 161,048; Calhoun, 16,884; Carroll, 56,638; Cass, 47,417; Champaign, 203,822; Christian, 102,736; Clark, 50,502; Clay, 41,015; Clinton, 38,207; Coles, 77,663; Cook, 47,278; Crawford, 42,452; Cumberland, 37,745; De Kalb, 123,637; De Witt, 78,020; Douglas, 75,668; Du Page, 34,385; Edgar, 96,569; Edwards, 23,032; Effingham, 41,752; Fayette, 64,089; Ford, 103,930; Fulton, 101,258; Gallatin, 37,348; Greene, 65,803; Grundy, 88,741; Hamilton, 32,825; Hancock, 86,643; Hardin, 9,827; Henderson, 56,587; Henry, 147,536; Iroquois, 225,398; Jackson, 36,834; Jasper, 50,608; Jersey, 32,309; Jo Daviess, 46,980; Johnson, 20,386; Kane, 80,280; Kankakee, 118,741; Kendall, 60,798; Knox, 110,032; Lake, 32,856; La Salle, 229,759; Lawrence, 38,959; Lee, 129,197; Livingston, 228,615; Logan, 114,147; McDonough, 90,101; McHenry, 85,811; McLean, 255,252; Macon, 104,170; Macoupin, 80,823; Madison, 59,342; Marion, 39,454; Marshall, 66,566; Mason, 73,681; Massac, 18,198; Menard, 45,508; Mercer, 89,121; Monroe, 24,331; Montgomery, 68,344; Morgan, 80,251; Moultrie, 58,661; Ogle, 115,532; Peoria, 79,496; Perry, 25,411; Piatt, 80,666; Pike, 79,144; Pope, 16,830; Pulaski, 18,908; Putnam, 25,073; Randolph, 34,860; Richland, 31,335; Rock Island, 55,288; St. Clair, 47,508; Saline, 32,455; Sangamon, 135,462; Schuyler, 40,396; Scott, 36,410; Shelby, 101,543; Stark, 55,405; Stephenson, 72,843; Tasewell, 102,171; Union, 23,920; Vermilion, 155,362; Wabash, 25,476; Warren, 101,006; Washington, 32,434; Wayne, 55,944; White, 60,573; Whiteside, 115,662; Will, 128,173; Winnebago, 65,816; and Woodford, 93,872. State, 7,225,235.

*Indiana:* Adams, 34,589; Allen, 63,678; Bartholomew, 42,133; Benton, 81,108; Blackford, 18,805; Boone, 62,235; Carroll, 53,599; Cass, 54,581; Clay, 30,216; Clinton, 62,038; Daviess, 42,929; Dearborn, 17,860; Decatur, 45,691; DeKalb, 30,541; Delaware, 49,653; Dubois, 26,484; Elkhart, 37,508; Fayette, 24,314; Fountain, 46,750; Franklin, 31,556; Fulton, 45,539; Gibson, 51,922; Grant, 51,566; Greene, 36,409; Hamilton, 55,807; Hancock, 45,767; Hendricks, 54,638; Henry, 54,127; Howard, 40,754; Huntington, 41,126; Jackson, 37,356; Jasper, 76,915; Jay, 38,937; Jennings, 21,303; Johnson, 42,197; Knox, 61,922; Kosciusko, 56,772; Lagrange, 34,083; Lake, 45,498; La Porte, 63,665; Lawrence, 24,096; Madison, 63,553; Marion, 35,261; Marshall, 48,048; Martin, 15,225; Miami, 45,780; Monroe, 17,512; Montgomery, 65,562; Morgan, 40,658; Newton, 58,501; Noble, 37,296; Orange, 22,056; Owen, 18,763; Parke, 40,337; Pike, 24,306; Porter, 40,440; Posey, 47,632; Pulaski, 51,101; Putnam, 43,369; Randolph, 60,718; Ripley, 30,975; Rush, 65,713; St. Joseph, 40,410; Scott, 11,824;

<sup>1</sup> 7 F.R. 1663.

<sup>2</sup> 7 F.R. 61.



Shelby, 62,417; Spencer, 31,026; Starke, 32,869; Steuben, 22,759; Sullivan, 43,365; Tippecanoe, 73,765; Tipton, 40,616; Union, 20,793; Vanderburgh, 20,574; Vermillion, 30,503; Vigo, 44,094; Wabash, 47,354; Warren, 53,734; Warrick, 27,762; Washington, 29,208; Wayne, 48,695; Wells, 46,124; White, 81,226; and Whitely, 31,418. State, 3,550,009.

*Iowa:* Adair, 95,362; Adams, 67,490; Allamakee, 40,468; Appanoose, 35,114; Audubon, 80,908; Benton, 119,885; Black Hawk, 91,199; Boone, 112,236; Bremer, 61,510; Buchanan, 92,298; Buena Vista, 117,857; Butler, 98,798; Calhoun, 118,950; Carroll, 113,362; Cass, 104,276; Cedar, 89,406; Cerro Gorde, 96,325; Cherokee, 109,936; Chickasaw, 67,112; Clarke, 47,049; Clay, 106,800; Clayton, 70,235; Clinton, 111,415; Crawford, 132,680; Dallas, 113,790; Davis, 36,885; Decatur, 48,246; Delaware, 81,350; Des Moines, 52,276; Dickinson, 67,090; Dubuque, 61,655; Emmet, 74,590; Fayette, 89,571; Floyd, 84,064; Franklin, 113,670; Fremont, 125,172; Greene, 123,740; Grundy, 90,828; Guthrie, 98,273; Hamilton, 118,016; Hancock, 104,876; Hardin, 110,148; Harrison, 149,494; Henry, 56,565; Howard, 54,891; Humboldt, 88,793; Ida, 89,509; Iowa, 82,903; Jackson, 57,472; Jasper, 125,668; Jefferson, 51,276; Johnson, 88,497; Jones, 71,353; Keokuk, 84,948; Kossuth, 187,788; Lee, 41,671; Linn, 102,321; Louisa, 57,016; Lucas, 40,198; Lyon, 111,069; Madison, 79,355; Mahaska, 91,428; Marion, 80,478; Marshall, 100,705; Mills, 97,330; Mitchell, 66,715; Monona, 138,262; Monroe, 35,673; Montgomery, 82,851; Muscatine, 61,949; O'Brien, 109,595; Osceola, 75,414; Page, 99,290; Palo Alto, 107,711; Plymouth, 172,411; Pocahontas, 120,640; Polk, 94,280; Pottawattamie, 208,253; Poweshiek, 95,224; Ringgold, 61,349; Sac, 116,337; Scott, 66,649; Shelby, 121,871; Sioux, 151,897; Story, 122,055; Tama, 110,627; Taylor, 78,106; Union, 55,482; Van Buren, 35,297; Wapello, 45,231; Warren, 76,714; Washington, 84,562; Wayne, 51,510; Webster, 136,315; Winnebago, 69,797; Winneshiek, 72,235; Woodbury, 186,962; Worth, 59,485; and Wright, 118,196. State, 9,054,584.

*Michigan:* Berrien, 27,926; Branch, 36,181; Calhoun, 35,728; Cass, 31,450; Hillsdale, 39,361; Jackson, 33,937; Kalamazoo, 26,105; Lenawee, 63,190; Monroe, 48,608; St. Joseph, 34,091; Washtenaw, 40,765; and Wayne, 15,852. State, 433,194.

*Minnesota:* Big Stone, 46,062; Blue Earth, 106,301; Brown, 76,848; Carver, 32,100; Chippewa, 84,072; Cottonwood, 96,602; Dakota, 54,154; Dodge, 50,120; Faribault, 109,155; Fillmore, 62,020; Freeborn, 90,406; Goodhue, 52,806; Grant, 45,489; Hennepin, 30,076; Houston, 30,207; Jackson, 115,822; Kandiyohi, 79,322; Lac Qui Parle, 99,785; Le Sueur, 44,329; Lincoln, 65,239; Lyon, 109,937; McLeod, 50,602; Martin, 130,328; Meeker, 58,965; Mower, 78,811; Murray, 111,725; Nicollet, 50,236; Nobles, 124,286; Olmsted, 62,244; Pipestone, 73,390; Pope, 43,304; Redwood, 134,888; Renville, 131,785; Rice, 49,843; Rock, 85,018; Scott, 30,948; Sibley, 62,029; Stearns, 95,479; Steele, 50,618; Stevens, 62,898; Swift, 78,583; Traverse, 55,360; Wabasha, 33,645; Waseca, 51,411; Washington,

30,039; Watonwan, 69,761; Winona, 33,934; Wright, 56,698; and Yellow Medicine, 105,810. State, 3,486,490.

*Missouri:* Adair, 32,932; Andrew, 51,818; Atchison, 118,796; Audrain, 80,344; Bates, 82,844; Benton, 36,714; Boone, 46,763; Buchanan, 40,628; Caldwell, 49,269; Callaway, 43,644; Cape Girardeau, 37,761; Carroll, 72,105; Cass, 73,627; Chariton, 69,524; Clark, 36,902; Clay, 34,226; Clinton, 51,542; Cooper, 42,801; Daviess, 54,815; De Kalb, 50,224; Dunklin, 54,938; Gentry, 50,687; Grundy, 36,048; Harrison, 57,517; Henry, 70,536; Holt, 77,924; Howard, 33,280; Jackson, 46,700; Johnson, 65,733; Knox, 41,215; Lafayette, 72,927; Lewis, 33,448; Lincoln, 44,276; Linn, 47,164; Livingston, 46,818; Macon, 62,737; Marion, 33,226; Mercer, 30,767; Mississippi, 51,416; Moniteau, 24,186; Monroe, 55,889; Montgomery, 38,915; New Madrid, 73,746; Nodaway, 128,820; Pemiscot, 44,240; Perry, 22,206; Pettis, 60,384; Pike, 50,854; Platte, 35,998; Putnam, 28,975; Ralls, 40,724; Randolph, 35,242; Ray, 67,548; St. Charles, 32,366; St. Clair, 48,551; Saline, 92,362; Schuyler, 15,795; Scotland, 30,052; Scott, 43,738; Shelby, 44,672; Stoddard, 73,913; Vernon, 78,159; and Worth, 27,301. State, 3,259,272.

*Nebraska:* Adams, 77,081; Antelope, 154,178; Boone, 136,655; Buffalo, 152,126; Burt, 112,021; Butler, 109,526; Cass, 121,353; Cedar, 149,775; Chase, 98,154; Clay, 88,987; Colfax, 75,571; Cuming, 118,380; Custer, 272,597; Dakota, 51,984; Dawson, 136,613; Dixon, 100,892; Dodge, 108,589; Douglas, 62,443; Fillmore, 97,572; Franklin, 81,865; Frontier, 127,724; Furnas, 112,501; Gage, 132,853; Gosper, 79,398; Greeley, 78,203; Hall, 74,679; Hamilton, 100,573; Harlan, 86,980; Hayes, 83,382; Hitchcock, 70,096; Howard, 74,256; Jefferson, 75,403; Johnson, 56,748; Kearney, 69,671; Knox, 163,922; Lancaster, 142,417; Lincoln, 176,539; Madison, 121,679; Merrick, 67,736; Nance, 79,184; Nemaha, 74,932; Nuckolls, 90,971; Otoe, 112,619; Pawnee, 58,210; Perkins, 124,118; Phelps, 98,751; Pierce, 109,644; Platte, 142,728; Polk, 89,056; Red Willow, 93,027; Richardson, 94,382; Saline, 78,995; Sarpy, 51,704; Saunders, 160,752; Seward, 104,888; Sherman, 76,459; Stanton, 82,476; Thayer, 83,647; Thurston, 90,886; Valley, 87,987; Washington, 79,217; Wayne, 101,514; Webster, 89,910; and York, 122,599. State, 6,579,778.

*Ohio:* Adams, 29,009; Allen, 40,869; Ashland, 24,687; Auglaize, 45,625; Brown, 39,569; Butler, 49,144; Champaign, 50,620; Clark, 47,671; Clermont, 35,784; Clinton, 56,020; Coshocton, 20,685; Crawford, 37,362; Darke, 79,674; Defiance, 34,856; Delaware, 40,265; Erie, 18,474; Fairfield, 48,837; Fayette, 59,725; Franklin, 50,158; Fulton, 43,818; Greene, 53,337; Hamilton, 15,425; Hancock, 61,966; Hardin, 52,123; Henry, 55,235; Highland, 53,253; Holmes, 21,991; Huron, 36,180; Jackson, 10,821; Knox, 33,670; Licking, 47,315; Logan, 44,725; Lorain, 25,826; Lucas, 23,719; Madison, 66,214; Marion, 47,591; Medina, 23,538; Mercer, 50,171; Miami, 52,289; Montgomery, 46,014; Morrow, 30,094; Muskingum, 23,021; Ottawa, 19,885; Paulding, 50,130; Perry, 16,531; Pickaway, 66,877; Pike, 23,030; Preble, 55,001; Putnam, 58,707; Richland, 29,709; Ross, 57,475; Sandusky, 42,787;

Scioto, 22,972; Seneca, 54,187; Shelby, 45,665; Stark, 28,931; Union, 44,282; Van Wert, 52,277; Warren, 43,472; Wayne, 40,140; Williams, 35,454; Wood, 83,025; and Wyandot, 40,832. State, 2,638,739.

*South Dakota:* Bon Homme, 82,337; Brookings, 109,054; Clay, 83,187; Deuel, 50,226; Grant, 52,442; Hamlin, 48,640; Hanson, 61,345; Hutchinson, 98,755; Kingsbury, 85,820; Lake, 87,837; Lincoln, 113,523; McCook, 91,032; Minnehaha, 142,704; Moody, 89,033; Roberts, 74,712; Turner, 102,408; Union, 95,681; and Yankton, 78,088. State, 1,546,824.

*Wisconsin:* Columbia, 67,209; Crawford, 23,948; Dane, 115,594; Grant, 87,825; Greene, 55,382; Iowa, 44,126; Jefferson, 49,203; Lafayette, 59,084; Richland, 26,714; Rock, 86,724; Sauk, 55,086; and Walworth, 60,315. State, 731,210.

*Delaware:* Kent, 33,026; and New Castle, 18,579. State, 51,605.

*Kansas:* Anderson, 44,825; Atchison, 48,114; Brown, 91,418; Coffey, 49,047; Doniphan, 61,951; Douglas, 35,837; Franklin, 48,634; Jackson, 74,845; Jefferson, 55,027; Jewell, 106,165; Johnson, 40,317; Leavenworth, 35,136; Linn, 50,673; Marshall, 121,834; Miami, 59,253; Nemaha, 112,625; Norton, 102,193; Osage, 68,397; Phillips, 99,543; Pottawatomie, 66,913; Republic, 97,881; Riley, 43,264; Shawnee, 46,812; Smith, 112,098; and Washington, 99,648. State, 1,772,450.

*Kentucky:* Ballard, 28,875; Carlisle, 18,084; Crittenden, 24,794; Daviess, 41,910; Fulton, 23,540; Hancock, 12,540; Henderson, 60,863; Hickman, 28,072; Livingston, 24,079; McLean, 21,978; Union, 41,184; and Webster, 28,951. State, 354,870.

*Maryland:* Baltimore, 19,530; Caroline, 20,506; Carroll, 29,539; Cecil, 15,216; Frederick, 42,034; Harford, 17,540; Howard, 11,783; Kent, 18,614; Montgomery, 22,697; Queen Anne's, 24,755; and Washington, 26,940. State, 249,154.

*Pennsylvania:* Adams, 31,855; Berks, 43,860; Chester, 41,033; Cumberland, 33,792; Dauphin, 22,001; Franklin, 40,304; Fulton, 9,933; Lancaster, 74,698; Lebanon, 22,738; Perry, 17,147; and York, 67,225. State, 404,586.

(Sec. 329 (a) of the Act (52 Stat. 52; 7 U.S.C. 1940 ed. 1329 (a))

Done at Washington, D. C., this 24th day of March 1942. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 42-2550; Filed, March 24, 1942; 12:16 p. m.]

#### Chapter VIII—Sugar Service, Agricultural Conservation and Adjustment Administration

##### PART 802—SUGAR DETERMINATIONS

##### DETERMINATION OF PROPORTIONATE SHARES FOR FARMS IN THE MAINLAND CANE SUGAR AREA FOR THE 1942 CROP

Whereas, section 302 of the Sugar Act of 1937, as amended, provides in part as follows:

(a) The amount of sugar or liquid sugar with respect to which payment may be made



shall be the amount of sugar or liquid sugar commercially recoverable, as determined by the Secretary, from the sugar beets or sugarcane grown on the farm and marketed (or processed by the producer) not in excess of the proportionate share for the farm, as determined by the Secretary, of the quantity of sugar beets or sugarcane for the extraction of sugar or liquid sugar required to be processed to enable the producing area in which the crop of sugar beets or sugarcane is grown to meet the quota (and provide a normal carry-over inventory) estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed.

(b) In determining the proportionate shares with respect to a farm, the Secretary may take into consideration the past production on the farm of sugar beets and sugarcane marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugar beets or sugarcane, and the Secretary shall, insofar as practicable, protect the interests of new producers and small producers and the interests of producers who are cash tenants, share-tenants, adherent planters, or share-croppers;

And whereas, subsection (c) of section 301 of the said act provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

(c) That there shall not have been marketed (or processed) an amount (in terms of planted acreage, weight, or recoverable sugar content) of sugar beets or sugarcane grown on the farm and used for the production of sugar or liquid sugar to be marketed in, or so as to compete with or otherwise directly affect interstate or foreign commerce, in excess of the proportionate share for the farm, as determined by the Secretary pursuant to the provisions of section 302, of the total quantity of sugar beets or sugarcane required to be processed to enable the area in which such sugar beets or sugarcane are produced to meet the quota (and provide a normal carry-over inventory) as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed;

Now, therefore, the following determination is hereby issued:

§ 802.26d *Proportionate shares of sugarcane for the mainland cane sugar area for the 1942 crop*—(a) *Farm proportionate share.* The proportionate share of sugarcane for the 1942 crop for any farm in the mainland cane sugar area shall be the number of acres planted thereon for the production of sugarcane to be marketed (or processed by the producer) for the extraction of sugar or liquid sugar during the 1942 crop season.

(b) *Tenant and sharecropper protection.* The provisions of this determination are subject to the following conditions:

(1) That no change shall have been made in the leasing or cropping agreements for the purpose of diverting to producers any payment to which tenants or sharecroppers would be entitled if their 1941 leasing or cropping agreements were in effect;

(2) That there shall have been no interference by any producer with any contracts heretofore entered into by tenants or sharecroppers for the sale of their sugarcane or their share of the sugar-

cane produced on the farm. (Sec. 302, 50 Stat. 910; 7 U.S.C., 1132)

Done at Washington, D. C., this 24th day of March 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CLAUDE R. WICKARD,  
Secretary.

[F. R. Doc. 42-2548; Filed, March 24, 1942; 12:16 p. m.]

## TITLE 8—ALIENS AND NATIONALITY

### Chapter II—Office of the Alien Property Custodian

#### PART 501—REGULATIONS RELATING TO PROPERTY VESTED IN THE ALIEN PROPERTY CUSTODIAN

These regulations are prescribed and issued by virtue of the authority vested in the Alien Property Custodian by the President pursuant to section 5 (b) of the Trading with the enemy Act, as amended by section 301 of the First War Powers Act, 1941.

§ 501.1 *Receipt and disposition of claims.* The following procedure is hereby established for the receipt and disposition of claims to property vested in the Alien Property Custodian pursuant to section 5 (b) of the Trading with the enemy Act, as amended by section 301 of the First War Powers Act, 1941:

(a) Claims to property vested in the Alien Property Custodian pursuant to section 5 (b) of the Trading with the enemy Act, as amended, shall be filed with the Alien Property Custodian on Form APC-1 in triplicate. Such claims shall be filed within such time, after the vesting in the Alien Property Custodian of the property to which they relate, as the Custodian shall prescribe. Form APC-1 may be obtained from the Alien Property Custodian, Washington, D. C. The original of each claim shall be executed under oath before an officer authorized to administer oaths, or if executed outside of the United States, before a diplomatic or consular officer of the United States.

(b) There shall be a committee to be known as the Vested Property Claims Committee, to be composed of three members designated by the Alien Property Custodian. The members of the Committee shall designate one of their number to be Chairman. The Committee is empowered to hear claims respecting property vested in the Alien Property Custodian pursuant to section 5 (b) of the Trading with the enemy Act, as amended, in accordance with rules and procedures to be formulated by the Committee. The Committee shall have all powers necessary to carry out its functions, including the power to call witnesses and to compel the production of books of accounts, records, contracts, memoranda, and other papers.

(c) The Alien Property Custodian shall transmit to the Committee claims relating to property vested in the Alien Property Custodian pursuant to section

5 (b) of the Trading with the enemy Act, as amended.

(d) Appropriate notice of hearing shall be given by the Committee at least 10 days before the time set for the hearing. This requirement of notice may be waived by any claimant.

(e) Claimants and the Alien Property Custodian shall be entitled to representation by counsel, or otherwise, before the Committee.

(f) The Committee shall have a seal which shall be affixed to all exemplifications of the records and such other documents, orders, or notices as the Committee may determine.

(g) A complete record, including a transcript of the testimony, shall be made of any hearing before the Committee. The Committee shall transmit the record, including its findings and recommendations, to the Alien Property Custodian.

(h) The Alien Property Custodian, after the examination of the record, will issue a decision and will give appropriate notice of the decision rendered. The Alien Property Custodian will take appropriate action to effectuate any decision so rendered. (Sec. 5 (b), 40 Stat. 415, 966, sec. 2, 48 Stat. 1, 54 Stat. 179, Pub. Law 354, 77th Cong.; E.O. 9095, 7 F.R. 1971)

LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 42-2603; Filed, March 25, 1942; 12:05 p. m.]

## TITLE 30—MINERAL RESOURCES

### Chapter III—Bituminous Coal Division

[Docket No. A-1201]

#### 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 DISTRICT BOARD NO. 8 FOR REVISION OF THE PRICE CLASSIFICATIONS, MINIMUM PRICES, AND SEAM DESIGNATIONS FOR THE COALS OF CERTAIN MINES IN SUBDISTRICTS NOS. 7, 8, AND 9 IN DISTRICT NO. 8

This proceeding was instituted upon a petition filed with the Bituminous Coal Division by District Board No. 8, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The Board in its petition proposed certain changes in the effective minimum prices and in the seam designations heretofore established and designated for the mines of certain code member producers in Buchanan, Russell and Tazewell Counties in Virginia. The petition further requests that certain errors in the listing of the location of mines be corrected.

Pursuant to an Order of the Acting Director, dated December 19, 1941, and after notice to all interested parties, a hearing was held before Joseph A. Huston, a duly designated Examiner of the Division at a hearing room of the Division at Washington, D. C. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard.



Petitioner, District Board 8, as well as Consumers' Counsel appeared. The preparation and filing of a report by the Examiner was waived and the record was thereupon submitted to the undersigned.

The petition of the District Board 8 herein requested a revision of the classifications and effective minimum prices for truck and rail shipments for the coals produced at some forty-seven mines located in Buchanan, Russell and Tazewell Counties, Virginia.

The testimony of the representative of District Board 8 shows that minimum prices were originally established for the coals in question. However, due to errors in properly designating the seams in which the coals were produced or the

counties in which the mines were located, the classifications and minimum prices which were established do not properly reflect the relative value of coals and they are not in proper coordination with other coals produced in District 8. The effect of the changes proposed would be to establish for the mines listed the proper prices applicable to the coals from the seams in which such mines are actually producing.

It appears that in some cases the change in seam designation will result in an increase in the effective minimum price, while in others the change in seam designation will result in a decrease in such prices. However, according to the testimony, the prices proposed for mines

in each of these seams are identical with the prices presently effective for other mines located in the same seam.

The classifications and prices proposed by the Board will, it appears, reflect proper coordination between the coals to which said prices apply and competing coals.

Upon the basis of the uncontroverted evidence, I find that the classifications and minimum prices as well as the seam designations shown in the schedule hereto attached for the coals specified therein are proper and should be established; that such classifications and minimum prices conform in all respects to those heretofore established for comparable coals in District No. 8 and will preserve

the fair competitive opportunities for the producers of said coal.

Now, therefore, it is ordered. That commencing fifteen (15) days from the date hereof, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T-I, and § 328.42 (*General prices for low volatile coals*) is amended by adding thereto Supplement T-II, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: March 16, 1942.

(SEAL) DAN H. WHEELER,  
Acting Director.

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

### § 328.11 Alphabetical list of code members—Supplement R

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

Mine Index No.	Code member	Mine name	High volatile seam	Subdistrict No.	Shipping point	Railroad	Freight origin group	Price classifications by size group Nos.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																								
								For destinations other than Great Lakes												For Great Lakes cargo only																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
								1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17, 18	19, 20, 21	22	23	24	25	26	27	1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17, 18	19, 20, 21	22	23	24	25	26	27																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
2899	Breeding, Arthur.....	Breeding No. 1..	Widow Kennedy <sup>1</sup>	8	Grundy, Va.....	N&W.....	130	K	K	E	E	E	E	E	C	E	C	D	K	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

<sup>1</sup> Indicates change in seam designation.

\* Indicates no change in classification in size group 9 for Great Lakes shipments.



§ 328.34 General prices for high volatile coals in cents per net ton for shipment into all market areas—Supplement T-1—Continued

Code member index	Mine	Mine Index No.	Seam	Base sizes									
				Lump over 2" egg	Lump 2" and under, egg 3' x 6"	Lump 3 1/2" and under, egg 2' x 4"	Egg 2' x 4", 3' x 6"	Slove 3' and under, nut 2' and under	Straight mine run	2' and under slack	3 1/4" and under slack		
SUBDISTRICT NO. 7— VIRGINIA—Continued													
TAZEWELL COUNTY, VA.													
Bandy, C. W. <sup>1</sup>	Bandy's Mine	2447	Jawbone <sup>2</sup>	*265	*245	*220	*220	*215	*210	155	150		
Harrison, G. T. <sup>1</sup>	Fields Scott	2455	Jawbone <sup>2</sup>	*265	*245	*220	*220	*215	*210	155	150		
Harshberger, George <sup>1</sup>	Harshberger	2458	Jawbone <sup>2</sup>	*265	*245	*220	*220	*215	*210	155	150		
Hoops, J. C. <sup>1</sup>	Hoops	2460	Jawbone <sup>2</sup>	*265	*245	*220	*220	*215	*210	155	150		
Lambert, J. R. <sup>1</sup>	Lambert Coal Co.	2449	Jawbone <sup>2</sup>	*265	*245	*220	*220	*215	*210	155	150		
Lester, Jess <sup>1</sup>	Lester	2459	Jawbone <sup>2</sup>	*265	*245	*220	*220	*215	*210	155	150		
Meadows & Willis (M. E. Meadows)	Meadows & Willis	2082	Jawbone <sup>2</sup>	*265	*245	*220	*220	*215	*210	155	150		
Short, Tom <sup>1</sup>	Short Coal Co.	2450	Widow Kennedy <sup>2</sup>	*275	*255	*220	*240	*225	*210	155	150		
WISE COUNTY, VA.													
Castle, N. F. <sup>1</sup>	N. F. Castle Coal Co.	2674	Widow Kennedy	275	255	220	240	225	210	155	150		
SUB-DISTRICT NO. 8— WILLIAMSON													
BUCHANAN COUNTY, VA.													
Austin, Emit	Lambert	2699	Widow Kennedy	*275	*255	*220	*240	*225	*210	*155	*150		
Blankenstreet Coal Co. (Tolbert Street) <sup>1</sup>	Blankenstreet	2705	Widow Kennedy <sup>2</sup>	*275	*255	*220	*240	*225	*210	155	150		
Breeding, Arthur	Breeding No. 1	2899	Widow Kennedy <sup>1</sup>	*275	*255	*220	*240	*225	*210	*155	*150		
Coleman, Auty <sup>1</sup>	Chambers	3079	Splash Dam <sup>2</sup>	*265	*245	*220	230	*215	*210	*180	*175		
Compton, Edward	Russell Fork Coal Co.	3304	Tiller <sup>1</sup>	*265	*245	*220	220	*215	*210	*155	*150		
Compton, Ivan	Little Hatchet Coal Company	2947	Tiller <sup>1</sup>	*265	*245	*220	220	*215	*210	*155	*150		
Hurt, Isaac	Hurt C. Co.	5031	Tiller <sup>2</sup>	*265	*245	*220	*220	*215	*210	*155	*150		
James, Dave	James	3326	Jawbone <sup>2</sup>	*265	*245	*220	*220	*215	*210	*155	*150		
Leitch, W. O.	Leitch	3323	Jawbone <sup>2</sup>	*265	*245	*220	*220	*215	*210	155	150		
Martin Bros. (Bert Martin)	Martin Bros.	2984	Widow Kennedy <sup>2</sup>	*275	*255	220	*240	*225	210	155	150		
Ratliff, Luther	Ratliff C. Co.	3348	Jawbone <sup>2</sup>	*265	*245	*220	*220	*215	*210	*155	*150		
Van Dyke, C. H. <sup>1</sup>	Sandy Mountain Coal Co.	2444	Widow Kennedy <sup>2</sup>	*275	*255	*220	*240	*225	*210	155	150		
Viers, Stanford <sup>1</sup>	Viers	2445	Splash Dam <sup>2</sup>	*265	*245	*220	*230	*215	*210	*180	*175		
Yates & Smith (T. E. Smith) <sup>1</sup>	Yates & Smith	2446	Widow Kennedy <sup>2</sup>	*275	*255	*220	*240	*225	*210	155	150		

<sup>1</sup> Denotes correction of county location.

<sup>2</sup> Indicates change in seam designation.

<sup>3</sup> Denotes transfer from Low Volatile Section.

\* Indicates change in price classification from previous price classification for the respective size groups.

# FOR TRUCK SHIPMENTS

§ 328.34 General prices for high volatile coals in cents per net ton for shipment into all market areas—Supplement T-1

Code member index	Mine	Mine Index No.	Seam	Base sizes							
				Lump over 2" egg	Lump 2" and under, egg 3" x 6"	Lump 3" and under, egg 2" x 4"	Slove 2" and under, nut 2" and under	Straight mine run	2" and under slack	3/4" and under slack	
SUBDISTRICT NO. 7— VIRGINIA  DICKINSON COUNTY, VA.  Austin Gap Coal Company, Inc. (J. P. Wolfe). <sup>1</sup>	Austin Gap Coal Co.	2671	Upper Banner	265	245	220	220	215	210	155	150
	E. F. Barker Coal Co.	2263	Widow Kennedy <sup>1</sup>	*275	*255	220	*240	*225	210	155	150
	Barnhart	2204	Widow Kennedy <sup>1</sup>	*275	*255	220	*240	*225	210	155	150
	Blue Eagle Coal Co. (B. F. McGlothlin).	2210	Upper Banner <sup>1</sup>	*265	*245	220	*220	*215	210	155	150
	Boober, B. E.	2262	Lower Banner <sup>1</sup>	265	245	220	220	215	210	155	150
	Bostie, H. C.	4099	Widow Kennedy <sup>1</sup>	*275	*255	*220	*240	*225	*210	155	150
	Compton, John & Grati Smith (John Compton).	2251	Widow Kennedy <sup>1</sup>	*275	*255	220	*240	*225	210	155	150
	Fleming, Alfred & Z. B. McKeynolds.	2240	Jawbone <sup>1</sup>	265	245	220	220	215	210	155	150
	Fuller Brothers (George Fuller).	2228	Widow Kennedy <sup>1</sup>	*275	*255	220	*240	*225	210	155	150
	Fuller, Dewey	2227	Widow Kennedy <sup>1</sup>	*275	*255	220	*240	*225	210	155	150
RUSSELL COUNTY, VA.  Austin Gap Coal Company, Inc. (J. P. Wolfe). <sup>1</sup>	Hall, W. E.	2244	Jawbone <sup>2</sup>	265	245	220	220	215	210	155	150
	Harris, M. H.	2231	Lower Banner <sup>1</sup>	265	245	220	220	215	210	155	150
	Harris & Harris (A. H. Harris).	2253	Widow Kennedy <sup>1</sup>	*275	*255	220	*240	*225	210	155	150
	Helson, Im	2232	Widow Kennedy <sup>1</sup>	*275	*255	220	*240	*225	210	155	150
	Jackson, Eli P.	2253	Lower Banner <sup>1</sup>	*275	*245	220	*220	*215	210	155	150
	Johns, R. G. & Son (Harry Johns).	745	Widow Kennedy <sup>1</sup>	*275	*255	220	*240	*225	210	155	150
	Kiser, B. B.	2236	Tiller <sup>1</sup>	265	245	220	220	215	210	155	150
	McFarland Coal Company.	2243	Widow Kennedy <sup>1</sup>	*275	*255	220	*240	*225	210	155	150
	Miller & Shupe (Jas. F. Miller).	2818	Upper Banner <sup>1</sup>	*265	*245	220	*220	*215	210	155	150
	Richardson Bros.	2247	Widow Kennedy <sup>1</sup>	*275	*255	*220	*240	*225	*210	*155	*150
	Richardson Coal Co.	2248	Widow Kennedy <sup>1</sup>	*275	*255	220	*240	*225	210	155	150
	Swords Creek Mining Corp.	458	Upper Banner <sup>1</sup>	265	245	220	220	215	210	160	155
	Wanda Lee Coal Co. (R. L. Belcher).	3256	Widow Kennedy <sup>1</sup>	275	255	220	240	225	210	155	150
	Whitlow Coal Co.	2245	Jawbone <sup>2</sup>	265	245	220	220	215	210	155	150
	Wilson, Riley & R. C. Barnhart.	2253	Widow Kennedy <sup>1</sup>	*275	*255	*220	*240	*225	*210	*155	*150

<sup>1</sup> Denotes correction of county location.

<sup>2</sup> Indicates change in seam designation.

<sup>3</sup> Denotes transfer from Low Volatile Section.

\* Indicates change in price classification from previous price classification for the respective size groups.



## § 330.42 General prices for low volatile coals—Supplement T-II

Code member index	Mine	Mine Index No.	Seam	All lump	Eggs: larger than 3-inch top	Stove: 3-inch top	Nut or pea: 1½-inch top or less	Screened M/R	Straight M/R	¾-inch screenings
SUB - DISTRICT NO. 9 - BUCHANAN COUNTY LOW VOLATILE AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS.										
BREEDING, ARTHUR										
FRANKS, J. H. 1	J. H. Franks C. Co. No. 8	2438	Raven 1	305	305	300	250	280	215	155
HOWE, P. R.	P. R. Howe	2442	Raven 2	305	305	300	250	280	215	155
WOOD, FRED	Wood Coal Company	2450	Raven 1	305	305	300	250	280	215	155
RUSSELL COUNTY, VA.										
ARRINGTON, W. H. 2	Arrington Coal Co.	2521	Red Ash	305	305	300	250	280	215	155
BROWN, TRUETT 1	Brown & Dyke	2568	Red Ash	305	305	300	250	280	215	155
HORTON, TOM	Horton & Steele	2715	Red Ash	305	305	300	250	280	215	155
KEEN, JOHN W. 2	Keen #1 & 2	2720	Red Ash	305	305	300	250	280	215	155
MILLER, ALDEN	Miller & Hess	2705	Red Ash	305	305	300	250	280	215	155
SEYLER & HESS (K. S. Seyler) 2	Seyler & Hess	2819	Red Ash	305	305	300	250	280	215	155
SMITH, E. H. 1	E. H. Smith	2254	Red Ash	305	305	300	250	280	215	155
VANCE, S. L. 1	S. L. Vance	2257	Red Ash	305	305	300	250	280	215	155
WELLS & REEDY (W. E. Wells) 2	Wells & Reedy	2453	Raven	305	305	300	250	280	215	155

1 Denotes transfer from High Volatile Section.

2 Denotes correction of company location.

3 Indicates change in seam designation.

\* Indicates change in price classification from previous price classification for the respective size groups.

[F. R. Doc. 42-2536; Filed, March 24, 1942; 10:24 a. m.]

[Docket No. A-1318]

PART 330—MINIMUM PRICE SCHEDULE  
DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10 FOR THE ESTABLISHMENT OF MINIMUM PRICES AND PRICE CLASSIFICATIONS FOR THE COALS PRODUCED AT THE MCLAREN (6TH VEIN) MINE (MINE INDEX NO. 1558) OF THE MCLAREN COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 10, FOR ALL SHIPMENTS

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 produced at the McLaren (6th Vein) Mine (Mine Index No. 1558) of the McLaren Coal Company, a code member in District No. 10, for all 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 § 330.2 (Mine index numbers) is amended by adding thereto Supplement R-I, § 330.10 (Special prices)—(a) Railroad locomotive fuel prices is amended by adding thereto Supplement R-II, and § 330.25 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

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: March 11, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10  
NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

## FOR ALL SHIPMENTS EXCEPT TRUCK

## § 330.2 Mine index numbers—Supplement R-I

Price Group	Producer	Mine	Mine Index No.	Freight origin	Shipping point	Railroad
4	McLaren Coal Company	McLaren (6 Vein)	1558	134	Cartersville, Ill.	IC.

Mine Index No. 1558 shall be included in Price Group 4 and shall take the same f. o. b. mine prices as other mines in Price Group 4, Schedule 1, District No. 10, for all size groups, which prices were amended by the Director's Order dated April 24, 1941, 6 F. R. 2146, Docket A-8, reducing the effective minimum prices in Size Groups 1 to 5 and 8. These prices are for shipment into all market areas and are for all uses including railroad locomotive fuel.

## § 330.10 Special prices—(a) Railroad locomotive fuel prices—Supplement R-II

Price Group	Producer	Mine	Mine Index No.	Freight origin	Shipping point	Railroad
4	McLaren Coal Company	McLaren (6 Vein)	1558	134	Cartersville, Ill.	IC.

Railroad locomotive fuel prices shall be: Mine run, \$2.15; screenings, \$1.70.

## FOR TRUCK SHIPMENTS

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

Mine Index No. 1558 shall take the same f. o. b. mine prices for truck shipments as those established for the Forsyth Cartersville Coal Company, Mine Index No. 50 in Part 330, Minimum Price Schedule, for Truck Shipments.

[F. R. Doc. 42-2536; Filed, March 24, 1942; 10:23 a. m.]



[Docket No. A-1341]

PART 330—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND  
CONDITIONALLY PROVIDING FOR FINAL RE-  
LIEF IN THE MATTER OF THE PETITION OF  
DISTRICT BOARD NO. 10 FOR THE ESTAB-  
LISHMENT OF PRICE CLASSIFICATIONS AND  
MINIMUM PRICES FOR THE COALS OF CER-  
TAIN MINES IN DISTRICT NO. 10, FOR TRUCK  
SHIPMENTS

An original petition, pursuant to sec-  
tion 4 II (d) of the Bituminous Coal Act  
of 1937, having been duly filed with this  
Division by the above-named party, re-

questing the establishment, both tempo-  
rary and permanent, of price classifica-  
tions and minimum prices for the coals  
of certain mines in District No. 10, for  
truck shipments; and

It appearing that a reasonable show-  
ing of necessity has been made for the  
granting of temporary relief in the man-  
ner 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 pur-  
poses of the Act;

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum  
Price Schedule for District No. 10 and supplements thereto.

FOR TRUCK SHIPMENTS

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

Code number index name	Mine index No.	Mine	Seam	Prices and size group Nos.																												
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
SECTION NO 5, SCHUYLER COUNTY Knight, Troy Payne, Leo	1557	Knight	2	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60														
	1560	Leo Payne	2	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60														

[F. R. Doc. 42-2534; Filed, March 24, 1942; 10:23 a. m.]

(45) days from the date of this Order,  
pursuant to the Rules and Regulations  
Governing Practice and Procedure be-  
fore the Bituminous Coal Division in  
Proceedings Instituted Pursuant to sec-  
tion 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: March 13, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.



## TITLE 32—NATIONAL DEFENSE

## Chapter IX—War Production Board

## Subchapter B—Division of Industry Operations

## PART 1043—METAL SIGNS

## GENERAL LIMITATION ORDER L-29

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

§ 1043.1 *General Limitation Order L-29*—(a) *Definitions*. For the purposes of this Order:

(1) "Signs" means all devices having an area of more than 36 square inches designed primarily to deliver or convey information, messages or ideas, including (but not limited to) neon-tube and other electrical signs, bill-boards, outdoor and highway signs (other than traffic lights), name plates, store front signs and indoor signs. "Signs", however, shall not include

(i) Any type of plate, tag, emblem, insignia or marker which is or may be used by a Governmental Unit to evidence licensing or registration of any kind and for any purpose; or

(ii) Lamps or bulbs for electrical signs.

(2) "Metals" means all ferrous and non-ferrous metals except those contained in metallic paint.

(3) "Metal Signs" means signs, into the physical composition of which any metals are incorporated: *Provided*, That the weight of metals contained therein shall amount to at least 5 percent of the weight of the sign.

(4) "Accessories" means all wiring and other electrical equipment (other than lamps or bulbs), and frames, hanging brackets, stands, poles, booms, and other supporting devices designed primarily for use with signs.

(5) "New Accessories" means any accessories which have never been used with a sign.

(6) "Manufacturer" means any person who is customarily engaged in the business of producing metal signs and/or accessories.

(7) "To Use" material means to put that material into production for the first time. (When a person is limited to a percentage of the material used in a base period, this limitation applies to the aggregate weight of such material when first put into production by that person, whether in the form of raw materials or as purchased parts.)

(8) "Base Period" means the twelve months ending June 30, 1941.

(b) *General restrictions*. (1) During the period from the date of issuance of this Order to the last day of the calendar month in which it is issued inclusive, the average daily use of iron and steel by any manufacturer in the production

and installation of metal signs and/or new accessories shall not exceed his average daily aggregate use of metals for such purposes during the base period, provided that a manufacturer may use more than his quota of iron and steel under this subparagraph if, but only if, he reduces his quota under subparagraph (2) by an equivalent amount of iron and steel.

(2) During the three months' period beginning with the first day of the first calendar month following the date of issuance of this Order, no manufacturer shall use in the production and installation of metal signs and/or new accessories more iron and steel than 12½ percent of his aggregate use of metals for such purposes during the base period.

(3) Effective the first day of the fourth calendar month following the date of issuance of this Order, no manufacturer shall use any metals in the production of metal signs and/or accessories.

(4) After the effective date of this Order no manufacturer shall sell, deliver or otherwise transfer in the form of raw or semi-processed materials, any part of his inventory of iron or steel which he holds for use in the production of metal signs or accessories, to any other person, or to any other department, division, or section of his concern not engaged in the production of metal signs, except

(i) To other manufacturers for their use in the production of signs and accessories as permitted under the provisions of subparagraphs (b) (1) and (b) (2), or of repair or maintenance parts for signs;

(ii) To any person (including any other department, division, or section of the manufacturer's concern not engaged in the production of metal signs) who is able to supply a preference rating of A-3 or higher;

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

(iv) With specific consent of the Director of Industry Operations.

(c) *Avoidance of excessive inventories*. Manufacturers of metal signs shall not accumulate for use in the manufacture or installation of such signs and/or accessories inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production or installation of metal signs and/or accessories 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 shall file with the War Production Board on or before the fifteenth day of the fourth calendar month following the date of issuance of this Order, his inventory of iron and steel, and all other metals in the form of raw or semi-processed materials held for use in the production of signs and accessories, and such other reports and questionnaires as said Board shall from time to time prescribe.

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

(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 nondefense 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 issued, or to be issued hereafter, limits the use of any material in the production and installation of metal signs and/or accessories 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 provision hereof 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-29.

(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, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.).

Issued this 25th day of March 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-2592; Filed, March 25, 1942;  
11:40 a. m.]



## PART 1055—WOOL

AMENDMENT NO. 2 TO CONSERVATION ORDER  
NO. M-73, AS AMENDED AND EXTENDED TO  
JULY 4, 1942

§ 1055.1 (Conservation Order No. M-73,<sup>1</sup> as amended and extended to July 4, 1942) is hereby further amended in the following respect:

Paragraph (e) is amended by changing the period at the end thereof to a semicolon and adding the following:

§ 1055.1 *Conservation Order M-73.*

(e) \* \* \* *Provided, however,* That any person subject to this Order may, regardless of the foregoing restriction, finish the manufacture of blankets, the warps for which were completely dressed on or before March 15, 1942.

This Amendment shall take effect immediately. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2(a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 25th day of March 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-2597; Filed, March 25, 1942;  
11:41 a. m.]

PART 1119—METAL PLASTERING BASES AND  
METAL PLASTERING ACCESSORIES

## LIMITATION ORDER NO. L-59

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of steel, zinc, and other metals 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:

§ 1119.1 *General Limitation Order L-59*—(a) *Definitions.* For the purposes of this Order:

(1) "Metal Plastering Base" means any support or reinforcement, made in whole or in part of metal, which is of a type commonly used as a base for the application of interior or exterior plastering or stucco construction, including, but not limited to, the following: expanded metal lath, metal stucco mesh, sheet metal lath, wire lath, wire cloth, wire fabric (whether woven or welded) and any of the foregoing in combination with any other of the foregoing or with paper, fabric, or other backing.

(2) "Metal Plastering Accessory" means any article (other than a Metal Plastering Base or a nail) which is of a type commonly used as a guide, support, reinforcement or means of attachment for Metal Plastering Bases or other plaster bases, and which is made in whole or in part of metal, including but not limited to, the following: corner lath (cornerite), corner beads, base screed,

corner bead clips, tie wire, metal partition studs, floor and ceiling track for partitions, steel plastering shapes such as channels and rods, and concealed picture mold and trim to be applied before plastering.

(3) "Zinc-Coated Metal Plastering Base and/or Metal Plastering Accessory" means any Metal Plastering Base and/or Metal Plastering Accessory into the physical composition of which there has been incorporated any metal which has a surface coating of zinc, whether wholly or partially covered with zinc, regardless of how or when that zinc coating was applied.

(4) "Class A Manufacturer" means any manufacturer of Metal Plastering Bases and/or Metal Plastering Accessories who incorporated 14,000 tons, or more, of metals into Metal Plastering Bases and/or Metal Plastering Accessories during the calendar year 1941.

(5) "Class B Manufacturer" means any manufacturer of Metal Plastering Bases and/or Metal Plastering Accessories who incorporated less than 14,000 tons of metals into Metal Plastering Bases and/or Metal Plastering Accessories during the calendar year 1941.

(b) *General Restrictions*—(1) *Class A manufacturers.* Except as provided in subparagraphs (3) and (4) of this paragraph, during the four months' period from March 1, 1942, to June 30, 1942, inclusive, no Class A Manufacturer shall incorporate into Metal Plastering Bases and/or Metal Plastering Accessories, other than Zinc-Coated Metal Plastering Bases and/or Metal Plastering Accessories, any metal in excess of  $\frac{1}{6}$  of 50% (by weight) of the total quantity of that metal which was incorporated into Metal Plastering Bases and/or Metal Plastering Accessories other than Zinc-Coated Metal Plastering Bases and/or Metal Plastering Accessories by that manufacturer during the calendar years 1940 and 1941; nor shall such manufacturer incorporate into Zinc-Coated Metal Plastering Bases and/or Metal Plastering Accessories by that manufacturer during the calendar years 1940 and 1941.

(2) *Class B manufacturers.* Except as provided in subparagraphs (3) and (4) of this paragraph, during the four months' period from March 1, 1942, to June 30, 1942, inclusive, no Class B Manufacturer shall incorporate into Metal Plastering Bases and/or Metal Plastering Accessories other than Zinc-Coated Metal Plastering Bases and/or Metal Plastering Accessories any metal in excess of  $\frac{1}{6}$  of 75% (by weight) of the total quantity of that metal which was incorporated into Metal Plastering Bases and/or Metal Plastering Accessories other than Zinc-Coated Metal Plastering Bases and/or Metal Plastering Accessories by that manufacturer during the calendar years 1940 and 1941; nor shall such manufacturer incorporate into Zinc-Coated Metal Plastering Bases and/or Metal Plastering Accessories any

metal in excess of  $\frac{1}{6}$  of 50% (by weight) of the total quantity of that metal which was incorporated into Zinc-Coated Metal Plastering Bases and/or Metal Plastering Accessories by that manufacturer during the calendar years 1940 and 1941.

(3) To the extent that any manufacturer does not incorporate into Metal Plastering Bases and/or Metal Plastering Accessories any quantity of zinc which he is permitted, by paragraphs (b) (1) and (b) (2) hereof to incorporate into Metal Plastering Bases and/or Metal Plastering Accessories, he may increase by an equal amount the weight of iron and/or steel which he incorporates into Metal Plastering Bases and/or Metal Plastering Accessories: *Provided,* That the total weight of all the metals which shall be incorporated by that manufacturer into all types of Metal Plastering Bases and/or Metal Plastering Accessories shall in no case be greater than the total weight of all metals which he is permitted to incorporate into all types of Metal Plastering Bases and/or Metal Plastering Accessories by the terms of paragraphs (b) (1) and (b) (2) hereof.

(4) Nothing in the Order shall limit and each manufacturer is specifically authorized to use, in addition to the quota set forth above, any amount of any materials required in the production of Metal Plastering Bases and/or Metal Plastering Accessories under specific contracts or orders placed by or for the account of, or to fulfill a contract with

(i) 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 Authority, the National Advisory Committee for Aeronautics, and the Office of Scientific Research and Development;

(ii) 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;

(iii) any agency of the United States Government for delivery 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)

(c) *Avoidance of excessive inventories.* Manufacturers of Metal Plastering Bases and/or Metal Plastering Accessories shall not accumulate inventories of any materials (whether raw, semi-processed or processed) which enter into the production of Metal Plastering Bases or Metal Plastering Accessories in excess of the minimum amount necessary to maintain production of Metal Plastering Bases and/or Metal Plastering Accessories to the extent 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.

<sup>1</sup> 7 F.R. 1570, 2127.



(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 execute and file with the War Production Board such other reports and questionnaires as said Board shall from time to time request.

(g) *Provisions for companies under common ownership.* For the purposes of this Order, a manufacturer's classification into Class "A" or Class "B" shall depend upon the total weight of metals incorporated into Metal Plastering Bases and/or Metal Plastering Accessories by that manufacturer, including all metals incorporated into Metal Plastering Bases and/or Metal Plastering Accessories by all subsidiaries, affiliates and other companies or enterprises under common ownership or control.

(h) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records, which he is required to keep by the terms of this Order, or by the Director of Industry Operations, or otherwise wilfully furnishes false information to the Director of Industry Operations or to the War Production Board, may be deprived of priorities assistance or may be prohibited by the Director of Industry Operations from obtaining any further deliveries of materials subject to allocation. The Director of Industry Operations may also take any other action deemed appropriate, including the making of a recommendation for prosecution under Section 35A of the Criminal Code (18 U.S.C. 80).

(i) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the 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 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.

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

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

(l) *Routing of correspondence.* Reports to be filed and other communica-

tions concerning this Order shall be addressed to the War Production Board, Washington, D. C. Ref: L-59.

(m) *Effective date.* This Order shall take effect upon the date of the issuance thereof and shall continue in effect until revoked by the Director of Industry Operations subject to such amendments or supplements thereto as may be issued from time to time by the Director of Industry Operations. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.).

Issued this 25th day of March 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-2593; Filed, March 25, 1942;  
11:40 a. m.]

#### PART 1143—RAZORS AND RAZOR BLADES

##### GENERAL LIMITATION ORDER L-72

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

§ 1143.1 *General Limitation Order L-72—(a) Definitions.* For the purposes of this Order:

(1) "Safety razor" means any razor provided with a guard or guards for the blade to prevent cutting of the skin.

(2) "Straight razor" means any razor which is not a safety razor.

(3) "Razor blade" means any single-edged or double-edged steel blade intended for use in a safety razor.

(4) "Copper" means any copper or copper alloy or any unfinished parts containing any such Materials entering into the manufacture, fabrication or assembly of Safety Razors.

(5) "Base period" means the calendar year 1940.

(b) *General restrictions.* (1) During the period of ninety days beginning with the effective date of this Order:

(i) No manufacturer shall produce Safety Razors in an amount greater than three times 70% of the monthly average of units of such razors produced by him during the Base Period.

(ii) No manufacturer shall produce Razor Blades in an amount greater than three times 100% of the monthly average of units of Razor Blades produced by him during the Base Period.

(iii) No manufacturer shall produce Straight Razors in an amount greater than three times 100% of the monthly average of units of Straight Razors produced by him during the Base Period.

(2) During the period of sixty days beginning with the effective date of this Order, no manufacturer shall use in the

production of Safety Razors any Copper in an amount exceeding two times 30% of his monthly average use of Copper during the Base Period.

(3) Beginning with the first day after the sixty-day period referred to in subparagraph (2), paragraph (a), no manufacturer shall use in the production of Safety Razors any Copper, except for plating. Such plating shall not exceed an average thickness of .0004 inches.

(c) *Dry shavers.* This Order shall not apply to dry shavers.

(d) *Avoidance of excessive inventories.* Manufacturers of Safety Razors, Straight Razors, or Razor Blades shall not accumulate inventories of raw materials, semi-processed materials or finished parts in quantities in excess of minimum practicable working inventories or 15% of the quantity used in production during the Base Period, whichever is lower, nor shall they accumulate inventories of assembled Safety Razors and Straight Razors and of completed Razor Blades in quantities in excess of minimum practicable working inventories or 15% of the quantity produced during the Base Period, whichever is lower.

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

(f) *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.

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

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

(i) *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 nondefense 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.

(j) *Applicability of other orders.* Insofar as any other Order issued, or to be issued hereafter, limits the use of any material in the production of Safety Razors, Straight Razors and Razor Blades to a greater extent than the limits imposed by this Order, the restrictions in



such other Order shall govern unless otherwise specified therein.

(k) *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 provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(l) *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-72.

(m) *Effective date.* This Order shall take effect on the date of its issuance, and shall continue in effect until revoked. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 25th day of March 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-2594; Filed, March 25, 1942;  
11:41 a. m.]

#### PART 1152—METAL WINDOWS

##### LIMITATION ORDER NO. L-77

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron, steel, and other metals 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:

§ 1152.1 *General Limitation Order L-77—(a) Definitions.* For the purposes of this Order:

(1) "Metal Window" means any metal sash, metal casement or other metal framework of any type produced for installation in an opening constructed in the side of a building primarily to admit light or air, and any component part of such a metal sash, metal casement or metal framework.

(2) "Manufacturer" means any Person who manufactures, fabricates or assembles a Metal Window.

(3) "Distributor" means any Person who receives physical delivery of a Metal Window from a manufacturer for sale or resale in the form received.

(b) *Restrictions.* (1) On and after the effective date of this Order, notwithstanding any contract or agreement to the contrary, no Person shall manufacture any Metal Window, except:

(i) Metal Windows manufactured pursuant to an order or contract which bears a preference rating better than A-2.

(ii) Metal Windows the manufacture of which had been begun prior to the effective date of this Order, pursuant to an order or contract already received.

(2) On and after the effective date of this Order, no Person shall take delivery of any material for manufacture into Metal Windows except deliveries pursuant to an order or contract placed by him which bears a preference rating assigned under the Production Requirements Plan.

(3) On and after the effective date of this Order no Manufacturer or Distributor shall sell, deliver, ship, transport or otherwise dispose of any Metal Window except pursuant to an order or contract which bears a preference rating of A-10 or better.

(c) *Avoidance of excessive inventories.* No Manufacturer shall accumulate an inventory of any material (whether raw, semi-processed or processed) which enters into the production of Metal Windows in excess of the minimum amount of such material necessary to maintain production of Metal Windows to the extent 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 execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(g) *Violations or false statements.* Any Person who violates this Order, or who willfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Industry Operations, or otherwise willfully furnishes false information to the Director of Industry Operations or to the War Production Board may be deprived of priorities assistance or may be prohibited by the Director of Industry Operations from obtaining any further deliveries of materials subject to allocation. The Director of Industry Operations may also take any other action deemed appropriate, including the making of a recommendation for prosecution under Section 35A of the Criminal Code (18 U.S.C. 80).

(h) *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 serious problem or 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 Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1,

as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

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

(k) *Routing of correspondence.* Reports to be filed and other communications concerning this Order shall be addressed to the War Production Board, Washington, D. C., Ref: L-77.

(l) *Effective date.* This Order shall take effect upon the date of the issuance thereof and shall continue in effect until revoked by the Director of Industry Operations subject to such amendments or supplements thereto as may be issued from time to time by the Director of Industry Operations. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 25th day of March, 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-2595; Filed, March 25, 1942;  
11:41 a. m.]

#### Chapter XI—Office of Price Administration

##### PART 1306—IRON AND STEEL

##### ORDER NO. 1 UNDER REVISED PRICE SCHEDULE NO. 6<sup>1</sup>—IRON AND STEEL PRODUCTS

On January 13, 1942, the Joslyn Manufacturing and Supply Company, Chicago, Illinois, filed an application for an exception to Price Schedule No. 6. This application has been considered as a petition under § 1306.7 of Revised Price Schedule No. 6, as revised by Amendment No. 2 thereto. Due consideration has been given to the petition, and an opinion in support of this Order No. 1 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,<sup>2</sup> issued by the Office of Price Administration, it is hereby ordered:

§ 1306.31 *Order No. 1 under Revised Price Schedule No. 6.* (a) The Joslyn Manufacturing & Supply Company may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds and grades of steel set forth in paragraph (b) of this section, at prices not

<sup>1</sup> 7 F.R. 1215, 2153.

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



in excess of those stated therein. Any person may buy and receive, and agree, offer, solicit and attempt to buy and receive, such kinds of steel at such prices from the Joslyn Manufacturing & Supply Company.

(b) (1) Hot rolled bars, 2.35 cwt., Base, Chicago; (2) Hot rolled strip, 2.30 cwt., Base, Chicago.

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

(d) The prices stated in this section may be applied to shipments of hot rolled bars and hot rolled strips made on and after January 1, 1942.

This Order No. 1 shall become effective March 25, 1942. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 24th day of March 1942.

JOHN E. HAMM,  
Acting Administrator.

[F. R. Doc. 42-2564; Filed, March 24, 1942;  
5:13 p. m.]

#### PART 1306—IRON AND STEEL

##### AMENDMENT NO. 2 TO REVISED PRICE SCHEDULE NO. 6<sup>1</sup>—IRON AND STEEL PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.<sup>2</sup>

Section 1306.7 is amended to read as follows:

§ 1306.7 *Petitions for amendment, adjustment or exception.* (a) Persons seeking any modification of this Revised Price Schedule No. 6 or an adjustment or exception not provided herein, may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

(b) Any person, who is prepared to show that (1) its cost of production of iron and steel products is above its mill net realization on such products at ceiling prices or (2) its mill net realization is inadequate in view of its high operating costs for continued operations at ceiling prices, may file a petition for an adjustment of the maximum prices established by Revised Price Schedule No. 6. In such cases the petitioner should submit, and the Office of Price Administration will consider, all relevant data, including the relation of the current, requested, and projected realization on the particular iron and steel products, or on the particular mill, to the total over-all return of the petitioner, and, the necessity, in terms of the war effort, for the granting of such adjustment or exception. The Office of Price Administration may require, in connection with any such petition, full data on costs, profits, and other relevant factors. Petitions for adjustment pursuant to this section shall be filed in the manner stated in §§ 1300.39 through 1300.41 of Procedural Regulation No. 1 issued by the Office of Price Administration.

<sup>1</sup> 7 F.R. 1215, 2153.

<sup>2</sup> Filed with the Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration.

(c) Any producer of iron and steel products may file a petition for an exception from the ceiling prices established by this Price Schedule for a sale or group of sales of iron and steel products which are necessitated by the war effort and involve shipment into areas not normally served by such producer or the absorption of abnormally high transportation costs resulting from the lack of customary means of transportation. In all such cases, the petitioner should submit, and the Office of Price Administration will consider data indicating the reasons for which the particular shipment is abnormal, and the relation of such shipments to the war effort. The petition must also state the absence of other provisions in Revised Price Schedule No. 6 which will afford relief to the petitioner. In considering such petitions, the Office of Price Administration may require data in the manner stated in paragraph (b) of this section. Relief granted may include, as well as such other provisions as may be appropriate, permission to sell iron or steel products on an f. o. b. mill basis. Petitions for exception pursuant to this section shall be filed in the manner stated in §§ 1300.39 through 1300.41 of Procedural Regulation No. 1 issued by the Office of Price Administration.

##### § 1306.9a *Effective date of amendments.*

(b) Amendment No. 2 (§§ 1306.7 and 1306.9 (b)) shall become effective March 25, 1942. (Pub. Law 421, 77th Cong., 2nd Sess.)

Issued this 24th day of March 1942.

JOHN E. HAMM,  
Acting Administrator.

[F. R. Doc. 42-2565; Filed, March 24, 1942;  
5:13 p. m.]

#### PART 1316—COTTON TEXTILES

##### AMENDMENT NO. 2 TO REVISED PRICE SCHEDULE NO. 89<sup>1</sup>—BED LINENS

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith:<sup>2</sup>

Sections 1316.104 and 1316.111 (d) (3) are amended to read as follows and new paragraph (e) is added to § 1316.109, new paragraph (b) is added to § 1316.110a, and new subparagraph (7) is added to § 1316.111 (d) as set forth below:

§ 1316.104 *Records and reports.* (a) Every person making a purchase or a sale of bed linens after February 2, 1942, shall, if such transaction is subject to the provisions of this Revised Price Schedule No. 89, keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of: (1) each such purchase or sale, showing the date thereof, the name

<sup>1</sup> 7 F.R. 1375.

<sup>2</sup> Filed with the Division of the Federal Register. Requests for copies should be addressed to the Office of Price Administration.

and address of the buyer or the seller, the price paid or received, and the quantity in yards or dozens of pieces of each type of bed linens purchased or sold; and (2) in the case of manufacturers, the quantity in yards or dozens of pieces of each type of bed linens manufactured during each calendar month.

(b) On or before April 25th, 1942, every person making a sale of print-cloth bed linens shall, if such transaction is subject to the provisions of this Revised Price Schedule No. 89, report to the Office of Price Administration the differential described in and determined pursuant to § 1316.111 (d) (7) (ii) hereof.

(c) No bed linens (except print-cloth bed linens) shall be sold on or after March 2, 1942 in any transaction subject to the provision of this Revised Price Schedule No. 89 unless each piece bears a label containing:

- (1) a statement of its type and size;
- (2) if the piece is a second, the term "second"; and
- (3) if the piece does not meet the minimum specifications set forth in Table I, the term "substandard."

(d) No print-cloth bed linens shall be sold on or after April 25th, 1942 in any transaction subject to the provisions of this Revised Price Schedule No. 89 unless each sheet or pillow case bears a label containing:

- (1) the words "print cloth type";
- (2) a statement of its torn or cut size;
- (3) a statement of its grey construction, its grey width, and its grey weight in yards per pound; and
- (4) if the piece is a second, the term "second."

(e) Persons affected by this Revised Price Schedule No. 89 shall submit such reports to the Office of Price Administration as it may, from time to time, require.

##### § 1316.109 *Definitions.*

(e) "Print-cloth bed linens" means finished sheets and finished pillow cases manufactured from print cloth under 42 inches in width, made from yarns averaging 33s or lighter and having a total thread count of 160 or less per square inch.

##### § 1316.111 *Appendix A: Maximum prices for bed linens.*

(d) *Deductions, premiums and special classes of bed linens.*

(3) For bed linens, other than print-cloth bed linens, which fail to meet the specifications as to weight set forth in Table I, the price of the particular type shall be discounted by five per cent for each five per cent or fraction thereof of the specified weight by which such bed linens are deficient.

For bed linens, other than print-cloth bed linens, which fail to meet the specifications as to tensile strength set forth in Table I, either as to wrap or filling, the price of the particular type shall be discounted by five per cent for each five per cent or fraction thereof of the speci-



fied tensile strength by which the warp and by five per cent for each five per cent or fraction thereof of the specified tensile strength by which the filling is deficient.

For bed linens, other than print-cloth bed linens, which contain added sizing in excess of the applicable maximum, prescribed in Table I, the price of the particular type shall be discounted by five per cent for each five per cent or fraction thereof by which the sizing contained in such bed linens exceeds the prescribed maximum.

(7) The maximum price for print-cloth bed linens shall be the sum of: (i) the maximum price of the print cloth from which such print-cloth bed linens are fabricated, determined pursuant to Revised Price Schedule No. 35 as of the date of the sale or contract of sale of such print-cloth bed linens; and (ii) the amount by which the highest price received or contracted for by the seller in a sale or contract of sale of such print-cloth bed linens during the period between October 1 and October 15, 1941, exceeds the maximum price of the print cloth from which such print-cloth bed linens were fabricated, determined pursuant to Revised Price Schedule No. 35 as of the date of such sale or contract of sale.

§ 1316.110a *Effective dates of amendments.*

(b) Amendment No. 2 (§§ 1316.104, 1316.109 (e), 1316.110a (b), 1316.111 (d) (3), and 1316.111 (d) (7)) to Revised Price Schedule No. 89 shall become effective March 25, 1942. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 24th day of March 1942.

JOHN E. HAMM,  
Acting Administrator.

[F. R. Doc. 42-2570; Filed, March 24, 1942; 5:15 p. m.]

[Docket No. 3089-1-E]

#### PART 1316—COTTON TEXTILES

##### ORDER NO. 1 UNDER REVISED SCHEDULE NO. 89<sup>1</sup>—BED LINENS

On February 19, 1942, Deering Milliken Company, Incorporated 240 Church Street, New York, New York, filed a petition for an exception pursuant to § 1316.111 (d) (5) of Revised Price Schedule No. 89. Due consideration has been given to the petition, and an opinion in support of this Order No. 1 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,<sup>2</sup> issued by the Office of Price Administration, it is hereby ordered:

§ 1316.152 *Granting exception to Deering Milliken Company, Incorporated.*

rated. (a) Deering Milliken & Company, Incorporated may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds and grades of bed linens set forth in paragraph (b) of this section, at prices not in excess of those stated therein. Any person may buy and receive, and agree, offer, solicit and attempt to buy and receive, such kinds and grades of bed linens at such prices from Deering Milliken & Company, Incorporated.

(b) Sylvan Permanent Finish sheets and pillow cases and Domain Permanent Finish sheets, which are finished by the process described in the petition as "The Ceglin process," may be sold, delivered or offered for sale at a premium in excess of the applicable maximum prices established by Revised Price Schedule No. 89. Said premium shall not exceed an amount equal to 2½ per cent of the applicable base prices set forth in Table II of § 1316.111 (c) of said Revised Price Schedule No. 89.

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

(d) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1316.109 of Revised Price Schedule No. 89 shall apply to the terms used herein. (Pub. Law 421, 77th Cong. 2d Sess.)

This Order No. 1 shall become effective March 24, 1942. Issued this 23d day of March 1942.

JOHN E. HAMM,  
Acting Administrator.

[F. R. Doc. 42-2566; Filed, March 24, 1942; 5:14 p. m.]

#### PART 1330—CONTAINERS

##### MAXIMUM PRICE REGULATION NO. 55—SECOND HAND BAGS

The title, preamble and §§ 1330.51 to 1330.60, inclusive, of Revised Price Schedule No. 55<sup>1</sup> are amended and renumbered, and are issued as Maximum Price Regulation No. 55—Second Hand Bags.

On December 16, 1941, because, in the judgment of the Administrator of the Office of Price Administration, the prices of second hand bags had risen and were further threatening to rise without justification, Price Schedule No. 55 was issued establishing maximum prices for each seller of second hand bags based upon his highest prices received on sales or deliveries during the period November 15 to December 6, 1941. It was stated in the preamble thereto that a revised schedule of maximum prices was contemplated after completion of studies by the Office of Price Administration. On February 2, 1942, Price Schedule No. 55 was amended changing the base period by which a seller was to determine his maximum prices to October 1 to October 15, 1941. Maximum Price Regulation No. 55 establishes specific maximum prices for second hand bags.

In establishing specific maximum prices the Price Administrator has ascer-

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

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of the Act. A statement of the considerations involved in the issuance of this Regulation has been prepared and is issued simultaneously herewith.<sup>2</sup>

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,<sup>3</sup> issued by the Office of Price Administration, Maximum Price Regulation No. 55, amending Revised Price Schedule No. 55, is hereby issued.

AUTHORITY: §§ 1330.51 to 1330.61, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2d Sess.

§ 1330.51 *Maximum prices for second hand bags.* On and after March 30, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver second hand bags, and no person shall, in the course of trade or business, buy or receive second hand bags at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1330.61; and no person shall agree, offer, solicit or attempt to do any of the foregoing: *Provided*, That contracts entered into prior to March 30, 1942, under the terms of and at prices in compliance with Revised Price Schedule No. 55 (§§ 1330.51 to 1330.60, inclusive) may be carried out at the contract price.

§ 1330.52 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1330.61) may be charged, demanded, paid, or offered.

§ 1330.53 *Conditional agreements.* No seller of second hand bags shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by Appendix A (§ 1330.61) in the event that this Maximum Price Regulation No. 55 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 Price Administrator determines that an exception would be in the public interest pending such consideration, the Price Administrator may grant an exception from the provisions of this section permitting 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.

<sup>1</sup> Filed with the Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration.  
<sup>2</sup> 7 F.R. 971.

<sup>1</sup> 7 F.R. 1375, 2107.

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

<sup>3</sup> 7 F.R. 1312.



§ 1330.54 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 55 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 second-hand bags, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1330.55 *Records and reports.* (a) Every person making sales of second hand bags and every person making purchases of second hand bags in the course of trade or business after March 30, 1942, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records (1) of each such sale or purchase in aggregate lots of 100 bags or more, showing the date thereof, the name and address of the seller or buyer, the price contracted for, received or paid, and the quantity of each type, size, weight and grade of second hand bags sold or purchased; (2) the quantity of each type, size and weight of second hand bags (i) on hand and (ii) on order, as of the close of each calendar month.

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

§ 1330.56 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 55 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. 55 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.

§ 1330.57 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 55 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.

§ 1330.58 *Definitions.* (a) When used in this Maximum Price Regulation No. 55, the term:

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

other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Second hand bag" shall include:

(i) A container composed of burlap, jute, sisal, istle, cotton cloth, gunny cloth, or other textile material, which has been used once or more to package any product and thereafter emptied and which is sold, offered for sale, purchased or leased for reuse as a container;

(ii) A used container composed of any of the above textile materials which material is of sound condition but which has been cut or torn to an extent that it cannot feasibly be mended or patched for reuse as a container, commonly referred to by the trade as an "unmendable" bag; and

(iii) A container manufactured from any of the above textile materials which material has itself been used once or more as a container or for any other commercial purpose; but shall not include

(iv) A used container composed of any of the above textile materials which material has deteriorated to an extent that the material is no longer sufficiently sound for reuse as a container, commonly referred to by the trade as "junk" or "waste" material.

(3) "Unprocessed" or "in order" bag means a second hand bag of sound material which, since its last use as a container, has been cleaned, patched or mended if necessary, and subjected to any other process of reconditioning necessary to render it fit for immediate reuse as a container.

(4) "Unprocessed" or "as rise" bag means a second hand bag of sound material which, since its last use as a container, has not been subjected to reconditioning, rendering it fit for immediate reuse as a container. It shall include a second hand bag which is of sound material but which is cut or torn to an extent that it cannot feasibly be mended or patched for reuse as a container, commonly referred to by the trade as an "unmendable" bag.

(5) "In line with" means having a justifiable price relationship to the prices set forth in Appendix A (§ 1330.61) with commensurate increases or decreases to take into account differences in type, size, and weight of the second hand bags involved.

(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.

§ 1330.59 *Effective dates of Price Schedule No. 55 and amendments thereto.* (a) Price Schedule No. 55 (§§ 1330.51 to 1330.60, inclusive), shall become effective December 16, 1941.

(b) Amendment No. 1 (§§ 1330.51, 1330.54 and 1330.59) to Price Schedule No. 55 (§§ 1330.51 to 1330.60, inclusive)

shall become effective February 3, 1942.

(c) Amendment No. 2 (§ 1330.59) to Price Schedule No. 55 (§§ 1330.51 to 1330.60, inclusive) shall become effective February 7, 1942.

§ 1330.60 *Effective date of Maximum Price Regulation No. 55.* Maximum Price Regulation No. 55 (§§ 1330.51 to 1330.61, inclusive), amending Revised Price Schedule No. 55 (§§ 1330.51 to 1330.60, inclusive) shall become effective March 30, 1942.

§ 1330.61 *Appendix A: Maximum prices for second-hand bags—(a) Maximum prices for second hand burlap bags.*

Made up size (in inches) all numbers inclusive		Quality of material (in ounces per yard of 40-inch width) all numbers inclusive	Processed or in order bags (price per bag f. o. b. shipping point)	Unprocessed or as rise bags (price per bag f. o. b. shipping point)
Width	Length			
19.00 to 19.99	34 to 36	7½ to 9	\$0.090	\$0.090
20.00 to 20.99	34 to 36	7½ to 9	.095	.095
21.00 to 21.99	34 to 36	7½ to 9	.100	.100
22.00 to 22.99	34 to 36	7½ to 9	.105	.105
23.00 to 23.99	34 to 36	7½ to 9	.110	.110
24.00 to 24.99	34 to 36	7½ to 9	.115	.115
25.00 to 25.99	34 to 36	7½ to 9	.120	.120
26.00 to 26.99	34 to 36	7½ to 9	.125	.125
19.00 to 19.99	38 to 40	7½ to 9	.097	.097
20.00 to 20.99	38 to 40	7½ to 9	.102	.102
21.00 to 21.99	38 to 40	7½ to 9	.107	.107
22.00 to 22.99	38 to 40	7½ to 9	.112	.112
23.00 to 23.99	38 to 40	7½ to 9	.117	.117
24.00 to 24.99	38 to 40	7½ to 9	.122	.122
25.00 to 25.99	38 to 40	7½ to 9	.127	.127
26.00 to 26.99	38 to 40	7½ to 9	.132	.132
27.00 to 27.99	38 to 40	7½ to 9	.137	.137
28.00 to 28.99	38 to 40	7½ to 9	.142	.142
29.00 to 29.99	38 to 40	7½ to 9	.147	.147
30.00 to 30.99	38 to 40	7½ to 9	.152	.152
31.00 to 31.99	38 to 40	7½ to 9	.157	.157
32.00 to 32.99	38 to 40	7½ to 9	.162	.162
33.00 to 33.99	38 to 40	7½ to 9	.167	.167
34.00 to 34.99	38 to 40	7½ to 9	.172	.172
26.00 to 26.99	42 to 45	7½ to 9	.148	.148
27.00 to 27.99	42 to 45	7½ to 9	.154	.154
28.00 to 28.99	42 to 45	7½ to 9	.160	.160
29.00 to 29.99	42 to 45	7½ to 9	.166	.166
30.00 to 30.99	42 to 45	7½ to 9	.172	.172
31.00 to 31.99	42 to 45	7½ to 9	.178	.178
32.00 to 32.99	42 to 45	7½ to 9	.184	.184
33.00 to 33.99	42 to 45	7½ to 9	.190	.190
34.00 to 34.99	42 to 45	7½ to 9	.196	.196
35.00 to 35.99	42 to 45	7½ to 9	.202	.202
36.00 to 36.99	42 to 45	7½ to 9	.208	.208
19.00 to 19.99	34 to 36	10 to 12	.118	.088
20.00 to 20.99	34 to 36	10 to 12	.124	.094
21.00 to 21.99	34 to 36	10 to 12	.130	.100
22.00 to 22.99	34 to 36	10 to 12	.136	.106
23.00 to 23.99	34 to 36	10 to 12	.142	.112
24.00 to 24.99	34 to 36	10 to 12	.148	.118
25.00 to 25.99	34 to 36	10 to 12	.154	.124
26.00 to 26.99	34 to 36	10 to 12	.160	.130
19.00 to 19.99	38 to 40	10 to 12	.132	.102
20.00 to 20.99	38 to 40	10 to 12	.138	.108
21.00 to 21.99	38 to 40	10 to 12	.144	.114
22.00 to 22.99	38 to 40	10 to 12	.150	.120
23.00 to 23.99	38 to 40	10 to 12	.156	.126
24.00 to 24.99	38 to 40	10 to 12	.162	.132
25.00 to 25.99	38 to 40	10 to 12	.168	.138
26.00 to 26.99	38 to 40	10 to 12	.174	.144
27.00 to 27.99	38 to 40	10 to 12	.180	.150
28.00 to 28.99	38 to 40	10 to 12	.186	.156
29.00 to 29.99	38 to 40	10 to 12	.192	.162
30.00 to 30.99	38 to 40	10 to 12	.198	.168
31.00 to 31.99	38 to 40	10 to 12	.204	.174
26.00 to 26.99	42 to 45	10 to 12	.190	.160
27.00 to 27.99	42 to 45	10 to 12	.206	.176
28.00 to 28.99	42 to 45	10 to 12	.213	.183
29.00 to 29.99	42 to 45	10 to 12	.220	.190
30.00 to 30.99	42 to 45	10 to 12	.227	.197
31.00 to 31.99	42 to 45	10 to 12	.234	.204
32.00 to 32.99	42 to 45	10 to 12	.241	.211
33.00 to 33.99	42 to 45	10 to 12	.248	.218
34.00 to 34.99	42 to 45	10 to 12	.255	.225
35.00 to 35.99	42 to 45	10 to 12	.262	.232
36.00 to 36.99	42 to 45	10 to 12	.269	.239



## (b) Maximum prices for second hand cotton bags.

Made up size (in inches) all numbers inclusive		Quality of material (in linear yards per pound) all numbers inclusive	Processed or in order bags (price per bag f. o. b. shipping point)	Unprocessed or as rise bags (price per bag f. o. b. shipping point)
Width	Length			
19.00-19.99	35-37	3.50-4.25	\$0.100	\$0.070
20.00-20.99	35-37	3.50-4.25	.105	.075
21.00-21.99	35-37	3.50-4.25	.110	.080
22.00-22.99	35-37	3.50-4.25	.115	.085
23.00-23.99	35-37	3.50-4.25	.120	.090
24.00-24.99	35-37	3.50-4.25	.125	.095
19.00-19.99	38-40	3.50-4.25	.110	.080
20.00-20.99	38-40	3.50-4.25	.115	.085
21.00-21.99	38-40	3.50-4.25	.120	.090
22.00-22.99	38-40	3.50-4.25	.125	.095
23.00-23.99	38-40	3.50-4.25	.130	.100
24.00-24.99	38-40	3.50-4.25	.135	.105
25.00-25.99	38-40	3.50-4.25	.140	.110
26.00-26.99	38-40	3.50-4.25	.145	.115
27.00-27.99	38-40	3.50-4.25	.150	.120
28.00-28.99	38-40	3.50-4.25	.155	.125
29.00-29.99	38-40	3.50-4.25	.160	.130
19.00-19.99	35-37	3.00-3.25	.120	.090
20.00-20.99	35-37	3.00-3.25	.125	.095

## (c) Maximum prices for second hand bags of miscellaneous special types.

Type of material	Made up size (in inches) all numbers inclusive		Trade description of bag	Approximate weight per bag in pounds	Processed or in order bags (price per bag f. o. b. shipping point)	Unprocessed or as rise bags (price per bag f. o. b. shipping point)
	Width	Length				
Heavy Gunny or Jute Sack- ing.	28-30	48-50	Cuban Raw Sugar Bags...	2½-2¾	\$0.250	\$0.200
Heavy Gunny or Jute Sack- ing.	27-30	42-45	Puerto Rican Raw Sugar Bags.	2 -2½	.220	.170
Jute Cloth or Burlap.....	20-21	36-38	Raw Sugar Bags, Hawa- lian.	¾-1	.130	.100
Jute Cloth or Burlap.....	23-25	36-40	Philippine Raw Sugar Bags.	1 -1½	.140	.110
Heavy Gunny or Jute Sack- ing.	25-28	43-45	Liverpool Twill Bags.....	2 -2½	.220	.170
Heavy Gunny or Jute Sack- ing.	28-30	48-50	Trinidad Cocoa Bean Bags.	3¼-4	.265	.215
Jute Cloth or Burlap.....	28-30	38-42	Bahia Cocoa Bean Bags...	1½-2	.180	.150
Sisal or Istle.....	23-28	36-40	Heavy Grass Bags.....	1¾-2¼	.180	.150
Sisal or Istle.....	23-28	36-40	Medium Grass Bags.....	1-1¾	.165	.135
Sisal or Istle.....	23-28	36-40	Light Grass Bags.....	¾-1	.150	.120
Heavy Gunny or Jute Can- vas.	26-29	36-40	Short Heavy Green Coffee...	1¾-2	.170	.140
Jute Cloth or Burlap.....	26-28	37-40	Rio and Santos Green Coffee.	1 -1½	.180	.150
Heavy Gunny or Jute Sack- ing.	21-23	27-29	Tannery Extract.....	1¾-1¾	.100	.070
Jute Cloth or Burlap.....	21-23	35-37	Wheat Centals.....	¾-1	.150	.120
Cotton Osnaburg.....	17-18	29-30	Cotton Cement Bags.....	½	.100	.070
Cotton Sheetting.....	19-22	35-37	Cotton Sugar Liners.....	½	.075	.055

<sup>1</sup> The maximum price for second hand "unmendable" Cuban raw sugar bags shall be \$0.17 each f. o. b. shipping point.

<sup>2</sup> The maximum price for second hand "unmendable" Puerto Rican raw sugar bags shall be \$0.15 each f. o. b. shipping point.

(d) Maximum prices for types, sizes and weights of second hand bags not specifically enumerated. The maximum price for any type, size or weight of second hand bags not enumerated in paragraphs (a) (b), or (c) above, shall be a price in line with the maximum price enumerated therein for the nearest related type, size, and weight of second hand bag.

(e) Resales of second hand processed or in order bags. Any person who purchases processed or in order bags for resale may, on such resale, add to the maximum price determined in accordance with this Maximum Price Regulation No. 55, the actual freight incurred in bringing the processed or in order bags

to his plant, and in addition may charge a premium not to exceed 5% of the maximum price determined in accordance with this Maximum Price Regulation No. 55: *Provided*, That:

(1) The re-sale is made to a consumer of second hand bags for use by such consumer in packaging a commodity;

(2) On re-sales of a quantity of second hand bags in excess of 1,000, the premium may be charged only on 1,000 bags;

(3) Such premium is not divided with any other person; and

(4) An invoice showing the amount of such charges is delivered to the purchaser.

(f) Export sales. Any person making an export sale of second hand bags may charge an amount in addition to the maximum price determined in accordance with this Maximum Price Regulation No. 55 which can be justified as commensurate with the additional cost of the particular export sale over and above the cost of a comparable domestic sale.

(g) Deposit charges and liquidated damages in lease or loan arrangements. The maximum amount which may be required by or paid to any person as a deposit on, or as predetermined liquidated damages for failure to return, a second hand bag leased or loaned by him as a part of a transaction involving the sale or delivery of a product packaged therein, shall be the maximum price for second hand unprocessed or as rise bags of the same type, size and weight determined in accordance with this Maximum Price Regulation No. 55.

(h) Second hand bags sold in mixed lots. When second hand bags are sold in lots containing more than one type, size, or weight of bags, for which different maximum prices are established by this Maximum Price Regulation No. 55, unless the quantity of each such type or grade is determined by actual inspection and each such quantity is separately priced at not exceeding the applicable maximum, the maximum price for the lot shall be the maximum price for that type, size or weight of second hand bag included in the lot which has the lowest established maximum price.

Issued this 24th day of March 1942.

JOHN E. HAMM,  
Acting Administrator.

[F. R. Doc. 42-2573; Filed, March 25, 1942;  
9:20 a. m.]

## PART 1336—RADIO, X-RAY AND COMMUNICATION APPARATUS

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 83<sup>1</sup>—RADIO RECEIVERS AND PHONOGRAPHS

A statement of considerations involved in the issuance of this Amendment has been prepared and issued simultaneously herewith.

Section 1336.54 (b) is hereby revoked and a new § 1336.62a is added, as set forth below:

§ 1336.62a *Effective dates of amendments.* (a) Amendment No. 1 (§ 1336.54 (b)) to Revised Price Schedule No. 83 shall become effective March 28, 1942. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 24th day of March 1942.

JOHN E. HAMM,  
Acting Administrator.

[F. R. Doc. 42-2568; Filed, March 24, 1942;  
5:14 p. m.]

<sup>1</sup> 7 F.R. 1362.

<sup>2</sup> Filed with the Division of the Federal Register. Requests for copies should be addressed to the Office of Price Administration.



## PART 1336—RADIO X-RAY AND COMMUNICATION APPARATUS

AMENDMENT NO. 2 TO REVISED PRICE SCHEDULE NO. 84<sup>1</sup>—RADIO RECEIVER AND PHONOGRAPH PARTS

A statement of the considerations involved in the issuance of this Amendment has been prepared and issued simultaneously herewith.<sup>2</sup>

Sections 1336.101 (d) and 1336.103 (b) are amended to read as follows and § 1336.103 (a) is revoked.

§ 1336.101 *Maximum prices for radio receiving sets and phonograph parts.*

(d) *Other parts.* The maximum price, exclusive of federal excise tax, for any part other than a part referred to in paragraphs (a), (b) and (c) of this section shall be in line with the net price, exclusive of federal excise tax, which the manufacturer of such part would have charged for it at any time during the period from October 1 to October 15, 1942, if such price had been calculated upon costs prevailing during such period by the use of procedures and standards then employed in estimating costs and determining prices. No such part shall be offered for sale until the proposed price thereof has been approved by the Office of Price Administration on the basis of a report submitted pursuant to § 1336 (b).

§ 1336.103 *Reports.*

(b) *Parts referred to in § 1336.101 (d).* A manufacturer wishing to obtain approval of the maximum price for a part referred to in § 1336.101 (d) shall submit to the Office of Price Administration a request for such approval containing a description of such part, the proposed price therefor, and a statement that such proposed price was fixed in accordance with § 1336.101 (d). There shall be annexed to such a request a schedule showing the method of computation of such proposed price.

§ 1336.110a *Effective dates of amendments.*

(b) Amendment No. 2 (§§ 1336.101 (d), 1336.103 (a), (b)) to Revised Price Schedule No. 84 shall become effective March 28, 1942. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 24th day of March 1942.

JOHN E. HAMM,  
Acting Administrator.

[F. R. Doc. 42-2569; Filed, March 24, 1942; 5:15 p. m.]

<sup>1</sup> 7 FR. 1362.

<sup>2</sup> Filed with the Division of the Federal Register. Requests for copies should be addressed to the Office of Price Administration.

## PART 1336—RADIO, X-RAY, AND COMMUNICATION APPARATUS

## TEMPORARY MAXIMUM PRICE REGULATION NO. 14—RESALE OF NEW RADIO RECEIVING SETS AND PHONOGRAPHS—DISTRIBUTORS AND RETAILERS

In the judgment of the Price Administrator it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942 to establish temporarily as the maximum prices for new radio receiving sets and phonographs the prices prevailing with respect thereto within five days prior to the issuance of this Regulation.

Therefore, under the authority vested in me by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,<sup>1</sup> issued by the Office of Price Administration, Temporary Maximum Price Regulation No. 14 is hereby issued.

AUTHORITY: §§ 1336.151 to 1336.161, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2d Sess.

§ 1336.151 *Maximum prices for radio receiving sets and phonographs.* On and after March 30, 1942, to and including May 28, 1942, regardless of any contract, agreement, lease, or other obligation, no distributor or retailer shall sell, offer to sell, or deliver any new radio receiving set or phonograph at a price higher than the maximum price. The provisions of this section shall not apply to sales or deliveries of radio receiving sets or phonographs to a purchaser if, prior to March 30, 1942, such radio receiving sets or phonographs have been received by a carrier other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(a) *Current models.* The maximum price for any current model of radio receiving set or phonograph shall be the highest net price for which such model was sold or contracted to be sold by the same seller on the 19th day of March 1942, to a purchaser of the same general class. If there was no such sale, the maximum price shall be the highest net price for which such model was sold or contracted to be sold by the same seller on the most recent date prior to March 19, 1942, to a purchaser of the same general class.

(b) *New models.* The maximum price for any new model shall be a price equal to the cost of such model to the seller, plus the maximum percentage of markup applied by such seller on March 19, 1942, to the most nearly comparable model then offered for sale by him to a purchaser of the same general class.

§ 1336.152 *Less than maximum prices.* Lower prices than those set forth in Temporary Maximum Price Regulation

<sup>1</sup> 7 FR. 971.

No. 14 may be charged, demanded, paid, or offered.

§ 1336.153 *Conditional agreements.* No distributor or dealer in radio receiving sets and phonographs shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided in § 1336.151, in the event that Temporary Maximum Price Regulation No. 14 is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That, if a petition for amendment under § 1336.158 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.

§ 1336.154 *Evasion.* The price limitations set forth in Temporary Maximum Price Regulation No. 14 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 radio receiving sets and phonographs, alone or in conjunction with any other commodity, or by way of any commission, service, transportation, or other charge, or by alteration of any discount, premium, allowance or privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1336.155 *Records and reports.* (a) Every distributor and retailer making sales of radio receiving sets and phonographs between March 30, 1942, and May 28, 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 sale, showing the date thereof, the name and address of the buyer, the prices received, the type and the quantity of radio receiving sets and phonographs sold.

(b) Persons affected by Temporary Maximum Price Regulation No. 14 shall submit such reports to the Office of Price Administration as it may, from time to time, require.

§ 1336.156 *Notices to be posted.* Every retailer shall post in a conspicuous place on the premises where radio receiving sets and phonographs are offered for sale a legible notice setting forth the name and model number and maximum price under Temporary Maximum Price Regulation No. 14 of every model of radio receiving set or phonograph offered for sale on such premises.

§ 1336.157 *Enforcement.* (a) Persons violating any provision of Tempo-



rary Maximum Price Regulation No. 14 are subject to the criminal penalties and civil enforcement actions provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of Temporary Maximum Price Regulation No. 14 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.

§ 1336.158 *Petitions for amendment.* Persons seeking modification of any provision of Temporary Maximum Price Regulation No. 14 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.

§ 1336.159 *Replacement by regulation.* Temporary Maximum Price Regulation No. 14 may be replaced by a permanent maximum price regulation or order issued under the Emergency Price Control Act of 1942, which upon issuance shall have the effect of revoking Temporary Maximum Price Regulation No. 14.

§ 1336.160 *Definitions.* (a) When used in Temporary Maximum Price Regulation No. 14, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing;

(2) "Manufacturer" means any person regularly engaged in the manufacture or assembly, and sale, of radio receiving sets or phonographs;

(3) "Distributor" means a wholesaler, jobber, or any person, other than a manufacturer, who sells radio receiving sets and phonographs in the regular course of trade to purchasers other than ultimate consumers;

(4) "Retailer" means any person other than a manufacturer, distributor, wholesaler, or jobber, who sells radio receiving sets and phonographs;

(5) "Radio receiving set" means any of the following, alone or in combination with a record-playing device: home receiving sets, portable receiving sets, automobile receiving sets, television receiving sets, facsimile receiving sets;

(6) "Phonograph" means any device for the playing of records by the use of electrical amplification;

(7) "Model" means any radio receiving set or phonograph sold as a distinct item;

(8) "Current model" means a model first offered for sale on or before March 19, 1942;

(9) "New model" means a model first offered for sale after March 19, 1942.

(b) The definitions set forth in subparagraphs (5) and (6) of paragraph (a) of this section shall not include any equipment primarily designed for commercial, police, military or naval use or for use in aircraft or merchant marine.

§ 1336.161 *Effective period.* Temporary Maximum Price Regulation No. 14 shall become effective on March 30, 1942,

and shall expire at midnight on May 28, 1942, unless earlier revoked.

Issued this 23d day of March, 1942.

JOHN E. HAMM,  
Acting Administrator.

[F. R. Doc. 42-2554; Filed, March 24, 1942;  
12:46 p. m.]

#### PART 1340—FUEL

##### ORDER REVOKING REVISED PRICE SCHEDULE NO. 22<sup>1</sup>—PENNSYLVANIA GRADE CRUDE OIL

A statement of the considerations involved in the issuance of this Order has been prepared and is issued simultaneously herewith.<sup>2</sup>

Under the authority vested in the Acting Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered that Revised Price Schedule No. 22 (§§ 1340.21 to 1340.29, inclusive)—Pennsylvania Grade Crude Oil—be revoked. (Pub. Law 421, 77th Cong., 2d Sess.)

This Order shall become effective March 25, 1942. Issued this 24th day of March 1942.

JOHN E. HAMM,  
Acting Administrator.

[F. R. Doc. 42-2571; Filed, March 25, 1942;  
9:25 a. m.]

#### PART 1340—FUEL

##### AMENDMENT NO. 3 TO REVISED PRICE SCHEDULE NO. 88<sup>3</sup>—PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.<sup>2</sup>

A new paragraph (c) is added to § 1340.158a and § 1340.159 (c) (1) *Pennsylvania grade* is amended to read as set forth below:

##### § 1340.159 Appendix A: Maximum prices for petroleum and petroleum products.

###### (c) Specific prices.

###### (1) Crude petroleum—(i) Pennsylvania grade.

Grade of crude petroleum	Maximum price per barrel
Pennsylvania Bradford	\$3.00
Southwest Pennsylvania	2.65
Eureka	2.59
Southeastern Ohio	2.55
Oil City-Titusville:	
Group A (including Cochran, Franklin Hamilton, and Doolittle Districts)	2.93
Group B (Titusville District)	2.92
Group C (including Turkey and Tidicut)	2.91
Group D (including Bear Creek and Porkey Districts)	2.90
Group E (including Eldeneau, Bowl Creek, Rough Run, Carbon, Dittner, Bredin, McJunkin, Jameson, Kennerdall, Emlenton, Tiona, Lacy, and Kinzua Districts)	2.83

<sup>1</sup> 7 F.R. 1250.

<sup>2</sup> Filed with the Division of Federal Register; requests for copies should be addressed to the Office of Price Administration.

<sup>3</sup> 7 F.R. 1371, 1798, 1799.

(ii) The price limitations set forth above shall prohibit the addition of commissions above said maximum prices except that persons who buy Pennsylvania grade crude petroleum for resale under contracts and who had contracts in existence on August 23, 1941 which provide that the price on resale shall be the "posted price" plus a specified commission may receive the maximum price plus said commission specified in the contracts: *Provided*, That (a) said contracts were entered into in writing prior to August 14, 1941; (b) said contracts are binding and valid in character; (c) certified copies of each such contract were filed with the Office of Price Administration within ten (10) days after August 23, 1941; and (d) no such contract has been extended or amended without the approval of this Office. Persons who buy for resale and wish to enter into contracts, or wish to extend or amend contracts, providing for prices on resale higher than the maximum prices listed above; may make application to this Office for permission to receive such higher prices.

##### § 1340.158a Effective dates of amendments.

(c) Amendment No. 3 (§§ 1340.158a (c), 1340.159 (c) (1) *Pennsylvania grade*) to Revised Price Schedule No. 88 shall become effective March 25, 1942. Until such date Revised Price Schedule No. 88 continues in effect as if not amended by Amendment No. 3.

(Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 24th day of March 1942.

JOHN E. HAMM,  
Acting Administrator.

[F. R. Doc. 42-2576; Filed, March 25, 1942;  
9:25 a. m.]

#### PART 1356—DOMESTIC AND COMMERCIAL COOKING AND HEATING STOVES AND RANGES

##### TEMPORARY MAXIMUM PRICE REGULATION NO. 13—RESALE OF NEW DOMESTIC COOKING AND HEATING STOVES AND RANGES

In the judgment of the Price Administrator it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942 to establish temporarily as the maximum prices for the resale of new domestic cooking and heating stoves and ranges the prices prevailing with respect thereto within five days prior to the issuance of this Regulation.

Therefore, under the authority vested in me by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1<sup>1</sup> issued by the Office of Price Administration, Temporary Maximum Price Regulation No. 13 is hereby issued.

AUTHORITY: §§ 1356.21 to 1356.31, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2d Sess.

§ 1356.21 *Maximum resale prices for stoves.* (a) On and after March 30, 1942, to and including May 28, 1942, regardless of any contract, agreement,

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



lease, or other obligation, no distributor or dealer shall sell, offer to sell or deliver any stove at a price higher than the maximum price. The provisions of this section shall not apply to sales or deliveries of stoves to a purchaser, if prior to March 30, 1942 such stoves have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(b) The maximum price for any model of new stove shall be the highest net price for which such model was sold, or contracted to be sold, by the same seller on March 19, 1942, to a purchaser of the same general class. If there was no such sale, the maximum price shall be the highest net price at which such model was sold, or contracted to be sold, by the same seller on the most recent date prior to March 19, 1942, to a purchaser of the same general class.

§ 1356.22 *Less than maximum prices.* Lower prices than those set forth in Temporary Maximum Price Regulation No. 13 may be charged, demanded, paid, or offered.

§ 1356.23 *Conditional agreements.* No distributor or dealer in stoves shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided in § 1356.21, in the event that Temporary Maximum Price Regulation No. 13 is amended or is determined by a court to be invalid or upon any other contingency: *Provided, That, if a petition for amendment under § 1356.28 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.*

§ 1356.24 *Evasion.* The price limitations set forth in Temporary Maximum Price Regulation No. 13 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale or delivery of or relating to stoves, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or by alteration of any discount, premium, allowance or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1356.25 *Records and reports.* (a) Every distributor or dealer making sales of stoves in the regular course of trade or business, between March 30 and May 28, 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 sale, showing the date thereof, the name and address of the buyer, the prices received, the make, model, and quantity of stoves sold.

(b) Persons affected by Temporary Maximum Price Regulation No. 13 shall submit such reports to the Office of Price Administration as it may, from time to time, require.

§ 1356.26 *Notices to be posted.* Every dealer shall post in a conspicuous place on the premises where stoves are offered for sale a legible notice setting forth the make, model number and maximum price under Temporary Maximum Price Regulation No. 13 of every model of stove offered for sale on such premises.

§ 1356.27 *Enforcement.* (a) Persons violating any provision of Temporary Maximum Price Regulation No. 13 are subject to the criminal penalties and civil enforcement actions provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of Temporary Maximum Price Regulation No. 13 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.

§ 1356.28 *Petitions for amendment.* Persons seeking modification of any provision of Temporary Maximum Price Regulation No. 13 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.

§ 1356.29 *Replacement by regulation.* Temporary Maximum Price Regulation No. 13 may be replaced by a permanent maximum price regulation or order issued under the Emergency Price Control Act of 1942, which upon issuance shall have the effect of revoking Temporary Maximum Price Regulation No. 13.

§ 1356.30 *Definitions.* When used in Temporary Maximum Price Regulation No. 13, the term:

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

(b) "Stoves" mean stoves of the type commonly used in the household, camps, or trailers, for cooking or heating purposes (irrespective of the fuel or power used) except (1) those intended to be built into or permanently attached to the premises, and (2) electric stoves under 2½ kw.;

(c) "Distributor" means a person, other than a manufacturer, who sells stoves in the regular course of trade to dealers;

(d) "Dealer" means a person, other than a manufacturer, who sells stoves in the regular course of trade to consumers;

(e) "Consumer" means a person purchasing for use rather than resale;

(f) "Model" means any stove offered for sale as a distinct item.

§ 1356.31 *Effective date.* Temporary Maximum Price Regulation No. 13 (§§ 1356.21 to 1356.31 inclusive) shall become effective on March 30, 1942, and shall, unless earlier revoked or replaced, expire at 12 o'clock midnight May 28, 1942.

Issued this 23d day of March 1942.

JOHN E. HAMM,  
Acting Administrator.

[F. R. Doc. 42-2553; Filed, March 24, 1942; 12:46 p. m.]

#### PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

##### AMENDMENT NO. 4 TO RATIONING ORDER NO. 2A<sup>1</sup>—NEW PASSENGER AUTOMOBILE RATIONING REGULATIONS

Section 1360.310 (h) is hereby amended, a new paragraph (j) is added to § 1360.310, a new paragraph (d) to § 1360.442, and five new sections, §§ 1360.336, 1360.337, 1360.338, 1360.339, and 1360.340, are added as set forth below:

#### Definitions

##### § 1360.310 *Definitions.*

(h) "Pool car" means (1) any new passenger automobile which was not shipped by a manufacturer prior to January 16, 1942, to a person other than a person owned or controlled by the manufacturer, and (2) any new passenger automobile substituted for a "pool car" by authorization of the Office of Price Administration pursuant to the provisions of § 1360.337 hereof.

(j) "Pool sticker" means any label or other identification in a form authorized or prescribed by the Office of Price Administration affixed to a new passenger automobile for the purpose of identifying it as a pool car.

#### Restriction of Transfers

§ 1360.336 *Removal of certain automobiles from the pool.* Subject to the provisions of § 1360.337, the Office of Price Administration may, in its discretion, from time to time, issue authorizations to remove from the pool certain new passenger automobiles which fall under one or more of the following classifications:

(a) Automobiles which were ordered, or for which bids were requested in writing on or before January 1, 1942 by agencies of the Federal, State, Local or foreign governments or by the American Red Cross.

(b) Automobiles specially built, painted or equipped, on or before March 2, 1942 pursuant to orders of specific buyers.

<sup>1</sup> 7 F.R. 1542, 1647, 1756, 2108.



(c) Automobiles having a list price in excess of \$2,000.00 pursuant to § 1360.61 of Revised Price Schedule No. 85, issued by the Office of Price Administration or any amendments thereto.

(d) Automobiles manufactured prior to March 2, 1942 for experimental purposes.

(e) Automobiles as to which a certificate on Form R-202 has been issued pursuant to paragraphs (a) or (b) of § 1360.102 of Rationing Order No. 2.

(f) Automobiles which, on or prior to January 16, 1942, were in the possession of, or in transit to, a branch or subdivision of a manufacturer: *Provided that:*

(1) Such branch or subdivision was engaged principally in the sale of automobiles at retail, or

(2) Such automobiles were, on or before such date, consigned, invoiced, billed, or otherwise identified for delivery to a person not owned or controlled by the manufacturer.

*Provided, That* as a condition of authorizing any removal, the Office of Price Administration may require substitution of a new passenger automobile for each automobile removed.

§ 1360.337 *Application for authorization to remove from the pool; authorization; substitution.* Any dealer, distributor, manufacturer or finance company owning an automobile falling within any of the classifications set forth in § 1360.336 may make application to the Office of Price Administration for authorization to remove such automobile from the pool and to remove the pool sticker, if any, therefrom. Application shall be made in writing, over the signature of the owner or his duly authorized agent, giving the make, body type, serial number and engine number of the automobile and the facts by reason of which the applicant believes the automobile to be eligible for removal from the pool. The applicant shall also set forth a complete description of each non-pool, new passenger automobile, if any, which the applicant is willing to place in the pool in substitution for each automobile sought to be removed. In any application the applicant may request removal of one or more automobiles.

If the Office of Price Administration finds that an automobile described in any such application is eligible for removal pursuant to the provisions of § 1360.336, and that its removal will not be detrimental to the purposes for which the pool was established, nor to the objectives of the rationing program, it may in its discretion issue an authorization permitting the owner or his authorized agent to remove such automobile from the pool and to remove the pool sticker therefrom. Upon removal of a pool sticker pursuant to any such authorization such automobile shall cease to be a pool car: *Provided, That* where an authorization of removal

is conditioned upon the substitution of another automobile, such authorization shall not become effective until a pool sticker has been affixed to the automobile required to be substituted and upon such affixation the substituted automobile shall become a pool car.

§ 1360.338 *Inclusion of additional automobiles as "pool cars".—"pool stickers" to be affixed.* The Office of Price Administration may, from time to time, upon recommendation of the War Production Board, amend the definition of "Pool Car" to include additional classes of automobiles. On and after the effective date of any such amendment all such classes of automobiles shall be subject to the restrictions herein imposed upon "pool cars". Within 10 days after the effective date of any such amendment, the owner of any automobile therein defined as a "pool car" shall affix to each such automobile a "pool sticker".

§ 1360.339 *Application for authority to remove pool stickers erroneously placed on automobiles.* The owner of any automobile to which a pool sticker has been affixed, and who claims that such pool sticker was affixed by error and that such automobile is not a "pool car" as defined in § 1360.310 (h), may make application to the Office of Price Administration for authority to remove the pool sticker therefrom. Applications shall be made in writing, over the signature of the owner or his duly authorized agent, giving the make, body type, serial number, and engine number of the automobile and the facts by reason of which it is claimed that said automobile is not a "pool car". In any such application the applicant may request authority to remove stickers from one or more automobiles. In the Office of Price Administration finds that any such automobile is not a "pool car" as defined in § 1360.310 (h), it shall issue an authorization permitting the owner or his duly authorized agent to remove the pool sticker or stickers therefrom. No person shall remove any pool sticker from any new passenger automobile unless the removal thereof is authorized by the Office of Price Administration.

§ 1360.340 *Authorizations of removal do not permit transfers.* No authorization of removal from the pool and no authorization for the removal of a pool sticker pursuant to §§ 1360.337 or 1360.339 hereof shall constitute authority for the transfer of any new passenger automobile.

#### Effective date

§ 1360.442 *Effective dates of amendments*

(d) Amendment No. 4 (§§ 1360.310 (h) (j), 1360.336, 1360.337, 1360.338, 1360.339, 1360.340) to Rationing Order

No. 2A shall become effective March 24, 1942.

(Pub. Law 421, 77th Cong., 2d Sess. W.P.B. Directive No. 1, supplementary Directive No. 1A, 7 F.R. 562, 698, 1493)

Issued this 24th day of March 1942.

JOHN E. HAMM,  
Acting Administrator.

[F. R. Doc. 42-2567; Filed, March 24, 1942; 5:14 p. m.]

#### PART 1364—FRESH, SMOKED AND CANNED MEAT PRODUCTS

##### AMENDMENT NO. 2 TO TEMPORARY MAXIMUM PRICE REGULATION NO. 8<sup>1</sup>—DRESSED HOGS AND WHOLESALE PORK CUTS

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.<sup>2</sup>

Paragraph (a) of § 1364.1 is amended as set forth below:

§ 1364.1 *Maximum prices for dressed hogs and wholesale pork cuts.* (a) From March 23, 1942 to May 21, 1942, inclusive, regardless of any contract, agreement, or other obligation, no person shall sell or deliver, or offer, solicit, attempt, or agree to sell or deliver dressed hogs or wholesale pork cuts at prices higher than the maximum prices therefor. The provisions of this Section shall not be applicable to sales or deliveries of dressed hogs or wholesale pork cuts to a purchaser if, prior to March 23, 1942, such dressed hogs or wholesale pork cuts have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchasers; nor to sales or deliveries of dressed hogs or wholesale pork cuts for export under unrevoked export licenses issued prior to March 7, 1942, where the contracts to sell were made not later than three days after March 7.

§ 1364.13 *Effective date of amendments.*

(b) Amendment No. 2 (§ 1364.1 (a)) to Temporary Maximum Price Regulation No. 8 shall become effective March 25, 1942.

(Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 24th day of March 1942.

JOHN E. HAMM,  
Acting Administrator.

[F. R. Doc. 42-2572; Filed, March 25, 1942; 9:19 a. m.]

<sup>1</sup> 7 F.R. 1841.

<sup>2</sup> Filed with the Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration.



## PART 1364—FRESH, SMOKED AND CANNED MEAT PRODUCTS

AMENDMENT NO. 3 TO TEMPORARY MAXIMUM PRICE REGULATION NO. 8<sup>1</sup>—DRESSED HOGS AND WHOLESALE PORK CUTS

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.<sup>2</sup>

Paragraphs (b) and (c) of § 1364.1 are amended, as set forth below:

§ 1364.1 *Maximum prices for dressed hogs and wholesale pork cuts*

(b) Except as provided in paragraph (c) of this section, the maximum price for each dressed hog or wholesale pork cut shall be the highest price at which such dressed hog or wholesale pork cut was listed in the price list or lists upon which the seller based his price quotations at the delivery point during the period March 3, 1942, to March 7, 1942, inclusive: *Provided* (1) That where the seller, because of unusual transportation, packaging and handling costs, customarily sold to certain buyers during the ninety day period prior to March 9, 1942 at prices higher than the list prices, he may continue to include such unusual costs as are actually incurred in the sales to those buyers; and (2) That the seller must continue to allow all the shading privileges or discounts from his price list or lists which were customary during the ninety day period prior to March 9, 1942 and which were based on cost differentials arising from low transportation or packaging costs or any other saving in the cost of handling; except that the provisions of this Proviso No. 2 of paragraph (b) shall not apply to any sales of dressed hogs or wholesale pork cuts to the Federal Surplus Commodities Corporation or to any purchasing agency of the armed forces of the United States.

(c) (1) Where the seller customarily sold dressed hogs or wholesale pork cuts to certain buyers during the ninety day period prior to March 9, 1942 at prices based upon market quotations rather than upon his price list or lists, the maximum prices to such buyers shall be the highest prices at which such dressed hogs or wholesale pork cuts were listed in such market quotations during the period March 3, 1942, to March 7, 1942,

inclusive, making adjustment for the transportation differentials which were in effect during the ninety day period: *Provided*, That in any sale to the Federal Surplus Commodities Corporation or to any purchasing agency of the armed forces of the United States the seller may add, to the maximum prices established by this paragraph, an amount not in excess of 2¢ per pound.

(2) In any sale of canned or packaged spiced ham or of canned or packaged spiced luncheon meat made entirely from pork to the Federal Surplus Commodities Corporation or to any purchasing agency of the armed forces of the United States, the maximum price shall be as follows:

	[Per cwt.]		
	12 ounce can	2½ pound can	6 pound can
Canned or packaged spiced luncheon meat made entirely from pork.....	\$42.50	\$39.75	\$38.50
Canned or packaged spiced ham.....	44.00	41.25	40.00

§ 1364.13 *Effective dates of amendments.* Amendment No. 3 (§ 1364.1 (b) and (c)) to Temporary Maximum Price Regulation No. 8 shall become effective March 25, 1942. Until such date, Temporary Maximum Price Regulation No. 8 continues in effect as if not amended by Amendment No. 3.

(Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 24th day of March 1942.

JOHN E. HAMM,  
Acting Administrator.

[F. R. Doc. 42-2575; Filed, March 25, 1942;  
9:24 a. m.]

## PART 1370—ELECTRICAL APPLIANCES

## MAXIMUM PRICE REGULATION NO. 111—NEW HOUSEHOLD VACUUM CLEANERS AND ATTACHMENTS

In the judgment of the Price Administrator the prices of household vacuum cleaners and attachments are threatening to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of new household vacuum cleaners prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has deter-

mined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

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

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,<sup>2</sup> issued by the Office of Price Administration, Maximum Price Regulation No. 111 is hereby issued.

AUTHORITY: §§ 1370.1 to 1370.13, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2d Sess.

§ 1370.1 *Maximum prices for household vacuum cleaners and attachments.* On and after March 30, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver any model of household vacuum cleaner and the attachments thereto at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1370.12; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this Section shall not be applicable to sales or deliveries of household vacuum cleaners and attachments to a purchaser if, prior to March 30, 1942, such household vacuum cleaners and attachments had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1370.2 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1370.12) may be charged, demanded, paid, or offered.

§ 1370.3 *Conditional agreements.* No seller of household vacuum cleaners and attachments shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided herein, in the event that this Maximum Price Regulation No. 111 is amended or is determined by a court to be invalid or upon

<sup>1</sup> 7 F.R. 1841, 2245.

<sup>2</sup> The statement of considerations has been filed with the Division of the Federal Register.

<sup>1</sup> Filed with the Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration.

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



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.

§ 1370.4 *New Models*. No manufacturer may sell or deliver any model of household vacuum cleaner or attachment other than one offered for sale by him in the period October 1, 1941, to March 30, 1942, inclusive, except as provided in paragraphs (a) and (b) of this section, and no manufacturer shall offer, solicit, attempt, or agree to sell or deliver such model.

(a) *Nonsubstantial changes*. Any model which differs from one offered for sale by the manufacturer in the period October 1, 1941, to March 30, 1942, inclusive, only by reason of the following nonsubstantial changes may be sold or delivered at a price no higher than the maximum prices established by § 1370.12 (d) (1):

- (1) Changes in color, trim, or hardware
- (2) Changes in, but not elimination of, any part, including the following: the light, the off-and-on switch, the adjustment devices, the bristle brush, the bearings on the revolving brush, the bumper, and the caster wheels:

*Provided*, That, such changes shall not substantially alter the power plant, housing, nozzle, dirt container or bag, the connecting cord, the bearings on the motor, and the cleaning attachments.

Each such model shall be reported to the Office of Price Administration in accordance with § 1370.7 (b) (1).

(b) *Substantial changes*. Any model which differs from those offered for sale by the manufacturer in the period October 1, 1941, to March 30, 1942 by reason of any other change (i. e., a substantial change) may be sold or delivered only after a maximum price for such model has been approved in writing by the Office of Price Administration on the basis of a report to it in accordance with § 1370.7 (b) (2).

§ 1370.5 *Evasion*. (a) The limitations set forth in this Maximum Price

Regulation No. 111 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 household vacuum cleaners or attachments alone, or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

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

(1) Decreasing cash discounts, trade-in or exchange allowances, quantity purchase discounts or allowances for or absorption of transportation costs, below those in effect on October 15, 1941;

(2) Increasing charges for deferred payment, or for any other form of installment, or time payment or credit accounts, above those in effect on October 15, 1941;

(3) Failing to give or shortening the warranty or failing to give delivery and other services available or in effect to the same general class of purchaser in exchange for the prices prevailing on October 1–October 15, 1941, corresponding to the maximum prices established by Appendix A (§ 1370.12).

(4) Increasing the prices for extra attachments above those in effect to the same general class of purchaser on October 15, 1941;

(5) Failing to include the attachments included in the period October 1 to October 15, 1941, for the prices corresponding to the maximum prices established by Appendix A (§ 1370.12).

§ 1370.6 *Records*. Every person making sales of household vacuum cleaners and attachments after March 30, 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 sale, showing the date thereof, the name and address of the buyer, the model number or other designation of each model sold, the price received for each, the quantity sold and any discounts, allowances, or charges.

§ 1370.7 *Reports*—(a) *Models offered for sale October 1, 1941, to March 30, 1942, inclusive*—(1) *Manufacturers*. On or before April 20, 1942, every manufacturer shall submit to the Office of Price Administration a report on all models offered for sale by him in the period October 1, 1941, to March 30, 1942, giving the maximum prices established for each model by Appendix A (§ 1370.12)

and the retail list price, if one exists, a description of each model, the terms of sale, and an indication of any models which may have been discontinued in such period. Manufacturers who have already submitted all or any part of this information need not duplicate such material, but shall send a reference to the material already submitted.

(2) *Distributors and dealers*. On or before April 20, 1942, every distributor and every dealer shall submit to the Office of Price Administration a report on all models currently offered for sale to consumers by him which do not appear in the list prices set forth in Appendix A (Section 1370.12), giving the maximum price established for each model for such sales by Appendix A, a description of each model, and the terms of sale.

(b) *New models*—(1) *Non-substantial changes*. On the date of offering for sale a model embodying any of the non-substantial changes set forth in § 1370.4 (a) (2) from a model offered for sale in the period October 1, 1941 to March 30, 1942, inclusive, the manufacturer shall submit to the Office of Price Administration a report on such model, indicating in detail the changes which it contains.

(2) *Substantial changes*. A manufacturer who wishes to offer for sale a model embodying any substantial change from a model offered for sale by him in the period October 1, 1941 to March 30, 1942, inclusive, shall submit to the Office of Price Administration a report on such model giving in detail the changes which it contains, the proposed maximum price, a description, and the terms of sale.

(c) *Monthly output of household vacuum cleaners and attachments*. On or before April 20, 1942, and on or before the fifteenth day of each month thereafter, every manufacturer shall report to the Office of Price Administration the total number of completed units of each model household vacuum cleaner and attachments produced by him in the preceding month. Such report shall refer to the model number or other appropriate designation of each such household vacuum cleaner and attachment. If a report containing such information is required to be submitted to any other Federal agency, a copy thereof may be filed with the Office of Price Administration instead of a separate report.

Persons affected by this Maximum Price Regulation No. 111 shall submit to the Office of Price Administration such other reports as it may, from time to time, require.



§ 1370.8 *Labels showing maximum prices.* Every person offering a model of household vacuum cleaner (or attachment) for sale to consumers shall attach to it a label setting forth legibly the following:

The maximum cash price for this household vacuum cleaner (or attachment) as established by the Office of Price Administration is \$----- Lower prices may legally be charged or demanded.

§ 1370.9 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 111 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. 111 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.

§ 1370.10 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 111 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.

§ 1370.11 *Definitions.* (a) When used in this Maximum Price Regulation No. 111, the term:

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

(2) "Manufacturer" means any person who operates a plant or factory which manufactures or assembles household vacuum cleaners, or vacuum cleaner attachments;

(3) "Distributor" means any person other than a manufacturer or a manufacturer's sales agent regularly engaged in the business of selling household vacuum cleaners or attachments to dealers;

(4) "Dealer" means any person other than a manufacturer or distributor regularly engaged in the business of selling household vacuum cleaners or attachments to consumers;

(5) "Consumer" means a person purchasing for use rather than resale;

(6) "Household vacuum cleaner" means a new vacuum cleaner of the type commonly used in the home;

(7) "Model" means any combination of specifications and equipment;

(8) "Net price" means the actual cash price to be received by the seller, exclusive of excise tax or sales taxes, inclusive or exclusive of transportation charges, whichever the price list or other regular quotation specifies, and exclusive of any charges for sales promotion or cooperative advertising;

(9) "Private-brand" means a vacuum cleaner not offered for sale as the manufacturer's regular brand, but manufactured for a particular person or persons, whether or not such person's name or brand name appears thereon;

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

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

(12) "Export merchant" means any exporter who acts as a principal, and (i) buys for his own account in anticipation of foreign orders in general, (ii) takes title to the goods, and (iii) sells them direct, or through customary trade channels, to any or all buyers in the foreign country, and (iv) assumes all risks of loss or expense until title to the goods passes to a foreign buyer according to terms of sales.

§ 1370.12 *Appendix A: Maximum prices for household vacuum cleaners and attachments—(a) Maximum prices for sales to consumers of models having recommended retail prices and Montgomery Ward & Company and Sears Roebuck & Company models.* The maximum price for the sale to consumers of the following models shall be:

## 1941 MODELS

Manufacturer	Model	Description	Retail price
Air-Way Electric Appliance Corp.	#44.....	Floor Type—Motor Driven Brush Included: 9 piece attachment set.	\$82.90
	#50.....	Floor Type—Plain Suction Included: 5 piece attachment set.	52.50
	#55.....	Cylinder Type—"Sanitizer" Included: 11 piece attachment set.	82.00
Apex Rotarex Corp.	#124.....	Cylinder Type Included: 11 Piece Attachment Set.	69.95
	#123A.....	Cylinder Type Included: 11 Piece Attachment Set.	49.95
	#123.....	Cylinder Type Included: 6 Piece Attachment Set. Extra—3 Piece Attachment Set.	39.95 5.00
	#140.....	Cylinder Type Included: 11 Piece Attachment Set.	59.95
	#129.....	Floor Type—Motor Driven Brush 2 Speed	69.95
	#147.....	Hand Type—Plain Suction	15.95
	#49P—Holland Reiger	Hand Type—Motor Driven Brush	18.00
Birtman Electric Co.	#T6.....	Cylinder Type Included: 15 Piece DeLuxe Attachment set.	54.95
	#J50.....	Hand Type—Motor Driven Brush	16.95
	#400.....	Floor Type—Motor Driven Brush	44.50
	#45 DeLuxe	15 Piece DeLuxe Attachment Set.	10.75
	#G11.....	6 Piece Attachment Set.	6.50
	#111A.....	Floor Type—Rotary Brush	32.95
	#124A.....	Floor Type—Rotary Brush	42.95
	#133A.....	Floor Type—Rotary Brush	52.95
	#143A.....	Floor Type—Rotary Brush 2 Speed	59.95
	#19.....	8 Piece Attachment Set	10.00
Clements Manufacturing Co.	#5.....	5 Piece Attachment Set	6.00
	#43A.....	Hand Type	14.95
	#60 DeLuxe	Hand Type—Motor Driven Brush	16.95
	#300.....	Cylinder Type Included: 11 Piece Attachment Set.	59.95
	XXX.....	Cylinder Type—Standard Set	69.75
	XX.....	Included: 9 Piece Attachment Set. Cylinder Type—Standard Set	49.50
Electrolux, Inc.		Included: 9 Piece Attachment Set.	



## 1941 MODELS—Continued

Manufacturer	Model	Description	Retail Price
Hamilton Beach	#36	Cylinder Type Included: 9 Piece Attachment Set. Plain Suction Type	\$61.75
	#37	Hand Cleaner	16.45
	#12	6 Piece Attachment Set	3.25
	#14	Floor Type—Motor Driven Brush	30.55
	#14	7 Piece Attachment Set	6.50
	#14	Floor Type—Motor Driven Brush	40.90
	#14	7 Piece Attachment Set	6.50
	#14	Floor Type—Motor Driven Brush	82.00
	#14	10 Piece Attachment Set	16.60
	#14	Floor Type—Motor Driven Brush	68.00
	#14	10 Piece Attachment Set	16.60
	#14	Floor Type—Motor Driven Brush	52.90
	#14	10 Piece Attachment Set	16.60
	#14	Floor Type—Motor Driven Brush	12.50
The Hoover Co.	#400	7 Piece Attachment Set	80.50
	#400	Floor Type—Motor Driven Brush	45.00
	#400	10 Piece Attachment Set	35.00
	#400	Floor Type—Motor Driven Brush	33.00
	#400	10 Piece Attachment Set	33.00
	#400	Floor Type—Motor Driven Brush	33.00
	#400	10 Piece Attachment Set	33.00
	#400	Floor Type—Motor Driven Brush	33.00
	#400	10 Piece Attachment Set	33.00
	#400	Floor Type—Motor Driven Brush	33.00
	#400	10 Piece Attachment Set	33.00
	#400	Floor Type—Motor Driven Brush	33.00
	#400	10 Piece Attachment Set	33.00
	#400	Floor Type—Motor Driven Brush	33.00
Launders, Frary & Clark	#400	Hand Type—Motor Driven Brush	16.95
	#400	10 Piece Attachment Set	13.85
	#400	Hand Type—Motor Driven Brush	12.85
	#400	10 Piece Attachment Set	7.00
	#400	Hand Type—Motor Driven Brush	20.95
	#400	10 Piece Attachment Set	54.95
	#400	Hand Type—Motor Driven Brush	64.95
	#400	10 Piece Attachment Set	33.20
	#400	Hand Type—Motor Driven Brush	37.57
	#400	10 Piece Attachment Set	42.80
	#400	Hand Type—Motor Driven Brush	47.50
	#400	10 Piece Attachment Set	9.40
	#400	Hand Type—Motor Driven Brush	14.22
	#400	10 Piece Attachment Set	26.45
Montgomery-Ward & Company	#400	Floor Type—Motor Driven Brush	26.45
	#400	10 Piece Attachment Set	40.95
	#400	Floor Type—Motor Driven Brush	47.70
	#400	10 Piece Attachment Set	32.20
	#400	Floor Type—Motor Driven Brush	37.70
	#400	10 Piece Attachment Set	52.31
	#400	Floor Type—Motor Driven Brush	28.20
	#400	10 Piece Attachment Set	37.57
	#400	Floor Type—Motor Driven Brush	51.50
	#400	10 Piece Attachment Set	74.75
	#400	Floor Type—Motor Driven Brush	77.00
	#400	10 Piece Attachment Set	12.50
	#400	Floor Type—Motor Driven Brush	17.00
	#400	10 Piece Attachment Set	10.00

\* Prices West of the Rocky Mountains are \$1.50 higher to cover freight.

## 1941 MODELS—Continued

Manufacturer	Model	Description	Retail Price
Electric Vacuum Cleaner Co.	#21	Floor Type—Motor Driven Brush 2 Speed	\$54.50
	#22	Hand Type—Motor Driven Brush	39.50
	#22	14 Piece Attachment Set	14.95
	#22	Duplex D-1	44.95
	#22	Cylinder Type—Miniature	74.50
	#22	Included: 10 Piece Attachment Set	30.00
	#22	Floor Type—Motor Driven Brush 2 Speed	79.50
	#22	14 Piece Attachment Set	59.50
	#22	Cylinder Type	44.50
	#22	Included: 11 Piece Attachment Set	29.50
	#22	Cylinder Type	59.95
	#22	Included: 12 Piece Attachment Set	44.95
	#22	Cylinder Type	59.50
	#22	Included: 13 Piece Attachment Set	40.50
Eureka Vacuum Cleaner Co.	#22	Floor Type—Revolving Brush	69.50
	#22	Cylinder Type	59.50
	#22	Included: 12 Piece Attachment Set	66.50
	#22	Cylinder Type	76.00
	#22	Included: 13 Piece Attachment Set	18.85
	#22	Floor Type—Motor Driven Brush	69.95
	#22	14 Piece Attachment Set	54.95
	#22	Floor Type—Motor Driven Brush	44.95
	#22	12 Piece DeLux Attachment Set	39.95
	#22	9 Piece Standard Attachment Set	17.95
	#22	Floor Type—Heavy Duty—Plain Suction	44.95
	#22	Hand Type	17.95
	#22	4 Piece Attachment Set	3.00
	#22	Hand Type	16.95
Gambie-Skogmo, Inc.	#22	4 Piece Attachment Set	3.00
	#22	Floor Type—Motor Driven Brush	44.50
	#22	Hand Type—Motor Driven Brush	13.95
	#22	Floor Type—Motor Driven Brush	64.57
	#22	14 Piece Attachment Set	54.62
	#22	Floor Type—Motor Driven Brush	48.89
	#22	12 Piece DeLux Attachment Set	45.28
	#22	9 Piece Standard Attachment Set	30.06
	#22	Floor Type—Straight Suction	24.97
	#22	Portable Utility Type	50.95
	#22	Included: 5 Piece Attachment Set	20.60
	#22	Blackboard Eraser Special Motor Driven Brush	25.10
	#22	Cylinder Type	49.95
P. A. Geler Company	#22	Included: 9 Piece Attachment Set	59.97
	#22	Cylinder Type	16.26
	#22	Hand Type—Motor Driven Brush	17.33
	#22	Hand Type—Motor Driven Brush	14.45
	#22	Hand Type—Plain Suction Rubber Nozzle	20.09
	#22	Included: 5 Piece Attachment Set	17.33
	#22	12 Piece Attachment Set	17.33
	#22	6 Piece Attachment Set	7.95
	#22	5 Piece Attachment Set	7.65
	#22	5 Piece Attachment Set	7.03
	#22	Floor Polisher	5.02
	#22	Cylinder Type	49.95
	#22	Included: 10 Piece Attachment Set	59.95
General Electric Co.	#22	Included: 10 Piece Attachment Set	49.95
	#22	Floor Type—Motor Driven Brush	59.95
	#22	Floor Type—Motor Driven Brush DeLux—2 Speed	12.95
	#22	Included: 10 Piece Attachment Set	9.95
	#22	Included: 7 Piece Attachment Set	14.95
	#22	Floor Type—Motor Driven Brush	17.95
	#22	Hand Type—Motor Driven Brush	17.95
	#22	Hand Type—Motor Driven Brush	17.95
	#22	Hand Type—Motor Driven Brush	17.95
	#22	Hand Type—Motor Driven Brush	17.95
	#22	Hand Type—Motor Driven Brush	17.95
	#22	Hand Type—Motor Driven Brush	17.95
	#22	Hand Type—Motor Driven Brush	17.95
	#22	Hand Type—Motor Driven Brush	17.95

\* Combination.



## 1941 MODELS—Continued

Manufacturer	Model	Description	Retail price
Sears, Roebuck & Company.	#0728	Cylinder Type Includes: 13 Piece Attachment Set.	\$39.95
	#0726	Cylinder Type Includes: 6 Piece Attachment Set.	29.95
Singer Sewing Machine Co.		Floor Type—Motor Driven Brush 2 Speed	62.50
		Floor and Hand Type	79.90
		DeLuxe Floor Type—Motor Driven Brush—Cord Reel—2 Speed	69.75
		DeLuxe Floor and Hand Type	86.50
Westinghouse Electric & Mfg. Co.	Accessories	Hand Type	19.80
	Do	7 Piece Attachment Set	10.00
	K-503	Dusting Brush	2.00
	K-H-503 & Hand 173	Floor Type—Motor Driven Brush	49.95
	K-453	Combination	66.90
	KA-453 & K-151	Floor Type—Motor Driven Brush	39.95
	A-403	Attachments	54.45
	AD-403 Plus Attachments A151	Floor Type—Motor Driven Brush	39.95
	A-503		47.95
	AA-503 — Combination	Cylinder Type Includes: 9 Piece Attachment Set.	44.95
	A-203	Spray, DeMoth, Wall Brush	49.95
	A-173	Hand Type—Motor Driven Brush Adapter and Attachments	19.95
	A-051	Hand Type—Motor Driven Brush Attachment Set	16.95
		DeMoth, Floor Polisher, Tool Kit	4.95
			10.00

(b) *Maximum prices for sales at all levels of other models (except private-brand models) and maximum wholesale prices of models listed in paragraph (a).* The maximum price, exclusive of excise or sales taxes for the sale of any model set forth in paragraph (a) to purchasers other than consumers, and the maximum price for the sale of any other model (except a private-brand model) offered for sale by the seller in the period October 1, 1941 to March 30, 1942, inclusive, to any purchaser, shall be the highest net price in effect for such model, by the seller's price list or other regular quotation, to the same general class of purchaser, during the period October 1, 1941, to October 15, 1941, inclusive, or if such model was not offered for sale by the seller before October 16, 1941, during the period October 16, 1941, to March 30, 1942.

(c) *Maximum price for private-brand models—(1) Sales by manufacturers.*

(i) The maximum price, exclusive of excise or sales taxes for any private-brand model sold by the manufacturer at a specific price shall be the highest net price for which such model was sold or contracted to be sold to the same general class of purchaser during the period October 1, 1941, to October 15, 1941, inclusive, or if such model was not offered for sale by the manufacturer before October 16, 1941, during the period October 16, 1941, to March 30, 1942.

(ii) The maximum price, exclusive of excise or sales taxes for deliveries of any private-brand model by the manufacturer in order to complete a cost-plus contract outstanding on March 30, 1942, shall be the price determined by the terms of such contract.

(2) *Sales by distributors and dealers.* The maximum price, exclusive of excise

or sales taxes, for the sale of a private-brand model by a distributor or dealer shall be the highest net price in effect for such model, by the seller's price list or other regular quotation, to the same general class of purchaser, during the period October 1, 1941, to October 15, 1941, inclusive, or if such model was not offered for sale by the seller before October 16, 1941, during that period October 16, 1941, to March 30, 1942, inclusive.

(d) *Maximum prices for new models.* (1) The maximum price for any model embodying non-substantial changes from a model offered for sale by the seller in the period October 1, 1941, to March 30, 1942, inclusive, shall be the price established by this Appendix A (§ 1370.12) for such corresponding model: *Provided*, That if the Office of Price Administration determines that any such change results in the reduction of quality, convenience of operation, or efficiency of performance, it may at any time make an appropriate reduction of the maximum price for such model.

(2) The maximum price for any model embodying any substantial change from a model offered for sale by the seller in the period October 1, 1941, to March 30, 1942, inclusive, shall be the price approved in writing by the Office of Price Administration after the submission to it of a report in accordance with § 1370.7 (b) (2).

(e) *Export sales.* In the case of sales for export the maximum prices established by paragraphs (a), (b), (c) and (d) to each general class of purchaser shall apply f. o. b. port of exit. To these prices the exporter may add:

(1) The actual cost of packing for export or special fabrication, if such cost is customarily charged as a separate

item or if, because of the special character of the packing, additional expense is customarily necessary in order to provide for the safe carriage of the shipment;

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

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

§ 1370.13 *Effective date.* This Maximum Price Regulation No. 111 (§§ 1370.1 to 1370.13, inclusive) shall become effective March 30, 1942.

Issued this 23d day of March 1942.

JOHN E. HAMM,  
Acting Administrator.

[F. R. Doc. 42-2566; Filed, March 24, 1942; 12:47 p. m.]

#### PART 1380—HOUSEHOLD AND SERVICE INDUSTRY MACHINES

##### MAXIMUM PRICE REGULATION NO. 110— RESALE OF NEW HOUSEHOLD MECHANICAL REFRIGERATORS

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

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

Therefore, under the authority vested in the Price Administrator by the Emer-

<sup>1</sup> The statement of considerations has been filed with the Division of the Federal Register.



agency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1<sup>st</sup> issued by the Office of Price Administration, Maximum Price Regulation No. 110 is hereby issued.

**AUTHORITY:** §§ 1380.101 to 1380.111, inclusive, issued pursuant to Pub. Law 421, 77th Cong., 2d Sess.

**§ 1380.101 Maximum prices for resale of household mechanical refrigerators.** On and after March 30, 1942, regardless of any contract, agreement, lease, or other obligation, no distributor or dealer shall sell or deliver any new model of household mechanical refrigerator at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1380.110; and no distributor or dealer shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this Section shall not be applicable to sales or deliveries of household mechanical refrigerators to a purchaser if, prior to March 30, 1942, such household mechanical refrigerators had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

**§ 1380.102 Less than maximum prices.** Lower prices than those set forth in Appendix A (§ 1380.110) may be charged, demanded, paid, or offered.

**§ 1380.103 Conditional agreements.** No seller of household mechanical refrigerators shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided herein, in the event that this Maximum Price Regulation No. 110 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.

**§ 1380.104 Evasion.** (a) The limitations set forth in this Maximum Price Regulation No. 110 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 household mechanical refrigerator alone, or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

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

(1) Decreasing cash discounts, trade-in or exchange allowances, quantity pur-

chase discounts or allowances for or absorption of transportation costs, below those in effect on February 2, 1942.

(2) Increasing charges for deferred payment, or for any other form of installment, or time payment or credit accounts, above those in effect on February 2, 1942.

(3) Failing to give or shortening the warranty or failing to give delivery, installation and other services available or in effect to the same general class of purchaser in exchange for the prices prevailing on February 2, 1942, corresponding to the maximum prices established by Appendix A (§ 1380.110).

**§ 1380.105 Records and reports.** (a) Every distributor or dealer making sales of household mechanical refrigerators after March 30, 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 sale, showing the date thereof, the name and address of the buyer, the model number or other designation of each model sold, the price received for each, the quantity sold and any discounts, allowances, or charges.

(b) Such persons shall submit such reports to the Office of Price Administration as it may, from time to time, require.

**§ 1380.106 Notices to be posted.** Every dealer shall post in a conspicuous place on the premises where refrigerators are offered for sale a legible notice setting forth the make, model number and maximum price under Maximum Price Regulation No. 110 of every model of refrigerator offered for sale on such premises.

**§ 1380.107 Enforcement.** (a) Persons violating any provision of this Maximum Price Regulation No. 110 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. 110 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.

**§ 1380.108 Petitions for amendment.** Persons seeking any modification of this Maximum Price Regulation No. 110 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.

**§ 1380.109 Definitions.** (a) When used in this Maximum Price Regulation No. 110, the term:

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

political subdivisions, or any agency of any of the foregoing;

(2) "Manufacturer" means any person who operates a plant or factory which manufactures or assembles household mechanical refrigerators;

(3) "Dealer" means any person other than a manufacturer, regularly engaged in the business of selling household mechanical refrigerators to consumers;

(4) "Distributor" means any person other than a manufacturer, regularly engaged in selling household mechanical refrigerators to dealers;

(5) "Consumer" means a person purchasing for use rather than resale;

(6) "Household mechanical refrigerator" means any new refrigerator for household use which operates either by compression or absorption;

(7) "Model" means any combination of size and specifications of equipment;

(8) "Net price quoted" means the actual cash price to be received by the seller, exclusive of state and local sales taxes, but including charges for warranty and cooperative advertising, and inclusive or exclusive of transportation charges, or Federal excise tax, whichever the price list or other regular quotation specifies.

(9) "Private-brand" means a refrigerator not offered for sale as the manufacturer's regular brand, but manufactured for a particular person or persons, whether or not such person's name or brand name appears thereon;

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

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

(12) "Export merchant" means any exporter who acts as a principal, and (i) buys for his own account in anticipation of foreign orders in general, (ii) takes title to the goods, and (iii) sells them direct, or through customary trade channels, to any or all buyers in the foreign country, and (iv) assumes all risks of loss or expense until title to the goods passes to a foreign buyer according to terms of sales.

**§ 1380.111 Appendix A: Maximum prices for the resale of household mechanical refrigerators—(a) Maximum prices for sales to consumers—(1) Models having recommended retail prices.** The maximum cash price for the sale to consumers of the following models shall be the prices listed in this subparagraph.

110



Prices on all models include delivery, installation, servicing, and a five-year warranty by the seller. Except as otherwise indicated with respect to certain 1941 models, all prices include the Federal excise tax, but do not include State or local taxes imposed at the point of sale. The limits of the numbered zones are those established by the manufacturer as of February 2, 1942.

Manufacturer	Brand	Model	1st zone	2d zone	3d zone	4th zone	5th zone	6th zone
Borg-Warner Corp.	Norge	1941 MODELS 1:						
		D-621	\$126.95					
		D-622	139.95					
		D-901	179.95					
		D-901	179.95					
		M-623	146.95					
		M-661	174.95					
		M-662	188.95					
		M-902	204.95					
		S-683	204.95					
		S-903	234.95					
		M-824-P	189.95					
		M-664-P	194.95					
		S-664-P	224.95					
		S-884-P	269.95					
		1942 MODELS						
		M-642	149.95					
		S-642	169.95					
		S-742	194.95					
		M-942	229.95					
		S-942	239.95					
		S-742-P	244.95					
		BD-65	179.00					
		A-120	345.00					
Copeland Refrigeration Corporation.	Copeland	1941 MODELS 1:						
		A-641	119.95	\$121.95	\$124.95	\$126.95		
		SS-641	129.95	132.95	134.95	136.95		
		S-641	137.95	139.95	142.95	144.95		
		SE-641	152.95	154.95	157.95	159.95		
		DM-641	187.45	188.95	194.45	196.95		
		SE-841	187.45	189.95	194.45	196.95		
		DM-841	227.45	228.95	234.45	236.95		
		1942 MODELS 1:						
		A-642	142.95	144.95	147.95	149.95		
The Crosley Corporation.	Crosley	1941 MODELS 1:						
		A-641	119.95	\$121.95	\$124.95	\$126.95		
		SS-641	129.95	132.95	134.95	136.95		
		S-641	137.95	139.95	142.95	144.95		
		SE-641	152.95	154.95	157.95	159.95		
		DM-641	187.45	188.95	194.45	196.95		
		SE-841	187.45	189.95	194.45	196.95		
		DM-841	227.45	228.95	234.45	236.95		
		1942 MODELS 1:						
		A-642	142.95	144.95	147.95	149.95		
Edison General Electric Appliance Co., Inc.	Hotpoint	1941 MODELS 1:						
		EA-3	123.45	124.95	127.95	129.95		
		EA-4	123.45	124.95	127.95	129.95		
		EA-5	123.45	124.95	127.95	129.95		
		EA-6	123.45	124.95	127.95	129.95		
		EA-7	123.45	124.95	127.95	129.95		
		EA-8	123.45	124.95	127.95	129.95		
		EA-9	123.45	124.95	127.95	129.95		
		EA-10	123.45	124.95	127.95	129.95		
		EA-11	123.45	124.95	127.95	129.95		

See footnotes at end of table.

Manufacturer	Brand	Model	1st zone	2d zone	3d zone	4th zone	5th zone	6th zone
General Electric Company.	General Electric.	1941 MODELS 1:						
		B-3	\$130.45	\$131.95	\$134.95	\$135.95		
		LB-3	123.45	124.95	127.95	128.95		
		LB-4	123.45	124.95	127.95	128.95		
		BY-4	143.45	144.95	147.95	148.95		
		LB-6-41	122.95	124.95	127.95	129.95		
		LBX-6-41	137.95	139.95	142.95	144.95		
		JB-6-41B	152.95	154.95	157.95	159.95		
		PJB-6-41	172.95	174.95	177.95	179.95		
		B-6-41	172.95	174.95	177.95	179.95		
		PB-6-41	192.45	194.95	198.95	201.95		
		BH-7-41	192.45	194.95	198.95	201.95		
		B-7-41	217.45	219.95	223.95	226.95		
		PB-7-41	237.45	239.95	243.95	246.95		
		B-8-41	238.95	239.95	244.95	247.95		
		PB-8-41	256.95	259.95	264.95	267.95		
		PB-12-B	440.00	445.00	452.00	457.00		
		PB-16-B	500.00	505.00	512.00	517.00		
		1942 MODELS 1:						
		LB-4-42	126.95	128.95	131.95	132.95		
		LB-6-42	126.95	128.95	131.95	132.95		
		LB-7-42	126.95	128.95	131.95	132.95		
		LBX-7-42	152.95	154.95	157.95	159.95		
		PB-7-42	182.95	184.95	187.95	189.95		
		B-7-42	202.45	204.95	208.95	211.95		
		B-8-42	222.66	225.16	229.16	232.16		
		PB-8-42	242.66	245.59	250.59	253.59		
		PB-12-42	263.04	265.04	271.04	274.04		
		PB-16-42	450.15	455.15	462.65	467.65		
			511.49	516.49	523.99	528.99		
The General Motors Corporation.	Frigidaire.	1941 MODELS 1:						
		S-3	119.75	121.75	123.75	123.75		
		SV-3	119.75	121.75	123.75	123.75		
		S-4	119.75	121.75	123.75	123.75		
		R-6-41	122.75	124.75	126.75	126.75		
		S-6-41	127.75	129.75	132.75	132.75		
		LS-6-41	127.75	129.75	132.75	132.75		
		L-6-41	140.75	142.75	145.75	145.75		
		LP-6-41	160.75	162.75	165.75	165.75		
		L-8-41	167.75	169.75	173.75	173.75		
		M-6-41	155.75	157.75	160.75	160.75		
		MP-6-41	175.75	177.75	181.75	181.75		
		C-6-41	180.75	182.75	186.75	186.75		
		CP-6-41	200.75	202.75	206.75	206.75		
		C-9-41	210.75	212.75	217.75	217.75		
		CD-6-41	217.75	220.75	224.75	224.75		
		CPD-6-41	237.75	240.75	244.75	244.75		
		CPD-9-41	267.75	271.75	275.75	275.75		
		CPD-13	420.75	426.75	432.75	432.75		
		1942 MODELS 1:						
		AH-4	122.49	124.49	126.49	126.49		
		AH-6	125.49	127.49	129.49	129.49		
		S-7-42	130.60	132.60	134.60	134.60		
		M-7-42	143.91	145.91	148.91	148.91		
		MP-7-42	164.34	166.34	170.34	170.34		
		D-7-42	159.07	161.07	164.07	164.07		
		DP-7-42	179.44	181.44	185.44	185.44		
		GD-7-42	222.10	225.10	229.10	229.10		
		CPD-7-42	242.50	245.50	249.50	249.50		
		CPD-9-42	273.11	277.11	281.11	281.11		
		CPD-13	429.07	435.07	441.07	441.07		

See footnotes at end of table.



Manufacturer	Brand	Model	1st zone	2d zone	3d zone	4th zone	5th zone	6th zone
Gibson Electric Refrigerator Corporation.	Gibson	1941 MODELS 11						
		A-331	\$100.95	\$114.95				
		A-471	120.95	134.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
Montgomery Ward & Company.	Montgomery Ward	1941 MODELS 11						
		A-331	\$100.95	\$114.95				
		A-471	120.95	134.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
Nash-Kelvinator Corp.	Kelvinator	1941 MODELS 11						
		A-331	\$100.95	\$114.95				
		A-471	120.95	134.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				
		C-631	117.95	131.95				

See footnotes at end of table.

See footnotes at end of table.



Manufacturer	Brand	Model	1st zone	2d zone	3d zone	4th zone	5th zone	6th zone		
Stewart-Warner Corporation.	Stewart-Warner.	1942 MODELS <sup>1</sup>								
		602	\$147.75							
		612	165.50							
		802	192.95							
		662	239.95							
		672	258.75							
		862	273.95							
		872	290.95							
Westinghouse Electric & Mfg. Co.	Westinghouse...	1941 MODELS <sup>2,3</sup>								
		U-3-41	114.95	\$116.95	\$118.95	\$120.95				
		AS-4-41	114.95	116.95	119.95	121.95				
		AS-6-41	122.95	124.95	127.95	129.95				
		S6-41	139.95	141.95	144.95	146.95				
		B-6-41	152.95	154.95	157.95	159.95				
		BP-6-41	172.95	174.95	177.95	179.95				
		D-7-41	182.95	184.95	187.95	189.95				
		B-9-41	182.45	184.95	188.95	191.95				
		M-7-41	207.95	209.95	212.95	214.95				
		DP-7-41	217.95	219.95	222.95	224.95				
		M-9-41	235.95	239.95	244.95	248.95				
		MP-9-41	265.95	269.95	274.95	278.95				
		A-135-40	424.50	429.50	435.50	439.50				
		E-135-40	474.50	479.50	485.50	489.50				
		A-200-40	493.50	499.50	506.50	509.50				
				1942 MODELS <sup>3</sup>						
				A-4-42	130.95	132.95	135.95	137.95		
A-6-42	139.95			141.95	144.95	146.95				
E-7-42	147.95			149.95	152.95	154.95				
AS-7-42	162.95			164.95	167.95	169.95				
B-7-42	177.95			179.95	182.95	184.95				
D-7-42	202.95			204.95	207.95	209.95				
B-9-42	202.95			204.95	208.95	211.95				
D-9-42	246.95			249.95	254.95	258.95				

<sup>1</sup> For sales outside the area covered by Zone 1, the seller may add to the Zone 1 price the normal differential existing for each model on February 2, 1942, in his locality.

<sup>2</sup> The seller may add to prices on 1941 models the actual amount of the additional 4½% Federal Excise Tax if he paid the tax to his vendor.

<sup>3</sup> These zones cover all 48 states.

<sup>4</sup> For sales outside the area covered by these three zones, the seller may add to the 3d zone price the normal differential existing for each model on February 2, 1942, in his locality.

(2) *Other models.* The maximum cash price, exclusive of state or local sales taxes, for the sale to consumers of any model not set forth in subparagraph (1) but offered for sale by the distributor or dealer on February 2, 1942, shall be the highest net price in effect, by the distributor's or dealer's price list or other regular quotation, to consumers on February 2, 1942.

(b) *Maximum prices for sales to dealers.* The maximum price, exclusive of state or local sales taxes, for the sale of any model set forth in paragraph (a) to a dealer shall be the net price which will yield the seller the same percentage of the total dollar margin between the manufacturer's net price to him and the dealer's resale price to consumers, as he received during the period October 1, 1941 to October 15, 1941 for the sale of the same or the most comparable model to the same general class of dealer.

(c) *New models.* The maximum price for any model not covered by paragraph (a) or (b) shall be the price approved in writing by the Office of Price Administration.

(d) *Export sales.* In the case of sales for export the maximum prices established by paragraphs (a), (b) and (c) of this section to each general class of purchaser shall apply f. o. b. port of exit. To these prices the exporter may add:

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

(2) On sales f. a. s. vessel, f. o. b. vessel, c. i. f. destination, or f. o. b. destination, an amount not in excess of the

actual cost to the exporter of ocean freight, marine and war risk insurances, or other standard charges;

(3) The normal commission or mark-up charged by same general class of exporter (i. e., manufacturer, export agent, export commission house or export merchant) for buying or for a sale or delivery of a similar quantity, quality, type, and packing to the same or comparable foreign market and to a purchaser of the same general class in the period October 1 to October 15, 1941, inclusive.

§ 1380.11. *Effective date.* This Maximum Price Regulation No. 110 (§§ 1380-101 to 1380.111, inclusive) shall become effective March 30, 1942.

Issued this 23d day of March 1942.

JOHN E. HAMM,  
Acting Administrator.

[F. R. Doc. 42-2551; Filed, March 24, 1942; 12:44 p. m.]

#### PART 1380—HOUSEHOLD AND SERVICE INDUSTRY MACHINES

##### TEMPORARY MAXIMUM PRICE REGULATION NO. 12—DOMESTIC WASHING MACHINES AND IRONING MACHINES—DISTRIBUTORS AND RETAILERS

In the judgment of the Price Administrator it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942, to establish temporarily as the maximum prices for domestic washing machines and ironing machines, the prices prevailing with respect thereto within five days prior to the issuance of this Temporary Maximum Price Regulation.

Therefore, under the authority vested in me by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,<sup>1</sup> issued by the Office of Price Administration, Temporary Maximum Price Regulation No. 12 is hereby issued.

AUTHORITY: §§ 1380.151 to 1380.161, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2d Sess.

§ 1380.151 *Maximum prices for domestic washing machines and ironing machines.* (a) On and after March 30, 1942, to and including May 28, 1942, regardless of any contract, agreement, lease, or other obligation, no distributor or dealer shall sell or deliver any domestic washing machine or ironing machine at a price higher than the maximum price, and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this Section shall not be applicable to sales or deliveries of domestic washing machines or ironing machines to a purchaser, if prior to March 30, 1942, such domestic washing machines or ironing machines had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(b) The maximum price for any model of domestic washing machine or ironing machine shall be the highest price for which such model was sold by the same seller on March 19, 1942, to a purchaser of the same general class. If there was no such sale, the maximum price shall be the highest price for which such model was sold on the most recent date prior to March 19, 1942, on which such a sale was made.

§ 1380.152 *Less than maximum prices.* Lower prices than those set forth in this Temporary Maximum Price Regulation No. 12 may be charged, demanded, paid, or offered.

§ 1380.153 *Conditional agreements.* No seller of domestic washing machines or ironing machines shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1380.151, in the event that this Temporary Maximum Price Regulation No. 12 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.

§ 1380.154 *Evasion.* The price limitations set forth in this Temporary Maximum Price Regulation No. 12 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of domestic washing machines or ironing machines, alone or



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

§ 1380.155 *Records and reports.* (a) Every distributor or dealer making sales of domestic washing machines or ironing machines between March 30, and May 28, 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 sale, showing the date thereof, the name and address of the buyer, the prices received, the type and the quantity of domestic washing machines and ironing machines sold.

(b) Persons affected by this Temporary Maximum Price Regulation No. 12 shall submit such reports to the Office of Price Administration as it may, from time to time, require.

§ 1380.156 *Notices to be posted.* Every dealer shall post in a conspicuous place on the premises where washing machines or ironing machines are offered for sale a legible notice setting forth the make, model number and maximum price under Temporary Maximum Price Regulation No. 12 of every model of washing machine or ironing machine offered for sale on such premises.

§ 1380.157 *Enforcement.* (a) Persons violating any provision of this Temporary Maximum Price Regulation No. 12 are subject to the criminal penalties and civil enforcement actions provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Temporary Maximum Price Regulation No. 12 or any price schedule, regulation or order issued by the Office of Price Administration or any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1380.158 *Petitions for amendment.* Persons seeking modification of any provision of this Temporary Maximum Price Regulation No. 12 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.

§ 1380.159 *Replacement by regulation.* This Temporary Maximum Price Regulation No. 12 may be replaced by a permanent maximum price regulation or order issued under the Emergency Price Control Act of 1942, which upon issuance shall have the effect of revoking this Temporary Maximum Price Regulation No. 12.

§ 1380.160 *Definitions.* (a) When used in this Temporary Maximum Price Regulation No. 12, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successors 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) "Domestic washing machine" means a mechanically operated machine used in the home for washing clothes and other household articles.

(3) "Ironing machine" means a mechanically operated machine used in the home for ironing clothes and other household articles.

(4) "Distributor" means any person, other than a manufacturer, who sells domestic washing machines or ironing machines in the regular course of trade to purchasers other than ultimate consumers.

(5) "Dealer" means any person other than a manufacturer or distributor regularly engaged in selling domestic washing machines to ultimate consumers.

(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.

§ 1380.161 *Effective period.* This Temporary Maximum Price Regulation No. 12 shall become effective on March 30 and shall, unless earlier revoked or replaced, expire at 12 o'clock midnight May 28, 1942.

Issued this 23d day of March 1942.

JOHN E. HAMM,  
Acting Administrator.

[F. R. Doc. 42-2552; Filed, March 24, 1942;  
12:44 p. m.]

#### PART 1398—OFFICE AND STORE MACHINES TEMPORARY MAXIMUM PRICE REGULATION NO. 15—NEW TYPEWRITERS

In the judgment of the Price Administrator it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942 to establish temporarily as the maximum prices for new typewriters the prices prevailing with respect thereto within five days prior to the issuance of this Regulation or on the nearest preceding date on which there were prevailing prices.

Therefore, under the authority vested in me by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, Temporary Maximum Price Regulation No. 15 is hereby issued:

AUTHORITY: §§ 1398.1 to 1398.11, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2d Sess.

§ 1398.1 *Maximum prices for new typewriters.* (a) On and after March 30, 1942, to and including May 28, 1942, regardless of any contract, agreement, lease, or other obligation, no persons shall sell, offer to sell or deliver any new typewriter, at a price higher than the maximum price established herein;

and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this Section shall not be applicable to sales or deliveries of new typewriters to a purchaser if, prior to March 6, 1942, such typewriters had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(b) The maximum price for any new typewriter shall be the net price quoted by the manufacturer, wholesaler, distributor, dealer, or other seller, for a typewriter of the same make and model in the manufacturer's price list in effect on March 5, 1942, to a purchaser of the same general class.

(c) There may be added to the maximum price established by this Temporary Maximum Price Regulation No. 15 the amount of tax levied by any Federal excise tax statute or any State or municipal sales, gross receipts, gross proceeds, or compensating use tax statute or ordinance, under which the tax is measured by gross proceeds or units of sale, if, but only if, (1) such statute or ordinance requires the vendor to state the tax, separately from the purchase price paid by the purchaser, consumer, or user, on the bill, sales check, or evidence of sale, at the time of the transaction; or (2) such statute or ordinance requires such tax to be separately paid by the purchaser, consumer, or user with tokens or other media of State or municipal tax payment; or (3) such a statute or ordinance permits the vendor to state such tax separately, and such tax is in fact stated separately by the vendor. The amount of tax permitted to be added by this provision shall in no event exceed that paid by the purchaser, consumer, or user.

§ 1398.2 *Less than maximum prices.* Lower prices than those set forth in this Temporary Maximum Price Regulation No. 15 may be charged, demanded, paid, or offered.

§ 1398.3 *Notices to be posted.* Every retail dealer in new typewriters shall post in a conspicuous place on his premises where new typewriters are offered for sale, a legible notice which shall set forth the make, model number and maximum price under Temporary Maximum Price Regulation No. 15 of every model of new typewriter offered for sale on such premises.

§ 1398.4 *Conditional agreements.* No seller of new typewriters shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided herein, in the event that this Temporary Maximum Price Regulation No. 15 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 con-*



tracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.

§ 1398.5 *Evasion.* (a) The price limitations set forth in this Temporary Maximum Price Regulation No. 15 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 new or used typewriters, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise. (b) Specifically, but not exclusively, the following practices are prohibited:

(1) Decreasing cash discounts, trade-in or exchange allowances, rental credits on purchases, quantity or other purchase discounts, or allowances for or absorption of transportation costs, below those available or in effect on March 5, 1942, for a purchaser of the same general class.

(2) Increasing charges for deferred payment, or for any other form of installment, or time payment or credit accounts, above those available or in effect on March 5, 1942, for a purchaser of the same general class.

(3) Increasing charges for maintenance or repair service, or for shop overhauls, above those available or in effect on March 5, 1942, for a purchaser of the same general class.

(4) Shortening the effective period of guarantee or warranty of performance, or of maintenance or repair service, available or in effect on March 5, 1942, for a purchaser of the same general class.

(5) Making terms and conditions of sale less favorable to the purchaser than those available or in effect on March 5, 1942, for a purchaser of the same general class.

§ 1398.6 *Records and reports.* (a) Every person making sales of new typewriters after March 30, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, a complete and accurate record of each such sale, showing the date thereof, the name and address of the buyer or lessee, the make, the model, serial number, or other designation and the price received for each new typewriter, the discounts and trade-in allowances given, and the model, serial number, or other designation of each typewriter traded in.

(b) Persons affected by this Temporary Maximum Price Regulation No. 15 shall submit such reports to the Office of Price Administration as it may, from time to time, require.

§ 1398.7 *Enforcement.* (a) Persons violating any provision of Temporary Maximum Price Regulation No. 15 are subject to the criminal penalties and civil enforcement actions provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Temporary Maximum Price Regulation No. 15 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.

§ 1398.8 *Petitions for amendment.* Persons seeking any modification of this Temporary Maximum Price Regulation No. 15 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.

§ 1398.9 *Replacement by regulation.* Temporary Maximum Price Regulation No. 15 may be replaced by a permanent maximum price regulation or order issued under the Emergency Price Control Act of 1942, which upon issuance shall have the effect of revoking Temporary Maximum Price Regulation No. 15.

§ 1398.10 *Definitions.* (a) When used in this Temporary Maximum Price Regulation No. 15, the term:

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

(2) "Typewriter" means any portable, office, commercial, noiseless or standard type of manually or electrically operated writing machine designed to be used for writing or copying letters or other documents, and does not include Braille typewriters, Linotype machines, Monotype machines, shorthand writing machines, telegraphically controlled typewriters, toy typewriters, or billing and continuous forms handling machines;

(3) "New typewriter" means any typewriter which has not, at any time, been delivered to any person acquiring it for use, and does not include rebuilt or reconditioned typewriters;

(4) "Manufacturer" means a person operating a factory or plant which manufactures or assembles typewriters;

(5) "Net price quoted" means the actual price after deducting trade-in allowances and quantity or other purchase discounts prevailing by virtue of the manufacturer's price list or schedule of allowances in effect on March 5, 1942.

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

§ 1398.11 *Effective date.* This Temporary Maximum Price Regulation No. 15 (§§ 1398.1 to 1398.11, inclusive) shall become effective March 30, 1942, and shall expire at midnight on May 28, 1942, unless earlier revoked.

Issued this 23d day of March 1942.

JOHN E. HAMM,  
Acting Administrator.

[F. R. Doc. 42-2555; Filed, March 24, 1942;  
12:46 p. m.]

# PART 1398—OFFICE AND STORE MACHINES REVISED RATIONING ORDER NO. 4<sup>1</sup>—NEW AND USED TYPEWRITERS

The title, preamble and §§ 1398.101 to 1398.109, inclusive, are amended and renumbered to read as set forth:

Pursuant to the authority vested in me by Directive No. 1 issued by the Chairman of the War Production Board on January 24, 1942, by Supplementary Directive No. 1D issued by the Chairman of the War Production Board on March 5, 1942, and Conversion Order No. L-54-A issued by the Director of Industry Operations of the War Production Board on March 17, 1942, it is hereby ordered that:

AUTHORITY: §§ 1398.101 to 1398.111, inclusive, issued under the authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483, War Production Board Directive No. 1 and Supplementary Directive No. 1D, 7 F.R. 562, 7 F.R. 1792, Conversion Order No. L-54-A, 7 F.R. 2130.

§ 1398.101 *Restriction of sales and deliveries of typewriters.* On and after the effective date of this Revised Rationing Order No. 4, regardless of any contract of sale, contract to sell, agreement, lease or other obligation, no person shall sell or deliver typewriters, and no person shall buy or receive typewriters, except as provided in §§ 1398.102, 1398.103, 1398.104, and 1398.105.

§ 1398.102 *Persons eligible to receive typewriters without application—*(a) *New typewriters.* Effective March 25, 1942, the following persons shall be eligible to buy or receive new typewriters, including portable and non-portable typewriters, without making application to a Local Rationing Board:

(1) Consignees of shipments of typewriters: *Provided,* That such typewriters were in transit on a carrier, other than a carrier owned or controlled by the consignor, on March 6, 1942.

(2) Manufacturers of typewriters at their places of business in the United States.

(3) Wholesalers or dealers in typewriters: *Provided,* That no manufacturer shall deliver new typewriters to a wholesaler or dealer except upon the presentation by the dealer or wholesaler of a purchase order dated after March 16, 1942, issued by the Army or Navy of the United States, in which case, the manufacturer may deliver the number of typewriters specified in the said purchase order.

(4) Persons entitled by distraint, levy, execution, attachment, or by similar forms of judicial process, including foreclosure or repossession by virtue of a bona fide lien, created prior to March 6, 1942, to the typewriters acquired.

(5) Persons entitled by will or by intestacy to the typewriter acquired.

(6) Trustees or receivers in bankruptcy, insolvency, or receivership, in cases where their trusteeship or receivership extends to the typewriters received.

(7) Persons entitled to redeem the typewriter acquired, if it was pledged before March 6, 1942.

<sup>1</sup> 7 F.R. 2003.



(8) The Army, Navy, and Procurement Division of the Treasury Department of the United States within their respective quotas assigned by the Director of Industry Operations of the War Production Board.

(b) *Used typewriters.* Effective March 25, 1942, the following persons shall be eligible to buy or receive used typewriters, including portables and non-portables, without making application to a local Rationing Board:

(1) Persons eligible to buy or receive new typewriters pursuant to paragraph (a) above of this section.

(2) Persons regularly engaged in the business of repairing, reconditioning, or rebuilding used typewriters may receive typewriters for repair, reconditioning, or rebuilding.

(3) Persons who have delivered used typewriters to others for repair, reconditioning, or rebuilding and are entitled to the return thereof.

(4) Any person acquiring a used typewriter for business purposes from a person other than a dealer or typewriter repairman: *Provided*, That the person from whom the used typewriter is acquired shall not own or possess, at the time of delivery of such typewriter, more than the one typewriter.

§ 1398.103 *Persons eligible to receive new or used typewriters upon certified application*—(a) *Non-portables.* On and after April 13, 1942, the following persons shall be eligible to buy or receive new or used non-portable typewriters in exchange for a certified application pursuant to § 1398.105, upon showing need therefor in accordance with the provision of paragraph (c) of this section: *Provided*, That no manufacturer (or branch, outlet, or sales agency of a manufacturer) shall deliver and no applicant shall receive from a manufacturer (or branch, outlet, or sales agency of a manufacturer) any new typewriter except as authorized by the War Production Board:

(1) Prime contractors with any agency of the government of the United States for the construction of a military or naval cantonment, shipyard, or air base.

(2) Persons who are engaged in the operation of a plant, factory, or shipyard, 70% of whose combined billings and accepted but unbilled orders (whether or not production has commenced pursuant to such orders), during the three-month period preceding the month in which the application is filed, consisted of billings and accepted but unbilled orders for ships, planes, tanks, guns, ammunition, powder, fire control apparatus, military or naval optical or communications equipment, armor plate, radiosondes, machine tools, lift trucks, welding machines, foundry equipment, cranes, metal working equipment, heat treating furnaces, or tackle blocks.

(b) *Portables.* On and after April 13, 1942, the following shall be eligible to buy or receive new or used portable typewriters for the purposes specified in this paragraph in exchange for a certified application pursuant to § 1398.105, upon

showing need therefor in accordance with the provisions of paragraph (c) of this Section: *Provided*, That no manufacturer (or branch, outlet, or sales agency of a manufacturer) shall deliver, and no person shall receive from a manufacturer (or branch, outlet, or sales agency of a manufacturer) any new typewriter except as authorized by the War Production Board:

(1) Persons eligible to buy or receive non-portable typewriters pursuant to paragraph (a) of this section.

(2) State and local governments and agencies thereof, and accredited representatives of foreign governments.

(3) The legislative and judicial establishments of the United States for official use.

(4) Selective Service Boards for the official use of the Boards.

(5) Civilian aides of the War and Navy Departments, for official use at official centers.

(6) State Defense Councils, Local Defense Councils, and Volunteer aides of the Office of Civilian Defense, when typewriters are required for the performance of the official duties of such Councils or aides at control centers or warden posts.

(7) American Red Cross for its official use.

(8) Local Rationing Boards for official use.

(9) Ship's licensed radio operators when typewriters are required for the performance of their duties.

(10) Newspapers, periodicals, radio broadcasting stations, and other agencies regularly engaged in the dissemination of news or news comment.

(11) United States government-owned corporations.

(12) Any industrial or extractive establishment, construction project, lumber camp, or power-generation, transportation, or communication facility operating under an A-5 or higher priority rating from the War Production Board.

(c) *Applicant must show immediate need.* A person who applies for a typewriter under paragraph (a) or (b) of this section shall establish in his application immediate need therefor for the efficient conduct of the construction project, business, duties, or functions specified in paragraph (a) or (b) hereof. Immediate need is not shown by applicant if upon the acquisition of a typewriter applied for, he will have in his possession any typewriter which is idle or not in use, unless such typewriter idle or not in use is unserviceable and cannot be made serviceable by reasonable repairs.

§ 1398.104 *Rental of typewriters.* (a) Effective March 13, 1942, all persons shall be eligible to rent new or used portable typewriters, and used non-portable typewriters. New non-portable typewriters shall not be rented.

(b) Regardless of any agreement, lease or other obligation heretofore or hereafter entered into, all rentals, leaseings, bailments, licenses, hirings, or loans of typewriters shall be subject to revocation or cancellation by lessors, bailors, li-

censors, or lenders, as the case may be, upon the issuance by the Office of Price Administration of Orders, Regulations, or Amendments requiring the recapture, repossession, or return of such typewriters. Upon the issuance by the Office of Price Administration of any such Orders, Regulations, or Amendments, all persons in possession of such typewriters shall return, deliver, or surrender such typewriters to their lessors, bailors, licensors, or lenders, as the case may be, at the time and in the manner provided for in such Orders or Regulations.

(c) *Rental-credit provisions and options to purchase.* Any rental-credit provision (or other provision for crediting rentals paid toward the purchase price of a rented typewriter) or option to purchase contained in an agreement for the rental of a typewriter made prior to March 6, 1942, which rental-credit provision or option was not prior to March 6, 1942 invoked or exercised in writing by the lessee, shall be enforceable only upon presentation of a certified application pursuant to §§ 1398.102 and 1398.104.

(d) *Bailment-leases.* A bailee-lessee under a bailment-lease agreement for the instalment purchase of a typewriter may complete the purchase provided the agreement therefor was executed and the typewriter was delivered prior to March 6, 1942.

§ 1398.105 *Procedure for buying typewriters*—(a) *Application.* Any person who believes that he is eligible to buy a typewriter or typewriters in accordance with the provisions of § 1398.103 shall make to the Local Rationing Board of the Office of Price Administration having jurisdiction over the area in which the typewriter is to be used, an application in triplicate on Form R-401 to be provided by the Local Rationing Board.

(b) *Certification of Application.* The Local Rationing Board, if it is satisfied that the applicant has properly executed his application, that the facts stated in the application are true, and that the applicant has satisfied all the applicable requirements of this Order, shall certify on the application its approval thereof and specify the number of each portable and non-portable typewriter to which the applicant is eligible. The Local Rationing Board shall retain one copy of the application and deliver the remaining two copies to the applicant for presentation to the seller.

(c) *Delivery.* The seller, if he knows nothing inconsistent with the facts set forth in an application of Form R-401, approved by a Local Rationing Board, may deliver the typewriter or typewriters specified in the Board's certification to the applicant, after executing the statement required of him on Form R-401, forwarding one copy to the Local Rationing Board as provided in § 1398.106 and retaining the other. If the seller knows any facts to be inconsistent with those set forth in the application, he shall retain the application, refuse to make the sale, and notify the Local Rationing Board thereof.

§ 1398.106 *Appeals*—(a) *Grounds.* Any applicant for a typewriter whose ap-



plication has been denied by the Board and who believes that such action is in conflict with this Revised Rationing Order No. 4 may file an appeal from such action with the State Rationing Administrator.

(b) *Filing of appeals.* An appeal from an action taken by a Board may be filed only within 30 days after such action has been taken. The applicant shall file a statement in writing and under oath setting forth the specific section of Revised Rationing Order No. 4 which he believes to be inconsistent with the action taken by the Board and stating in full the facts on which he grounds his appeal.

(c) *Action on appeals.* The State Rationing Administrator may require the Board or the appellant to furnish pertinent information, in addition to that furnished before the Board, with respect to any appeal pending before him. The State Rationing Administrator may affirm the decision of the Board, or may reverse or modify such decision and remand the matter to the Board for consistent action. The State Rationing Administrator's ruling shall be in writing and shall be communicated to the appellant and to the Board. If he reverses or modifies the decision, he shall send a copy of his ruling to the Office of Price Administration. He shall act on the appeal within 30 days after its filing.

(d) *Review by the Office of Price Administration.* If an appellant feels aggrieved by the ruling of the State Rationing Administrator, he may, within 30 days thereafter, file a written petition for review with the Office of Price Administration, Washington, D. C. If the Office of Price Administration, in its discretion, elects to review the matter, it may require the furnishing of additional pertinent information. The Office of Price Administration may affirm the ruling of the State Rationing Administrator, or may reverse or modify such ruling and remand the matter to the Board for consistent action. The ruling of the Office of Price Administration shall be in writing and shall be communicated to the appellant, to the Board, and to the State Rationing Administrator.

§ 1398.107 *Records.* Every typewriter manufacturer, wholesaler, and dealer shall preserve for not less than two years, accurate and complete records concerning inventories and sales or rentals of used typewriters, (including, specifically, the use to which a rented typewriter is to be put) and such copies of forms as are required to be retained by them by the terms of this Revised Rationing Order No. 4.

§ 1398.108 *Reports.* (a) On or before April 6, 1942, every typewriter manufacturer, wholesaler, and dealer shall file with the Local Rationing Board, on a Form to be provided by the Board, an inventory report containing the information required by such Form.

(b) Persons affected by this Revised Rationing Order No. 4 shall submit such other reports to the Office of Price Administration as it may, from time to time, require.

No. 59—5

§ 1398.109 *Violations.* (a) Any person who violates any provision of this Revised Rationing Order No. 4, who, by any act or omission, knowingly falsifies a statement or any record which he is required to keep by the terms of this Revised Rationing Order No. 4, or who otherwise knowingly furnishes false information to the Office of Price Administration, shall be subject to the penalties therefor, including a recommendation to the Attorney General for prosecution pursuant to section 35 (A) of the Criminal Code (Title 18 U.S.C. Sec. 80).

(b) In addition, the Office of Price Administration may deny him the right to receive any typewriter or any other commodity subject to rationing by the Office of Price Administration, and may recommend to the War Production Board that he be denied the right to receive any other materials which are now or in the future may be allocated by that Board.

§ 1398.110 *Definitions.* When used in this Revised Rationing Order No. 4, the term:

(a) "Dealer" means any person regularly engaged in the business of selling or renting typewriters to the ultimate user.

(b) "New" as applied to typewriters means any typewriter which has never been delivered to any person who has acquired it for use, and excludes repaired, rebuilt, or reconditioned typewriters.

(c) "Non-portable typewriter" means any typewriter other than a portable typewriter.

(d) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative or 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.

(e) "Manufacturer" means any person operating a plant for the manufacture or assembly of typewriters and shall include sales and distribution outlets owned, operated, or controlled by a manufacturer.

(f) "Portable typewriter" means any typewriter weighing less than 25 pounds.

(g) "Typewriter," unless expressly otherwise stated, includes non-portable typewriters, (including noiseless and electric types) and portable typewriters. The term shall not include typewriters with inbuilt continuous forms handling features, or with inbuilt front feed or form collating features; shorthand writing machines; telegraphically controlled typewriters; Braille typewriters; toy typewriters; linotype machines or monotype machines.

(h) "Used" as applied to typewriters means any typewriter which at any time has been delivered to a person or persons acquiring it for use.

(i) "Wholesaler" means any person regularly engaged in the business of selling typewriters to manufacturers or other wholesalers or dealers.

§ 1398.111 *Effective dates of Rationing Order No. 4.* (a) Rationing Order No.

4 (§§ 1398.101 to 1398.109, inclusive) issued March 12, shall be in force and effect from March 13, 1942 until midnight March 24, 1942.

(b) Revised Rationing Order No. 4 (§§ 1398.101 to 1398.111) shall take effect March 25, 1942.

Issued this 24th day of March 1942.

JOHN E. HAMM,  
Acting Administrator.

[F. R. Doc. 42-2574; Filed, March 25, 1942;  
9:22 a. m.]

## TITLE 36—PARKS AND FORESTS

### Chapter II—Forest Service

#### PART 221—TIMBER

##### MODIFICATION OF REGULATION S-2

By virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35; 16 U.S.C. 551), and the act of February 1, 1905 (33 Stat. 628; 16 U.S.C. 472), the third sentence of Regulation S-2 of the rules and regulations governing the occupancy, use, protection, and administration of the national forests, which constitutes § 221.2 of Part 221, Chapter II, Title 36, Code of Federal Regulations, is hereby amended to read as follows:

§ 221.2 *Management plans, sustained yields, and community and industrial stability; exportation of national forest timber.* The Secretary of Agriculture will also issue such instructions as may be necessary in specific cases to insure an adequate and permanent supply of forest products for local requirements, or for established industries dependent upon national forest timber, or to promote the welfare of local communities dependent upon national forest operations for employment, or to require that national forest timber suitable for specialized use in the manufacture of products necessary to national defense shall not be diverted to other uses.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, this 25th day of March 1942.

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

[F. R. Doc. 42-2602; Filed, March 25, 1942;  
11:57 a. m.]

## TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### Chapter I—Veterans' Administration

#### PART 17—FINANCE

##### DISPOSITION OF PATIENT'S PERSONAL EFFECTS AND FUNDS UPON DEATH OR DISCHARGE

§ 17.4819 *Public No. 382—77th Congress, December 26, 1941, Amending The Act of June 25, 1910 (24 U. S. Code, 136).*

(a) Whenever any veteran (admitted as a veteran) shall die in any Veterans Ad-



ministration facility or in any hospital, Federal, State, or private, while being furnished care or treatment therein by the Veterans Administration, without leaving a will and without leaving any spouse, heirs or next of kin entitled to his personal property, all such property, including money and choses in action, shall immediately vest in and become the property of the United States as trustee for the sole use and benefit of the General Post Fund, subject to claim as elsewhere provided.

(b) "Personal Property" as used herein shall include cash, funds on deposit in Personal Funds of Patients, bank accounts, certificates of stock, bonds and notes the obligation of the United States or of others, money orders, checks, insurance policies the proceeds of which are payable to the veteran or his estate, postal savings certificates, and all other papers of every character; also clothing, jewelry and all other forms of personality, or evidences of interest therein. (March 26, 1942) (Public No. 382, 77th Cong.)

§ 17.4820 *Notice to veterans receiving treatment.* (a) Form P-10, Revised, Application for Hospital Treatment or Domiciliary Care, includes notice to the applicant that effective as of March 26, 1942, the acceptance of care or treatment by any veteran shall constitute acceptance of the provisions of the Act. Similar notice shall be given to each veteran receiving care as of March 26, 1942, by posting notice in a prominent place in each building wherein patients or members are housed. Such notices shall be posted immediately and kept posted.

(b) Since the provisions of the law are applicable to all veterans receiving care at the expense of the Veterans Administration (contract, Federal, State or private hospital) it shall be the responsibility of the Veterans Administration officer (field or central) authorizing admission of a veteran to other than a Veterans Administration facility, to cause the chief officer of such institution to post in a conspicuous place, in all buildings where veterans are housed, the provisions of § 17.4819 (a), or if he declines to post, notify the patients individually and supply a statement from each acknowledging notice. Such provisions supersede in part the provisions of Form P-10 executed prior to March 26, 1942. (March 26, 1942) (Public No. 382, 77th Congress)

§ 17.4821 *Action upon death of veteran in Veterans Administration facility.* Upon the death of a veteran at a Veterans Administration facility while receiving care or treatment therein and whom it is believed leaves no will or heirs or next of kin entitled to his personal property, regardless of whether Form 1170 executed by the veteran names a designate, an inventory of the effects and funds, Form 2687, will be promptly prepared and supplemented by all information or evidence available as to personal property owned by the veteran in addition to that left at the place of death; similar action will be taken when the death of such a veteran hospitalized by the Veterans Administration occurs at a

contract hospital, Army, Navy, Marine or other hospital. Such inventories and information together with any bank books, stocks, bonds, or other valuable paper as enumerated in § 17.4819 (b) left in the effects of the veteran will be delivered to the manager of the Veterans Administration facility having jurisdiction, for his disposition in accordance with existing regulations. (March 26, 1942) (Public No. 382, 77th Congress)

§ 17.4822 *Disposition of personal effects upon death of veteran.* (a) Any assets heretofore or hereafter accruing to the benefit of the General Post Fund other than money, stocks, bonds, bank deposits, and similar assets, but including jewelry and other personal effects will be sold in accordance with the existing regulations, except that articles of personal adornment which are obviously of sentimental value shall, if unclaimed, be retained for five years from the date of death of the veteran, unless for sanitary or other reasons it is deemed unsafe to retain same. Possession of effects other than those located on the premises of a Veterans Administration facility will be obtained, except that if expense for transportation, storage, etc., is involved, prior authority of the director of finance will be secured. Proceeds of sale will be deposited to the credit of the General Post Fund.

(b) Stocks, bonds, bank deposit evidence (pass books, checks, time deposit certificates, etc.), and similar assets, actual or potential, will be promptly forwarded to the director of finance together with a copy of the inventory on which listed, in order that appropriate action may be taken to convert such assets into cash for deposit in the General Post Fund. Funds on deposit in Personal Funds of Patients will be deposited to the General Post Fund and Form 2687 promptly forwarded to the director of finance together with a statement that papers listed on the inventory were examined and nothing of value found, if such is a fact. Any claims against the estate of the deceased veteran will be filed with or, if received elsewhere, forwarded to the director of finance. (March 26, 1942) (Public No. 382, 77th Congress)

§ 17.4823 *Claims of creditors and heirs.* Effective December 26, 1941, the assets of the estate of a veteran theretofore or thereafter deposited to the General Post Fund and subject to the valid claims of creditors presented to the Veterans Administration within one year from the date of death or otherwise as provided by any applicable law. Any heir, next of kin, legatee or other person found to be legally entitled to the personal property of the veteran may claim same within five years from the date of the veteran's death. If claimant is under any legal disability (as a minor, incompetent, etc.) at the date of the veteran's death the five year period begins upon the termination of removal of legal disability. Such claims are for settlement by the director of finance. In the event of doubt as to entitlement or the necessity of legal proceedings to obtain assets for the benefit of the General Post Fund the case will be referred to the solicitor for

appropriate action. Any necessary court costs or expenses will be paid from the appropriation salaries and expenses, Veterans Administration. (March 26, 1942) (Public No. 382, 77th Congress)

[SEAL]

FRANK T. HINES,  
Administrator.

[F. R. Doc. 42-2599; Filed, March 25, 1942;  
11:11 a. m.]

## TITLE 46—SHIPPING

### Chapter III—War Shipping Administration

[General Order No. 1, Sup. 2]

#### PART 301—REGULATIONS AFFECTING MARITIME CARRIERS

##### PASSENGER VESSELS—UNIFORM BAREBOAT CHARTER

Whereas vessels in addition to those otherwise available are necessary for transportation of foreign commerce of the United States or of commodities essential to the national defense and to the prosecution of the war, and

Whereas from time to time the War Shipping Administration will deem certain vessels suitable for such transportation;

Now, therefore;

§ 301.1b *Uniform bareboat charter for all passenger vessels.* (a) The attached form<sup>2</sup> of Bareboat Charter is hereby adopted as the uniform bareboat charter for all passenger vessels.

(b) Appropriate special provisions shall be inserted, either by addendum or by insertion, as the owner and the War Shipping Administration shall agree (E.O. 9054, 7 F.R. 837)

By Order of the War Shipping Administration.

[SEAL]

W. C. PEET, JR.,  
Secretary.

MARCH 23, 1942.

[F. R. Doc. 42-2600; Filed, March 25, 1942;  
11:51 a. m.]

## Notices

### WAR DEPARTMENT.

[Public Proclamation No. 1]

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

MILITARY AREAS NOS. 1 AND 2 DESIGNATED AND ESTABLISHED

MARCH 2, 1942.

To: The people within the States of Arizona, California, Oregon, and Washington, and the Public Generally.

Whereas by virtue of orders issued by the War Department on December 11, 1941, that portion of the United States lying within the States of Washington, Oregon, California, Montana, Idaho, Nevada, Utah and Arizona and the Ter-

<sup>1</sup> 7 F.R. 1505, 1548.

<sup>2</sup> Filed as part of the original document.



ritory of Alaska has been established as the Western Defense Command and designated as a Theatre of Operations under my command; and

Whereas by Executive Order No. 9066, dated February 19, 1942, the President of the United States authorized and directed the Secretary of War and the Military Commanders whom he may from time to time designate, whenever he or any such designated commander deems such action necessary or desirable, to prescribe military areas in such places and of such extent as he or the appropriate Military Commander may determine, from which any or all persons may be excluded, and with respect to which the right of any person to enter, remain in or leave shall be subject to whatever restrictions the Secretary of War or the appropriate Military Commander may impose in his discretion; and

Whereas the Secretary of War on February 20, 1942, designated the undersigned as the Military Commander to carry out the duties and responsibilities imposed by said Executive Order for that portion of the United States embraced in the Western Defense Command; and

Whereas the Western Defense Command embraces the entire Pacific Coast of the United States which by its geographical location is particularly subject to attack, to attempted invasion by the armed forces of nations with which the United States is now at war, and, in connection therewith, is subject to espionage and acts of sabotage, thereby requiring the adoption of military measures necessary to establish safeguards against such enemy operations:

Now therefore, I, J. L. DeWitt, Lieutenant General, U. S. Army, by virtue of the authority vested in me by the President of the United States and by the Secretary of War and my powers and prerogatives as Commanding General of the Western Defense Command, do hereby declare that:

1. The present situation requires as a matter of military necessity the establishment in the territory embraced by the Western Defense Command of Military Areas and Zones thereof as defined in Exhibit 1, hereto attached, and as generally shown on the map attached hereto and marked Exhibit 2.<sup>1</sup>

2. Military Areas Nos. 1 and 2, as particularly described and generally shown hereinafter and in Exhibits 1 and 2 hereto, are hereby designated and established.

3. Within Military Areas Nos. 1 and 2 there are established Zone A-1, lying wholly within Military Area No. 1; Zones A-2 to A-99, inclusive, some of which are in Military Area No. 1, and the others in Military Area No. 2; and Zone B, comprising all that part of Military Area No. 1 not included within Zones A-1 to

A-99, inclusive; all as more particularly described and defined and generally shown hereinafter and in Exhibits 1 and 2.

Military Area No. 2 comprises all that part of the States of Washington, Oregon, California and Arizona which is not included within Military Area No. 1, and is shown on the map (Exhibit 2) as an unshaded area.

4. Such persons or classes of persons as the situation may require will by subsequent proclamation be excluded from all of Military Area No. 1 and also from such of those zones herein described as Zones A-2 to A-99, inclusive, as are within Military Area No. 2.

Certain persons or classes of persons who are by subsequent proclamation excluded from the zones last above mentioned may be permitted, under certain regulations and restrictions to be hereafter prescribed, to enter upon or remain within Zone B.

The designation of Military Area No. 2 as such does not contemplate any prohibition or regulation or restriction except with respect to the zones established therein.

5. Any Japanese, German or Italian alien, or any person of Japanese Ancestry now resident in Military Area No. 1 who changes his place of habitual residence is hereby required to obtain and execute a "Change of Residence Notice" at any United States Post Office within the States of Washington, Oregon, California and Arizona. Such notice must be executed at any such Post Office not more than five nor less than one day prior to any such change of residence. Nothing contained herein shall be construed to affect the existing regulations of the U. S. Attorney General which require aliens of enemy nationalities to obtain travel permits from U. S. Attorneys and to notify the Federal Bureau of Investigation and the Commissioner of Immigration of any change in permanent address.

6. The designation of prohibited and restricted areas within the Western Defense Command by the Attorney General of the United States under the Proclamations of December 7 and 8, 1941, and the instructions, rules and regulations prescribed by him with respect to such prohibited and restricted areas, are hereby adopted and continued in full force and effect.

The duty and responsibility of the Federal Bureau of Investigation with respect to the investigation of alleged acts of espionage and sabotage are not altered by this proclamation.

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

Confirmed:

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

[F. R. Doc. 42-2601; Filed, March 25, 1942;  
11:54 a. m.]

## DEPARTMENT OF THE INTERIOR.

### Bituminous Coal Division.

[Docket No. 1718-FD]

### IN THE MATTER OF RICHARD ALMOND AND GEORGE GALBAY, DEFENDANTS

### ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A written complaint having been filed on May 9, 1941, by the Bituminous Coal Producers Board for District No. 22, as complainant, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act") alleging wilful violation by Richard Almond and George Galbavy of the Bituminous Coal Code and rules and regulations thereunder; and

An order having been entered herein on January 26, 1942, cancelling and revoking the code membership of Richard Almond and George Galbavy; and

Said Order of Cancellation and Revocation having been duly served upon Richard Almond and George Galbavy on February 4, 1942; and

Richard Almond and George Galbavy having filed with the Division their application, dated March 7, 1942, for restoration of their code membership to become effective as of the date of the payment of the tax referred to in the said Order dated January 26, 1942; and

It appearing from said application that Richard Almond and George Galbavy on February 11, 1942, paid to the Collector of Internal Revenue, Helena, Montana, the sum of \$57.33 as provided in said Order dated January 26, 1942, as a condition precedent to the restoration of its code membership.

Now, therefore, it is ordered, That said application of Richard Almond and George Galbavy, dated March 7, 1942, for restoration of its code membership be, and the same hereby is granted; and

It is further ordered, That the code membership of Richard Almond and George Galbavy be and the same hereby is restored as of February 11, 1942.

Dated: March 24, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-2586; Filed, March 25, 1942;  
11:33 a. m.]

[Docket No. B-198]

### IN THE MATTER OF BOOTH, INC., REGISTERED DISTRIBUTOR

### NOTICE OF FILING OF APPLICATION FOR THE DISPOSITION WITHOUT FORMAL HEARING OF COMPLIANCE PROCEEDING

Notice is hereby given that Booth, Inc., Registered Distributor, Registration No. 0928, the party named in the above-entitled matter, on March 5, 1942, filed an application dated March 4, 1942, pursuant to § 301.132 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division for The Disposition Without Formal Hearing of Compliance Proceedings.

<sup>1</sup> A pamphlet containing Exhibits 1 and 2 was filed as a part of the original document.



In said application Booth, Inc., the above-named registered distributor:

1. Admits that the allegations contained in the Notice of and Order for Hearing entered in the above-named matter by the Acting Director on February 13, 1942, are in all respects true.

2. Admits that on various dates between May 27, 1941, and June 7, 1941, both dates inclusive, the applicant willfully violated the provisions of the Bituminous Coal Act and Code, acting as sales agent for the code member producers hereinafter named by making the following substitution and sales:

(a) Substitution of 419.05 tons of 2" x 5" egg coal produced at the Sellards No. 1 Mine (Mine Index No. 2431) of Left Fork Fuel Company, Inc., a code member in District No. 8, on railway fuel orders obtained from the Ann Arbor Railway Company, specifying 6" resultant mine run coal, and sale of said coal to said railway company at the price of \$1.85 per net ton f. o. b. said mine, the applicable mine price for such egg coal being \$2.30 per net ton f. o. b. the mine;

(b) Substitution of 418.5 tons of 2" x 5" egg coal produced at the Camp Creek Coal Company Mine (Mine Index No. 2420) of A. J. Fry, a code member in District No. 8 on railway fuel orders obtained from the Ann Arbor Railway Company specifying 6" resultant mine run coal, and sale of said coal to said railway company at the price of \$1.85 per net ton f. o. b. said mine, the applicable mine price for such egg coal being \$2.30 per net ton f. o. b. the mine;

(c) Substitution of 200 tons of 2" x 5" egg coal produced at the Hall Brothers Mine (Mine Index No. 2421) of J. C. Fry and Andrew J. Fry, co-partners, doing business under the name and style of J. C. Fry and A. J. Fry, a code member, in District No. 8, on railway fuel orders obtained from the Ann Arbor Railway Company specifying 6" resultant mine run coal, and sale of said coal to said railway company at the price of \$1.85 per net ton f. o. b. said mine, the applicable mine price for such egg coal being \$2.30 per net ton f. o. b. the mine; and

(d) Substitution of 152.2 tons of 2" x 5" egg coal produced at the Fry Mine (Mine Index No. 2703) of J. C. Fry and Andrew J. Fry, co-partners, doing business under the name and style of J. C. Fry and A. J. Fry, a code member in District No. 8, on railway fuel orders obtained from the Ann Arbor Railway Company specifying 6" resultant mine run coal, and sale of said coal to said railway company at the price of \$1.85 per net ton f. o. b. said mine, the applicable mine price for such egg coal being \$2.30 per net ton f. o. b. the mine;

all of said coal being handled in car load lots f. o. b. shipping point; resulting in violations of Rule 1 (f) of section XI of the Marketing Rules and Regulations and paragraphs (b) and (e) of Distributor's Agreement, and Rule 9 of section II of the Marketing Rules and Regulations and paragraph (e) of the Distributor's Agreement, and Rule 13 (a)

of section II of the Marketing Rules and Regulations and paragraph (e) of the Distributor's Agreement.

3. Admits that the applicant received commissions in respect to the coal involved in the admitted violations as follows:

(a) 419.05 tons.....	\$62.02
(b) 418.5 tons.....	61.94
(c) 200 tons.....	29.60
(d) 152.2 tons.....	22.53

Total Commission..... 176.09

4. States that to the best of the applicant's belief and knowledge, the applicant has not committed any violations of the Act, the Code or the regulations thereunder other than the violations specifically referred to and admitted in said application.

5. Consents to the entry of an order revoking or suspending its registration for a period of ten (10) days.

6. Agrees to restore to the code members referred to therein the amounts unlawfully accepted by it as commissions in the transactions involved in the admitted violations.

7. Agrees to pay all penalties, if any, to be imposed against the code members referred to, which are now pending, amounting to \$1,031.55.

Interested parties desiring to do so may within fifteen (15) days from the date of this notice file recommendations or requests for informal conferences in respect to the above-described application.

Dated: March 24, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-2587; Filed, March 25, 1942;  
11:33 a. m.]

[Docket No. B-195]

IN THE MATTER OF FRANK GERARD AND HESTON RUMPLE, INDIVIDUALLY AND AS CO-PARTNERS DOING BUSINESS UNDER THE NAME AND STYLE OF GERARD AND RUMPLE, CODE MEMBER, DEFENDANT

#### ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on March 27, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Post Office Building, Terre Haute, Indiana; and

It appearing to the Acting Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is postponed from March 27, 1942, at 10 a. m. to April 20, 1942, at 10 a. m. at the place and before the Examiner heretofore designated.

Dated: March 24, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-2588; Filed, March 25, 1942;  
11:34 a. m.]

[Docket No. B-206]

IN THE MATTER OF FRANCIS WEIDENKEHR, ALSO KNOWN AS FRANCIS WIEDERKEHR, CODE MEMBER, DEFENDANT

#### ORDER POSTPONING AND CHANGING PLACE OF HEARING

The above-entitled matter having been heretofore scheduled for hearing on March 28, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Monroe County Court House, Circuit Court Room, Bloomington, Indiana; and

It appearing to the Acting Director that it is advisable to postpone said hearing and change the place thereof;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is postponed from March 28, 1942, at 10 a. m. to April 22, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Superior Court Room, Knox Circuit Court, Vincennes, Indiana, before the Examiner heretofore designated.

Dated: March 24, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-2589; Filed, March 25, 1942;  
11:34 a. m.]

[Docket No. A-1362]

PETITION OF DELTA COAL MINING COMPANY, A CODE MEMBER IN DISTRICT NO. 10, FOR MINIMUM F. O. B. MINE PRICES FOR F. A. S. DELIVERY FROM MINES IN DISTRICT NO. 10 TO MINNEAPOLIS STREET RAILWAY COMPANY, AT MINNEAPOLIS, MINNESOTA, PURSUANT TO SECTION 3 (A), SPECIAL RIVER PRICE INSTRUCTIONS AND EXCEPTIONS, SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10 FOR ALL SHIPMENTS EXCEPT TRUCK

#### NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on April 15, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street N. W., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

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



in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before April 13, 1942.

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

The matter concerned herewith is in regard to the petition of Delta Coal Mining Company, a Code Member in District No. 10, for minimum f. o. b. mine prices for f. a. s. delivery from mines in District No. 10 to Minneapolis Street Railway Company, at Minneapolis, Minnesota, pursuant to section 3 (A), Special River Price Instructions and Exceptions, Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck, pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: March 24, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-2590; Filed, March 25, 1942;  
11:34 a. m.]

[Docket No. 1708-FD]

IN THE MATTER OF SHEBAN MINING COMPANY, CODE MEMBER

MEMORANDUM OPINION AND NOTICE OF AND ORDER FOR HEARING

This proceeding was instituted upon a complaint filed with the Bituminous Coal Division on June 11, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 4, alleging that the Sheban Mining Company, a code member in District 4, has wilfully violated the provisions of the Bituminous Coal Code or rules and regulations thereunder and praying that the Division either cancel and revoke the defendant's code membership or, in its discretion, direct the defendant to cease and desist from violations of the Code and rules and regulations thereunder.

Pursuant to an Order of the Acting Director, dated July 17, 1941, and after due notice to interested persons, a hearing in this matter was held on September 3, 1941, before W. A. Cuff, a duly designated Examiner of the Division,

at a hearing room thereof in Youngstown, Ohio. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The code member appeared. The preparation and filing of a report by the Examiner was waived and the record in the proceeding was thereupon submitted to the undersigned.

On December 4, 1941, the undersigned issued Findings of Fact and Conclusions of Law and entered an Order in accordance therewith, cancelling and revoking the code member's code membership and providing that as a condition of reinstatement to membership in the Code the code member should be required to pay to the United States a tax in the amount of \$4,117.16 as provided in section 5 (c) of the Act.

On January 16, 1942, the code member filed a petition for reconsideration, requesting that the Findings of Fact, Conclusions of Law, and Order issued herein be reconsidered; that the code member be granted an opportunity to present oral argument in support of its petition for reconsideration; and that it be permitted to introduce additional evidence.

In its petition for reconsideration, the code member claims that to suit the convenience of the Examiner and the Division attorney, and because it was led to believe by the Examiner and said attorney that the introduction of additional evidence by it would be merely a waste of time because no wilful violation had been shown, it did not introduce evidence other than a "statement" by one witness. The code member also referred to a "promise" of the Examiner and the Division attorney that "they are fully convinced that there was no wilful violation of any rules or regulations and that they will see that the case be treated so upon their return to Washington." The code member further claimed that it was not afforded a fair and impartial hearing because the Examiner was prejudiced and did not permit counsel for the code member the same latitude in examining witnesses as he permitted the Division. The code member also made other charges impugning the fairness of the hearing. Aside from stating these charges, however, the code member did not specify what evidence it neglected to offer. Its charges concerning the prejudice of the Examiner and the unfairness and partiality of the hearing were also general and vague.

Because of the serious character of these charges, however, and of the importance of investigating the same, the undersigned, on February 4, 1942, entered an Order granting the code member's request for an oral argument upon its petition for reconsideration. Accordingly, such argument was held before the undersigned on February 10, 1942. At that argument, although counsel for the code member was permitted the fullest latitude in expressing himself and as much time for argument as he desired, and although he was urged by the undersigned to be specific in his charges, coun-

<sup>1</sup>It should be noted that this was sworn testimony.

sel for the code member did no more than reiterate the general and undocumented charges theretofore made by him concerning the alleged improper conduct of the Examiner who presided at the hearing herein and of the attorney who represented the Division at said hearing.

Again, because these charges, though general in nature, were serious, I did not consider it advisable to accept them or to base any action thereon, unless supported by sworn statements. To that end, on March 2, 1942, I ordered the defendant to file affidavits in support of the charges made, setting forth in detail the facts and circumstances concerning them. Thereafter, the affidavits of six persons were furnished the undersigned by the code member. These, again, are vague and unspecific with respect to the charges made. They state conclusions of the affiants based upon unspecified facts and are based, in considerable and highly material parts, upon a most objectionable sort of hearsay.

A reading of the record herein, the petition for reconsideration, the oral argument, and the affidavits filed thereafter have failed to convince me that the conduct of the Division's Examiner or attorney at the hearing herein was improper so as to prejudice the code member in any way.

While I do not believe that the Division Examiner or attorney misled the code member in any respect or acted to its prejudice, I think that it does appear, however, that the code member and its counsel were genuinely confused during the hearing herein. And it may well be that this confusion, in and of itself, may have resulted in the code member's not having obtained as adequate a hearing as it otherwise would have. This confusion is evident from the failure of the code member and its counsel to recognize, in the petition for reconsideration and at the oral argument herein, that the penalty imposed by the undersigned in the Order of December 4, 1941, was based upon only such tonnage as was originally included in the complaint herein, and not upon the larger tonnage concerning which violations were proved at the hearing.

While, upon investigation, the charges of the code member appear to lack substance and while there does not appear to have been any prejudice to the code member arising out of the hearing therein, nevertheless, because of this confusion and the resulting doubt, though slight, of whether the code member has placed into the record all relevant evidence concerning the violation, I consider it advisable to order a new hearing herein which will be free of the troublesome issues raised by the code member. I desire to reiterate that I do not find that such rehearing is essential in order to guarantee to the code member a fair hearing. I believe that the code member has already had that. However, even at the oral argument counsel for code member still appeared confused. Therefore, in order to insure that the record presented to me



contains all the relevant evidence and out of an abundance of caution, I shall nevertheless order a new hearing.

The record heretofore made herein, except for the complaint filed herein on June 11, 1941, will be stricken and the new hearing will be based upon the complaint as originally filed on June 11, 1941. The purported amendment to the Notice of and Order for Hearing, made at the earlier hearing herein, which has caused so much confusion and which I disregarded in reaching my decision herein on December 4, 1941, is hereby again disavowed by me, and the hearing to be held will be concerned only with the violations charged in the complaint filed by District Board 4 on June 11, 1941, and set forth in the Notice of and Order for Hearing. The new hearing will be conducted by an Examiner and the Division will be represented thereat by an attorney not heretofore connected with the proceeding.

Now, therefore, it is ordered, That the record in this matter be, and it hereby is, stricken, except with respect to the complaint filed herein by District Board 4 on June 11, 1941.

It is further ordered, That the Order entered herein by the undersigned on December 4, 1941, cancelling and revoking code membership, be and it hereby is revoked and withdrawn, without prejudice.

It is further ordered, That the petition for reconsideration filed herein by the code member on January 16, 1942, be, and it hereby is, granted to the extent indicated above, and in all other respects denied.

It is further ordered, That a hearing in respect to the subject matter of the complaint filed herein on June 11, 1941, by District Board 4 to be held on April 8, 1942, at 10 o'clock in the forenoon, at a hearing room of the Division at the Post Office Building, Youngstown, Ohio.

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

Notice of such hearing is hereby given to said code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before

the date herein set for hearing on the complaint.

The matter concerned herewith is in regard to the complaint filed by District Board 4, alleging wilful violation by the above-named code member of the Bituminous Coal Code or rules and regulations thereunder, as follows: That the code member between October 1, 1940, and December 30, 1940, inclusive, sold a substantial quantity of 2" lump coal and mine run coal produced at its mine (Mine Index No. 2314) located in Mahoning County, Ohio, in District 4, for shipment via truck at a price of \$2.50 per ton f. o. b. the mine for the 2" lump coal and at a price of \$2.25 per ton f. o. b. the mine for the mine run coal, which prices were below the effective minimum prices for said coals as set forth in the schedule of Effective Minimum Prices for District No. 4 for Truck Shipments.

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

Dated: March 24, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-2591; Filed, March 25, 1942;  
11:35 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Marketing Administration.

[Docket No. AO 72-A 5]

#### NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO THE TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 30, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE TOLEDO, OHIO, MARKETING AREA, INCLUDING A PROPOSAL TO INCREASE THE MARKETING AREA

Notice is hereby given of a hearing to be held at the Waldorf Hotel, Toledo, Ohio, beginning at 10:00 a. m., e. w. t., March 30, 1942, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and Order No. 30, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area, including a proposal to increase the marketing area.

This notice is given pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 et seq.), and in accordance with the General Regulations of the Surplus Marketing Administration, United States Department of Agriculture (7 CFR 900.4).

This public hearing is for the purpose of receiving evidence with respect to the amendments which are hereinafter set forth in detail. These amendments have not received the approval of the Secretary of Agriculture, and at the hearing

evidence will be received relative to all aspects of the marketing conditions which are dealt with by the provisions to which such amendments relate. The amendments which have been proposed are as follows:

#### A. Proposed by the Northwestern Co-operative Sales Association.

1. Delete § 930.1 (a) (2) and substitute therefor the following:

(2) The term "Toledo, Ohio, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of the city of Toledo and the towns and villages of Ottawa Hills, Maumee, Sylvania, Harbor View, Rossford, and Trilby, in Lucas County, also the townships of Monclova, Springfield, Adams, Sylvania, Washington, and Oregon in Lucas County, and the township of Perrysburg, in Wood County, all in the State of Ohio, and the city of Monroe and village of Lakeside in Monroe County, and the townships of Whiteford, Bedford, Erie, LaSalle, Monroe, and Frenchtown, Monroe County, all in the State of Michigan.

2. Delete paragraphs (d) and (e) of § 930.4 and substitute therefor the following:

(d) *Computation of milk in each class.* For each delivery period, each handler shall compute, in the manner and on forms prescribed by the market administrator, the amount of milk in each class, as defined in paragraph (b) of this section, as follows:

(1) Determine the total pounds of milk (a) received from producers, (b) produced by him, if any, (c) received from other handlers, if any, (d) received from other sources, if any, and (e) add together the resulting amounts.

(2) Determine the total pounds of butterfat received as follows: (a) multiply the weight of the milk received from producers by its average butterfat test, (b) multiply the weight of the milk produced by him, if any, by its average butterfat test, (c) multiply the weight of the milk received from other handlers, if any, by its average butterfat test, (d) multiply the weight of the milk received from other sources, if any, by its average butterfat test, and (e) add together the resulting amounts.

(3) Determine the total pounds of milk in Class I as follows: (a) convert to quarts the quantity of milk disposed of in the form of milk and milk drinks, whether plain or flavored, and multiply by 2.15 (b) multiply the result by the average butterfat test of such milk, and (c) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk and Class III milk, computed pursuant to subparagraphs (4) (b) and (5) (b) of this paragraph, is less than the total pounds of butterfat received computed in accordance with subparagraph (2) of this paragraph, an amount equal to the difference shall be divided by 3.5 percent and added to the quantity of milk determined pursuant to (a) of this subparagraph.



(4) Determine the total pounds of milk in Class II as follows: (a) multiply the actual weight of each of the several products of Class II milk by its average butterfat test, (b) add together the resulting amounts, and (c) divide the result obtained in (b) of this subparagraph by 3.5 percent.

(5) Determine the total pounds of milk in Class III as follows: (a) multiply the actual weight of each of the several products of Class III milk by its average butterfat test, (b) add together the resulting amounts, (c) subtract the total pounds of butterfat in Class I milk and Class II milk, computed pursuant to subparagraphs (3) (b) and (4) (b) of this paragraph, and the total pounds of butterfat computed pursuant to (b) of this subparagraph, from the total pounds of butterfat computed pursuant to subparagraph (2) of this paragraph, which resulting quantity shall be allowed as plant shrinkage for the purposes of this paragraph (but in no event shall such plant shrinkage allowance exceed 3 percent of the total receipts of butterfat from producers and new producers by the handler) and shall be added to the result obtained in (b) of this subparagraph, and (d) divide the result obtained in (b) of this subparagraph by 3.5 percent.

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

(i) Subtract pro rata out of each class the quantity of milk received from the handler's own farm.

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

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

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

3. Delete subparagraphs (1), (2), and (3) of paragraph (a) of § 930.5, and substitute therefor the following:

(1) Class I milk—The price per hundredweight for Class I milk shall be \$2.95 per hundred: *Provided*, That with respect to Class I milk disposed of by such handler under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including

persons on relief, the price per hundredweight shall be such price for Class I milk less 46 cents.

(2) Class II milk—The price per hundredweight for Class II milk shall be the price for Class III milk determined by the market administrator pursuant to subparagraph (3) of this paragraph, plus 20 cents.

(3) Class III milk—The price per hundredweight for Class III milk shall be the price resulting from the following computation by the market administrator: determine the average of the basic, or field, prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat content received during the delivery period at the following plants and subtract 5 cents:

Concern:	Location of plant
Van Camp Milk Company	Wauseon, Ohio.
Pet Milk Company	Delta, Ohio.
Pet Milk Company	Hudson, Mich.

*Provided*, That if the price so determined is less than the price per hundredweight computed by the market administrator in accordance with the following formula, such formula price shall be the price for Class III milk for the delivery period: multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and add 30 percent thereof.

4. Add as § 930.5 (c) the following:

(c) The classification prices effective in the city of Monroe and the Townships LaSalle, Monroe, and Frenchtown, all in the State of Michigan shall be the same as those set forth in paragraph (a), section 930.5, except that the Class I price in these four subdivisions of the State of Michigan shall be 20 cents lower than the Class I price set forth in subparagraph (1), paragraph (a), § 930.5.

5. Delete § 930.7 (a) and substitute therefor the following:

*Payment for milk.* (a) *Time and method of payment.* On or before the last day of each delivery period, each handler shall pay, with respect to all milk received during the first 15 days of such delivery period, the prices per hundredweight which equals such handler's blend price for milk testing 3.5 percent butterfat as announced by the market administrator for the preceding delivery period to each of his producers and one-half of such blend price to each of his new producers. In event any producer or new producer discontinues shipping during any delivery period, or delivers during the last 15 days of the delivery period less than 60 percent of his deliveries for the first 15 days, such producer shall receive \$1.50 per hundredweight for milk delivered during the first 15 days of the delivery period and such new producer 75 cents per hundredweight for milk delivered during the first 15 days of the delivery period.

6. Delete from § 930.7 and all other sections, such paragraphs and subparagraphs as may be necessary to terminate the market sharing amendment.

B. *Proposed by Dairy and Poultry Branch.* 1. Reconsider the butterfat differential provided under § 930.7 (d).

2. Delete § 930.5 (b).

3. Reconsider § 930.1 (a) (4) and § 930.1 (a) (5).

It is hereby declared that an emergency exists in the handling of milk in the aforesaid area which requires a shorter period of notice than fifteen days, and it is hereby determined that the period of notice given is reasonable under the circumstances.

Additional copies of this notice of hearing and copies of Order No. 30, as amended, now in effect, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0312, South Building, Washington, D. C., or may be there inspected.

Dated: March 24, 1942.

[SEAL] ROBERT H. SHIELDS,  
Assistant to the Secretary  
of Agriculture.<sup>1</sup>

[F. R. Doc. 42-2557; Filed, March 24, 1942;  
4:14 p. m.]

## CIVIL AERONAUTICS BOARD.

[Docket No. 335]

IN THE MATTER OF THE COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT, THE FACILITIES USED AND USEFUL THEREFOR, AND THE SERVICES CONNECTED THEREWITH, OF EASTERN AIR LINES, INC.

### NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 1001 and 406 of said Act, in the above-entitled proceeding, that oral argument is hereby assigned to be held on April 3, 1942, at 10 a. m. (eastern standard time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated Washington, D. C., March 23, 1942.

By the Civil Aeronautics Board:

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-2577; Filed, March 25, 1942;  
10:04 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-297]

IN THE MATTER OF SIVYER STEEL CASTING COMPANY, COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW 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 18th day of March, A. D. 1942.

<sup>1</sup> Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 6 F.R. 5192).



The Sivyver Steel Casting Company pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, No Par Value, from listing and registration on the Chicago Stock Exchange; 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 10:00 a. m. on Monday, April 20, 1942, at the office of the Securities & Exchange Commission, 105 W. Adams Street, Chicago, Illinois, 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 Henry Fitts, 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. 42-2559; Filed, March 24, 1942;  
3:52 p. m.]

[File No. 1-937]

**IN THE MATTER OF MILLER AND HART, INC.,  
\$2 NON-CUMULATIVE CONVERTIBLE PREFERENCE STOCK, \$24 PAR VALUE**

**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 13th day of March, A. D. 1942.

The Chicago Stock Exchange pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the \$2 Non-Cumulative Convertible Preference Stock, \$24 Par Value, of Miller and Hart, Inc.

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 the office of the Securities and Exchange Commission, 105 West Adams Street, Chicago, Illinois, on Tuesday, April 14, 1942 at 10:00 A. M. 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 Henry Fitts, 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. 42-2560; Filed, March 24, 1942;  
3:52 p. m.]

[File No. 70-516]

**IN THE MATTER OF THE CENTRAL KANSAS  
POWER COMPANY**

**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 March, A. D. 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 above-named party; and

Notice is further given that any interested person may, not later than April 1, 1942 at 5:30 p. m., E. S. T., request the Commission in writing that a hearing 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, 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 below:

The Central Kansas Power Company, a subsidiary of United Utilities, Incorporated, a registered holding company, proposes to redeem 1,000 shares of its 4% Cumulative Preferred Stock at a price of \$105 per share, plus accrued dividends thereon to the date of redemption, as provided in the charter of the company. The redemption will be financed by the company out of its current funds.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-2561; Filed, March 24, 1942;  
3:52 p. m.]

[File No. 70-515]

**IN THE MATTER OF FLORIDA POWER CORPORATION,  
AND FLORIDA WEST COAST TOWING COMPANY**

**NOTICE REGARDING FILING**

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 March, A. D. 1942.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties;

Notice is further given that any interested persons may, not later than April 10, 1942, at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matters, 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 therein. At any time thereafter, such application-declaration, as filed or as amended, may become effective 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, Philadelphia, Pennsylvania. All interested persons are referred to said application-declaration which is on file in the office of said Commission for a statement of the transactions therein proposed which are summarized below:

Florida Power Corporation proposes to acquire the assets of Florida West Coast Towing Company, a wholly owned subsidiary with no outstanding publicly held obligations, in complete cancellation of the outstanding indebtedness and capital stock of Florida West Coast Towing Company.

As at December 31, 1941 the total capitalization of Florida West Coast Towing Company consisted of 175 shares of common stock with a stated aggregate value of \$17,500, and outstanding indebtedness to Florida Power Corporation in the face amount of \$6,432.08. The fixed capital of Florida West Coast Towing Company at the same date was stated at \$38,635.18. The application-declaration reveals that no appraisal of the assets or of the securities involved in this transaction has been made but it asserted in the filing that, in the opinion of the companies, the book value of the assets of Florida West Coast Towing Company represents actual cost.

The application-declaration further reveals that Florida West Coast Towing Company was organized as a Florida corporation in 1928 as a subsidiary of Florida Power Corporation for the purpose of transporting oil of Florida Power Corporation to be used in its plant at Inglis, Florida, the oil being transported from Port Tampa, Florida. Florida West Coast Towing Company owns a tug which is registered in its name and leases barges from Florida Power Corporation.



The filings have specified sections 9 (a) (1), 10, 12 (c) and 12 (f) and Rule U-43 of the Act as being, in the judgment of the applicants-declarants, applicable to the proposed transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-2562; Filed, Mar. 24, 1942;  
3:54 p. m.]

[File No. 70-484]

IN THE MATTER OF LOUISVILLE GAS AND  
ELECTRIC COMPANY (KENTUCKY), AND  
STANDARD GAS AND ELECTRIC COMPANY

AMENDATORY ORDER

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 March, A. D. 1942.

The Commission having entered an order herein on the 30th day of January, 1942, approving an application, as amended, by the above named companies pursuant to which Louisville Gas and Electric Company (Kentucky) would sell and Standard Gas and Electric Company would purchase shares of common stock of the former company as therein more fully described; and

A further amendment having been filed whereby Standard Gas and Electric Company seeks authority to acquire immediately all remaining unsold shares at the offering price to the public, which as of the close of business on March 21, 1942 totalled 85,210;

It is ordered, That said order of January 30, 1942 be and it is hereby amended accordingly.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-2563; Filed, March 24, 1942;  
3:54 p. m.]

[File No. 55-85]

IN THE MATTER OF YORK RAILWAYS COM-  
PANY, DEBTOR IN POSSESSION

Applications by: Saul, Ewing, Remick & Harrison, Counsel for York Railways Company; Manuel Kraus, Special Counsel for York Railways Company; Tradesmens National Bank and Trust Company, Trustee for Bond Holders of York Railways Company; Evans, Bayard and Frick, Counsel for Tradesmens National Bank and Trust Company; Day & Zimmerman, Inc., Expert Witnesses for York Railways Company.

No. 59—6

merman, Inc., Expert Witnesses for York Railways Company.

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, Pa., on the 20th day of March, A. D. 1942.

Notice is hereby given that applications have been filed by Saul, Ewing, Remick & Harrison, as counsel for York Railways Company debtor in possession; Manuel Kraus, as special counsel for said Debtor; Tradesmens National Bank and Trust Company, as trustee under the indenture of said Debtor; Evans, Bayard and Frick, as counsel for Tradesmens National Bank and Trust Company; and Day & Zimmerman, Inc., Engineers, expert witnesses for said Debtor, pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935 and Rule U-63 of the General Rules and Regulations promulgated thereunder, for approval by the Commission of the maximum amount that may be paid to said applicants for services rendered in connection with the reorganization of York Railways Company, a subsidiary of NY PA NJ Utilities Company, a registered holding company and an indirect subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, such reorganization of said York Railways Company, in which the Debtor is in possession, being now pending before the United States District Court for the Eastern District of Pennsylvania.

Applicants seek approval of the following maximum amounts for allowances for the following services rendered:

Saul, Ewing, Remick & Harrison, as counsel to the Debtor (interim) .....	\$20,000.00
Manuel Kraus, as special counsel to the Debtor in regard to tax matters .....	6,000.00
Tradesmens National Bank and Trust Company, as indenture trustee .....	2,500.00
Evans, Bayard and Frick, as counsel to the indenture trustee .....	5,000.00
Day & Zimmerman, Inc., as expert witnesses for the Debtor in matters before a special master .....	623.46

The request of Tradesmens National Bank and Trust Company is in addition to the annual payment of \$500 it has been receiving as indenture trustee, the last of these \$500 payments being for the period ended May 31, 1942.

It appearing to the Commission that it is appropriate and in the public interest and in the interest of investors and consumers that a hearing be held in connection with said application;

It is ordered, That a hearing on such matters under the applicable provisions of the Act and the Rules of the Commission thereof, be held at 10:00 a. m., on April 14, 1942, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the Hearing Room Clerk will advise as to the room where such hearing will be held.

It is further ordered, That William W. Swift or any other officer of the Commission designated for that purpose shall preside at that hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said applications, particular attention be directed at said hearing to the following matters and questions:

1. Whether the efforts of individual applicants have been of any benefit to, necessary, or in the interest of, the York Railways Company, security holders of the Debtor, or the general public;
2. Whether the services for which compensation is sought were appropriately performed in compliance with the provisions of the Public Utility Holding Company Act of 1935 and of other applicable statutes;
3. Whether any of the individual applicants have represented conflicting claims;
4. Generally, whether such requests for compensation as presented are reasonable, in light of time spent, amount of charges in relation to the size of the estate of the Debtor, effect on financial condition of York Railways Company, extent of unnecessary duplication of effort, and other relevant factors;

Notice is further given that any interested public agency, municipality, security holder, or other person desiring to be heard or to intervene in such proceeding may file an appropriate notice, request, or application for that purpose with the Commission not later than April 11, 1942, stating the reasons for such request and the nature of his interest. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-2558; Filed, March 24, 1942;  
3:52 p. m.]



