Washington, Tuesday, May 12, 1942

Federal Farm Loan Act (39 Stat. 372, 12 U.S.C. 781 "Fourth" (b) ), as amended. (E.O. 6084, Mar. 27, 1933, 6 CFR 1.1 (m) ; Memorandum No. 846, Sec. of Agric., Jan. 6, 1940)

A. G. Black, 
Governor.

[F. R. Doc. 42-3222; Filed, May 11, 1942; 11:37 a.m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine

[B. E. P. Q.—Q. 72]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—WHITE-FRINGED BEETLE QUARANTINE

Introductory Note

To bring the white-fringed beetle quarantine and regulations in line with current information this revision is made to extend the regulated areas in Alabama, Florida, Louisiana, and Mississippi to include several small areas in which infestations of the beetles have been found since the original quarantine became effective; to release an area of approximately 84 square miles in the vicinity of Monroeville, Ala., where repeated inspections fail to show that the beetles are now present; to add to the articles that are restricted throughout the year, lily bulbs, grass sod, peanut hay, and nursery stock including greenhouse-grown annuals and perennials; to lift the restrictions on sweetpotatoes, peas, and beans; and to make other modifications. A regulation [§ 301.72-8] has been included to require the cleaning of railway cars, trucks, and other vehicles which have been used for transporting restricted articles within the regulated area, before such vehicles may be moved interstate to points outside.

The newly added sections are for the most part adjacent to the old infested areas in the vicinities of Floreal, Mobile, and Monroeville, Ala., Pensacola, Fla., and Monroeville, Ala., Pensacola, Ala., and Monroeville, Ala., Pensacola, Ala., respectively.

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New Orleans, La., Gulfport and Laurel, Miss., and include also Hattiesburg, Miss., and several communities in the vicinity thereof. Brought within the regulated areas, in part, for the first time, are the counties of Dallas and Escambia, Ala., the parishes of Iberia and Saint Tammany, La., and the Mississippi counties of Covington, Forrest, and Jones.

Under the authority contained in the Insect Pest Act of March 3, 1905, the interstate movement of living white-fringed beetles in any stage of development is prohibited except when so moved under certification for scientific purposes as authorized in paragraph (b) of § 301.72-9.

To conform with current nomenclature of the white-fringed beetles, the designation of the genus is changed from Neapatus to Pantomorus and the restrictions apply only to species of the subgenus Graphognathus.

Arrangements for inspection may be made by addressing the Bureau of Entomology and Plant Quarantine, P. O. Box 989, Gulfport, Miss., or other field offices listed in the appendix.

Determination of the Secretary of Agriculture

The Secretary of Agriculture, having given the public hearing required by law
and having determined that it was necessary to quarantine the States of Alabama, Florida, Louisiana, and Mississippi, to prevent the spread of destructive infestations of insect pests, commonly referred to as white-fringed beetles, not therefore widely prevalent within and throughout the United States, on December 21, 1938, issued an Order of the Secretary of Agriculture quarantining the States of Alabama, Florida, Louisiana, and Mississippi, to prevent the spread of the said pests or pests of like species from the Stipulated plants, or plant products; (2) live white-fringed beetles, in any stage of development, shall not be transported from any quarantine area to any nonquarantine area, or from any nonquarantine area to any quarantine area, or corporation from any quarantined State into or through any other State or Territory or District of the United States, under conditions other than those prescribed in the regulations supplemental hereto: Provided, That the restrictions of this quarantine and of the regulations supplemental hereto may be limited to such areas, designated by the Secretary of Agriculture as regulated areas, in the quarantined States as, in his judgment, shall be adequate to prevent the spread of the said pests or pests. Any such limitation shall be conditioned upon the affected State or States providing for and enforcing the control of the intrastate movement of the restricted articles and enforcing such other control and sanitation measures with respect to such areas or portions thereof as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the pest spread therefrom of said insect infestation: And provided further, That whenever, in any year, the Chief of the Bureau of Entomology and Plant Quarantine finds that facts exist as to the pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto apply, making it safe to modify, by rule or by any other instrument, the restrictions contained in any such regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulations should be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

Order of the Secretary of Agriculture

Pursuant to the authority conferred upon the Secretary of Agriculture by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), the Secretary of Agriculture quarantines the States of Alabama, Florida, Louisiana, and Mississippi to prevent the spread of destructive infestations of insect pests, commonly known as white-fringed beetles, and regulate areas to cover more recently discovered infestations, and to make other modifications.

SUBPART—WHITE-FRINGED BEETLE QUARANTINE

§ 301.72 Notice of quarantine. Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), the Secretary of Agriculture quarantines the States of Alabama, Florida, Louisiana, and Mississippi to prevent the spread of destructive infestations of insect pests, commonly known as white-fringed beetles, and under authority contained in the aforesaid Plant Quarantine Act and the Insect Pest Act of March 3, 1905 (7 U.S.C. 141, 143), the Secretary of Agriculture prescribes regulations. Hereafter the following articles (as specifically named in the regulations supplemental hereto, or in administrative instructions as provided in the regulations supplemental hereto), which are capable of being the aforesaid insect infestations, viz., (1) nursery stock and other stipulated plants or plant products; (2) soil independent of, or in connection with, nursery stock, plants, or other products; or (3) other articles as stipulated in § 301.72-3; or (4) live white-fringed beetles in any stage of development, shall not be transported from any quarantine area to any nonquarantine area, or from any nonquarantine area to any quarantine area, or corporation from any quarantined State into or through any other State or Territory or District of the United States, under conditions other than those prescribed in the regulations supplemental hereto: Provided, That the restrictions of this quarantine and of the regulations supplemental hereto may be limited to such areas, designated by the Secretary of Agriculture as regulated areas, in the quarantined States as, in his judgment, shall be adequate to prevent the spread of the said pests or pests. Any such limitation shall be conditioned upon the affected State or States providing for and enforcing the control of the intrastate movement of the restricted articles and enforcing such other control and sanitation measures with respect to such areas or portions thereof as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the pest spread therefrom of said insect infestation: And provided further, That whenever, in any year, the Chief of the Bureau of Entomology and Plant Quarantine finds that facts exist as to the pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto apply, making it safe to modify, by rule or by any other instrument, the restrictions contained in any such regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulations should be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

Meaning of Terms

§ 301.72-1 Definitions.—(a) The pests. Species of the genus Pantomorus, subgenus Graphognathus, commonly known white-fringed beetles, in any stage of development.

(b) Regulated area. Any area in a quarantined State which is now, or which may hereafter be, designated as regulated area by the Secretary of Agriculture in accordance with the provisions of § 301.72, as revised.

(c) Restricted articles. Products or articles of any character whatsoever, the intrastate movement of which is restricted by the provisions of the white-fringed beetle quarantine, and the regulations supplemental thereto.

(d) Nursery stock. Forest, field, and greenhouse-grown trees, shrubs, and perennial plants, for planting purposes.

(e) Inspector. Duly authorized Federal plant-quarantine inspector.

(f) Certificate. An approved document, issued by an inspector, authorizing the movement of restricted articles from the regulated areas.

(g) Limited permit. An approved document, issued by an inspector, to allow controlled movement of noncertified articles to designated and authorized processing plants or for other restricted operations.

(h) Administrative instructions. Documents issued by the Chief of the Bureau of Entomology and Plant Quarantine relating to the enforcement of the quarantine.

(i) Infested or infestation. Infested by white-fringed beetles, in any stage of development.

(j) Area. The area in which a regulated area or restricted articles are located.

(k) Quarantine area. The area designated as regulated area by the Secretary of Agriculture.

(l) Quarantine. Any area designated as regulated area by the Secretary of Agriculture.

(m) Quarantine order. Any order issued by the Secretary of Agriculture to control or prevent the spread of destructive infestations of insect pests.

(n) Quarantine regulations. Any regulations issued by the Secretary of Agriculture to control or prevent the spread of destructive infestations of insect pests.

(o) Quarantine certificate. Any certificate issued by the Secretary of Agriculture to control or prevent the spread of destructive infestations of insect pests.

(p) Quarantine permit. Any permit issued by the Secretary of Agriculture to control or prevent the spread of destructive infestations of insect pests.

(q) Quarantine order. Any order issued by the Secretary of Agriculture to control or prevent the spread of destructive infestations of insect pests.

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(t) Quarantine permit. Any permit issued by the Secretary of Agriculture to control or prevent the spread of destructive infestations of insect pests.

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(v) Quarantine regulations. Any regulations issued by the Secretary of Agriculture to control or prevent the spread of destructive infestations of insect pests.

(w) Quarantine certificate. Any certificate issued by the Secretary of Agriculture to control or prevent the spread of destructive infestations of insect pests.

(x) Quarantine permit. Any permit issued by the Secretary of Agriculture to control or prevent the spread of destructive infestations of insect pests.

(y) Quarantine order. Any order issued by the Secretary of Agriculture to control or prevent the spread of destructive infestations of insect pests.

(z) Quarantine regulations. Any regulations issued by the Secretary of Agriculture to control or prevent the spread of destructive infestations of insect pests.

(aa) Quarantine certificate. Any certificate issued by the Secretary of Agriculture to control or prevent the spread of destructive infestations of insect pests.

(bb) Quarantine permit. Any permit issued by the Secretary of Agriculture to control or prevent the spread of destructive infestations of insect pests.
southern boundary of T. 5 N. and east of the western boundary of R. 31 W.; in Okaloosa County: T. 3 N., R. 22 W., and secs. 1, 2, and 3, T. 3 N., R. 21 W.; in and all lands north of both areas to the Florida-Alabama State line; sec. 7, T. 5 N., R. 15 W., and R. 17 W., and secs. 10, 10, 11, 12, 16, T. 5 N., R. 14 W.; all of T. 5 N., R. 14 W., and 11453 FEDERAL REGISTER, Vol. 34, No. 194, Tuesday, May 12, 1942

(continued)


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**Conditions of Interstate Movement**

§ 301.72-4 Conditions governing interstate movement of restricted articles—(a) Certification required. Restricted articles shall not be moved interstate from a regulated area to or through any point outside thereof unless accompanied by a valid inspection certificate issued by an inspector: Provided, That certification requirements as they relate to part or all of any regulated area may be waived, during part or all of the year, by the Chief of the Bureau of Entomology and Plant Quarantine, on his finding and giving notice thereof. In administrative instructions, the State concerned has promulgated any of the above sanitary measures on and about the premises on which restricted articles originate or are retained, or that adequate volunteer sanitary measures have been applied, or that other control or natural conditions exist which have eliminated the risk of contamination by the pests in any stage of development.

(b) Use of certificate on shipments. Every container of restricted articles moved interstate from any regulated area shall have securely attached to the outside thereof a certificate or permit issued in compliance with these regulations, except that in the case of shipments in bulk, by common carrier, a master permit attached to the shipping order, manifest, or other shipping documents, will be sufficient.

(c) Movement within contiguous areas unrestricted. No certificates are required for interstate movement of restricted articles when such movement is wholly within contiguous regulated areas.

(d) Articles originating outside the regulated areas. No certificates are required for the interstate movement of restricted articles originating outside of the regulated areas and moving through or from a regulated area, when the point of origin is clearly indicated, when their identity has been destroyed, and when the articles are protected, while in the regulated area, in a manner satisfactory to the inspector.

**Conditions of Certification**

§ 301.72-5 Conditions governing the issuance of certificates and permits—(a) Approved methods. Certificates authorizing the interstate movement of restricted articles from the regulated areas may be issued upon determination by the inspector that the articles are (1) apparently free from infestation; or (2) have been treated, fumigated, or processed under approved methods; or (3) were grown, produced, manufactured, stored, or handled in such a manner that, in the judgment of the inspector, no infestation would be transmitted thereby: Provided, That certificates authorizing the interstate movement of soil, earth, sand, clay, peat, muck, compost, or manure originating in an infested area may be issued only when such materials have been treated or handled under methods or conditions approved by the Chief of the Bureau of Entomology and Plant Quarantine.

(b) Limited permits for manufacturing or processing purposes. Limited permits may be issued for the movement of non-certified restricted articles to such manufacturing or processing plants, gins, or establishments as may be authorized and designated by the Chief of the Bureau of Entomology and Plant Quarantine, for manufacture, processing, treatment, or other operation. As a condition of such authorization and designation, persons or firms or persons so designated shall agree in writing to maintain such sanitary safeguards against the establishment and spread of infestation and to comply with such restrictions as to their handling or subsequent move-
ment of restricted products as may be required by the Inspector. 

§ 301.72-6 Assembly of restricted articles for inspection. Persons intending to move restricted articles interstate from regulated areas shall make application for certification as far as possible in advance of the probable date of shipment. Applicants shall state the nature and quantity of articles to be moved, together with their exact location, and if practicable, the contemplated date of shipment. Applicants for inspection may be required to assemble or indicate the articles to be shipped so that they may be readily examined by the inspector.

The United States Department of Agriculture will not be responsible for any cost incidental to inspection or treatment other than the services of the inspector.

Certificates and Permits May Be Cancelled

§ 301.72-7 Cancellation of certificates or permits. Certificates or permits issued under these regulations may be withdrawn or canceled and further certification refused whenever, in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine, the further use of such certificates or permits might result in the dissemination of infestation.

Cleaning of Vehicles

§ 301.72-8 Thorough cleaning required of freight cars, trucks, and other vehicles before moving interstate. Freight cars, trucks, and other vehicles which have been used in transporting within the regulated areas any restricted articles, shall not thereafter be moved interstate from the regulated areas until they have been thoroughly cleaned by the carrier or owner at a point within the regulated area.

Shipments for Experimental, Etc., Purposes

§ 301.72-9 Shipments for experimental or scientific purposes. (a) Articles for experimental or scientific purposes. Articles subject to restrictions may be moved interstate for experimental or scientific purposes, on such conditions as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear an identifying tag issued by the Bureau of Entomology and Plant Quarantine.

(b) Beetles for experimental or scientific purposes. Live white-fringed beetles, if required to assemble or indicate the articles to be moved interstate for scientific purposes only under conditions prescribed by the Chief of the Bureau of Entomology and Plant Quarantine, the container of white-fringed beetles so moved shall bear an identifying tag issued by the Bureau of Entomology and Plant Quarantine.

Done at the city of Washington this 8th day of May, 1942.

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

[SEAL]

CLAUDE R. WICKARD,
Secretary of Agriculture.

Appendix

Penalties

The Plant Quarantine Act of August 20, 1912, as amended, (7 U.S.C. 161), provides that no person shall ship or offer for shipment to any common carrier, nor shall any common carrier receive for transportation or transport, nor shall any person carry or transport, from any quarantined State, Territory or District of the United States, or from any quarantined portion thereof, into or through any other State or Territory or District, any class of plants, fruit, grains, vegetables, roots, bulbs, seeds, or other plant products, or any class of stone or quarry products, or any other article of any character whatsoever, capable of carrying any dangerous plant disease or insect infestation, specified in the notice of quarantine. The regulations in manner or method or under conditions other than those prescribed by the Secretary of Agriculture. It also provides that any person who shall violate any of the provisions of this act, or who shall forge, counterfeit, alter, deface, or destroy any certificate provided for in this act or in the regulations of the Secretary of Agriculture shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding $100, or by imprisonment not exceeding 1 year, or both such fine and imprisonment, in the discretion of the court.

State and Federal Inspection

Certain of the quarantined States have promulgated quarantine regulations restricting interstate movement supplemental to the Federal quarantine. These State regulations are enforced in cooperation with the Federal authorities. Copies of either the Federal or State quarantine orders may be obtained at the chief office of the Bureau of Entomology and Plant Quarantine, Room 6, Gates-Cook Building (Tel. 1591) P. O. Box 989, Gulfport, Miss., or through a White-fringed Beetle Inspector at one of the following subsidiary offices:

Alabama: Florala: Hughes Building (Tel. 64), P. O. Box 187. Mobile: 111 Federal Building (Tel. Belmont 3781, Ext. 214), P. O. Box 670. Monroe: City Hall (Tel. 901), P. O. Box 169.

Florida: Pensacola: 18 Federal Building (Tel. 5952), P. O. Box 343. Miami: 300 Building (Tel. 4425 Bienville Ave. (Tel. Audubon 3860), P. O. Box 7086-Sta. G.

Mississippi: Hattiesburg: 110 Evans Street (Tel. 2866), P. O. Box 968. Laurel: Civic Center P. O. Box 364.

General Offices of States Cooperating

Alabama: Chief, Division of Plant Industry, Montgomery.

Florida: Assistant Plant Commissioner, State Plant Board, Gainesville.

Louisiana: State Entomologist, Baton Rouge.

Mississippi: Entomologist, State Plant Board, State College.

[F. R. Doc. 49-4206; Filed, May 9, 1942; 12:00 p. m.]


PART 301—DOMESTIC QUARANTINE NOTICES

WHITE-FRINGED BEETLE REGULATIONS MODIFIED

§ 301.72a Administrative instructions; removal of certification requirements for specified articles. (a) Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by the second proviso of § 301.72, Chapter III, Title 7, Code of Federal Regulations [Notice of Quarantine No. 73, on account of the white-fringed beetle], all certification requirements for the interstate movement from the regulated areas are hereby waived effective May 11, 1942, through July 31, 1942, for the following articles and materials enumerated in § 301.72-8(a): 

(i) Soil, sand, and gravel. As indicated below. (l) Soil, when taken from a depth of at least 2 feet below the existing surface, and when entirely free from any surface soil to a depth of 2 feet. (ii) Sand and gravel when washed, processed, or otherwise treated to the satisfaction of the inspector.

(2) Articles other than soil. When free from soil and when sanitation practices as prescribed by the inspector are maintained to his satisfaction, the following articles are exempt from certification during the period specified above:

(i) Nursery stock, including all annual and perennial plants.

(ii) Hay, including peanut hay, roughage of all kinds, straw, leaves, and leaf-mold.

(iii) Seed cotton, baled cotton lint and linters, and cottonseed when free from gin trash.

(iv) Forest products such as cordwood, stump wood, logs, lumber, timbers, posts, poles, and cross ties.

(v) Peanuts in shells and peanut shells.

(vi) Used implements, machinery, and containers.

(2) Articles other than soil. When free from soil and when sanitation practices as prescribed by the inspector are maintained to his satisfaction, the following articles are exempt from certification during the period specified above:

(i) Nursery stock, including all annual and perennial plants.

(ii) Hay, including peanut hay, roughage of all kinds, straw, leaves, and leaf-mold.

(iii) Seed cotton, baled cotton lint and linters, and cottonseed when free from gin trash.

(iv) Forest products such as cordwood, stump wood, logs, lumber, timbers, posts, poles, and cross ties.

(v) Peanuts in shells and peanut shells.

(vi) Used implements, machinery, and containers.

(b) Beetles for experimental or scientific purposes. Live white-fringed beetles, if required to assemble or indicate the articles to be moved interstate for scientific purposes only under conditions prescribed by the Chief of the Bureau of Entomology and Plant Quarantine, the container of white-fringed beetles so moved shall bear an identifying tag issued by the Bureau of Entomology and Plant Quarantine.

Done at the city of Washington this 8th day of May, 1942.

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

[SEAL]

CLAUDE R. WICKARD,
Secretary of Agriculture.

Appendix

Penalties

The Plant Quarantine Act of August 20, 1912, as amended, (7 U.S.C. 161), provides that no person shall ship or offer for shipment to any common carrier, nor shall any common carrier receive for transportation or transport, nor shall any person carry or transport, from any quarantined State, Territory or District of the United States, or from any quarantined portion thereof, into or through any other State or Territory or District, any class of plants, fruit, grains, vegetables, roots, bulbs, seeds, or other plant products, or any class of stone or quarry products, or any other article of any character whatsoever, capable of carrying any dangerous plant disease or insect infestation, specified in the notice of quarantine. The regulations in manner or method or under conditions other than those prescribed by the Secretary of Agriculture. It also provides that any person who shall violate any of the provisions of this act, or who shall forge, counterfeit, alter, deface, or destroy any certificate provided for in this act or in the regulations of the Secretary of Agriculture shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding $100, or by imprisonment not exceeding 1 year, or both such fine and imprisonment, in the discretion of the court.

State and Federal Inspection

Certain of the quarantined States have promulgated quarantine regulations restricting interstate movement supplemental to the Federal quarantine. These State regulations are enforced in cooperation with the Federal authorities. Copies of either the Federal or State quarantine orders may be obtained at the chief office of the Bureau of Entomology and Plant Quarantine, Room 6, Gates-Cook Building (Tel. 1591) P. O. Box 989, Gulfport, Miss., or through a White-fringed Beetle Inspector at one of the following subsidiary offices:

Alabama: Florala: Hughes Building (Tel. 64), P. O. Box 187. Mobile: 111 Federal Building (Tel. Belmont 3781, Ext. 214), P. O. Box 670. Monroe: City Hall (Tel. 901), P. O. Box 169.

Florida: Pensacola: 18 Federal Building (Tel. 5952), P. O. Box 343. Miami: 300 Building (Tel. 4425 Bienville Ave. (Tel. Audubon 3860), P. O. Box 7086-Sta. G.
the application of control measures and natural conditions, have so decreased the intensity of infestation in the regulated areas as to eliminate risk of spread of the white-fringed beetle, thereby justifying the removal of certification requirements as set forth above.

(b) Except as specified above, the following articles and materials shall remain under the restrictions of § 301.72-3 throughout the year:

1. All soil, earth, sand, clay, peat, muck, compost, and manure, whether moved independent of, or in connection with, or attached to nursery stock, plants, products, articles, or things.

2. Grass sod.

3. Lily bulbs when freshly harvested and uncured.

4. Scrap metal and junk.

5. Gin trash.

6. Locally grown potatoes are under regulation during May, June, and July.

This revision supersedes Circular B.E.P.Q. 466, eighth revision, which became effective April 1, 1941. (7 C.F.R., § 301.72; sec. 7080, 39 Stat. 1165; 44 Stat 250; 7 U.S.C. 161)

Done at Washington, this 1st day of May 1942.

[SEAL]

P. N. ANNAH,
Chief.

[F. R. Doc. 42-4220; Filed, May 11, 1942; 12 m.]
with the Enemy Act of October 6, 1917 (50 U.S.C.A. App. sec. 5 (b), as amended by sec. 301 of the First War Powers Act, 1941 (Pub. Law 354, 7th Cong., 1st sess.), and pursuant to Executive Order 9065 of March 11, 1942, the undersigned, finding upon investigation that the property described in Exhibit A attached hereto and made a part hereof in the property of nationals of a foreign country designated in Executive Order No. 8389, as amended, as defined therein, and that the action herein taken is in the public interest, hereby directs that there shall be vested forthwith in the Alien Property Custodian all property described in the aforesaid Exhibit A, to be held, used, administered, and otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return or compensation should be made.

Any person not a national of a foreign country claiming any interest in or right to any property described in Exhibit A, or any person asserting any claim as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form No. APC-1 within one year from the date of this order, or within such further time as may be allowed by the Alien Property Custodian. (E.O. 9095, 7 F.R. 1971)

This order shall be published in the Federal Register.

Executed at Washington, D. C., on April 28, 1942.

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

I. Applications for patents (titles not stated) pending in the United States Patent Office under the following serial numbers:

<table>
<thead>
<tr>
<th>Serial Numbers</th>
<th>Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>132, 150</td>
<td>240, 959, 263, 777</td>
</tr>
<tr>
<td>183, 454</td>
<td>241, 197, 267, 120</td>
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<tr>
<td>166, 300</td>
<td>245, 912, 260, 333</td>
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<td>212, 688</td>
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<td>246, 492, 267, 231</td>
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<td>217, 659</td>
<td>248, 180, 269, 658</td>
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<td>218, 017</td>
<td>250, 713, 269, 355</td>
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<td>218, 758</td>
<td>251, 374, 270, 158</td>
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<td>220, 587</td>
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<td>220, 854</td>
<td>253, 948, 273, 144</td>
</tr>
<tr>
<td>220, 324</td>
<td>253, 776, 273, 414</td>
</tr>
</tbody>
</table>

2. Applications (about to be but not yet filed at the United States Patent Office) the oaths attached to which were executed on the date hereinafter listed under the heading "Dates", by the per-
sons hereinafter listed under the heading "Inventors", for patents brief descriptions of which are hereinafter listed under the heading "Titles", and assigned to the assignees, if any, and as of the dates, hereinafter listed under the heading "Assignments", respectively, as follows:

<table>
<thead>
<tr>
<th>Dates</th>
<th>Inventors</th>
<th>Titles</th>
<th>Assignments</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-10-41</td>
<td>Schmidt, et al</td>
<td>Photographic printing material.</td>
<td>None.</td>
</tr>
<tr>
<td>8-11-41</td>
<td>Kurt Thimms</td>
<td>Production of polymer layers.</td>
<td>Deutsche Celuloid Fabrik, 9-11-41.</td>
</tr>
<tr>
<td>8-12-41</td>
<td>Bruno Wendt</td>
<td>Washing agent.</td>
<td>I. G. Farbenindustrie, A. G., 9-12-41.</td>
</tr>
<tr>
<td>8-29-41</td>
<td>Langensieben</td>
<td>Anti-diabetic product isolated from the pancreas and a process of preparing it.</td>
<td>Wintrop-Chemical Company, 9-29-41.</td>
</tr>
</tbody>
</table>

[F. R. Doc. 42-4163; Filed, May 8, 1942; 2:12 p.m.]

TITLE 14—CIVIL AVIATION
Chapter II—Administrator of Civil Aeronautics, Department of Commerce
[Amendment 9, Part 601]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS AND RADIO FIXES

DESIGNATION OF BROWNsville MUNICIPAL AIRPORT AS A CONTROL AIRPORT

MAY 8, 1942.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended and § 60.21 of the Civil Air Regulations, and finding that this action is necessary in the interest of safety and for the proper control of air traffic, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics which became effective January 15, 1942, as follows:

1. By amending § 601.3 so as to include in the proper alphabetical order the designation of the following airport as a control airport:

City: Name of airport
Brownsville, Texas Brownsville Airport

This amendment shall become effective May 15, 1942.

C. L. STANTON,
Acting Administrator.

[F. R. Doc. 42-4183; Filed, May 8, 1942; 10:36 a.m.]

TITLE 15—COMMERCIAL PRACTICES
Chapter I—Federal Trade Commission
[Docket No. 4480]

PART 3—DIGEST OF CEASE AND DESIST ORDERS
IN THE MATTER OF GREEN SUPPLY COMPANY, ET AL.

§ 3.60 (b) Using or selling lottery devices—In merchandising. In connection with offer, etc., in commerce, of fishing tackle, silverware, rifles, garments, blankets, radios, or any other merchandise, (1) selling, etc., any merchandise so packed or assembled that sales of such merchandise to the public, either to be made, or may be made, by means of a game of chance, gift enterprise or lottery scheme; (2) supplying, etc., others with pull tabs, punch tabs, pull cards, pull cards, punchboards or other lottery devices, either with assortments of merchandise or separately, which said pull or pull cards, pull tabs, punchboards or other lottery devices are to be used, or may be used, in selling or distributing said merchandise to the public; (3) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

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

By the Commission.

[SEAL]

OTTIS B. JOHNSON, Secretary.

[F. R. Doc. 42-4198; Filed, May 9, 1942; 11:33 a.m.]

[Docket No. 4598]

PART 3—DIGEST OF CEASE AND DESIST ORDERS
IN THE MATTER OF CODRIN CORPORATION

§ 3.6 (n) Advertising falsely or misleadingly—Nature—Product. § 3.6 (t) Advertising falsely or misleadingly—Qualities or properties of product: § 3.6 (x) Advertising falsely or misleadingly—Results: § 3.6 (y) Advertising falsely or misleadingly—Safety: § 3.71 (e) Neglecting, unfairly or deceitfully, to make material disclosure—Safety. In connection with offer, etc., of respondent's "Magnesia S. Pellegrino" medicinal preparation, or other device, in connection with the sale, advertisement, sale, etc., of said preparation, which advertisements represent, directly or by inference, (1) that said preparation is a disinfectant; (2) that said preparation will not irritate the intestines of the user, or that its use will...
regulate the intestines, or that it is a sure or final cure for constipation, or that said preparation is a cure or remedy or a competent or effective treatment for stomach acidity, or has any therapeutic value in the treatment of constipation in excess of temporary relief therefrom; (4) that said preparation is a cure or remedy or a competent or effective treatment for stomach acidity, or has any therapeutic value in the treatment of any disease or condition in excess of temporarily relieving constipation and temporarily reducing stomach acidity; and which advertisements fail to reveal that said preparation should not be used in cases of abdominal pains, stomach-ache, cramps, nausea, vomiting, or other symptoms of appendicitis and further, that its frequent or continued use may result in dependence upon laxatives; prohibited, subject to provision, however, as respects said last paragraph, to directions for use, wherever they appear on the label, in the labeling, or both, contain a warning of the potential dangers in the use of said preparation for the above set forth; such advertisements need contain only the statement, “Caution: Use Only as Directed.” (Sec. 5, 38 Stat. 719, as amended by sec. 2, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) (Cease and desist order, Codrin Corporation, Docket 4598, May 5, 1942)

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of May, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into between counsel for the respondent and counsel for the Commission, which provides, among other things, that without further notice or other intervening proceedings, the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, the Commission having made its findings as to the facts and conclusion that respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Codrin Corporation, a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of its medicinal preparation Magnesia S. Pellegrino, or any other product containing the same or similar ingredients or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, the term “commerce” is defined in the Federal Trade Commission Act, any advertisement which

(a) Represents, directly or through inference, that said preparation is a disinfectant;

(b) Represents, directly or through inference, that the use of said preparation will normalize the digestive system, or assure perfect digestion or perfect health;

(c) Represents, directly or through inference, that said preparation will irritate the intestines of the user, or that its use will irritate the intestines, or that it is a sure or final cure for constipation, or that said preparation is a cure or remedy or a competent or effective treatment for stomach acidity, or has any therapeutic value in the treatment of any disease or condition in excess of temporarily relieving constipation and temporarily reducing stomach acidity;

(d) Represents, directly or through inference, that said preparation is a cure or remedy or a competent or effective treatment for stomach acidity, or has any therapeutic value in the treatment of such condition in excess of temporarily reducing diarrhea;

(e) Represents, directly or through inference, that said preparation has therapeutic value in the treatment of any disease or condition in excess of temporarily relieving constipation and temporarily reducing stomach acidity;

(f) Fails to reveal that said preparation should not be used in cases of abdominal pains, stomach-ache, cramps, nausea, vomiting, or other symptoms of appendicitis, and, further, that its frequent or continued use may result in dependence upon laxatives: Provided, however, That if the directions for use, wherever they appear on the label, in the labeling, or both, contain a warning of the potential dangers in the use of said preparation as above set forth, such advertisement need contain only the statement, “Caution: Use Only As Directed.”

2. Disseminating or causing to be disseminated, by any means, any advertisement representing, directly or by implication, that any books, loose-leaf material, or other merchandise the cost of which is available only for a limited time; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) (Cease and desist order, General Surveys, Inc., et al., Docket 4554, May 7, 1942)

§ 3.69 (b) Misrepresenting oneself and goods—Goods—Free goods: § 3.72 (e) Offering deceptive inducements to purchase—Free goods. In connection with the sale, in commerce, of books, loose-leaf material, or other merchandise, and among other things, as in order set forth, representing, directly or by implication, that any books, loose-leaf material, or other merchandise the cost of which is included in the purchase price of articles in combination with which any such books, loose-leaf material, or other merchandise, are offered, are “free,” either by the use of the term stated or by any other word or words of similar import or meaning; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) (Cease and desist order, General Surveys, Inc., et al., Docket 4554, May 7, 1942)

§ 3.69 (c) Misrepresenting oneself and goods—Prices—Usual as reduced or to be increased: § 3.72 (f) Offering deceptive inducements to purchase—Limited offers or supply: § 3.72 (h) Offering deceptive inducements to purchase—Special offers, savings and discounts. In connection with the sale, in commerce, of books, loose-leaf material, or other merchandise, and among other things, in order set forth, representing, directly or by implication, that the price at which any books, loose-leaf material, or other merchandise are customarily or regularly offered for sale or sold, separately or in combination, in the ordinary course of business, is lower than the customary or regulation price, or is a special or reduced price to selected customers, or is a special or reduced price available only to particular groups or classes of persons, or is available only for a limited time; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) (Cease and desist order, General Surveys, Inc., et al., Docket 4554, May 7, 1942)

§ 3.69 (b) Misrepresenting oneself and goods—Goods—Terms and conditions: § 3.72 (c) Offering deceptive inducements to purchase—Free goods: § 3.72 (n) Offering deceptive inducements to purchase—Terms and conditions. In connection with the sale, in commerce, of books, loose-leaf material, or other merchandise, and among other things, as in order set forth, representing, directly or by implication, that any books, loose-leaf material, or other merchandise or services for which payment is later demanded or collected, will be furnished to purchasers of other articles or services without an additional charge; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) (Cease and desist order, General Surveys, Inc., et al., Docket 4554, May 7, 1942)
In the Matter of General Surveys, Inc., a Corporation, John H. Thies, Individually and as President of General Surveys, Inc., and G. J. Doucette, Individually and as a Director of General Surveys, Inc.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of May, A. D. 1942.

The proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and by the Federal Trade Commission upon the answering papers of the respondents, and G. J. Doucette, in which the complaint of the Commission and by the Federal Trade Commission upon the showing made as to the probable permanent incapacity of respondent John H. Thies this proceeding be, and the same hereby is, closed as to said respondent without prejudice to the right of the Commission, should future facts so warrant, to reopen the same as to said respondent and resume trial in accordance with its regular procedure.

(Seal)

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-4221; Filed, May 11, 1942; 11:18 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Commission

PART 2—Special Provisions Applicable to Grains, Pulses, and Soybeans

TIME OF FILING REPORTS ON FORM 204

By virtue of the authority vested in the Secretary of Agriculture by the Commodity Exchange Act (42 Stat. 998, as amended; 7 U.S.C. 1940 ed. 1-17a), the following amendment to Title 17, Chapter I, Part 2, § 2.19, Code of Federal Regulations (47 F.R. 2721), is hereby promulgated:

Section 2.19 is amended to read as follows:

1. § 2.19 Time of filing reports on Form 204. Unless otherwise authorized in writing by the Administration upon good cause shown, reports required on Form 204 shall be filed with the Commodity Exchange Branch of the Administration not later than the next business day following the day covered by the report: Provided, That reports may be transmitted by mail in accordance with instructions furnished by the Administration. Reports received by mail will be considered duly filed if postmarked not later than midnight of the last day allowed for filing. (Sec. 4i, as added by 7 F.R. 2721), is hereby promulgated:

§ 2.19 Time of filing reports on Form 204. Unless otherwise authorized in writing by the Administration upon good cause shown, reports required on Form 304 shall be filed with the Commodity Exchange Branch of the Administration not later than the next business day following the day covered by the report: Provided, That reports may be transmitted by mail in accordance with instructions furnished by the Administration. Reports received by mail will be considered duly filed if postmarked not later than midnight of the last day allowed for filing. (Sec. 4i, as added by 7 F.R. 2721), is hereby promulgated:

Title 22—Foreign Relations

Chapter I—Department of State

PART 156—Travel

TRAVEL OF SEAMEN ON VESSELS OF CERTAIN NATIONS

Pursuant to the authority contained in the President’s Proclamation 2974 of November 4, 1939 (7 F.R. 22671, 50 U.S.C. app. p. 4438), issued pursuant to section 1 of the joint resolution of Congress of November 4, 1939 (54 Stat. 4; 22 U.S.C. 441), the Secretary of State hereby amends title 22, Part 156, of the regulations relating to the travel of citizens of the United States on vessels of belligerent states, issued by him on November 6, 1939 (4 F.R. 4500) and subsequently amended, by the addition of the following § 156.1a.

§ 156.1a Seamen. An seaman who is a national of the United States and who is travelling in the pursuit of his vocation, or otherwise, travel on a vessel of any state named in any proclamation issued by the President under authority of section 1 (a) of the joint resolution of Congress of November 4, 1939 (54 Stat. 4; 22 U.S.C. 441; for proclamations, see 50 U.S.C. app. pp. 4438 et seq. and Sup. p. 265), on or over the north Atlantic Ocean, north of 35 degrees north latitude and east of 66 degrees west longitude, or on or over other waters adjacent to Europe, upon compliance with the provisions of the rules and regulations relating to the control of American nationals entering and leaving territory under the jurisdiction of the United States, which were issued by the Secretary of State on November 25, 1941 and subsequently amended (22 CFR 68.3-81; 4 F.R. 7380; 7 F.R. 2214, 2590).

[Seal]

Corell Hull,
Secretary of State.

April 30, 1942.

[F. R. Doc. 42-4190; Filed, May 9, 1942; 11:04 a. m.]

1The number of this part was changed from 55C to 156.
Title 30—Mineral Resources
Chapter III—Bituminous Coal Division

[Docket No. A-1300]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

RELIEF GRANTED, ETC.

Order amending order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 4 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 4, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

On January 27, 1942, T. P. R. 996, an Order Granting Temporary Relief and Conditionally Providing for Final Relief was issued in the above-entitled matter, in which, inter alia, the Price Classifications are not uniformly shown for the coals of the Gallia Mine, Mine Index No. 2943, of Gallia Sand Company, in Size Groups 1 to 6, inclusive, for all shipments except truck; and

It appearing that such Price Classifications should be uniformly shown; Now, therefore, it is ordered, That the said Order of January 27, 1942, in the above-entitled matter be, and it hereby is, continued in Tullin Size Group Nos. 3 to 8 of the said Order. The said Order of January 27, 1942, in the above-entitled matter was thereupon submitted to the District Board of Judges for all shipments except truck for the coals of the Gallia Mine, Mine Index No. 2943, of Gallia Sand Company, in the text of the Order.

And it is further ordered, That in all other respects the said Order of January 27, 1942, in the above-entitled matter be, and it hereby is, continued in full force and effect, unless otherwise ordered.

Dated: May 8, 1942.

[Seal]

H. W. Wheeler, Acting Director.

[F. R. Doc. 42-4226; Filed, May 11, 1942; 11:38 a. m.]

[Docket No. A-1969]

PART 325—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ABSORPTION OF C. & O. RAILROAD SWITCHING CHARGE ON CERTAIN SHIPMENTS

Findings of fact, conclusions of law, memorandum opinion and order in the matter of the petition of District Board No. 8, for a provision in the schedule of effective minimum prices for District No. 8 for all shipments except truck, permitting the absorption of the C. & O. Railroad switching charge applicable on shipments from freight origin group 63 to the C. & O. Railroad for off-line railroad locomotive fuel.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division (the "Division") by the Bituminous Coal Producers Board for District No. 8 ("District Board 8"), pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 (the "Act"), in behalf of Caudill-Ward Coal Company, ("Caudill-Ward") a code member producer in District No. 8. The said code member producer in District No. 8 proposed and sought an addition to the special prices established by the Schedule of Effective Minimum Prices for District No. 8 (High Volatile Section IV) for all Shipments Except Truck as follows:

That mines in Freight Origin Group 63, located on the Chesapeake and Ohio Railroad (C. & O) be permitted to absorb the $6.93 per car switching charge on coal sold for off-line railroad locomotive fuel to the Clinchfield (C. & O.) Railroad.

By Order of the Acting Director dated February 17, 1942, a hearing in this matter was held on March 17, 1942, before Edward J. Hayes, a duly designated Examiner of the Division, at a hearing room in the C. & O. Railroad Terminal Building, 11:38 a. m. in Washington, D. C. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise participate fully in the hearing.

Appearances were entered at the hearing by District Board 8 and the Bituminous Coal Consumers' Counsel. At the conclusion of the hearing all interested parties were furnished with a copy of a report by the Examiner and the matter was thereupon submitted to the Acting Director.

The uncontested evidence shows and I find that Caudill-Ward Coal Company, operating Mine Index No. 202, located near Elkhorn City, Kentucky, produces about 400 tons of coal daily. The mine is located on the Chesapeake and Ohio Railway Company ("C. & O."). Freight Origin Group No. 63, about three-fourths of a mile north of Elkhorn City, and the terminus of the Clinchfield, Clinchfield and C. & O."

Principally all of the coal produced by Caudill-Ward is shipped south over the C. & O. Railroad. The coal produced by Caudill-Ward is of inferior quality and does not compete with other coals in the northern markets. In order for the coal to reach the track of the C. & O. Railroad System, it is necessary that it be loaded on railroad cars at the mine and switched over the C. & O. Railroad to the C. & O. Railroad terminus. A switching charge of $6.93 per car is charged by the C. & O. Railroad to the C. & O. Railroad terminus. Under the provisions and price schedule as set forth in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck, Caudill-Ward is not permitted to absorb or pay the $6.93 per car switching charge.

This switching charge of $6.93 per car is assessed by the C. & O. Railroad and charged to the C. & O. Railroad and paid by the C. & O. Railroad, and paid with the C. & O. Railroad is switched over all coal which is handled by them and transported south of Kingsport, Tennessee. Upon all shipments to Kingsport and north thereof of $6.93 per car is charged by the C. & O. Railroad to the consignee.

The record discloses that coal, at present, is being sold in the vicinity of this mine at above the effective minimum prices therefor established. As a result of the switching charge of $6.93 made by the C. & O. Coal Wards was forced to absorb this charge approximately 13 cents per ton more than was charged by neighboring mines for railroad locomotive fuel.

Therefore, previous to business recovery, it was impossible for Caudill-Ward to compete with neighboring mines. During recent months when the price of coal was raised above the effective minimum price, subsequent to December 15, 1941, Caudill-Ward has sold approximately 600 tons of coal per month to the C. & O. Railroad at $2.13 per net ton f. o. b. the mine. Previous to that time the C. & O. did not purchase any coal from Caudill-Ward.

It appears further from the record that the Caudill-Ward Coal Company is the only producer of coal from which a switching charge of $6.93 per car is charged. The effective minimum price for railroad locomotive fuel for Caudill-Ward and neighboring mines is $1.95 per net ton. If the prayer of this petition is granted, the Caudill-Ward Coal Company will in effect be permitted to sell off-line railroad locomotive fuel to the C. & O. and neighboring railroads at approximately $1.83 per net ton f. o. b. the C. & O. Railroad.

It is noted that no other code member producer intervened or appeared at the hearing. Upon the basis of the uncontested evidence I find and conclude that High Volatile Section IV in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck should be amended to include a provision as follows:

Mines in Freight Origin Group 63 (C. & O. only) may deduct $6.93 per car switching charge on coal sold for off-line railroad locomotive fuel to the C. & O. Railroad.

I find that the foregoing amendment to the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck is required in order to effectuate the purposes of sections 4 II (a) and 4 II (b) of the Act and to comply in all respects with the standards thereof.

Now, therefore, it is ordered, That, effective fifteen (15) days from the date of this order, § 328.13 (c) (2) (iii) (b) (Special prices—Railway locomotive fuel—For off-line railways) in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck be and the same hereby is amended by adding to High Volatile Section IV a provision as follows:

Mines in Freight Origin Group 63 (C. & O. only) may deduct $6.93 per car switching charge on coal sold for off-line railroad locomotive fuel to the C. & O. Railroad.

Dated: May 8, 1942.

[Seal]

H. W. Wheeler, Acting Director.

[F. R. Doc. 42-4223; Filed, May 11, 1942; 11:36 a. m.]

Federal Register, Tuesday, May 12, 1942
PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

RELIEF GRANTED

Order granting relief in the matter of the Petition of District Board for District No. 11 for revision of the effective minimum prices for District No. 11, by providing for deductions in mine prices based on freight rate differences for coal shipped from mines in District No. 11 on shipments to Fort Custer (Battle Creek), Michigan.

An original petition having been filed with the Bituminous Coal Division on March 11, 1941, by District Board 11, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, praying for temporary and permanent orders for the establishment of deductions of freight rate differences between mines in District 11 on shipments to Fort Custer (Battle Creek), Michigan, Market Area No. 21, as to affectuate at Fort Custer the same delivered prices for coal produced in the various subdistricts of District 11 which are accorded the same price classification.

Petitions of intervention having been filed by District Boards 8 and 10 and by the Bituminous Coal Consumers' Counsel;

The Examiner having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That § 331.9 (Adjustments in f. o. b. mine prices) in the Schedule of Effective Minimum Prices for District 11 for All Shipments Except Truck be and the same hereby is amended to include the following table of deductions for differences in freight rates:

<table>
<thead>
<tr>
<th>Producing Subdistricts</th>
<th>Amount of Deduction for Freight Rate Differences</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Freight Origin Group Numbers and the Schedule of Effective Minimum Prices for District 11 for All Shipments Except Truck be and the same hereby is amended to include the following table of deductions for differences in freight rates:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MARKET AREA NO. 21</th>
<th>PRODUCING SUBDISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freight Origin Group Numbers and the Amount of Deduction for Freight Rate Differences for Coal Shipped from Mines Included in Each Freight Origin Group to Destination as Listed Below:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PRODUCING SUBDISTRICTS</th>
<th>Destination</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Fort Custer, Battle Creek, Michigan.../None/10 17 20 20 30</td>
</tr>
</tbody>
</table>

An original petition having been filed with the Bituminous Coal Division on October 6, 1941, by District Board 11, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting deduction of freight rate differences for coal produced for rail shipment to Kellogg Airport, Battle Creek, Michigan, Market Area No. 21.

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filing and prosecution of patent applications in the United States and other transactions authorized therein, in cases which do not involve trade or communication (after March 18, 1942) with an enemy national. (Sec. 5 (b), 40 Stat. 415, 965; sec. 2, 48 Stat. 1, 54 Stat. 179; Pub. Law 534, 77th Cong., 55 Stat. 838; 43 U.S. 839, 5 F.R. 1401, as amended by E.O. 8785, 6 F.R. 3807, E.O. 8832, 6 F.R. 3715, E.O. 8863, 6 F.R. 6346, and E.O. 8968, 6 F.R. 6755; Regulations, April 10, 1940, as amended June 14, 1941 and July 26, 1941)

[SEAL] E. H. Foley, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 42-4189; Filed, May 9, 1942; 10:26 a.m.]

Chapter IV—Secret Service

PART 405—ILLUSTRATIONS OF WAR SAVINGS BONDS

§ 405.1 Authority. This authorization is made under authority of section 156 of the Act of March 4, 1909, 35 Stat. 1116 (18 U.S.C. 264) and under all other authority vested in the Secretary of the Treasury.

§ 405.2 Illustrations authorized. Authority is hereby given to make, hold, and dispose of illustrations of War Savings Bonds for publicity purposes in connection with the War Savings Bond sales campaign: Provided, That this authorization shall not be construed to permit illustrations of War Savings Stamps without authority from the Secretary of the Treasury or other proper officer of the Treasury Department.

§ 405.3 Modification or revocation. This authorization may be modified or revoked at any time.

[SEAL] D. W. Bell,
Acting Secretary of the Treasury.

May 9, 1942.

[F. R. Doc. 42-4207; Filed, May 9, 1942; 12:09 p.m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 79]

STATE DOCKET BOOK OF APPEALS

ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 104, entitled "State Docket Book of Appeals," effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing addition shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of the Selective Service Regulations.

[APPENDIX 1: FEDERAL REGISTER, Tuesday, May 12, 1942, 3471]

[Order No. 39]

FORT COLLINS CAMP PROJECT, COLORADO, ESTABLISHMENT

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8875 dated February 6, 1941, hereby designate the Fort Collins Camp project to be work of national importance, to be known as Civilian Public Service Camp No. 33. Said camp, located at Fort Collins, Larimer County, Colorado, will be the base of operations for soil conservation work in the State of Colorado, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to said Fort Collins Camp will consist of the establishment of a program tending to develop sound land use practices which will prevent the spread of erosion and forest fire suppression and suppression, and also will be under the technical direction of the Soil Conservation Service of the Department of Agriculture insofar as concerns the planning and direction of the work program. The camp, no farther as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

Lewis B. Hershey,
Director.

May 6, 1942.
Section 933.3 Supplementary Order M-9-B as amended March 31, 1942 is hereby amended so as to read as follows:

§ 933.3 Supplementary Order M-9-B. (a) Definitions. For the purposes of this supplementary order:

1. “Scrap” means all copper or copper base alloy materials or objects which are the waste or by-product of industrial fabrication, or which have been discarded on account of obsolescence, failure or other reason.

2. “Copper” means copper metal which has been refined by any process of electrolysis or fire refining to a grade and in a form suitable for fabrication such as cathodes, wire bars, ingots, wire, pipes, tube, wedge bars or other refined shapes, or copper shot or other forms produced by a refiner.

3. “Copper base alloy” means any alloy consisting of which the percentage of copper metal by weight equals or exceeds 40% of the weight of all the metal.

4. “Ingots” means an ingot or other shapes of metal which has been cast primarily from copper base alloy or scrap.

5. “Brass mill scrap” means that scrap which is a waste or by-product of industrial fabrication of products produced by brass mills.

6. “Brass mill” means one which rolls, draws or extrudes castings made in its own plant or copper base alloys, or which rolls, draws or extrudes refinery shapes of copper or copper base alloys; it does not include a mill which re-rolls, re-draws or re-extrudes products produced from refinery shapes or sections of copper base alloys.

7. “Scrap dealer” means any person regularly engaged in the business of buying and selling scrap.

8. “Public utilities” means any person furnishing telephonic, telegraphic, or electrical services to the public.

§ 933.3 (b) Delivery or acceptance of scrap or ingots. Notwithstanding the assignment of any preference rating, no person shall deliver or accept the delivery of any scrap or ingots except in accordance with the following directions:

1. Brass mill scrap shall be delivered only to a person specifically authorized by the Director of Industry Operations to receive deliveries of such quantities of brass mill scrap.

2. No. 1 or No. 2 copper scrap shall be delivered only to a scrap dealer, or to a person specifically authorized by the Director of Industry Operations to receive deliveries of such quantities of no. 1 or no. 2 copper scrap.

3. Scrap other than brass mill, no. 1 or no. 2 copper scrap shall be delivered only to a scrap dealer, or to a person specifically authorized by the Director of Industry Operations to receive deliveries of such quantities of no. 1 or no. 2 copper scrap.

4. Ingots shall be delivered only to a person specifically authorized by the Director of Industry Operations to receive deliveries of such quantities of ingots.

5. A person other than a brass mill or dealer shall accept a delivery of scrap only pursuant to a specific authorization of the Director of Industry Operations.

6. A brass mill shall accept no delivery of scrap other than brass mill scrap without the specific authorization of the Director of Industry Operations.

7. No person shall accept a delivery of ingots except as specifically authorized by the Director of Industry Operations.

8. A scrap dealer shall accept delivery of scrap only if:

(a) such scrap dealer shall, during the preceding 60 days, have sold or otherwise disposed of scrap to an amount at least equal in weight to the scrap inventory of such scrap dealer on the date of acceptance of delivery of scrap (which inventory shall exclude such delivery), and

(b) such scrap dealer shall have filed with the Director of Mines, College Park, Maryland, by the 10th of each month, Form PD-249, and

(c) such scrap dealer shall have supplied such other information as the Director of Industry Operations may from time to time require.

9. Melting or processing of scrap or ingots. (1) No person other than a brass mill shall melt or process scrap, and no person shall melt or process ingots, including scrap or ingots on hand at the date of this order, without the specific authorization of the Director of Industry Operations.

(2) No brass mill shall melt or process any scrap other than brass mill scrap, including scrap on hand at the date of this order, without the specific authorization of the Director of Industry Operations.

10. Toll agreement. No person shall deliver scrap or ingots and no person shall accept same by melting or other processing under any existing or future toll agreement, conversion agreement or other form of agreement by which title remains vested in the person delivering the scrap or ingots or causing the scrap or ingots to be delivered, or which agreement is contingent upon return of processed material in any quantity, equivalent or otherwise, to the person delivering or causing the scrap or ingots to be delivered, unless and until such an agreement shall have been approved by the Director of Industry Operations. Any person desiring to hold such agreement and file with the War Production Board a statement setting forth the names of the parties to such agreement, the material involved as to kind and grade, the form of same, the estimated tonnage involved, the estimated rate of delivery, the length of time the agreement has been in force, the duration of the agreement, the purpose for which the
processed material to be used, and any other pertinent data that would justify such approval.

(g) Restriction on acceptance of copper base alloys or castings, including ingots, made therefrom. No person shall knowingly accept delivery of copper base alloys or castings, including ingots, made therefrom, which have been obtained by melting and processing scrap delivered to a melt or processor contrary to the provisions of this order.

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

(1) Specific directions. The Director of Industry Operations may from time to time issue specific directions to any person as to the source, destination, amount, or grade of scrap or ingots to be delivered or acquired by such person.

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

(k) Communications. All reports to be filed, applications for authorization to receive delivery of scrap or ingots, and other communications concerning this order, should be addressed to the War Production Board, Washington, D. C., Ref: M-9-b.

(1) This order shall take effect immediately. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 627; E.O. 9024, 7 F.R. 627; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 9th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4168; Filed, May 9, 1942; 10:41 a.m.]

PART 1010—SUSPENSION ORDERS

AMENDMENT NO. 1 TO SUSPENSION ORDER NO. 5—52—SUPERIOR METAL CO.

Superior Metal Company of Chicago, Illinois, is engaged in the business of metal plating. It is subject to the provisions of Priorities Regulation No. 1. In an application on Form PD-3, dated September 16, 1941, the Company certified that 150 nickel anodes weighing 6,000 pounds were essential to the completion of contracts cited in the application, and that the specified quantities of these materials were not greater than required for said contracts. This statement constituted a misrepresentation to the Office of Production Management, in that, upon the date this application was made, the Company knew that this quantity of materials was not essential to the completion of the contracts referred to above and was in excess of the quantity required to complete such contracts. At the time of the representation the Company had already received nickel anodes in excess of the amount required to fill contracts of the same named contractors under another preference rating certificate. The Company obtained a total of 14,009.5 pounds of nickel anodes pursuant to the assignment of Preference Ratings granted to the Company on the representation that this material was required for the completion of orders placed by J. M. Katz for nickel and chromium plating mirrors for use in army cantonments. The metal so obtained was far in excess of that required to fill the orders of J. M. Katz and was not used by the Company for the purpose specified in connection with the issuance of the Preference Rating.

These violations of Priorities Regulation No. 1 impeded and hampered the war effort of the United States by diverting materials to uses not authorized by the Director of Industry Operations. In view of the foregoing facts, it is hereby ordered that:

§ 1010.52 Suspension Order S—52. (a) Superior Metal Company, its successors and assigns, are prohibited from accepting deliveries of, processing, delivering, causing to be delivered, or dealing in any manner in primary metallic nickel, either alloyed or unalloyed, ferro nickel, nickel matte or nickel salts, oxides, or carbonates, except as specifically authorized by the Director of Industry Operations.

(b) Deliveries of materials to Superior Metal Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order; and no preference rating shall be applied or assigned to such deliveries to Superior Metal Company, its successors and assigns, by means of preference rating certificates, preference rating orders, general preference orders, or any other order or regulation of the Director of Industry Operations.

(c) No allocations shall be made to Superior Metal Company, its successors and assigns, of any material, the supply or distribution of which is governed by any order of the Director of Industry Operations, except as specifically authorized by the Director of Industry Operations.

(d) Nothing contained in this order shall be deemed to relieve Superior Metal Company, its successors and assigns, from any restrictions, prohibitions or provisions contained in any other order or regulation of the Director of Industry Operations.

(e) This order shall take effect on May 10, 1942, and shall expire on July 10, 1942, at which time the restrictions contained in this order shall be of no further effect. (P.D. Reg. 1, as amended, 6 F.R. 6680, W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 529; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 8th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4168; Filed, May 8, 1942; 2:40 p.m.]

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S—52—SUPERIOR METAL CO.

Superior Metal Company, its successors and assigns, are prohibited from accepting deliveries of, processing, delivering, causing to be delivered, or dealing in any manner in primary metallic nickel, either alloyed or unalloyed, ferro nickel, nickel matte or nickel salts, oxides, or carbonates, except as specifically authorized by the Director of Industry Operations.

Part 1052—KITCHEN, HOUSEHOLD, AND OTHER MISCELLANEOUS ARTICLES

AMENDMENT NO. 2 TO GENERAL LIMITATION ORDER L—30

Section 1052.1 General Limitation Order L—30 is hereby amended in the following particular:

*7 F.R. 2463, 2785.*
Subparagraph (a) (3) is hereby amended to read as follows:

(3) "Group III products" means the following kitchen, household, and other miscellaneous articles (whether manufactured for household or for any other purposes): close accessories, including, but not limited to, coat and garment hangers and hooks, tie racks, and boot and shoe trees, but excluding any paper board or wood garment and cloak hangers, the only scarce material content of which is a steel wire hook; all articles of fireplace equipment except fire screens; towel bars and racks, tooth brush holders, soap dishes, soap savers, toilet and other paper holders, pot chains, fly swatters, sink drainers, dish drainers, cuspidors, vegetable bins, curtain rods, fixtures, and drapery attachments, clothes-pins, candlesticks, carpet beaters, pot cover holders, picnic stoves, camp grids, cup frames, and cake coolers.

Paragraph (b) is hereby amended by adding thereto the following subparagraph, designated as paragraph (b) (5):

(5) Nothing in this order is intended in any way to prohibit a manufacturer from using a minimum amount of iron or steel for such nuts, nails, bolts, screws, clamps, rivets, and other joining hardware as are required to manufacture or assemble any Group I, II, or III product: Provided, however, that the aggregate weight of all joining hardware entering into any Group I, II, or III product shall not exceed 5% of the total weight of such product, when completed.

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

This amendment shall take effect immediately.

Issued this 9th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4182; Filed, May 9, 1942; 10:40 a.m.]

PART 1201—ISTLE AND ISTLE PRODUCTS
CONSERVATION ORDER M-138

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of istle and istle products 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.

§ 1201.1 Conservation Order M-138—

(a) Applicability of Priorities Regulation No. 1 This order and all transactions in accordance herewith are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of the instant order shall govern.

(b) Additional definitions. As used in this order:

(1) "Istle" means unprocessed raw istle, including the types or grades commonly known as Jumangue, tula, palma and pita.

(2) "Istle product" means any product processed from raw istle, either alone or in combination with other fibers, and including, but not limited to, dressed or hackled fiber, brush fiber, tow for upholstery or padding, rope form for upholstery or padding, yarn, twine, roving, cordage or waste istle.

(3) "Processor" means any person who processes raw istle.

(4) "Restrictions on the importation and disposition of raw istle. (1) The importation of raw istle shall be performed subject to and in accordance with the provisions of General Imports Order M-63, as amended from time to time.

(2) Notwithstanding anything contained in paragraphs (c), (d) and (e) of General Imports Order M-63, as amended from time to time, any person may dispose of raw istle imported in accordance with said order without further authorization: Provided, That such disposition shall be solely for the uses and within the inventory limits prescribed by the instant Conservation Order, M-138.

(d) Restrictions on the importation and acquisition of istle products. Unless specifically authorized by the Director of Industry Operations, no person shall import or purchase for import, or offer to import or offer to purchase for import, transfer or otherwise dispose of any istle product except to fill orders in the category described in paragraph (e), of this section:

(1) Restrictions on inventory. (1) Unless specifically authorized by the Director of Industry Operations, no person shall knowingly deliver and no person shall accept delivery of raw istle which will result in an inventory in excess of a four months' supply of raw istle at the current rate of sales or use of the person accepting delivery: Provided, That nothing in this paragraph shall be construed to limit the amount of raw istle which any United States governmental department, agency or corporation, the Board of Economic Warfare, the Defense Supplies Corporation, or any contractor or subcontractor organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing, may acquire for governmental account.

(2) Unless specifically authorized by the Director of Industry Operations, no person shall use, or store, or take into process any istle product except to fill orders in the categories described in paragraph (e), of this section:

(3) Restrictions on raw istle. (1) Unless specifically authorized by the Director of Industry Operations, no person shall put into process or use raw istle except for the following purposes:

(i) The manufacture of cut istle, istle tow, or istle in rope form for use in upholstery or padding: Provided, That such manufacure is for the purpose of filling orders bearing a preference rating higher than A-2.

(ii) The manufacture or processing of the fiber for brushes.

(iii) The manufacture of single or plied yarn or roving, either alone or in combination with other fiber, for use in:

(a) Twine or cordage;

(b) Cordage for fishing lines.

(iv) The manufacture of products, or components to be physically incorporated into such products, purchased by or for the account of the Army, Navy or Maritime Commission, but only to the extent required by specifications, including performance specifications, of the Army, Navy or Maritime Commission, and only until July 31, 1942.

(1) Restrictions on inventory. (1) Unless specifically authorized by the Director of Industry Operations, no person shall knowingly deliver and no person shall accept delivery of raw istle which will result in an inventory in excess of a four months' supply of raw istle at the current rate of sales or use of the person accepting delivery: Provided, however, That nothing in this paragraph shall be construed to limit the amount of raw istle which any United States governmental department, agency or corporation, the Board of Economic Warfare, the Defense Supplies Corporation, or any contractor or subcontractor organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing, may acquire for governmental account.

(2) Unless specifically authorized by the Director of Industry Operations, a processor shall put raw istle into process only to the minimum amount necessary to meet his required deliveries of such istle product and to maintain a practicable inventory of his istle products as measured by the monthly average of his deliveries of each such type of product in the three preceding calendar months.

(1) Unless specifically authorized by the Director of Industry Operations, no person shall knowingly deliver and no person shall take into process any istle product.
The undersigned hereby certifies that he will use this raw istle only for the uses permitted in Conservation Order M-138, and that the receipt thereof, based on the scheduled date of arrival, will not give him more than a four months' supply, including amounts already in stock.

(2) Each person, other than a processor, or any United States governmental department, agency or corporation, the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing, who acquires any istle product will certify as a condition to securing such istle product the following:

The undersigned hereby certifies that he will use this istle product only for the uses permitted in Conservation Order M-138, and that the receipt thereof, based on the scheduled date of arrival, will not give him more than a four months' supply, including amounts already in stock.

(3) Each processor who acquires any istle product shall certify as a condition to securing such istle product the following:

The undersigned hereby certifies that he will use this istle product only for the uses permitted in Conservation Order M-138, and that the receipt thereof, based on the scheduled date of arrival, will not give him more than a four months' supply, including amounts already in stock.

(h) Reports. (1) Each processor shall on the fifteenth day of each month following the effective date of this Order file with the War Production Board, Ref.: M-138, a report showing:

(i) The amount of raw istle acquired during the previous month;

(ii) The amount of raw istle put into process during the previous month.

(2) Each processor or other person who has acquired any raw istle or any istle product shall execute and file with the War Production Board such reports and questionnaires as may be required by said Board from time to time.

(i) Records. Each processor or other person acquiring any raw istle or any istle product shall keep and preserve, for not less than two years, accurate and complete records concerning inventories, production, sales and transactions in such materials.

(j) 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.

(3) Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him may appear and show cause to the War Production Board, Ref.: M-138, setting forth the pertinent facts and the reasons why he considers that he is entitled to relief. The Director of Industry Operations may thereafter take such action as he deems appropriate.

(k) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be fined or imprisoned. In addition, any such person may be prohibited from making further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance. (P.D. Reg. 1, as amended, 6 F.R. 6960; W.P.B. Reg. 1, 7 F.R. 581; E.O. 9024. 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 80, 77th Cong.)

Issued this 9th day of May 1942.

J. S. KNOWLSON, Director of Industry Operations.

F. R. Doc. 42-4187; Filed, May 9, 1943; 10:40 a. m.

PART 1215—FEMININE LINGERIE AND CERTAIN OTHER GARMENTS

GENERAL LIMITATION ORDER L-116

The fulfilment of requirements for the defense of the United States has created a shortage in the supply of wool, silk, rayon, cotton, linen and other materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1215.1 General Limitation Order L-116—(a) Applicability of Priorities Regulation No. 1. This order and all orders and regulations affixed thereto are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

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

(1) "Women’s" and "misses" sizes means lingerie of sizes 32, 34, 36, 38, 40, 42, 44, 46, 50, 52.

(2) "Junior misses" sizes means lingerie of sizes 7, 8, 10, 12, 14.

(3) "Teen age" sizes means lingerie of sizes 10, 12, 14, 16.

(4) "Girls" sizes means lingerie of sizes 7, 8, 10, 12, 14.

(5) "Children’s" sizes means lingerie of sizes 3, 4, 5, 6, 6X.

(6) "Feminine lingerie" means all women's misses and children's night gowns, slips, petticoats and sleeping pajamas.

(7) "A "night gown" means a one piece loose sleeping garment of any length.

(8) A "slip" means a one piece under skirt, with bodice top which is worn under a dress or suit.

(9) A "petticoat" or "half slip" means an underskirt without bodice top.

(10) A "pajama" means a one or two piece garment with trouser legs which is suitable only as a sleeping garment.

(11) "Put into process" means the first cutting operation of cloth in the manufacture of any feminine lingerie for sale, resale, or on commission, including but not being limited to manufacturers to the trade, tailors, custom dressmakers, retailers and home dressmakers.

(12) Measurements; particular measurements set forth in this order shall be to finished measurements after all manufacturing operations have been completed, all decorations and embellishments added, and the garment is ready for shipment, as follows:

(a) All measurements for the length of gowns are to be made from the top of the shoulder to the bottom of the finished garment. No garment shall exceed the maximum length herein prescribed at any point in its circumference.

(b) All measurements for pajama tops are from neck to bottom of finished top.

(c) All measurements for pajama trouser lengths are maximum outseam measurements including waistband.

(13) "Sweep" means amount of material in circumference of the garment.

(14) Unless otherwise expressly defined, all terms shall have their usual and customary trade meanings.

(c) General provisions with respect to finished garments. Except as provided in paragraph (h) (1) the prohibitions and restrictions of this order shall not apply to articles of feminine lingerie, the cloth
(d) General exceptions. The prohibitions and restrictions of this order shall not apply to feminine lingerie manufactured or sold for use as:

(1) Infants’ and toddlers’ lingerie, size ranges from 1 to 3.

(2) Lingerie for persons who, because of abnormal height, size or physical deformities, require additional material for proportionate length of skirt, or jacket, or sweep of skirt.

(3) Historical costumes for theatrical productions: Provided, however, That no feminine apparel manufactured or sold pursuant to this paragraph shall be used for any purposes other than those for which it was so manufactured or sold, unless altered to conform to the provisions of this order, applicable to such other use.

(e) General restrictions on the manufacture and sale of all articles of feminine lingerie. Except as otherwise herein expressly provided, no person shall, after the effective date of this order:

(1) Put into process or cause to be put into process by others for his account, any cloth for the manufacture of, or sell, or deliver into feminine lingerie with:

   (i) More than one article of lingerie at one unit price.

   (ii) Double material yokes.

   (iii) Balloon, dolman, or leg-of-mutton sleeves.

   (iv) Fabrics which have been reduced from normal width or length by all over tucking, shirring, or pleating, except for minor trimmings.

   (v) More than one pocket.

   (vi) With any hem exceeding one inch.

   (vii) With a ruffle bottom or with a ruffle attached or applied anywhere below the waistline of a garment of feminine lingerie.

(2) Sell or deliver at one unit price any articles of feminine lingerie which cannot be purchased from the manufacturers thereof at one unit price.

(f) Curtailment on women’s, junior’s and children’s lingerie, including night gowns, slips, petticoats and pajamas. No person shall, after the effective date of this Order, put into process or cause to be put into process by others for his account, any cloth for the manufacture of, or sell, or deliver any:

(1) Night gowns, as follows:

   (i) With a separate or attached pantie, brassiere, teddy bear, chemise, gown, robe, negligee, or housecoat at a unit price.

   (ii) Exceeding the measurements of Schedule B attached hereto.

   (iii) With a shadow or double skirt panel of any kind.

(2) Slips, as follows:

   (i) With a separate or attached pantie, brassiere, teddy bear, chemise, gown, robe, negligee, or housecoat at a unit price.

   (ii) Exceeding the measurements of Schedule B attached hereto.

   (iii) With a shadow or double skirt panel of any kind.

(3) Petticoats, as follows:

   (i) With a separate or attached pantie, brassiere, teddy bear, chemise, gown, robe, negligee, or housecoat at a unit price.

   (ii) Exceeding the measurements of Schedule B attached hereto.

   (iii) With a shadow or double skirt panel of any kind.

(4) Pajamas, as follows:

   (i) With a separate or attached jacket, robe, sacque, negligee, hood, cap, mittens, belt, or shoes at a unit price.

   (ii) With a top exceeding measurements of Schedule C attached hereto.

   (iii) With trousers exceeding measurements of Schedule C attached hereto.

   (iv) With a cuff on the trousers.

   (v) With a bi-swing, vent, pleated, or Norfolk type top.

(g) Appeal. Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be reasonably disproportionate compared with the amount of wool, silk, rayon, cotton, linen, or other material conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or telegraph, Reference L-116, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(h) Certificate. (1) Any person selling or delivering any article of feminine lingerie in existence on or put into process prior to the effective date of this Order, except second-hand articles, shall attach to the buyer’s copy of invoice for such feminine lingerie, a certificate signed by an individual authorized to sign for such person, in substantially the following form:

The undersigned hereby certifies to the vendee and to the War Production Board that the articles of feminine lingerie covered by our invoice No. of day of , were in existence or the cloth for which was put into process prior to the effective date of this order who considered that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be reasonably disproportionate compared with the amount of wool, silk, rayon, cotton, linen, or other material conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or telegraph, Reference L-116, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

Name of Seller Authorized Individual

(2) Any person putting cloth into process for the manufacture of any feminine lingerie after the effective date of this Order with respect to such person, shall endorse upon, or attach to the purchaser’s copy of invoice for such feminine lingerie sold by him, a certificate signed by an individual authorized to sign for such person, in substantially the following form:

The undersigned hereby certifies to the vendee and to the War Production Board that the articles of feminine lingerie covered by our invoice No. of day of , were purchased by us from a manufacturer who furnished us with a certificate stating that they had been manufactured in accordance with the provisions of General Limitation Order L-116, and we have no reason to believe that the said manufacturer or the vendor or vendee, in any respect, and our sale to you is in accordance with all of the provisions of the said Order, with the exception of which we are fully aware.

Name of Seller Authorized Individual

(3) Any jobber, wholesaler, or other person selling feminine lingerie which he did not manufacture except lingerie in existence on or put into process prior to the effective date of this order and except in the case of retailers’ sales to ultimate consumers, shall endorse upon, or attach to the purchaser’s copy of invoice for such feminine lingerie sold by him, a certificate in substantially the following form:

The undersigned hereby certifies to the vendee and to the War Production Board that the articles of feminine lingerie covered by this invoice No. of day of , were purchased by us from a manufacturer who furnished us with a certificate stating that they had been manufactured in accordance with the provisions of General Limitation Order L-116, and we have no reason to believe that the said manufacturer or the vendor or vendee, in any respect, and our sale to you is in accordance with all of the provisions of the said Order, with the exception of which we are fully aware.

Name of Seller Authorized Individual

(i) Reports and records. All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as may be required by said Board from time to time. The certificate required under paragraph (h) shall be retained by the vendee for a period of one year after the effective date.

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

(k) Effective date. This order shall take effect on May 11, 1942 at 12:01 A. M. (P.D. Reg. 1, as amended, 6 F.R. 6800; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527: sec. 2 (a), Pub. Law 721, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 9th day of May, 1942.

J. S. KNOWLSON,
Director of Industry Operations.
<table>
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<tr>
<th>SCHEDULE NO. A—MAXIMUM MEASUREMENTS FOR NIGHT GOWNS</th>
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<th>SCHEDULE NO. B—MAXIMUM MEASUREMENTS FOR SLIPS AND PETTICOATS</th>
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<td>Women's sizes</td>
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<th>SCHEDULE NO. C—MAXIMUM MEASUREMENTS FOR SLEEPING PAJAMAS</th>
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<td>Women's sizes</td>
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**PART 1219—CASHEW NUT IMPORTS**

**CASHEW NUT IMPORTS ORDER M-147**

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of cashew nut shell oil 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:

§ 1219.1 Imports Order M-147—(a)

**Definition.** For the purpose of this Order "cashew nut" means the kernel of the cashew seed.

(b) **Restrictions on imports of cashew nuts.** On and after May 20, 1942, no person shall import cashew nuts into the United States or its possessions except as specifically authorized by the Director of Industry Operations upon application by letter to the War Production Board, Washington, D. C., Ref: M-147, which authorization, in the discretion of the Director of Industry Operations, may be conditioned upon the extraction of the oil from the shells of cashew nuts prior to the importation of such cashew nuts into the United States or its possessions: Provided, however, That nothing contained herein shall apply to:

1. Cashew nuts on board any trans-oceanic or coast-wise ship, whether in port or at sea, on May 20, 1942:

2. Cashew nuts imported pursuant to specific written authorization of the Director of Industry Operations upon application on Form PD-222C, pursuant to paragraph (b) of General Imports Order M-63.

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

(d) **Violations.** Any person who willfully violates any provisions of this order or who, in connection with this order, willfully conceals a material fact or willfully furnishes false information to any department or agency of the United States or its possessions: Provided, however, That nothing contained herein shall apply to:

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

F. R. Doc. 42-4148; Filed, May 9, 1942; 10:40 a.m.

J. S. KNOWLSON
Director of Industry Operations.
Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

SUPPLEMENTARY DIRECTIVE NO. 1 H

§ 903.9 Further delegation of authority to the Office of Price Administration with reference to rationing of gasoline.

(a) In order to permit the efficient rationing of gasoline, the authority delegated to the Office of Price Administration in § 903.1 (Directive No. 1) is hereby extended to include the exercise of rationing control over the sale, transfer, or other disposition of gasoline by any person to any consumer as defined in paragraph (c) hereof, except those specified in subparagraphs (1) and (2) of paragraph (a) of said Directive No. 1.

The exercise of such authority shall be subject to the terms and conditions specified in said Directive No. 1.

(b) The authority herein delegated to the Office of Price Administration may be exercised only in the States of Connecticut, Delaware, Florida east of the Apalachicola River, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, the District of Columbia, and the corporate limits of the City of Bristol, Tennessee: Provided, That such authority may further extend to any point within fifty (50) miles of the boundaries of the states so specified.

(c) As used in this Supplementary Directive, the term "gasoline" means any liquid fuel, except Diesel Fuel, used for the propulsion of motor vehicles or boats by means of internal combustion engines and includes any liquid fuel to which Federal gasoline taxes apply except liquid fuel used for the propulsion of aircraft; and the term "consumer" means any person who acquires gasoline for use other than transfer and any other person to the extent to which he uses gasoline, irrespective of the purpose for which such gasoline was acquired by him.

(d) Each person who orders alloy steel from a Producer for melting on or after June 1, 1942 shall include in the purchaser's statement required by paragraph (c) of General Preference Order M-21 the following elements in the following amounts:

- Manganese in excess of 1.65%
- Silicon in excess of 0.60%
- Copper in excess of 0.60%
- Aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, vanadium, zirconium, or any other alloying element in any amount specified or known to have been added to obtain a desired alloying effect.

It does not include those materials commonly known as ferro-alloys.

(b) Priority control. All the provisions and definitions of General Preference Order M-21, as amended from time to time, shall be applicable to alloy iron and alloy steel and are hereby included as a part of this Order with the same effect as if specifically set forth herein, except as otherwise specifically provided herein.

(c) Each Producer who is required by paragraph (a) of this Supplementary Directive to file melting schedules shall deliver alloy iron or alloy steel containing chromium, cobalt, molybdenum, nickel, tungsten, or vanadium, except on an order for which the melting has been specifically authorized or directed by the Director of Industry Operations.

(d) Restrictions on deliveries. No producer shall deliver alloy iron or alloy steel except pursuant to a preference rating of A-3 or higher on orders for NE steels, 4000 Series steels, and 9200 Series steels, as described in "The Metallurgy of Steel—No. 5", published January, 1942, by the American Iron and Steel Institute, and of A-1-k or higher on orders for other alloy steel. On and after July 16, 1942, no Producer who is required by paragraph (d) (1) to file melting schedules shall deliver alloy iron or alloy steel containing chromium, cobalt, molybdenum, nickel, tungsten, or vanadium, except in accordance with such schedules as approved by the Director of Industry Operations, or in accordance with such supplementary directions as may from time to time be issued by the Director of Industry Operations.

(e) General Preference Order M-14 still effective. Nothing contained herein shall be construed to amend or modify any of the provisions of General Preference Order M-14, as amended, to any alloying element the quantities and proportions which may be used in making alloy iron or alloy steel, whether and in what proportions, any such element is to be the metal, a ferro-alloy, reclaimed metal, scrap, a chemical compound or any other material containing such element.

(f) Restrictions of deliveries under toll agreements. Except pursuant to specific authorization or direction of the Director of Industry Operations, no alloy iron or alloy steel shall be melted or delivered except in accordance with the following:

(1) Each Producer shall file monthly with the War Production Board, Reference: M-21-a, a melting schedule as to him shall seem appropriate and may from time to time issue supplementary directions with respect to melting of alloy iron or alloy steel, in accordance with the provisions of this paragraph (d) (1) shall not apply to a producer who melts in such month less than 4000 pounds of chromium and less than 500 pounds of nickel.

(2) Restrictions on melting. No producer shall melt alloy iron or alloy steel except pursuant to a preference rating of A-3 or higher on orders for NE steels, 4000 Series steels, and 9200 Series steels as described in "Contributions to the Metallurgy of Steel—No. 5", published January, 1942, by the American Iron and Steel Institute, and of A-1-k or higher on orders for other alloy steel. On and after July 16, 1942, no Producer who is required by paragraph (d) (1) to file melting schedules shall melt any alloy iron or alloy steel containing chromium, cobalt, molybdenum, nickel, tungsten, or vanadium, except in accordance with such schedules as approved by the Director of Industry Operations, or in accordance with such supplementary directions as may from time to time be issued by the Director of Industry Operations.

Subchapter B—Division of Industry Operations

PART 962—STEEL

AMENDMENT NO. 3 TO SUPPLEMENTARY ORDER M-21-A—ALLOY IRON AND ALLOY STEEL

Section 962.2, Supplementary Order M-21-a—(a) Definitions. For the purposes of this Order:

- Alloy sheet means any steel containing any one or more of the following elements in the following amounts:
  - Manganese in excess of 1.65%
  - Silicon in excess of 0.60%
  - Copper in excess of 0.60%
  - Aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, vanadium, zirconium, or any other alloying element in any amount specified or known to have been added to obtain a desired alloying effect.

- Alloy iron means any iron casting containing one or more of the following elements in the following amounts:
  - Manganese in excess of 1.65%
  - Silicon in excess of 5.00%
  - Copper in excess of 2.00%
  - Aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, vanadium, zirconium, or any other alloying element in any amount specified or known to have been added to obtain a desired alloying effect.

- Alloy steel also means any steel containing any one or more of the following elements in the following amounts:
  - Silica in excess of 0.60%
  - Silicon in excess of 0.60%
  - Aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, vanadium, zirconium, or any other alloying element in any amount specified or known to have been added to obtain a desired alloying effect.

- Alloy iron or alloy steel for another person means alloy iron or alloy steel for another person:

- Alloy iron and alloy steel shall be considered to be delivered to the Government contractor only if the delivery is made to the Government contractor prior to the melting of the material; provided, however, that the producer shall be entitled to credit of such delivery to the extent of the number (if any), the date on which delivery is needed and a statement that such delivery date is not earlier than delivery schedules.

- Each producer shall deliver alloy iron or alloy steel containing chromium, cobalt, molybdenum, nickel, tungsten, or vanadium, except on an order for which the melting has been specifically authorized or directed by the Director of Industry Operations.

- Each producer shall file melting schedules as required by the purchaser's production or delivery schedule and shall be instructed to deliver to the Government contractor in accordance with the loading schedules as provided by the purchaser's production or delivery schedule.

- Each producer who is required by paragraph (a) of this Supplementary Directive to file melting schedules shall deliver alloy iron or alloy steel containing chromium, cobalt, molybdenum, nickel, tungsten, or vanadium, except on an order for which the melting has been specifically authorized or directed by the Director of Industry Operations.

- Each producer shall be instructed to deliver alloy iron or alloy steel containing chromium, cobalt, molybdenum, nickel, tungsten, or vanadium, except on an order for which the melting has been specifically authorized or directed by the Director of Industry Operations.

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AMENDMENT NO. 1 TO GENERAL PREFERENCE ORDER NO. M-54, AS AMENDED MARCH 27, 1942

Section 1031.1 General Preference Order M-54, (as amended March 27, 1942) is hereby amended in the following particulars:

Subparagraph (c) (4) is hereby amended to read as follows:

(4) Except as otherwise provided in paragraph (d) hereof, no deliveries of molasses shall be made by any producer, primary distributor, secondary distributor or importer unless the same shall have been specifically authorized by the Director of Industry Operations; and no person shall accept delivery of molasses if such delivery would be made in violation of the foregoing clause.

Paragraph (d) shall hereafter be entitled Permissive deliveries instead of Unrestricted deliveries.

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

(3) Permitted uses for a limited period.

(ii) During March 1942 any person may use or consume high lauric acid oils in any manufacture, process or use in an amount not exceeding one hundred percent (100%) of one-twelfth of his use or consumption of such oils in the manufacture, process or use in 1941, and during each of the months April and May, 1942 any person may use or consume such oils in any manufacture, process or use in an amount not exceeding fifty percent (50%) of one-twelfth of his use and consumption of such oils in such manufacture, process or use in 1941.

(2) Deliveries to primary distributors and secondary distributors for purposes of resale. All quantities of molasses, delivery of which primary distributors and secondary distributors accept, shall be subject to allocation, re-distribution or re-delivery in accordance with specific directions which the Director of Industry Operations may from time to time hereafter issue.

(3) Paragraph (i) is hereby amended by adding the following sentences:

* * * Importers shall notify the Chemicals Branch of the War Production Board of the importation of molasses into the Continental United States at least fifteen (15) days prior to movement of the same from the place of origin. The following persons shall fill out and file with the Chemicals Branch of the War Production Board the forms set forth below at the times and in the manner prescribed in said forms:

Manufacturers (using molasses) of yeast, citric acid and edible syrup or molasses—Form PD-456.

Manufacturers (using molasses) of Alcohol—Form PD-457.

Producers, importers and primary distributors of molasses—Form PD-458.

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

Issued this 11th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[3 F.R. 2304.]

AMENDMENT NO. 1 TO GENERAL PREFERENCE ORDER NO. M-60

Paragraph (b) (3) of § 1037.1 (General Preference Order No. M-60) is hereby amended to read as follows:

(3) Permitted uses for a limited period.

(1) During March 1943 any person may use or consume high lauric acid oils in any manufacture, process or use in an amount not exceeding one hundred percent (100%) of one-twelfth of his use or consumption of such oils in the manufacture, process or use in 1941, and during each of the months April and May, 1943 any person may use or consume such oils in any manufacture, process or use in an amount not exceeding fifty percent (50%) of one-twelfth of his use and consumption of such oils in such manufacture, process or use in 1941.

(2) During each of the months June and July, 1943 any person may use or consume high lauric acid oils in the manufacture of any edible product not exceeding fifty percent (50%) of his use or consumption of such oils in such manufacture during the corresponding month of 1941, and during each of the months August and September, 1943 any person may use or consume such oils in the manufacture of any edible product in an amount not exceeding twenty-five percent (25%) of his use and consumption of such oils in such manufacture during the corresponding month of 1941.

(3) Any person may use or consume Tucum and Muru-muru oils in the manufacture of any edible product, without limitation as to the time of such use and, except as provided in paragraph (d) hereof, without limitation as to the quantity of such use.

(iv) Notwithstanding the provisions of subdivision (a), (b) and (ii) of this paragraph (b) (3), no person shall use or consume high lauric acid oils in the manufacture of any margarine, shortening or cooking fat.


Issued this 11th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[3 F.R. 2304.]

PART 1037—COCONUT OIL, BANASSU OIL, PALM KERNEL OIL AND OTHER HIGH LAURIC ACID OILS

AMENDMENT NO. 1 TO GENERAL PREFERENCE ORDER NO. M-60

Paragraph (b) (3) of § 1037.1 (General Preference Order No. M-60) is hereby amended to read as follows:

(3) Permitted uses for a limited period.

(4) No retailer shall sell any Class III Tube to any ultimate purchaser unless such purchaser delivers to such retailer concurrently with his purchase of any kind to any person delivered to such purchaser, together with any other used tubes held by retailers, shall be held by such retailers and shall not be disposed of by them except as follows:

(i) To the Tin Salvage Institute, 411 Wilson Avenue, Newark, New Jersey, as agent for Metals Reserve Company;

(ii) To any wholesaler of products packed in tubes, who is a duly authorized representative of the Tin Salvage Institute as agent for the Metals Reserve Company;

(iii) To any other person who is such a representative.

Such deliveries may be made by such retailers at any time and in any manner consented to by the person to whom delivery is to be made, and shall be made, upon demand of such person and at the expense of such person, in such manner and at such time as such person may request.

No person (including any not limited to, wholesalers of products packed in tubes and dealers in scrap metal and junk) shall sell or deliver any used tube of any kind to any person except those designated above.


Issued this 11th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[3 F.R. 2304.]

PART 1147—COLLAPSIBLE TIN, TIN-COATED AND ALLOY TUBES

AMENDMENT NO. 1 OF CONSERVATION ORDER M-115

Subparagraph (a) (4) of paragraph (d) of § 1147.1 (Conservation Order M-115) is hereby amended to read as follows:

* * * F.R. 2185, 2506.

[7 F.R. 2185.]
automatic plating machines, buffing lathes, and degreasers.

(2) "Anodizing equipment" means any new equipment intended to be used in the electrochemical treatment of the surface of any metal to produce a corrosion-resistant film on the surface thereof. The term includes parts such as tanks to contain solution, linings for tanks, anode and cathode rods, racks, bus bars, generators, rectifiers, and panel boards.

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

(4) "Producer" means any person engaged in the business of distributing electroplating equipment or anodizing equipment.

(5) "Distributor" means any person in the business of distributing electroplating equipment or anodizing equipment.

(b) General restrictions. (1) After the effective date of this order, no producer or distributor of electroplating equipment or anodizing equipment shall produce, accept any order for, or sell, otherwise transfer, or deliver and no person otherwise acquire or receive delivery of any electroplating equipment or anodizing equipment except pursuant to a preference rating of A-1 or higher assigned on Form PD-1A and dated after the effective date of this order.

(2) The provisions of paragraph (b)(1) shall not apply to any specific article of electroplating or anodizing equipment ordered from a producer or distributor prior to the effective date of this order, on which more than 50% of the estimated total man-hours required for its complete production has been expended prior to such effective date, provided that, within 15 days after such effective date, such article is 100% completed and shipped.

(c) Criteria for issuing preference rating certificates. In issuing ratings on preference rating certificates, the Director of Industry Operations will consider the following factors, to the extent feasible, among others:

(1) The number and capacity of electroplating and anodizing equipment facilities then available in the particular locality.

(2) The anticipated need for electroplating equipment and anodizing equipment in the particular locality.

(3) The existence of orders placed prior to the effective date of this order for electroplating equipment and anodizing equipment, and the amount of work done on such orders.

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

(2) Applicability of other orders. Insofar as any order issued or to be issued hereafter limits the use of any material in the production of electroplating equipment or anodizing equipment, as defined in paragraphs (a) (1) and (2) of this section, to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise herein.

(3) Records. All persons affected by this order shall keep and preserve for not less than two years after the effective date of this order accurate and complete records concerning inventories, production, and sales.

(4) Audit and inspection. All records required to be kept by this order shall, upon request of the Director of Industry Operations to audit and inspect by duly authorized representatives of the War Production Board.

(5) Violations. Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States or to the War Production Board, or any officer thereof, is guilty of a crime, and upon conviction thereof may be punished by fine or imprisonment.

(6) Appeals. Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that compliance therewith would disrupt or impair any program of conversion from non-defense to defense work, or that compliance therewith would result in a degree of unemployment which would be unreasonable disproportionately compared with the amount of materials conserved, may apply for relief to the War Production Board by letter or other written communication, setting forth the pertinent facts and the reason or reasons why such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he may deem appropriate.

(7) Communications. All reports required to be made and all communications concerning this Order shall, unless otherwise directed, be addressed to War Production Board, Washington, D.C. Ref.: W.P.R. 122.

(8) Effective date. This Order shall take effect immediately 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, as amended, 6 F.R. 4060, 1941; W.P.R. Reg. 1, F.R. 560, E.O. 9024, 7 F.R. 339; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 78th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 11th day of May 1942.

J. S. KNOWLSON, Directo of Industry Operations.

(F. R. Doc. 42-4248; Filed, May 11, 1942; 11: 48 a. m.)

PART 1217—COCOA

CONSERVATION ORDER M-145

The uncertainty of shipments of cocoa beans from abroad and the fulfillment of requirements for the defense of the United States have created a shortage in the supply of cocoa beans 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:

§ 1217.1 Conservation Order M-145—

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

(b) Definitions. For purposes of this order, "process" means subjecting cocoa beans to any grinding, pressing, or other processing operation.

(c) General restrictions. (1) Except as permitted in paragraph (c)(4), no person shall process more cocoa beans during any quota period than his quota for that period, and such period and quota shall be determined by the Director of Industry Operations from time to time.

(2) Any person who processes cocoa beans shall sell the products resulting from such processing equitably to purchasers and shall not favor purchasers who buy other products from him nor discriminate against those who do not buy other products from him.

(3) Any person who has, or has had, cocoa beans owned by him processed for his account by some one else shall, for purposes of computing his quota and charges thereto, consider such cocoa beans as though processed by him.

(4) Notwithstanding the foregoing restrictions, any person may, without charge to his quota, process such amount of cocoa beans as may be necessary to provide him or any other person with material to fill actual orders with or for any of the following persons:

(i) The Army, the Navy, the Defense Supplies Corporation, Veterans Administration hospitals and homes, or any Agency of the United States Government for purposes of computing his quota and charges thereto, consider such cocoa beans as though processed by him.

(ii) The American Red Cross or the United Service Organizations.

(iii) Any person for retail sale through concession restaurants at army or navy camps or through outlets not operating for private profit and established primarily for the use of army or navy enlisted personnel within army or navy establishments or on army or navy vessels, including post exchanges, sales commissaries, officers' messes, service men's clubs, and ship service stores.

(5) All quotas hereunder shall be calculated quantitatively in terms of pounds.

(d) Reports. Every person who processes cocoa beans hereunder shall keep and file with the War Production Board such reports and questionnaires as said Board may from time to time require.

(e) Records. Every person who processes cocoa beans hereunder shall keep and preserve, for a period of not less than two years, records which, upon examination, will...
Ref: M-145. (P.D. Reg. 1, as amended, be filed hereunder and all communications heretofore issued by the Director of Industry Operations, (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 67, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 11th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4249; Filed, May 11, 1942; 11:46 a.m.]

PART 1224—PHOSPHATE ROCK

GENERAL INVENTORY ORDER M-149

§ 1224.1 General Inventory Order M-149—(a) Exception to general inventory restrictions. Notwithstanding the provisions of any regulation or order hereof issued by the Director of Priorities of the Office of Production Management, or by the Director of Industry Operations of the War Production Board, or any other regulation or order which may hereafter be issued but which does not expressly relate to phosphate rock, any primary producer may make deliveries of phosphate rock, and any person may accept deliveries of phosphate rock from a primary producer, although the inventory of phosphate rock in the hands of a person accepting such delivery is, or will by virtue of such acceptance become, in excess of a practicable working minimum.

(b) Applicability of Priorities Regulation No. 1. Except to the extent that the provisions of paragraph (a) of this section are inconsistent therewith, all transactions involving phosphate rock shall be subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time.

(c) Definition. “Primary producer” means a person who mines phosphate rock.

(d) Effective date. This order shall take effect at once and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 67, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 11th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4249; Filed, May 11, 1942; 11:47 a.m.]

Chapter XI—Office of Price Administration

PART 1337—RAYON

AMENDMENT NO. 2 TO REVISED PRICE SCHED­
ULE NO. 23, AS AMENDED—RAYON GREY

GOODS

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

In § 1337.13 (a) (1), (a) (2), (a) (4) and (a) (7), respectively, certain fabric items should read as follows and § 1337.13 (b) (2) is amended to read as follows:

§ 1337.13 Appendix A: Maximum prices for rayon grey goods.

(a) * * *

1§ 1337.13 Appendix A: Maximum prices for rayon grey goods.

(b) * * *

1 7 F.R. 2899, 2966, 3048.

1 Dash over width and dash over warp ends indicates width in inches in seed and ends per inch in beam, respectively.

1*” indicates acetate, “V” indicates viscose.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4249; Filed, May 11, 1942; 11:47 a.m.]

PART 1217—COCOA

SUPPLEMENTARY ORDER M-145-a

§ 1217.12 Supplementary Order M-145-a Pursuant to Order M-145, which this order supplements, (a) the Director of Industry Operations hereby determines that the quota of cocoa beans for processing by any person shall be, for the period from the issuance date of this order through June 30, 1942, 50-90ths of 70% of the total amount of cocoa beans processed by him during the period from April 1, 1941 through June 30, 1941.

(b) Every person who processes cocoa beans who, on May 1, 1942, had a total of 50,000 pounds or more of cocoa beans in his possession, under his con-
PART 1340—FUEL

AMENDMENT NO. 11 TO REVISED PRICE SCHEDULE NO. 88—PETROLEUM AND PETROLEUM PRODUCTS

Kerosene in Virgin Islands

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

Section 1340.159 (c) (3) (ii), established by Amendment No. 5 is redesignated § 1340.159 (c) (3) (iv). § 1340.159 (c) (3) (ii), established by Amendment No. 6, is amended to read as set forth below:

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

(c) Specific prices.

(3) Distillate fuel oils.

(ii) The maximum prices at the Virgin Islands of kerosene transshipped from Puerto Rico shall be 3 cents per gallon above the maximum prices established by § 1340.159 (b) (1) to (3), inclusive. This provision shall expire on July 6, 1942.

1340.158a Effective dates of amendments.

(k) Amendment No. 11 (§§ 1340.158 (c) (3) (iv), 1340.159 (c) (3) (iii)) to Revised Price Schedule No. 88 shall become effective May 8th, 1942. Until such time Revised Price Schedule No. 88 continues in effect as if not amended by Amendment No. 11.

(Pub. Law 421, 77th Cong.)

Issued this 8th day of May 1942.
LEON HENDERSON, Administrator.

[F. R. Doc. 42-4171; Filed, May 8, 1942; 5:01 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS

AMENDMENT NO. 2 TO MAXIMUM PRICE REGULATION NO. 129

Resale Book Matches Defined

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

Paragraph (a) (18) of § 1347.22 is amended to read as set forth below:

§ 1347.22 Definitions. (a) When used in this Maximum Price Regulation No. 129, the term:

(18) "Resale book matches" includes paper matches in books sold by a manufacturer for distribution to retailers.

PART 1360—MOtor VEHICLES AND Motor VEHICLE EQUIPMENT

AMENDMENT NO. 7 TO RATIONING ORDER NO. 2A—NEW PASSENGER AUTOMOBILES

AMENDMENT NO. 7 TO RATIONING ORDER NO. 2A—NEW PASSENGER AUTOMOBILES RATIONING REGULATIONS

The preface to §§ 1360.372 and 1360.381 are amended, and new paragraphs (g) to § 1360.383 and (c) to § 1360.372 are added as set forth below:

Restriction of Transfers

§ 1360.336 Removal of certain automobiles from the pool.

(g) Automobiles with convertible, collapsible, folding or "soft" tops.

Persons Eligible to Acquire New Passenger Automobiles by Transfers with Certificates

§ 1360.372 Eligibility classification.

When the conditions established in § 1360.371 and other applicable provisions of this Rationing Order No. 2A are fulfilled, certificates authorizing the transfer of new passenger automobiles may be granted to the following persons or to their employers for the use of such persons:

(c) The American Red Cross.

Applications by Federal Agencies and by the American Red Cross

§ 1360.381 Applications; certificates. All federal agencies, except those enumerated in § 1360.381, which are eligible to acquire a new passenger automobile under the provisions of §§ 1360.371 and 1360.372, and the American Red Cross shall make application on O.P.A. Form R-216 for a certificate authorizing such acquisition in the manner provided in paragraph (a) or (b) of this section:

(a) Any such applicant which hereafter authorizes the Procurement Division of the Treasury Department to acquire a new passenger automobile on its behalf shall file its application for a certificate on O.P.A. Form R-216 with the Procurement Division, for transmission to the Office of Price Administration.

(b) All other applicants shall make application for a certificate on O.P.A. Form R-216 directly to the Office of Price Administration.

Certificates shall be issued hereunder subject to the quota established for that purpose unless such certificates are issued pursuant to § 1360.345.

Effective Dates

§ 1360.442 Effective dates of amendments.

(g) Amendment No. 7 (§§ 1360.336 (g), 1360.372, 1360.381 (c), and 1360.381) to Rationing Order No. 2A shall become effective May 12, 1942. (Pub. Law 421, 77th Cong., W.P.B. Dir. No. 1, Supp. Dir. No. 1A, 7 F.R. 662, 686, 1463.)

Issued this 9th day of May 1942.
LEON HENDERSON, Administrator.

[F. R. Doc. 42-4174; Filed, May 9, 1942; 10:22 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

RATION ORDER NO. 5—EMERGENCY GASOLINE RATIONING REGULATIONS

DEFINITIONS

Sec. 1394.1 Definitions.

SCOPE OF RATION ORDER NO. 5

1942.6 Application of Ration Order No. 5.

1942.7 Effective period of Ration Order No. 5.
APPLICATION FOR SUPPLEMENTAL RATION.

1394.43 Application for supplemental ration.

ADJUSTMENTS, APPLICATIONS FOR SUPPLEMENTAL RATION.

1394.32 Issuance of Class X cards.

1394.30 Issuance of Class A cards.

1394.18 Transfers into the fuel tanks of motor vehicles or inboard motorboats.

1394.17 Restrictions on transfers to consumers.

1394.36 Change of ownership or use.

1394.35 Notations.

1394.34 Transfer without cards.

1394.33 Filing of applications.

1394.13 Records confidential.

1394.12 Powers and duties.

1394.41 Issuance of cards to late applicants.

1394.44 Lost or destroyed ration cards.

1394.55 Criminal prosecutions.

1394.46 Appeals from decisions of local administrators.

1394.60 Effective date.

MEASUREMENT OF GASOLINE.

1394.28 Form and use of gasoline ration cards.

1394.29 Application for gasoline ration cards.

1394.30 Issuance of Class A cards.

1394.31 Issuance of Class B cards.

1394.32 Issuance of Class X cards.

1394.33 Filing of applications.

1394.34 Transfer without cards.

1394.35 Notations.

1394.36 Change of ownership or use.

1394.37 Transfer and use of cards.

APPLICATIONS FOR SUPPLEMENTAL RATION AND APPEALS.

1394.41 Issuance of cards to late applicants.

1394.42 Adjustment of errors made by registrars.

1394.43 Application for supplemental ration.

1394.44 Lost or destroyed ration cards.

1394.45 Action on local board applications.

1394.46 Appeals from decisions of local boards.

OTHER APPLICABLE ORDERS.

1394.50 Effect of other government orders.

ENFORCEMENT.

1394.54 Unlawful transfer or use.

1394.55 Criminal prosecutions.

1394.56 Cancellation of privileges, denial of materials, and requisition and re-allocation of gasoline.

EFFECTIVE DATE.

1394.60 Effective date.

EMERGENCY GASOLINE RATIONING REGULATIONS.


It is hereby ordered that:


DEFINITIONS.

§ 1394.1 Definitions. When used in this Ration Order No. 5:

(a) "Application site" means any place designated by the Office of Price Administration for the issuance of gasoline ration cards during the period from May 12, 1942 to May 14, 1942.

(b) "Board" means a Local Rationing Board.

(c) "Consumer" means any person acquiring gasoline for use and includes dealers, dealer outlets or suppliers to the extent that they use gasoline.

(d) "Dealer" means any person regularly engaged in the business of transferring gasoline directly to consumers.

(e) "Dealers and registrars," unless the singular is used, includes the plural, and the masculine gender shall denote the feminine and neuter.

SCOPE OF RATION ORDER NO. 5.

§ 1394.5 Territorial limitations. Except as otherwise expressly provided, Ration Order No. 5 shall apply only to the rationed area as defined in paragraph (1) of § 1394.1.

§ 1394.6 Application of Ration Order No. 5. Ration Order No. 5 shall not apply to transfers of gasoline to or for the account of:

(a) The Army, Navy, or Marine Corps of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the National Advisory Commission for Aeronautics, the Civil Aeronautics Authority, and the Office of Scientific Research and Development.

(b) Persons acquiring gasoline for export to and consumption or use in any foreign country.

§ 1394.7 Effective period of Ration Order No. 5. Ration Order No. 5 (§§ 1394.1 to 1394.60, inclusive) shall be effective for the period from May 12, 1942 to June 30, 1942, inclusive, and may be extended by the Office of Price Administration, in its discretion.

ADMINISTRATION AND PERSONNEL.

§ 1394.11 Personnel. (a) Ration Order No. 5 shall be administered by the Office of Price Administration through its Local Rationing Boards, and such other administrative personnel as it may designate.

(b) The persons referred to in paragraph (a) of this section may be assisted during the registration period by the chief school officials of the several states, the city and county superintendents of schools, and by the persons who may be appointed to act as school site administrators and registrars. The school site administrators shall be appointed by the city or county school superintendent and the registrars shall be appointed by the school site administrators. The persons enumerated in this paragraph shall serve without compensation and shall be under the supervision of the persons enumerated in paragraph (a) of this section and of the persons who appointed them.

(c) No person participating in the administration of Ration Order No. 5 shall act officially in connection with any matter arising hereunder as to which he has any interest, by reason of business connection or relationship by blood or marriage.

§ 1394.12 Powers and duties. The persons appointed to administer or to assist in administering Ration Order No. 5 shall have such powers and duties as are provided herein and in any subsequent orders issued by the Office of Price Administration.

§ 1394.13 Records confidential. All records of the Office of Price Administration and of the Boards, relating to gasoline rationing shall be confidential and shall be subject to inspection, re-
(A) A motor vehicle or inboard motorboat especially equipped as an ambulance or hearse;

(2) A motor vehicle bearing a license plate, registration card or other designation bearing a number, certificate, document, or other designation, clearly identifying that it is in use by a Federal, State, local or foreign government or agency thereof;

(3) A motor vehicle clearly identifiable by its physical appearance or by its license plate or registration card as a truck, bus, jitney or taxicab, except that a station wagon shall not be deemed to be so identifiable by physical appearance alone;

(4) An inboard motorboat clearly identifiable by its physical appearance or by its certificate or document, as a tug, ferry, harbor craft, lighter, freight-carrying, mail-carrying or sightseeing craft, or as used for dredging; or carrying a certificate or document indicating it as used for commercial fishing or piloting or as a public conveyance or carrier for hire;

(5) Any motor vehicle or inboard motorboat, if the occupant thereof exhibits an official military, Federal or State governmental travel order, in effect at the time of the transfer, authorizing or directing travel by motor vehicle or inboard motorboat.

§ 1394.22 Exceptions. (a) Nothing herein shall be deemed to forbid the transfer of gasoline actually in the fuel tank of a vehicle or boat, in conjunction with a lawful transfer of such vehicle or boat itself, nor a bulk transfer of gasoline actually in a storage tank maintained as part of an enterprise or establishment, in conjunction with a lawful transfer of such enterprise or establishment itself.

(b) The provisions of paragraphs (a), (b) and (c) of § 1394.18 requiring transfer directly into the fuel tank of a motor vehicle or inboard motorboat, shall not be deemed to forbid a bulk transfer under the following circumstances:

(1) Bulk transfer may be made to a consumer operating a non-highway vehicle or inboard motorboat stranded for lack of fuel, and such consumer may accept a bulk transfer, upon presentation of a gasoline ration card Class A or B containing one or more uncanceled units, or a gasoline ration card Class X, issued with respect to such vehicle or boat, or upon presentation of a registration certificate for such motor vehicle or registration certificate for such boat) from which such vehicle (or boat) may be clearly identified as one to which transfer may be made, under the provisions of paragraph (c) of § 1394.18, without presentation of a gasoline ration card: Provided, That such bulk transfer against a Class A or B card shall be in an amount not exceeding one unit of gasoline: And, provided further, That a unit on such card shall be cancelled, at the time of such bulk transfer, in the manner required by paragraph (a) of § 1394.18.

(2) Bulk transfer may be made to a consumer operating an inboard motorboat, and such consumer may accept such bulk transfer, if there are no supplier, dealer or dealer outlet and supplier shall forward to the Department of Justice of the United States, in or out of court. Any person filing a record, or his agent, may examine the records so filed by him, if to do so does not interfere with the administration of Ration Order No. 5. Records may be subpoenaed in any criminal proceeding in which the defendant is the person named and the records may be subpoenaed in any criminal proceeding if the subpoena is served at least ten days before the return date and if the Office of Price Administration deems that the production of the records in answer to such subpoena is in the interest of national defense and security.

Filing of forms. On or before July 7, 1942, every dealer, dealer outlet and supplier shall forward to the Department of Justice, filing of the forms specified in paragraph 5 of Order L-70, as amended, in which his place of business is located, all forms OPA R-510 and OPA R-511 received by him between May 15, 1942, and May 30, 1942, inclusive.

Restrictions on use. No consumer may use gasoline, if such gasoline was transferred to him on or after May 15, 1942, except in the vehicle or boat for the particular non-highway purpose for which it was acquired.

¢ 7 F.R. 2108; 2722.
FEDERAL REGISTER, Tuesday, May 12, 1942

§ 1394.28 Form and use of gasoline ration cards. (a) Gasoline ration cards of all types shall be used and honored only in connection with the motor vehicle or inboard motorboat identified thereon and no detached or cancelled unit of a Class A or B card shall be valid as an authorization of transfer of gasoline. (b) Every gasoline ration card issued for a motor vehicle or registered inboard motorboat, shall clearly identify, by registration number, the motor vehicle or inboard motorboat for which it has been issued and may be used. In the case of an unregistered inboard motorboat the gasoline ration card shall indicate that it has been issued for a boat and not a motor vehicle and shall contain such other identification of the boat as may be feasible. Every card shall bear the signature of the person to whom or on whose behalf it is issued, and shall not be valid without such signature. (c) Each Class A card shall authorize the transfer and acquisition of seven (7) units of gasoline during the period from May 15, 1942, to June 30, 1942, inclusive. (d) Each Class B card shall authorize the transfer and acquisition, during the period from May 15, 1942, to June 30, 1942, inclusive, of the following number of units of gasoline: (1) Class B1: eleven (11) units. (2) Class B2: fifteen (15) units. (3) Class B3: nineteen (19) units. (e) Each Class X card shall authorize the transfer and acquisition, during the period from May 15, 1942, to June 30, 1942, inclusive, of the quantity of gasoline needed for the motor vehicle or inboard motorboat with respect to which it is issued. Such quantity shall not be restricted. § 1394.29 Application for gasoline ration cards. Application for a gasoline ration card shall be made during the period from May 12, 1942, to May 14, 1942, inclusive, at any designated application site. Such application may be made by an agent on behalf of the applicant. On or after May 15, 1942, such application shall be made to a Local Rationing Board. § 1394.30 Issuance of Class A cards. (a) The registered owner or the person entitled to possession of an inboard motorboat, shall be entitled to obtain a Class A card by presenting the currently valid registration card or registration certificate identifying such vehicle. A Class A card shall be issued to him upon such presentation. A person, holding motor vehicles for sale or resale may obtain a Class A card for each currently valid “dealer” registration plate owned by him. (b) The registered owner or the person entitled to possession of an inboard motorboat may obtain a Class A card by making application on Form OPA R–508 and applying the information required by such Form. At the time of applying for the card, the applicant shall present the certificate or document (if any) of such inboard motorboat. § 1394.31 Issuance of Class B cards. (a) The registered owner or the person entitled to possession of any motor vehicle (other than a two or three wheeled vehicle) which is customarily driven in the rationed area, or the pursuit of, or to or from, a gainful occupation, an average daily mileage in excess of that provided by a Class A card, as shown in the following schedule, may obtain, in lieu of a Class A card, a Class B card of the type indicated in the following schedule, in accordance with the value of the unit at the time of issuance: SCHEDULE SHOWING CLASS OF CARD TO BE ISSUED WHERE APPLICATION IS MADE UNDER § 1394.31

When average daily mileage driven is—

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<th>Units per day</th>
<th>B1</th>
<th>B2</th>
<th>B3</th>
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(b) Application for a Class B card shall be made on Form OPA R–508 and the applicant shall furnish the informa-

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or registration certificate identifying the motor vehicle for which the application is made.

(c) In determining the average mileage per day which a motor vehicle registered in the rationed area is customarily driven in the rationed area, for the purposes of this section, the applicant may include mileage customarily driven, in the pursuit of or to or from a gainful occupation, outside of the rationed area but within fifty (50) miles by northerly, southerly, easterly or westerly routes or any border of the state in which such motor vehicle is registered, except that:

(1) In the case of a motor vehicle registered in Sullivan County, Tennessee, owned by a resident of Bristol, Tennessee, the applicant may include mileage driven outside of the rationed area within a radius of fifty (50) miles of the City of Bristol.

(2) In the case of a motor vehicle registered in a county (or part of a county) in the State of Florida, which is east of the Apalachicola River, the applicant may include mileage driven outside of the rationed area but within fifty (50) miles of that part of the Apalachicola River which lies in Florida.

(d) No Class B card shall be issued with respect to an inboard motorboat, except in accordance with the provisions of §§ 1394.30 to 1394.32, inclusive, of Ration Order No. 5.

§ 1394.32 Issuance of Class X cards.

(a) The registered owner or the person entitled to possession of a motor vehicle or inboard motorboat may obtain a Class X card, in lieu of a card of any other class, if all or substantially all of the use to which such vehicle or boat is customarily put is in one or more of the following categories:

(1) As an ambulance or hearse;

(2) As a taxi, bus, jitney, ferry or other public conveyance for hire, or as a vehicle or boat available for public rental;

(3) By a regularly practicing minister of a religious faith, in the performance of religious duties in meeting the religious needs of the congregation served;

(4) By a duly licensed physician, surgeon, or in the case of an inboard motorboat, veterinarian, in making professional calls and rendering medical, nursing, professional or veterinary services;

(5) For the official business of Federal, State, local or foreign governments or government agencies;

(6) For trucking, hauling, towing, freight-carrying, delivery, or messenger service;

(7) For the transportation of materials and equipment for construction of or for mechanical, electrical, structural or highway maintenance or repair services; or for the transportation of work crews to enable them to perform such services;

(8) For dredging, or for fishing, guiding, trapping, lumbering or sightseeing as a means of earning a livelihood, in the case of an inboard motorboat.

(b) Application for a Class X card shall be made on Form OPA R-507, in the case of a motor vehicle, or on Form OPA R-508, in the case of an inboard motorboat. At the time of applying for a Class X card, the applicant shall present the registration certificate or registration card of the motor vehicle, or the registration certificate of the inboard motorboat for which the application is made.

§ 1394.33 Filing of applications. (a) All applications for gasoline ration cards (other than Class A cards for motor vehicles) submitted at an application site shall, when passed upon, be turned over by the school site administrator to the Board having jurisdiction over the area in which such application site is located.

(b) Each Board shall maintain a complete file of all applications for gasoline ration cards (other than Class A cards for motor vehicles) made in the area over which it has jurisdiction.

§ 1394.34 Transfer without card. Nothing in § 1394.32 shall be construed to require the presentation or exhibition of a Class X card as a condition of transfer of gasoline in accordance with the provisions of paragraph (c) of § 1394.18.

§ 1394.35 Issuance of a temporary card. At the time of issuance of any gasoline ration card, the person issuing such card shall make a clear notation, in ink, by typewriter or in indelible pencil, in a conspicuous place on the back of a gasoline ration card or registration certificate (or, in the case of an inboard motorboat, on the certificate or document, if any) presented by the applicant, showing the class and serial number of the ration card issued. No person shall issue or receive more than one gasoline ration card for any motor vehicle or inboard motorboat, except as hereinafter provided. At § 1394.41 to § 1394.46, inclusive.

§ 1394.36 Change of ownership or use. Upon cessation of use or change in ownership or registration of any motor vehicle or inboard motorboat for which a gasoline ration card has been issued, such card shall forthwith be destroyed by the holder thereof. Any transferee of such vehicle or boat may apply for a gasoline ration card pursuant to the provisions of § 1394.41.

§ 1394.37 Transfer and use of cards. No gasoline ration card may be transferred or assigned; such card may, however, be used by anyone in connection with the vehicle or boat with respect to which it was issued, so long as there is no change in ownership or registration of such vehicle or boat and, in the case of a Class X card, so long as it is of a different class from that to which it was issued.

ADJUSTMENTS, APPLICATIONS FOR SUPPLEMENTAL RATION AND APPEALS

§ 1394.41 Issuance of cards to late applicants.

(a) Any person who fails to apply for a card during the period from May 15, 1942 to May 14, 1943 and who wishes to obtain such card, may do so by making application therefor at any Local Rationing Board in the rationed area. Any application made shall be made in the manner provided by §§ 1394.30 to 1394.32, inclusive, of Ration Order No. 5.

(b) The Board shall examine the registration certificate or registration card (or, in the case of an application with respect to an inboard motorboat, the certificate or document, if any) presented by the applicant. If it finds that no gasoline ration card has been previously been issued by the Board and that no application for any such card has previously been made by him, it shall issue a gasoline ration card to him in accordance with the provisions of §§ 1394.30 to 1394.32, inclusive, except that:

(1) If the applicant is entitled to a Class A card only, one unit shall be removed from such card for each six (6) day period (or part thereof) between May 15, 1942 and the date of issuance;

(2) If the applicant is found to be entitled to a Class B 1 card, one unit on such card shall be removed for each four (4) day period (or part thereof) between May 15, 1942 and the date of issuance;

(3) If the applicant is found to be entitled to a Class B 2 card, one unit on such card shall be removed for each three (3) day period (or part thereof) between May 15, 1942 and the date of issuance;

(4) If the applicant is found to be entitled to a Class B 3 card, three (3) units on such card shall be removed for each full seven (7) day period between May 15, 1942 and the date of issuance.

§ 1394.42 Adjustment of errors made in issuance of cards.

(a) Any person who claims that a gasoline ration card was improperly denied to him by a registrar at an application site or who claims that the card issued to him by such registrar was of a different class from that to which he is entitled under Ration Order No. 5 and pursuant to his application, may apply for an adjustment. Such application shall be made by appearing before and requesting adjustment at the Local Rationing Board (or any designated official thereof) having jurisdiction over the application site at which the error is claimed to have been made.

(b) If the applicant claims that the card issued to him is of a different class or unit value from that to which he is entitled, the Board shall obtain and examine the application on which the card was issued and the application of the applicant at the application site. If for any reason it cannot obtain the application originally made, the Board shall require the applicant to prepare a duplicate of the application originally made and to swear to or affirm the fact that it is an exact duplicate of such application. If it determines that, on the basis of such application and under the provisions of §§ 1394.30 to 1394.32, inclusive, of Ration Order No. 5, a card of a different class should have been issued to the applicant, it shall cancel the number of units on the card originally issued and it shall cancel the number of units on the new card required by the number of gallons of gasoline acquired on said original card.

(c) If the applicant claims that a gasoline ration card was improperly denied to him:

(1) The Board shall examine the application originally made by him at the application site and shall issue such card,
as it determines that the applicant is entitled to receive pursuant to the provisions of Ration Order No. 5, or of Ration Order No. 5; or 

(2) If the applicant complains of a denial of a Class A card for a motor vehicle, for which no written application is required, or his registration card or registration certificate for examination by the Board and shall submit an affidavit or affirmation stating that he applied for a Class A card and identifying the application site at which he so applied. The Board shall, in such case, issue a Class A card to the applicant if it finds that such card was improperly denied to him at the application site. 

§ 1394.43 Applications for supplemental ration. (a) Any person to whom a gasoline ration card has been issued, who finds that the ration provided thereunder is insufficient to permit use of the motor vehicle or inboard motorboat to an extent which is essential to the life or to the pursuit of the gainful occupation of a person who needs the use of such vehicle (other than a Class B-3 card) for a supplemental ration. Application may be made, on Form OPA R-512, to any Board in the rationed area. A supplemental ration shall be granted if transportation by motor vehicle or inboard motorboat is required in order to obtain medical attention or therapeutic treatment, or in order to procure food or supplies, or because physical disabilities render other means of transportation impossible or hazardous. 

(b) The applicant shall state on Form OPA R-512, under card or on affirmation, in addition to such other information as may be required: 

(1) The facts by reason of which his present ration is claimed to be insufficient; 

(2) The facts which support his claim that an additional ration is essential to life or to the pursuit of a gainful occupation; 

(3) The alternative means of transportation, including "double-up", which are available to him and the reasons, if any, why such alternative means are not reasonably adequate; 

(4) The number of miles of driving in the rationed area from the date of the application through June 30, 1942, claimed to be essential. 

If the applicant is an employee and claims that a supplemental ration is essential to enable him to carry on his work, the application must be verified by his employer or by an authorized representative, of his employer. Every applicant shall also write in, at the top of his application, a description of the precise nature of his work. 

(c) The Board may, in its discretion, require the applicant to furnish any additional information which it deems pertinent to the application. It may also require him to appear before it for further inquiry and to produce such witnesses or other testimony or proof as it may deem necessary. 

(d) The Board shall promptly notify the applicant of a supplemental ration only if it finds that such supplemental ration is essential to life or to the pursuit of a gainful occupation and that no reasonably adequate alternative means of transportation are available. In determining whether alternative means of transportation are available, the Board shall consider whether the applicant can meet his essential needs by use of reasonably available and adequate existing public transportation facilities, whether other vehicles or boats are owned by him or available to him, whether he has exhausted his opportunities, if any, to "double-up" with the owner of another motor vehicle or inboard motorboat. It may also consider such other factors as it may deem material. 

(e) If the Board grants the application, it shall determine the quantity of gasoline (over and above that available to the applicant under his existing gasoline ration card if any), which is essential to the applicant from the date of its decision through June 30, 1942. It shall then issue to the applicant B-1, B-2, or B-3 cards, as the Board determines, if there is sufficient number to allow to the applicant the quantity of gasoline determined to be essential, on the basis of the then galleonage of a unit. It shall cancel any units on such card issued, in excess of the number representing the galleonage which it decides to allot in accordance with the provisions of this paragraph. 

(f) The requirement that the applicant describe and establish the inadequacy of alternative means of transportation available to him shall not apply to an application made by a dealer in motor vehicles or inboard motorboats. If the supplemental ration is sought for the purpose of enabling such dealer to demonstrate to prospective purchasers motor vehicles or inboard motorboats which he holds for sale or resale. 

§ 1394.44 Lost or destroyed ration cards. (a) The owner of a gasoline ration card which has been lost or destroyed, or so damaged or mutilated as to be rendered unfit for use, may apply for a new card to replace the one so lost or destroyed. Application may be made, on Form OPA R-509, to any Board in the rationed area. 

(b) The Board shall promptly notify the applicant of a supplemental ration only if it finds that such supplemental ration is essential to life or to the pursuit of a gainful occupation and that no reasonably adequate alternative means of transportation are available. In determining whether alternative means of transportation are available, the Board shall consider whether the applicant can meet his essential needs by use of reasonably available and adequate existing public transportation facilities, whether other vehicles or boats are owned by him or available to him, whether he has exhausted his opportunities, if any, to "double-up" with the owner of another motor vehicle or inboard motorboat. It may also consider such other factors as it may deem material. 

(f) The requirement that the applicant describe and establish the inadequacy of alternative means of transportation available to him shall not apply to an application made by a dealer in motor vehicles or inboard motorboats. If the supplemental ration is sought for the purpose of enabling such dealer to demonstrate to prospective purchasers motor vehicles or inboard motorboats which he holds for sale or resale. 

§ 1394.45 Action on Local Board applications. The Board shall render its decision on an application made pursuant to the provisions of §§ 1394.41, 1394.42, 1394.43 or 1394.44 within five (5) days after the date of such application; in an emergency, such decision shall be made within twenty-four (24) hours, if possible. The Board shall promptly notify the applicant of its decision. Where a number of applications pursuant to §§ 1394.41, 1394.42, 1394.43 and 1394.44 are pending before the Board, it shall pass first on those made by persons engaged in work related to production at a factor, plant, or other establishment manufacturing or producing war material, equipment, supplies, or machinery. 

The Board shall keep a full and complete written record of applications made pursuant to §§ 1394.41, 1394.42, inclusive, and of its action thereon. 

§ 1394.46 Appeals from decisions of local boards. (a) Any applicant may appeal to the State Director from an adverse decision of the Board by filing with the Board a statement in writing setting forth his objections to the decision and the grounds for the appeal. The statement must be filed not later than five days after notice of the decision. Within three days after receipt of the statement, the Board shall send it to the State Director together with its entire record on the application. 

(b) The State Director may request the applicant to appear or to furnish such additional information as he may deem pertinent. The State Director shall render his decision on appeal within five (5) days after receipt of the statement, and, in cases of apparent emergency, within twenty-four (24) hours, if possible. He shall pass first on appeals by persons engaged in the work described in paragraph (a) of § 1394.45. He shall promptly notify the applicant and the Board, in writing, of his decision. 

OTHER APPLICABLE ORDERS

§ 1394.50 Effect of other government orders. Nothing in Ration Order No. 5 shall be deemed to authorize a use of a motor vehicle or inboard motorboat in contravention of the provisions of any order issued or the United States Department of Transportation or of any other applicable government order, regulation, or statute.

ENFORCEMENT

§ 1394.51 unlawful transfer or use. No person shall transfer, offer to transfer, accept a transfer of, or use gasoline, where such transfer, offer, acceptance of transfer, or use is in violation of Ration Order No. 5. 

§ 1394.55 Criminal prosecutions. (a) Any person who shall knowingly and wilfully falsify an application, certificate or any record included within the terms of Ration Order No. 5, or who shall otherwise knowingly furnish false information to any officer, a duly authorized agent, employee or officer of the Office of Price Administration, may upon conviction be fined not more than $10,000 and imprisoned for not more than ten years, or both. 

(b) Any person who wilfully performs any act prohibited, or wilfully fails to perform any act required, by any provision of Ration Order No. 5 or amendment thereof, may upon conviction be fined not more than $10,000 and imprisoned for not more than one year, or both.
§ 1394.56 Cancellation of privileges, denial of materials, and requisition and reallocation of gasoline. (a) Gasoline transferred in violation of Ration Order No. 5 shall be subject to requisition, reallocation and distribution by the appropriate officers or agents of the United States.

(b) Any dealer, dealer outlet or supplier who has violated Ration Order No. 5 may be prohibited either permanently, or for such time and subject to such conditions as may be deemed appropriate, from selling, transferring or otherwise disposing of any product subject to this or any other Ration Order, now or hereafter promulgated by the Office of Price Administration.

EFFECTIVE DATE § 1394.60 Effective date. Ration Order No. 5 (§§ 1394.1, 1394.5 to 1394.7, 1394.11 to 1394.13, 1394.17 to 1394.23, 1394.28 to 1394.37, 1394.41 to 1394.48, 1394.50, 1394.54 to 1394.56, and 1394.60 inclusive), shall become effective May 12, 1942.

Issued this 11th day of May, 1942.

LEON HENDERSON, Administrator.

[F. R. Doc. 42-4201; Filed, May 11, 1942; 12:04 p.m.]

PART 1499—COMMODITIES AND SERVICES

AMENDMENT NO. 1 TO SUPPLEMENTARY REGULATION NO. 1—EXCEPTIONS FOR CERTAIN COMMODITIES, CERTAIN SALES AND DELIVERIES, AND CERTAIN SERVICES

The Price Administrator, pursuant to authority contained in the Emergency Price Control Act of 1942, has determined that in order to effectuate the purposes of that Act certain commodities should be excepted from the General Maximum Price Regulation. Sections 1499.9 (a) (16) and (b) (9) of the General Maximum Price Regulation provide that the Price Administrator may, by supplementary regulation, except from the operation of the General Regulation commodities and sales or deliveries thereof in addition to those set forth in that section. Section 1499.16 (1) provides for the exception of services in addition to those listed therein. A Statement of the Considerations involved in the issuance of this Amendment No. 1 to Supplementary Regulation No. 1, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in that Statement, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and pursuant to §§ 1499.9 (a) (16), (b) (9) and 1499.10 (j) of the General Maximum Price Regulation, Supplementary Regulation No. 1 is hereby amended to read as follows:

STATEMENT

§ 1499.36 Supplementary Regulation No. 1. (a) General Maximum Price Regulation shall not apply to any sale or delivery of the following commodities:

1. Waste materials including but not limited to metal, paper, cloth, and rubber scrap: Provided, That no waste materials, other than scrap materials, except those covered by Revised Price Schedule No. 3, including, but not limited to, zinc shavings, zinc ashes, and zinc sludges, shall be subject to the General Maximum Price Regulation.

2. All zinc scrap materials, except those covered by Revised Price Schedule No. 3, including, but not limited to, lead shavings, lead ashes, and lead sludges; residues of tin, solder, babbitt, and type material including, but not limited to, drosses, scrubs, acidi drosses, fumes, sludges, and slags.

3. Any machine or part (as defined in the Maximum Price Regulation covering Machines and Parts) for which the manufacturer had no established price on or before July 1, 1941, and which is manufactured, purchased at cost to order, for incorporation in a product manufactured by the buyer. (Any such machine or part, however, to which reference is made in Appendix A of the Maximum Price Regulation covering Machines and Parts is subject to such Regulation.)

4. Anthracite ores and concentrates.

5. Instrument jewel bearings.

6. Imported silk wastes.

7. Cotton mill wastes.


9. Copper scrap or copper alloy scrap sold, delivered or transferred to a foundry by a person owning, operating or maintaining rolling stock: Provided, That:

(i) The copper scrap and copper alloy scrap is converted into metal for which there is a declared market.

(ii) The foundry converts such copper scrap and copper alloy scrap into castings or other articles of the type produced by the foundry.

(iii) Such person delivers the scrap to the foundry and the foundry returns an equivalent amount of castings or other articles of the type from which the scrap resulted in accordance with the terms of a written agreement approved by the War Production Board.

10. Ground grain feed.


12. Block mica of strategic grades, and fabricated mica produced therefrom.


14. Apples the hard wood lumber, provided that this exception shall be effective only up to and including May 18, 1942.

(b) The General Maximum Price Regulation shall not apply to the following sales or deliveries:

1. By persons engaged solely in reconditioning and selling damaged commodities received from insurance companies, transportation companies or agents of the United States Government, provided such persons have been approved and have been approved by the Office of Price Administration as engaged solely in such business.

2. All scrap materials, except those covered by Revised Price Schedule No. 3, including, but not limited to, zinc shavings, zinc ashes, and zinc sludges, shall be subject to requisition, reallocation and distribution by the appropriate officers or agents of the United States.

3. Any dealer, dealer outlet or supplier who has violated Ration Order No. 5 may be prohibited either permanently, or for such time and subject to such conditions as may be deemed appropriate, from selling, transferring or otherwise disposing of any product subject to this or any other Ration Order, now or hereafter promulgated by the Office of Price Administration.

4. Effective date. Ration Order No. 5 (§§ 1394.1, 1394.5 to 1394.7, 1394.11 to 1394.13, 1394.17 to 1394.23, 1394.28 to 1394.37, 1394.41 to 1394.48, 1394.50, 1394.54 to 1394.56, and 1394.60 inclusive), shall become effective May 12, 1942.

Issued this 11th day of May, 1942.

LEON HENDERSON, Administrator.

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1. Waste materials including but not limited to metal, paper, cloth, and rubber scrap: Provided, That no waste materials, other than scrap materials, except those covered by Revised Price Schedule No. 3, including, but not limited to, zinc shavings, zinc ashes, and zinc sludges, shall be subject to the General Maximum Price Regulation.

2. All zinc scrap materials, except those covered by Revised Price Schedule No. 3, including, but not limited to, lead shavings, lead ashes, and lead sludges; residues of tin, solder, babbitt, and type material including, but not limited to, drosses, scrubs, acidi drosses, fumes, sludges, and slags.

3. Any machine or part (as defined in the Maximum Price Regulation covering Machines and Parts) for which the manufacturer had no established price on or before July 1, 1941, and which is manufactured, purchased at cost to order, for incorporation in a product manufactured by the buyer. (Any such machine or part, however, to which reference is made in Appendix A of the Maximum Price Regulation covering Machines and Parts is subject to such Regulation.)

4. Anthracite ores and concentrates.

5. Instrument jewel bearings.

6. Imported silk wastes.

7. Cotton mill wastes.


9. Copper scrap or copper alloy scrap sold, delivered or transferred to a foundry by a person owning, operating or maintaining rolling stock: Provided, That:

(i) The copper scrap and copper alloy scrap is converted into metal for which there is a declared market.

(ii) The foundry converts such copper scrap and copper alloy scrap into castings or other articles of the type produced by the foundry.

(iii) Such person delivers the scrap to the foundry and the foundry returns an equivalent amount of castings or other articles of the type from which the scrap resulted in accordance with the terms of a written agreement approved by the War Production Board.

10. Ground grain feed.


12. Block mica of strategic grades, and fabricated mica produced therefrom.


14. Apples the hard wood lumber, provided that this exception shall be effective only up to and including May 18, 1942.

(b) The General Maximum Price Regulation shall not apply to the following sales or deliveries:

1. By persons engaged solely in reconditioning and selling damaged commodities received from insurance companies, transportation companies or agents of the United States Government, provided such persons have been approved and have been approved by the Office of Price Administration as engaged solely in such business.

2. All scrap materials, except those covered by Revised Price Schedule No. 3, including, but not limited to, zinc shavings, zinc ashes, and zinc sludges, shall be subject to requisition, reallocation and distribution by the appropriate officers or agents of the United States.

3. Any dealer, dealer outlet or supplier who has violated Ration Order No. 5 may be prohibited either permanently, or for such time and subject to such conditions as may be deemed appropriate, from selling, transferring or otherwise disposing of any product subject to this or any other Ration Order, now or hereafter promulgated by the Office of Price Administration.
struct, or affect interstate or foreign commerce.

(vi) "Appalachian hardwood lumber" means lumber produced from the botanical species of the following: (Liriodendron tulipifera), tough white ash (Fraxinus americana), beech (Fagus americana), soft maple (Acer rubrum), butternut (Juglans cinerea), chestnut (Castanea dentata), hard maple (Acer saccharum) and the botanical species butternut (Juglas cinerea), chestnut (Castanea dentata), hard maple (Acer saccharum), white oak (Quercus), hickory (Carya), birch (Betula), buckeye (Aesculus), and cherry (Prunus), and processed into lumber at mills located within the Appalachian hardwood area as defined in §1312.307(c) (2) of Revised Price Schedule No. 97.

For the purposes of this exception to the General Maximum Price Regulation, the term "Appalachian hardwood lumber" shall include all items of lumber in those species enumerated above, except the following items:

Glued stock.
Moulding.
Shiplap.
Risea, step treads, thresholds, handrails.
Bevel and drop siding.
Flooring.
Switch, cross, and mine ties.
Mine material.
Small dimension stock.
Lath.

(2) Unless the context otherwise requires, the definitions set forth in §1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(e) Effective dates. (1) This Supplementary Regulation No. 1 (§1499.20) shall become effective May 11, 1942.

(2) Amendment No. 1 (§1499.20) to Supplementary Regulation No. 1 (§1499.29) shall become effective May 11, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 9th day of May 1942.
LEON HENDERSON,
Administrator.

F. R. Doc. 42-4208; Filed, May 9, 1942; 1:21 p. m.

PART 1390—COOPER

REVISED PRICE SCHEDULE NO. 20, AS AMENDED—COOPER SCRAP AND COPPER ALLOY SCRAP

A misprint occurred in § 1309.71 (e) (2) which appeared in the first column on page 3408 of the issue for May 7, 1942. The complete text is as follows:

(i) There must first be deducted from the total weight of the shipment, the weight of (a) all material in a lot containing 10% or more rejections, and (b) all containers, dunnage, and other tare, and (c) all insulation or lead covering on insulated copper wire and cable or lead-covered copper wire and cable, and (d) all rejections which are not either copper scrap or copper alloy scrap, and:

In the instructions to §1309.73, paragraph "3", eleventh line, "20.7b" should read "120.7b".

PART 1390—HOUSEHOLD AND SERVICE INDUSTRY MACHINES

MAXIMUM PRICE REGULATION NO. 139—USED HOUSEHOLD MECHANICAL REFRIGERATORS

The regulation appearing in the issue for May 7, 1942, should be corrected as follows: On page 3396, §1380.211 (a) (7), "1942 addition" should read "1942 edition"; on page 3397, the price of reconditioned Fridigaire, 1929, Model AP—12, is $175.00 instead of $165.00; on page 3399, the year "1939" in the first column under "Gibson" should read "1940"; on page 3400, the first Leonard model number "LSB" should read "LS" and the second model number "LF" should read "LT"; on page 3401, the price of reconditioned Stewart Warner, 1940, Model D—420, is $90.65 instead of $90.50.

Chapter XIII—Office of Petroleum Coordinator for National Defense

[Recommendation No. 47]

PART 1503—PRODUCTION

ABANDONMENT OF OIL OR GAS WELLS

To all state regulatory authorities having jurisdiction over the drilling and abandonment of oil and gas wells and to all operators and owners of oil and gas wells wherever located and to all others having an interest in any oil or gas well.

It is essential to the success of the war effort that the maximum recovery of known reserves of petroleum in the United States be obtained. In order to accomplish such maximum recovery it is imperative that oil and gas reserves shall not be abandoned prematurely or in such manner as to jeopardize the eventual recovery of such reserves.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

AUTHORITY: §§ 1503.30 to 1503.33, inclusive, issued under the President's letter to the Secretary of the Interior (6 F.R. 2760).

§ 1503.30 Abandonment of wells. No oil or gas well shall be abandoned unless and until such well is incapable of yielding a sufficient production of oil or gas, or both, to provide adequate compensation for the labor employed in its operation, to meet maintenance and repair costs, and to pay such taxes as may be levied against it. Provided, however, That no gas well shall be abandoned where the production of water from such well tends in any way to diminish the ultimate recovery of petroleum from the particular reservoir.

§ 1503.31 Salvage of casing and equipment. Except where abandonment is sanctioned under the provisions of §1503.30, casing or equipment shall not be salvaged from any oil or gas well if such action will cause or result in the isolation and loss of the remaining reserves of the particular reservoir.

§ 1503.32 Notice of intent to abandon required. Antecedent notice of the intention to abandon any well capable of producing more than one barrel of crude oil or six thousand feet of natural gas per day shall be filed with the Director of Production for the district in which such well is located, on a form provided therefor by the Office of Petroleum Coordinator for National Defense. This notice shall be filed not less than 30 days prior to the proposed date for the commencement of abandonment op-
All automotive lubricating oils or greases manufactured subsequent to April 6, 1942, and containing any additive re-
quiring cresol in its manufacture shall be designated as "Not for use in passenger cars," and the words quoted shall
appear plainly and prominently on all containers containing such products. All manufacturers using cresol in any
additive shall immediately seek a substi-
tute for cresol in such use.

§ 1504.42 Limitation on use of deter-
tergent or detergent-disperser type addi-
tives. All automotive lubricating oils manufactured subsequent to April 6, 1942, and containing any additive of
the metallic detergent, or detergent-dis-
perser, type shall be designated as "Not
for use in passenger cars," and the words quoted shall
appear plainly and prominently on all containers containing such products. Manufacturers shall im-
mediately reduce the amount or use of
the above type additive for all other purposes wherever and to whatever percentage possible and practicable.

§ 1504.43 Limitation on use of oxida-
tion inhibitor type additive. Manu-
facturers shall immediately reduce the use of
or amount of oxidation inhibitor type addi-
tives wherever and to whatever per-
centage possible and practicable.

§ 1504.44 Pour point depressants.
Manufacturers shall immediately reduce the use of pour point depressants to
whenever extent possible and practicable by
the following means:
(a) Lubricating oils shall be dewaxed
to lower pour point specifications by utilizing dewaxing facilities to
maximum capacity.
(b) Pour point specifications shall be
revised to the highest allowable spe-
cifications to meet safely the temperature
requirements of each locality.

§ 1504.45 Extreme pressure lubri-
cants. With respect to lubricating oils
and greases manufactured subsequent to
April 6, 1942 for civilian use, manufac-
turers and distributors thereof shall re-
duce the use of additive materials required for extreme pressure lubricants
to whatever extent possible and prac-
ticable but by not less than 25% of
the amount of each of such materials used
by such manufacturer and distribu-
tor during the calendar year 1941, ad-
justed upward or downward as the case
may be in the direct proportion that
current civilian sales bears to
civilian sales volume in the calendar year
1941, in any one or more of the following ways:
(a) Substitution of a straight mineral
oil type lubricant for use in passenger
car transmissions.
(b) A change in formula for such ex-
treme pressure lubricants.
(c) Elimination of the manufacture
of oils containing the critical additive chlor-
ine or other critical additive material in
its manufacture.
(d) Elimination where possible, and
where permissible by automotive manu-
facturer's specification, the descen-
tral (all-purpose) type or any other
type of extreme pressure lubricants in
the transmissions of equipment other
than passenger cars. Where lubricant
products are required to be used, specifi-
cations for use shall be given on lubricat-
ing oil charts and on the containers
containing such products.
(e) Elimination to whatever extent
possible and practicable of the use of
chlorine or other critical additive mate-
rial in the manufacture of extreme
pressure lubricants, and replacement
wherever possible by the use of Petrol-
tum extreme pressure lubricants contain-
ing chlorine or other critical additive ma-
terials with other types of mild extreme
pressure or hypoid pressure lubricants.

§ 1504.46 Distribution or dispensing
of petroleum lubricating oils and greases.
No distributor or retailer shall receive
any products designated and marked
pursuant to §§ 1504.41 or 1504.42 for
use in passenger cars from a manufacturer
or another distributor for
who receives petroleum products from a
manufacturer or another distributor for
where such care becomes necessary be-
cause of the altered characteristics of
such products.

§ 1504.47 Protective measures. Man-
ufacturers and distributors of lubricating
oils and greases shall make all necessary
provisions for the proper designation and
marking of products and containers to
assure the distribution of all products
affected by §§ 1504.40 to 1504.46, inclu-
sive, to their proper uses, and shall cau-
tion all employees and retailers against
the improper uses of such products. The
manufacturers or agents of manufacturers
shall cooperate with the manufacturers
of lubricating oils and greases by speci-
fying for use in passenger cars those
products which are restricted by the restric-
tions effected by §§ 1504.40 to 1504.46,
inclusive, and shall caution the public in
the more careful use of passenger cars
where such care becomes necessary be-
cause of the altered characteristics of
such products.

§ 1504.48 Reports. On May 15, 1942,
and again on July 1, 1942, each manu-
facturer of lubricating oils and greases
shall forward to the Office of Petroleum
Coordinator for National Defense, Wash-
ington, D. C., a report showing the results
which each has obtained through the
implementation of §§ 1504.40 to 1504.49, in-
clusive. Such reports shall show the for-
mer use of additives (total volume used
and percentage of mix), and the change
in quality or specifications of products
brought about by substitution or reduc-
tion in the use of additives. Such reports
shall classify such information as to all
types of uses, classes of deliveries, and
localities (where specifications vary be-
come locality).

§ 1504.49 Exception. Any manufac-
turer who has reason to believe that the
use of materials restricted by §§ 1504.49
mands for petroleum and petroleum supplies of petroleum and petroleum needed, it is imperative for the success because of increased and changing demands. Facilities available to move supplies of products available be so distributed from various areas where they are needed, and it is imperative for the success of the war effort that contractual commitments shall not interfere with the requirement that all supplies of petroleum and petroleum products be so distributed from time to time as to meet essential requirements. While this is presently true both as a matter of general law, and by reason of force majeure clauses governing such commitments, nevertheless, in order to avoid misunderstandings on the part of suppliers or consumers, and in order to avoid delay arising out of unnecessary disputes, commitments for the future delivery of certain petroleum products should be avoided. Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

§ 1507.13 Definition. "Fuel oil" means any fuel oil classified as grades Nos. 1, 2, 3, 4, 5, or 6, including Bunker "C" fuel oil, kerosene, range oil, and gas oils, and any other liquid petroleum product used for the same purposes but shall not include fuel oil when used for cooking or lighting nor liquefied petroleum gases.

Authority: §§ 1507.13 to 1507.15, inclusive, issued under the President's letter to the Secretary of the Interior (6 F.R. 2701).

§ 1507.14 Commitments to furnish fuel not necessary and advisable. No person, natural or artificial, shall make, extend, or permit to be extended, any agreement, contract, or other commitment to furnish fuel oil on or after June 1, 1942, to meet the future requirements of any other person, natural or artificial, for ultimate use of fuel oil for space or central heating, or for hot water supply, but this provision shall not apply in any case where any such agreement, contract, or other commitment is required by Federal or State law. Any existing agreement, contract, or other commitment contrary hereto shall be cancelled.

§ 1507.15 Statement of use. Any contract, agreement, or other commitment for the delivery of fuel oil not prohibited by § 1507.14 of this chapter shall contain the following statement by the ultimate user of the Fuel Oil covered hereby:

Fuel Oil delivered pursuant to this agreement will not be used for space or central heating, or for hot water supply.


April 20, 1942.)

[Recommendation No. 37]

PART 1507—DISTRIBUTION

CONTRACTUAL COMMITMENTS NOT TO INTERFERE WITH DISTRIBUTION REQUIREMENTS

To all suppliers of petroleum or petroleum products:

Because of shortages of transportation facilities available to move supplies of petroleum and petroleum products to various areas where they are needed, and because of increased and changing demands for petroleum and petroleum products of the proper kinds, at the proper places, and at the times when needed, it is imperative for the successful prosecution of the war effort that contractual commitments shall not interfere with the requirement that all supplies of petroleum and petroleum products available be so distributed from time to time as to meet essential requirements. While this is presently true both as a matter of general law, and by reason of force majeure clauses governing such commitments, nevertheless, in order to avoid misunderstandings on the part of suppliers or consumers, and in order to avoid delay arising out of unnecessary disputes, commitments for the future delivery of certain petroleum products should be avoided. Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

§ 1507.13 Definition. "Fuel oil" means any fuel oil classified as grades Nos. 1, 2, 3, 4, 5, or 6, including Bunker "C" fuel oil, kerosene, range oil, and gas oils, and any other liquid petroleum product used for the same purposes but shall not include fuel oil when used for cooking or lighting nor liquefied petroleum gases.

Authority: §§ 1507.13 to 1507.15, inclusive, issued under the President's letter to the Secretary of the Interior (6 F.R. 2701).

§ 1507.14 Commitments to furnish fuel not necessary and advisable. No person, natural or artificial, shall make, extend, or permit to be extended, any agreement, contract, or other commitment to furnish fuel oil on or after June 1, 1942, to meet the future requirements of any other person, natural or artificial, for ultimate use of fuel oil for space or central heating, or for hot water supply, but this provision shall not apply in any case where any such agreement, contract, or other commitment is required by Federal or State law. Any existing agreement, contract, or other commitment contrary hereto shall be cancelled.

§ 1507.15 Statement of use. Any contract, agreement, or other commitment for the delivery of fuel oil not prohibited by § 1507.14 of this chapter shall contain the following statement by the ultimate user of the Fuel Oil covered hereby:

Fuel Oil delivered pursuant to this agreement will not be used for space or central heating, or for hot water supply.


April 20, 1942.)

[Recommendation No. 46]

PART 1508—MARKETING

CONVERSION TO EXCLUSIVE DEALING ARRANGEMENTS PROHIBITED

To all suppliers of petroleum or petroleum products:

Because of the existence of present and prospective war-time shortages of certain petroleum products, there is a tendency toward the expansion of so-called exclusive-dealing arrangements with the result that the retail outlets for gasoline, lubricating oils and other petroleum products manufactured by smaller refiners are removed.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

Authority: §§ 1508.50 and 1508.51, issued under the President's letter to the Secretary of the Interior (6 F.R. 2700).

§ 1508.50 Exclusive-dealing. No person, natural or artificial, shall, after the effective date hereof, convert, or cause to be converted, by any means or device whatsoever, any retail outlet from a non-exclusive or a so-called "split" account to an exclusive or a so-called "100 per cent" account.

§ 1508.51 Exceptions. Any person who considers that compliance with the provisions of § 1508.50 of this chapter would work an exceptional and unreasonable hardship upon him may apply to the appropriate District Director of Marketing for an exception therefrom, and the said District Director may grant or deny such application.


April 20, 1942.

[F. R. Doc. 42-4167; Filed, May 8, 1942; 3:22 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office

[Circular No. 1508]

PART 160—GRAZING LEASES

GRAZING LEASE FORM AMENDED

Paragraph (k) of the grazing lease, Form 4-722, 43 CFR 1508, is hereby further amended to read as follows:

§ 160.30 Form of grazing lease.

(k) That the leased lands shall be subject to entry for hunting and fishing by any person under applicable State or Federal hunting and fishing laws and regulations, but in any event the Commissioner may prohibit or restrict or he may authorize the lessee to prohibit or restrict hunting or fishing on such parts of the leasehold and for such periods as he may determine to be necessary in order to prevent any substantial interference with the purpose for which the lands are leased, that is, grazing.

This amendment will not affect any outstanding grazing leases but will be made a part of all new leases and all leases hereafter renewed.

Fred W. Johnson, Commissioner.

Approved: April 22, 1942.

Harold L. Ickes, Secretary of the Interior.

[F. R. Doc. 42-4168; Filed, May 8, 1942; 3:25 p. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

FILED OF TARIFF SCHEDULES FOR PRIVATE PRINTING SERVICE BY TELEGRAPH CARRIERS

The Commission, on May 5, 1942, having under consideration the practice of furnishing private printers by telegraph carriers for the use of their customers; and it appearing that the terms and conditions upon which telegraph carriers un—

§ 5 F.R. 2269.
(2) Property records showing costs and dates acquired including certificates or abstracts of title and records pertaining to depreciation, retirements and relocations of property.

(b) Other documents. Drivers' logs shall be preserved for one year as prescribed in Part 5 of the Safety Regulations (Part XV of the Code of Federal Regulations). All other accounts, records, memoranda, documents, papers, and correspondence shall be preserved for a period of not less than 3 years or for longer periods if ordered by other lawful authority.

§ 203.2 LaWFul destruction. Any motor carrier other than a Class I motor carrier may destroy its accounts, records, memoranda, documents, papers, and correspondence named in § 203.1 (b) after preserving the same for the periods of time respectively specified therein.

§ 203.3 Accidental destruction. If any accounts, records, memoranda, documents, papers, or correspondence shall be accidentally lost or destroyed by fire, flood, or other casualty, a statement shall be submitted to the Interstate Commerce Commission describing as accurately as possible the accounts, records, memoranda, documents, papers, or correspondence, and the circumstances under which they were lost or destroyed.

SUBPART D—BROKERS

§ 203.100 Brokers. The requirements of §§ 203.1 to 203.3 inclusive, shall apply equally to brokers when the subject matter permits application.

It is further ordered, That a copy of this order shall be served upon each motor carrier (other than a Class I motor carrier) and upon each broker, and each receiver, trustee, executor, administrator, or assignee of any such motor carrier or broker.

It is further ordered, That the order of August 3, 1936, and the regulations thereby prescribed insofar as they relate to motor carriers (other than Class I motor carriers) and brokers be, and they are hereby vacated and set aside.

It is further ordered, That this order shall become effective on July 1, 1942. By the Commission, division 1.

[SEAL]

W. P. BARTEL, Secretary.

[DOCKET No. B-163]

STATE COAL CO.

ORDER AMENDING NOTICE OF AND ORDER FOR HEARING

In the matter of C. W. Helfrich, doing business under the name and style of State Coal Co., registered distributor, Registration No. 3651.

The above entitled matter having been scheduled for hearing on May 26, 1942, at 10:00 a.m., at a hearing room of the Bituminous Coal Division at the Commission's office in Washington, D. C., before Joseph D. Dermy, or any officer or employees of the Bituminous Coal Division duly designated for that purpose, pursuant to the Notice and Order for Hearing dated April 27, 1942; and

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

Now, therefore, it is ordered, That the Notice of and Order for Hearing dated April 27, 1942, in the above entitled matter be and the same hereby amended by deleting the words and figures "Section 304.11 of the Rules and Regulations for the Registration of Distributors" appearing in the first and second lines of the said Notice and inserting in lieu thereof the words and figures "Section II of the Rules and Regulations for Registration of Distributors", as set forth in Appendix A to the Findings of Facts and Conclusions adopted by Order of the National Bituminous Coal Commission dated March 24, 1939, in Docket No. 12, which was adopted, ratified and continued in effect by regulation of the Bituminous Coal Division by Order of the Secretary of the Interior dated July 1, 1939.
ORDER POSTPONING HEARING

In the matter of Fred Rowell and Audbee Rowell, also known as Audbee Rowell, individually and as co-partners, doing business under the name and style of Rowell & Rowell, code members.

The above-entitled matter having been hereofore scheduled for hearing on June 1, 1942, at 10 a.m., at a hearing room of the Bituminous Coal Division, at the Tutwiler Hotel, Birmingham, Alabama, and it appearing to the Acting Director advisable to postpone said hearing,

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and the same is hereby, postponed to a date and at a hearing room to be hereafter designated by an appropriate order.

Dated: May 9, 1942.

[seal]

DAN H. WHEELER,
Acting Director.

ORDER GRANTING EXEMPTION

In the matter of the application of the Junction City Clay Company for a determination of the status of the coal produced at its Junction City Mine in Perry County, Ohio, pursuant to the second paragraph of section 4-A of the Bituminous Coal Act of 1937.

An application having been filed on October 4, 1941, by The Junction City Clay Company ("Applicant") with the Bituminous Coal Division, pursuant to section 4-A of the Bituminous Coal Act of 1937, seeking an order declaring all coal produced at the Junction City Mine in Perry County, Ohio, exempt from the provisions of section 4 of the Act, by selling or offering to sell coal at less than the applicable effective minimum price; the right to cease and desist from further violations of the Act and the rules and regulations promulgated thereunder, and the effective minimum prices.

Pursuant to an order of the Director, dated November 22, 1941, and after due notice to all interested persons, a hearing having been held before D. C. Mc Curtain, a duly designated Examiner of the Division, at a hearing room thereof in Billings, Montana. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise participate fully in the hearing. Findings were entered in behalf of District Board 22 and John Kosorok.

The Examiner on March 23, 1942, submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation. He found that John Kosorok, code member producer in District 22, wilfully violated section 4 (b) (5) of the Act, the Bituminous Coal Code, the regulations thereunder, and the effective minimum prices, as set forth in the Schedule of Effective Minimum Prices for District No. 22 For All Shipments, wherein complainant prayed that the Division either cancel and revoke the code membership of John Kosorok, or in its discretion, direct him to cease and desist from further violations of the Bituminous Coal Code, the rules and regulations promulgated thereunder, and the established effective minimum prices.

Pursuant to an order of the Director, dated May 9, 1942, and after due notice to all interested persons, a hearing having been held before D. C. Mc Curtain, a duly designated Examiner of the Division, at a hearing room thereof in Billings, Montana. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise participate fully in the hearing. Findings were entered in behalf of District Board 22 and John Kosorok.

The Examiner, on March 23, 1942, submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation. He found that John Kosorok, code member producer in District 22, wilfully violated section 4 (b) (5) of the Act, the Bituminous Coal Code, the regulations thereunder, and the established effective minimum prices, as set forth in the Schedule of Effective Minimum Prices for District No. 22 For All Shipments, wherein complainant prayed that the Division either cancel and revoke the code membership of John Kosorok, or in its discretion, direct him to cease and desist from further violations of the Bituminous Coal Code, the rules and regulations promulgated thereunder, and the established effective minimum prices.

Pursuant to an order of the Director, dated May 9, 1942, and after due notice to all interested persons, a hearing having been held before D. C. Mc Curtain, a duly designated Examiner of the Division, at a hearing room thereof in Billings, Montana. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise participate fully in the hearing. Findings were entered in behalf of District Board 22 and John Kosorok.

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Pursuant to an order of the Director, dated May 9, 1942, and after due notice to all interested persons, a hearing having been held before D. C. Mc Curtain, a duly designated Examiner of the Division, at a hearing room thereof in Billings, Montana. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise participate fully in the hearing. Findings were entered in behalf of District Board 22 and John Kosorok.

The Examiner, on March 23, 1942, submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation. He found that John Kosorok, code member producer in District 22, wilfully violated section 4 (b) (5) of the Act, the Bituminous Coal Code, the regulations thereunder, and the established effective minimum prices, as set forth in the Schedule of Effective Minimum Prices for District No. 22 For All Shipments, wherein complainant prayed that the Division either cancel and revoke the code membership of John Kosorok, or in its discretion, direct him to cease and desist from further violations of the Bituminous Coal Code, the rules and regulations promulgated thereunder, and the established effective minimum prices.

Pursuant to an order of the Director, dated May 9, 1942, and after due notice to all interested persons, a hearing having been held before D. C. Mc Curtain, a duly designated Examiner of the Division, at a hearing room thereof in Billings, Montana. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise participate fully in the hearing. Findings were entered in behalf of District Board 22 and John Kosorok.
In the matter of W. H. Greene, also known as W. H. Green, doing business as Straight Creek Jellico Coal Company, code member.

Order approving and adopting the proposed findings of fact, proposed conclusions of law and recommendation of the Examiner and revoking and canceling code membership.

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division on October 20, 1941, pursuant to sections 4 (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board No. 22, alleging that W. H. Greene, doing business as Straight Creek Jellico Coal Company, a code member of District 8, has wilfully violated the Bituminous Coal Code and regulations made thereunder, and in particular an Order of the Director of the Division purporting to cancel and revoke Greene’s code membership, or in its discretion, direct him to cease and desist from violations of the Code and rules and regulations thereunder;

A hearing in this matter having been held on February 16, 1942, before Joseph A. Huston, a duly designated Examiner of the Division at a hearing room thereof in Middlesboro, Kentucky;

The Examiner, having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated April 8, 1942, recommending that Greene’s code membership be revoked and cancelled;

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

The undersigned having considered this matter and having determined that the proposed findings of fact, proposed conclusions of law and recommendation of the Examiner should be approved and adopted;

Now, therefore, it is ordered, That the proposed findings of fact and proposed conclusions of law of the Examiner in this matter should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

Dated: May 8, 1942.

[SEAL]
Dan H. Wheeler,
Acting Director.

[F. R. Doc. 43-4242; Filed, May 11, 1942; 11:42 a. m.]

In the Matter of Leo Pilati, Code Member
CEASE AND DESIST ORDER, ETC.

Order approving and adopting proposed findings of fact, and proposed conclusions of law and recommendation of the examiner, and cease and desist order.

This proceeding was instituted upon a complaint filed with the Bituminous Coal Division on January 18, 1942, by District Board No. 22, alleging that Leo Pilati, a code member of District No. 22, willfully violated the Bituminous Coal Code, the regulations thereunder and the effective minimum prices, as set forth in the Schedule of Effective Minimum Prices for District No. 22 for All Shipments, and the Marketing Rules and Regulations.

This proceeding was instituted upon a complaint filed with the Bituminous Coal Division on September 5, 1941, by District Board No. 22, alleging that Leo Pilati, a code member of District No. 22, willfully violated the Bituminous Coal Code, the regulations thereunder and the effective minimum prices, as set forth in the Schedule of Effective Minimum Prices for District No. 22 for All Shipments, and the Marketing Rules and Regulations.

The undersigned having considered this matter and having determined that the proposed findings of fact, proposed conclusions of law and recommendation of the Examiner be and the same are hereby approved and adopted;

Now, therefore, it is ordered, That the proposed findings of fact and proposed conclusions of law of the Examiner in this matter should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

Dated: May 8, 1942.

[SEAL]
Dan H. Wheeler,
Acting Director.
of $336.12, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: May 9, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4237; Filed, May 11, 1942; 11:40 a.m.]

[Docket No. B-155]

IN THE MATTER OF HOBERT L. FELTY AND JESS RUCKER, CODE MEMBERS
CANCELLATION OF CODE MEMBERSHIP, ETC.

Order approving and adopting the proposed findings of fact, proposed conclusions of law and recommendation of the examiner, and granting exemption.

An application having been duly filed on September 3, 1941, by the Bessemer Limestone & Cement Company ("Applicant") with the Bituminous Coal Division, pursuant to section 4-A of the Bituminous Coal Act of 1937, seeking an order declaring all coal produced at the National Mine, Columbiana County, Ohio, exempt from the provisions of section 4 of the Act by virtue of section 4 II (1) thereof, in that all of the coal mined therefrom is produced and consumed by the Applicant and is used exclusively by the Applicant on its premises in the manufacturing of its products;

A statement of the facts expected to be proved at the hearing having been filed by the Applicant;

Pursuant to appropriate order, a hearing in this matter having been held before Edward J. Hayes, a duly designated Examiner of the Division at a hearing room therein in Washington, D. C., at which all interested persons were afforded an opportunity to be present, due evidence, cross-examine witnesses, and otherwise be heard; and at which the Applicant appeared;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions and Recommendations in this matter, dated April 3, 1942, finding that the coal in question is consumed by the producer thereof and recommending that an order be entered granting the exemption applied for by the Applicant;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs having been filed;

The undersigned having considered this matter; and having determined that the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

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

It is further ordered, That the complaint of the Bituminous Coal Producers Board for District No. 8 against Jess Rucker be and it hereby is dismissed, and that the code membership of Jess Rucker be and it hereby is placed on the inactive list.

It is further ordered, That the code membership of Robert L. Felly be and it hereby is revoked and cancelled;

It is further ordered, That prior to any reinstatement of Robert L. Felly to membership in the Code, he shall pay to the United States a tax in the amount of $54.29 as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: May 9, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4238; Filed, May 11, 1942; 11:40 a.m.]

General Land Office.

ALASKA

AIR NAVIGATION SITE WITHDRAWAL NO. 162
REDUCED

Under and pursuant to section 4 of the act of May 24, 1928, 45 Stat. 729, 49 U.S.C. 214, the departmental order of June 28, 1941, reserving certain public lands in Alaska for use by the Department of Commerce as air navigation sites, is hereby revoked so far as it affects the tract of land near West Ruby lying within the following described boundaries which is no longer required for such purpose:

Beginning at corner No. 1, a rock monument on the left bank of the Yukon River, in approximate latitude 64°46' N., longitude 157°28' W., in the Fourth Judicial Division, from which a sharp pointed bluff on the west side of the junction of Bishop's Slough and the Yukon River, approximately 12 miles in a straight line from the Yukon River, approximately 12 miles upstream from Koyukuk Village, bears N. 85°57' E., 5,711 feet.

Thence from corner No. 1, by metes and bounds;

With meanders on the left bank of the Yukon River,

S. 29°52' E., 711.1 feet;

N. 87°16' E., 566.7 feet;

N. 85°40' E., 443.4 feet;

Thence, S. 79°50' E., 1,090.0 feet.

Thence, W. 3,004 feet to a point on the left bank of the Yukon River;

Thence, N. 79°25' E., 353.4 feet to place of beginning, containing approximately 1,860 acres.

W. C. MENDELEHALL,
Acting Assistant Director of the Interior.

APRIL 28, 1942.

[F. R. Doc. 42-4211; Filed, May 11, 1942; 9:58 a.m.]
DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

Allocation of Funds for Loans

March 23, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation: Amount

Arkansas 202423 Washington 855,000
Florida 202623 Hardee 90,000
South Carolina 2021A2 Horry 34,500
Texas 2011E2 Panola 23,000
Texas 2012E2 Wharton 10,000
Texas 2010C2 Parker 15,000

[SEAL]

Harry Slattery, Administrator.

March 23, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation: Amount

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Texas 2010C2 Parker 15,000

[SEAL]

Harry Slattery, Administrator.

DEPARTMENT OF LABOR.

Wage and Hour Division.

Button and Buckle Manufacturing Industry

Final Date for Submission of Briefs

Notice of Final Date for Submission of Written Briefs in the Matter of the Minimum Wage Recommendation of Industry Committee No. 43 for the Button and Buckle Manufacturing Industry and of the Regulation or Prohibition of Home Work in the Button and Buckle Manufacturing Industry.

Notice is hereby given that the Administrator of the Wage and Hour Division will receive at his office, 165 West 46th Street, New York, New York, from persons who entered an appearance at the hearing held on April 23, 1942, on the minimum wage recommendation of Industry Committee No. 43 for the Button and Buckle Manufacturing Industry and on the regulation or prohibition of home work in the Button and Buckle Manufacturing Industry, written briefs bearing on the issues which are before him in this matter.

Published in the Federal Register.

Harry Delano, Administrator.
Ladies’ & Men's Sportswear; 50 learners; & Work Shirts; 175 learners (E);
Kentucky; Underwear of woven fabrics; Ladies’ & Men’s Sportswear; 10 percent Ave., Natchez, Mississippi; Work Trou­
s, & Mt. Vernon Sts., Philadelphia, Pa.;
November 11, 1942.

Sports shirts, operating gowns; 25 learn­
ers (E); November 11, 1942.

Brookfield-Garrison Mfg. Co., Warrens-
berry, Missouri; Cotton Jackets, one piece suits, shirts & pants; 10 learners (E);
November 11, 1942.

Durable Pants Co., Inc., 902 Main St.,
Northampton, Pa.; Men's Trousers; 10 percent (T ); May 11, 1943.

Shelby Mfg. Co., 660 East Jackson St.,
Shelbyville, Indiana; Ladies' Cotton
Dresses; 30 learners (E); November 11, 1942.

Shenandoah Mfg. Co., Inc, Washing­
ton & Bower Sts., Shenandoah, Pa.;
Ladies Dresses, Blouses, & Slacks; 35 learners (E); November 11, 1942.

Steinmut Dress Co., Center & White
Sta., Dupont, Pa.; Dresses; 25 learners (E); November 11, 1942.

Wolff Bros., Inc., 102 Madison Ave.,
New York, N. Y.; Brassieres; 10 percent (T ); November 11, 1942.

Artificial Flowers and Feathers
S. Zweig, 101 W. 37th St., New York,
N. Y.; Artificial Flowers and Feathers; 1 learner (E); June 22, 1942.

Hosiery
Gehman Knitting Mill, Bally, Pa.;
Seamless; 5 learners (T ); May 11, 1943.

Gunther Wolf Inc., 607 Rose St., Wil­
liamston, Pa.; Finishes, Full-fashioned;
25 learners (E); Nov. 11, 1942.

Snow Shoe Knitting Co., Clarence, Pa.;
Full-fashioned; 5 learners (T ); May 11, 1943.

Fabric
Dudley Shoals Cotton Mill Co., 2715 Commercial Ave.,
Cairo, Ill, Gov't herring jackets, denim
Jackets, work clothing; 10 percent (T ); May 11, 1943.

Miller Underwear Co., 718 Allen St.,
Allentown, Pa., Ladies Underwear; 10 percent (T ); May 11, 1943.

Mable H. Morrow, 5404 Sierra Vista
Ave., Los Angeles, California; Sport &
Spectator Sport Clothes; 2 learners (T );
November 11, 1942.

New England Overall Co., 39 Elm St.,
Machia, New Hampshire; Overalls,
Unionalls, Dunagre Aprons; 10 learners (T ); May 11, 1943.

Phillips-Jones Corp., 323 Mauch
Chink, Pottsville, Pa.; Commercial Shirts
& Pajafft Brassiere Corp.; May 11, 1943.

Pierson Mfg. Co., 116 N. 3rd St., Quincy,
Illinois; Men's & Boy's Shirts & Pajamas,
Women's Wash Dresses, Slack Suits,
Housecoats, etc.; 10 percent (T ); May 11, 1943.

Pollock-Key Co., Fort Scott, Kansas;
Overalls, Pants & Work Shirts; 10 percent (T ); May 11, 1943.

R Ново Mfg. co., Inc., 525 6th Ave.,
New York, N. Y.; Corsetlettes,
Brassieres, Girldles; 10 learners (T );
November 11, 1942.

Shepby Mfg. Co., 660 East Jackson St.,
Shelbyville, Indiana; Ladies' Cotton
Dresses; 30 learners (E); November 11, 1942.

Shenandoah Mfg. Co., Inc, Washing­
ton & Bower Sts., Shenandoah, Pa.;
Ladies Dresses, Blouses, & Slacks; 35 learners (E); November 11, 1942.

Steinmut Dress Co., Center & White
Sta., Dupont, Pa.; Dresses; 25 learners (E); November 11, 1942.

Wolff Bros., Inc., 102 Madison Ave.,
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S. Zweig, 101 W. 37th St., New York,
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Gehman Knitting Mill, Bally, Pa.;
Seamless; 5 learners (T ); May 11, 1943.

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liamston, Pa.; Finishes, Full-fashioned;
25 learners (E); Nov. 11, 1942.

Snow Shoe Knitting Co., Clarence, Pa.;
Full-fashioned; 5 learners (T ); May 11, 1943.

Textile
Dudley Shoals Cotton Mill Co., 2715 Commercial Ave.,
Cairo, Ill, Gov't herring jackets, denim
Jackets, work clothing; 10 percent (T ); May 11, 1943.

Miller Underwear Co., 718 Allen St.,
Allentown, Pa., Ladies Underwear; 10 percent (T ); May 11, 1943.

Mable H. Morrow, 5404 Sierra Vista
Ave., Los Angeles, California; Sport &
Spectator Sport Clothes; 2 learners (T );
November 11, 1942.

New England Overall Co., 39 Elm St.,
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Seamless; 5 learners (T ); May 11, 1943.

Gunther Wolf Inc., 607 Rose St., Wil­
liamston, Pa.; Finishes, Full-fashioned;
25 learners (E); Nov. 11, 1942.

Snow Shoe Knitting Co., Clarence, Pa.;
Full-fashioned; 5 learners (T ); May 11, 1943.
IN THE MATTER OF MILITARY ORDER OF THE PURPLE HEART, A CORPORATION, NATIONAL PROGRESS LEAGUE, A CORPORATION, FRANK J. MACKETY, AND HAROLD C. SHEINMAN, INDIVIDUALLY AND OFFICERS OF NATIONAL PROGRESS LEAGUE

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D.C., on the 8th day of May, A.D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Lewis C. Russell, a trial examiner of this Commission, be and hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, June 1, 1942, at ten o’clock in the forenoon of that day (central standard time) in the Sherman Hotel, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By direction of the Commission.

[SEAL]
Otis B. Johnson,
Secretary.

[F. R. Doc. 42-4194; Filed, May 9, 1942; 11:32 a.m.]
and time) In Room 117, Federal Office Building, Seattle, Washington.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-4166; Filed, May 9, 1942; 11:38 a.m.]

OFFICE OF PRICE ADMINISTRATION.

[DOCKET NO. 1004-2-P]

IN THE MATTER OF THE DAVID J. JOSEPH COMPANY, PROTESTANT

ORDER DISMISSING PROTEST

On April 11, 1942, The David J. Joseph Company, Carew Tower, Cincinnati, Ohio, filed a protest against Revised Price Schedule No. 4. Said protest does not comply substantially with the requirements of Procedural Regulation No. 1, issued by the Office of Price Administration, in that the document filed is not a protest but a petition for an interpretation of the application of Revised Price Schedule No. 4 to the David J. Joseph Company's contract to sell scrap to the American Rolling Mill Company.

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, it is hereby ordered that Protest No. 1004-2-P be, and it hereby is, dismissed.

Issued and effective this 8th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4170; Filed, May 8, 1942; 5:01 p.m.]

SECURITIES AND EXCHANGE COMMISSION.

IN THE MATTER OF REPUBLIC SERVICE CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 8th day of May 1942.

The Commission having examined various data in its official files relating to Republic Service Corporation and its subsidiaries; and

appearing to the Commission on the basis of such examination that there are reasonable grounds for believing the following to be true:

1. Republic Service Corporation (hereinafter referred to as "Republic") is a registrant under the Securities Act of 1933, having its principal offices for the doing of business in Wilmington, Delaware.

2. The following are subsidiary companies of Republic Service Corporation:

<table>
<thead>
<tr>
<th>Name</th>
<th>State of organization</th>
<th>State of operation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abington Electric Co.</td>
<td>Pennsylvania</td>
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<tr>
<td>Buckeye Light, Heat &amp; Power Co.</td>
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<td>Virginia</td>
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<tr>
<td>Massanutten Power Co.</td>
<td>Virginia</td>
<td>Virginia</td>
</tr>
<tr>
<td>Page Power Co.</td>
<td>Virginia</td>
<td>Virginia</td>
</tr>
</tbody>
</table>

3. The following are subsidiaries of Republic and are not public utility companies within the meaning of the Act, but are engaged in the businesses respectively set forth opposite their names:

4. Republic Service Management Company is a subsidiary of Republic, organized under the laws of the State of Delaware, and maintains principal offices for the doing of business in Wilmington, Delaware.

2. The following are subsidiary companies of Republic Service Corporation:

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5. The holding company system of Republic is not confined in its operations to those of a single integrated public utility system within the meaning of the Act, and to such other businesses as are reasonably incidental or economically necessary or appropriate to the operations of such integrated public utility system.

6. The consolidated capitalization, including surplus, of Republic, and its subsidiaries, as of December 31, 1940, per books, was as follows:

<table>
<thead>
<tr>
<th>Name</th>
<th>State of organization</th>
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<tr>
<td>Repcoo Power Co.</td>
<td>Pennsylvania</td>
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<tr>
<td>Lehman Ice Co.</td>
<td>Pennsylvania</td>
<td>Pennsylvania</td>
</tr>
<tr>
<td>Susquehanna Ice Co.</td>
<td>Pennsylvania</td>
<td>Pennsylvania</td>
</tr>
<tr>
<td>Massanutten Water Corp.</td>
<td>Virginia</td>
<td>Virginia</td>
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4. Republic Service Management Company is a subsidiary of Republic, organized under the laws of the State of Delaware, and maintains principal offices for the doing of business in Wilmington, Delaware.

2. The following are subsidiary companies of Republic Service Corporation:

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</table>

7. Dividends on the preferred stock of Republic Service Corporation have not been paid since February 1, 1933, with the exception of $.75 per share paid on May 1, 1933. Arrears on the preferred stock of Republic Service Corporation as of December 31, 1940, aggregated $804,395.75, or $.45 per share.

8. The consolidated net property of Republic, as recorded on the books of its subsidiaries as of December 31, 1940, totalled $4,818,836. The consolidated utility plant account of Republic is stated at a figure which is $283,289 less than the original cost of the utility plant of the subsidiaries, as shown in a study made by the subsidiaries pursuant to orders of the appropriate State Commissions. The consolidated net property, taking gross property at said reported original cost, amounted to $5,102,125, as of December 31, 1940.

9. The funded debt of Republic amounts to 96.7% of the amount of the consolidated net property of the subsidiaries, per books.

10. The funded debt of Republic amounts to 91.3% of the amount of the consolidated net property of the subsidiaries, taking gross property at said reported original cost.

11. The total assets of Republic on a consolidated basis per balance sheet as at December 31, 1940, were $8,720,042, which included an excess of cost of investments in securities of subsidiaries over underlying book values at dates of acquisition of $1,899,502.67.

12. After eliminating the excess of cost of investments in securities of subsidiaries over underlying book values at dates of acquisition of $1,899,502.67, and increasing the book values in the sum of $283,289 to reflect the utility plant of the subsidiaries at said reported original cost, the assets of Republic, consolidated, less liabilities and reserves and minority interest, at December 31, 1940,
would have a book value of $5,548,602. The funded debt and preferred stock bear the following relation to the net assets so adjusted:

<table>
<thead>
<tr>
<th>Percentage of adjusted net assets</th>
<th>Funded debt</th>
<th>Funded debt plus preferred stock at liquidating value, plus dividends and arrearages on dividends</th>
</tr>
</thead>
<tbody>
<tr>
<td>85.9%</td>
<td>3500</td>
<td>2181,457</td>
</tr>
</tbody>
</table>

13. The gross and net income of Republic, per books, corporate and consolidated for each of the years 1936 to 1940, were as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Consolidated Gross Income before fixed charges</th>
<th>Net Income before fixed charges</th>
<th>Consolidated Gross Income before fixed charges</th>
<th>Net Income before fixed charges</th>
</tr>
</thead>
<tbody>
<tr>
<td>1939</td>
<td>$3,354,924</td>
<td>$292,827</td>
<td>$3,354,924</td>
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</tr>
<tr>
<td>1938</td>
<td>$2,707,403</td>
<td>$225,737</td>
<td>$2,707,403</td>
<td>$225,737</td>
</tr>
<tr>
<td>1937</td>
<td>$2,156,294</td>
<td>$178,649</td>
<td>$2,156,294</td>
<td>$178,649</td>
</tr>
<tr>
<td>1936</td>
<td>$1,650,293</td>
<td>$131,862</td>
<td>$1,650,293</td>
<td>$131,862</td>
</tr>
</tbody>
</table>

14. Since 1936, 17,581 shares of 6% cumulative preferred stock have been outstanding, the annual dividend requirements which have been and presently are $105,486.

15. Unless and until preferred stock dividends are in arrears for four consecutive semi-annual periods, the entire voting control of Republic is vested in the common stock, each share of which is entitled to one vote.

16. A result of dividend arrearages of the preferred stock of Republic Service Corporation now has 24.4% of the voting rights, and the common stock has 75.6% of the voting rights.

It appearing to the Commission, in the light of the foregoing, that it is appropriate and in the public interest, and in the interest of investors and consumers, to institute proceedings against Republic and its subsidiaries, under section 11(b)(1) of the Public Utility Holding Company Act of 1935, and against Republic under section 11(b)(2) of the Act, to determine whether certain orders should be entered pursuant to the provisions of said sections:

It is hereby ordered, That Republic file, with the Secretary of the Commission, on or before May 25, 1942, answers to the allegations of paragraphs (1) to (16) inclusive, hereof in the form prescribed by Rule U-29.

It is further ordered, That a hearing on such matters, under the applicable semi-annual periods, the entire voting control of Republic is vested in the common stock, each share of which is entitled to one vote.

It is hereby ordered, That Republic, Abington Electric Company, Brockway Light, Heat & Power Company, Fulton Electric Light, Heat & Power Company, Golden Electric Light, Heat, Fuel & Power Company, Boise Water Corporation, Boise Water Corporation, Boise Power and Water Company, pursuant to the Public Utility Holding Company Act of 1935, and particularly sections 6, 7, 9, 10, and 12 of said Act and Rules U-42 and U-43 thereunder, and notice having been given of the filing thereof by publication in the Federal Register of otherwise as provided by Rule U-43, and the declaration or application concerning the following:

Boise Water Corporation (Boise), a subsidiary of General Water Gas & Electric Company (General), a registered holder of 1,650 shares of its common stock (par value $100) with General for the outstanding securities of Kellogg Power and Water Company (Kellogg), comprising of a 2,000 shares of its common stock and 65,000 shares of common stock (par value $1), whereupon Kellogg will become a subsidiary.
shall be granted. Notice is hereby given where such hearing will be held. At such
matter under the applicable provisions of
such indebtedness is to be satisfied by the
remaining $250,000 principal amount of
said notice to be given to said applicants
of
mission on or before May 25, 1942.

It is ordered, That without
the public interest
the public interest
and consumers in connection with the

(a) That the sum of $200,000 be used by
Boise for improvements, extensions, addi­
tions and replacements of its physical
properties
(b) That the sum of $750,000 be paid
to General in reduction of the $1,000,000
present bonded indebtedness of Boise, the
remaining $350,000 principal amount of
such indebtedness is to be satisfied by the
delivery of a 6% Promissory
Note due 1943. General, in turn, pro­
poses to apply the amount of $750,000
which it will receive in cash to the partial
reduction of the $1,000,000

It is ordered, That a hearing on such
matter under the applicable provisions of
said Act and the Rules and Regulations
thereunder be held on May 29, 1942 at
10:00 o'clock in the forenoon of that day
at the offices of the Securities and Ex­
change Commission, 18th and Locust
Street, Philadelphia, Pennsylvania. On
such day, the hearing-room clerk in Room
8 will serve notice to all persons at the
room where such hearing will be held. At
such hearing cause shall be shown why such
declaration should be permitted to be,
become effective or why such application
shall be granted. Notice is hereby given
of said hearing to the above-named ap­
plicants and to all interested persons,
said notice to be given to said applicants
by registered mail and to all other per­
s by publication in the Federal
Register. It is requested that any per­
son desiring to be heard or to be ad­
mitted as a party to such proceeding shall
file notice to that effect with the Com­
mision on or before May 25, 1942.

It is further ordered, That Richard
Townsend or any other officer or officers
of the Sechmssion designated by it for
that purpose shall reside at the hearing
in such matter. The officer so desig­
nated to preside at any such hearing is
hereby authorized to exercise all powers
granted to the Commission under sec­
tion 13 (c) of said Act and to a Trial
Examiner under the Commission’s Rules
of Practice.

It is further ordered, That without
limiting the scope of issues presented by
said declaration or application otherwise
to be considered in this proceeding, par­
ticular attention will be directed at said
hearing to the following matters and ques­
tions:
(1) The extent of any terms or con­
ditions that may be appropriate in the
public interest or the interest of investors
or consumers in connection with the
issuance and sale of bonds by Boise;
(2) The reasons for making the consid­
eration to be paid for such bonds and the
adaptability of the securities to the
earning capacity of Boise;
(3) The extent of write-ups in the
valuation of properties of Boise and the
reasons therefor;
(4) The proposed use of cash funds to
be obtained by Boise from the sale of
bonds;
(5) The reasons for making Kellogg a
subsidiary of Boise;
(6) The condition of the properties of
Boise and Kellogg and the adequacy of
maintenance and depreciation policies; and
(7) Whether (a) the fees or other re­
muneration to be paid, directly or in­
directly, in connection with the proposed
transactions are reasonable; and (b) the
terms and conditions of the proposed
transactions generally are detrimental to
the public interest or to the interest of
investors and consumers.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-4183; Filed, May 9, 1942; 10:34 a. m.]

[FEDERAL REGISTER \ 3301

IN THE MATTER OF PUBLIC SERVICE COM­
MUNITY OF INDIANA, INC.
ORDER SUPPLEMENTING PREVIOUS ORDER
GRANTING AMENDED APPLICATION
At a regular session of the Securities and Ex­
change Commission held at its
office in the City of Philadelphia, Pa. on the
7th day of May, A.D. 1942.

This Commission having heretofore on
April 20, 1942 issued an order in the above
captioned proceedings granting an
exemption from the provisions of sec­
ctions 6 (a) and 7 of the Public Utility
Holdings Company Act of 1935 on the basis
of section 6 (b) of said Act for the issuance and sale of $4,000,000 principal
amount of First Mortgage Bonds, Series
D, 3 3/4% due 1971 by Public Service Com­
pany of Indiana, Inc.; said order further
applying an exemption for exception
from the provisions of Rule U-50 (which
rule is concerned with the requirement
that certain securities, including securi­
ties of the nature herein proposed to be
issued and sold, must be offered for
competitive bidding):
Public Service Company of Indiana,
Inc. having on May 2, 1942 filed an amend­
ment indicating that it now pro­
poses to offer said securities for
competitive bidding, indicating a desire that the 10 day period prescribed by paragraph
(b) of Rule U-50 be shortened * * * *
to such lesser number of days as may
be necessary in order that said Series
D Bonds may be sold by the Company
shortly after the issuance of the

If the requirement of paragraph (b) of Rule U-50, which pro­
vides, among other things, that an ap­
plicant * * * “at least 10 days prior
to entering into any contract or agree­
ment for the issuance or sale of the se­
curities therein proposed, shall have
publicly invited sealed written bids
for the purchase or underwriting of such
securities * * * be, and hereby is,
modified to such shorter period as may
be necessary then said Series D Bonds
may be sold by the Company on May 18,
1942 but in no event shall this period be
less than 5 days; subject however to the
terms and conditions prescribed in Rule
U-2 and to the following further con­
ditions:
1. That Public Service Company of
Indiana, Inc. report to the Commission
the results of the competitive bidding as
required by Rule U-50 (c) and comply
with such supplemental order as the
Commission may enter in view of the
facts disclosed thereby.
2. That unless this condition be here­
after modified by the Securities and Ex­
change Commission or by any successor
commission or regulatory authority of
the United States of America having
jurisdiction in the premises (and then to
the extent only that such condition be
so modified), Public Service Company of
Indiana, Inc. shall, during the period
commencing January 1, 1945 and ending
December 31, 1958, provide for the re­
ittance (in the manner set forth below)
of $3,430,000 aggregate principal amount
of its long-term debt in addition to long­
term debt in an aggregate principal
amount equal to (i) the principal amount
of long-term debt of Public Service Com­
pany of Indiana, Inc., outstanding at the
time of the issue of the $4,000,000 prin­
cipal amount of the Series D Bonds of
Public Service Company of Indiana, Inc. that
Public Service Company of Indiana, Inc. will be obligated to retire through sink­
ing fund payments. Within four months
after the end of any given calendar year
during said period Public Service Com­
pany of Indiana, Inc. shall have retired, pursuant to this term and condition, a cumulative amount of long-term debt as shown in the following table:

<table>
<thead>
<tr>
<th>Calendar year</th>
<th>Cumulative amount of long-term debt to be retired</th>
</tr>
</thead>
<tbody>
<tr>
<td>1945</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>1946</td>
<td>500,000</td>
</tr>
<tr>
<td>1947</td>
<td>3,000,000</td>
</tr>
<tr>
<td>1948</td>
<td>1,000,000</td>
</tr>
<tr>
<td>1949</td>
<td>1,250,000</td>
</tr>
<tr>
<td>1950</td>
<td>1,500,000</td>
</tr>
<tr>
<td>1951</td>
<td>1,850,000</td>
</tr>
<tr>
<td>1952</td>
<td>2,100,000</td>
</tr>
<tr>
<td>1953</td>
<td>2,350,000</td>
</tr>
<tr>
<td>1954</td>
<td>2,600,000</td>
</tr>
<tr>
<td>1955</td>
<td>2,850,000</td>
</tr>
<tr>
<td>1956</td>
<td>3,100,000</td>
</tr>
<tr>
<td>1957</td>
<td>3,350,000</td>
</tr>
<tr>
<td>1958</td>
<td>3,600,000</td>
</tr>
</tbody>
</table>

Northern Indiana Public Service Company proposes to purchase from Gary Electric and Gas Company 328 shares of no par common stock of Northern Indiana Public Service Company for an aggregate amount of $2,675.66.

On February 10, 1942, Gary Electric and Gas Company declared a partial liquidating dividend for the distribution, in kind, of whole shares of no par common stock of Northern Indiana Public Service Company. After distribution of the whole shares there remain 328 shares of Northern Indiana Public Service Company common stock, which, if they were distributed, would result in each of the public stockholders receiving a fraction of a share. The 328 shares of common stock of Northern Indiana Public Service Company will therefore be purchased from Gary Electric and Gas Company by Northern Indiana Public Service Company and the cash proceeds in the amount of $2,675.66 will be distributed to and among the public stockholders in lieu of such fractional shares. The 328 shares of common stock of Northern Indiana Public Service Company will be retired.

By the Commission.
[SEAL] FRANCIS P. BRASSELS, Secretary.

[F. R. Doc. 42-4179; Filed, May 9, 1942; 10:32 a.m.]

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 8th day of May, A. D. 1942, the Tonopah Belmont Development 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 $10 Par Common Stock from listing and registration on the Philadelphia 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 a.m. on Tuesday, June 2, 1942, at the office of the Securities and Exchange Commission, 19th and Locust Streets, Philadelphia, Pa., 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 Charles S. Lobinger, 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. BRASSELS, Secretary.

[F. R. Doc. 42-4178; Filed, May 9, 1942; 10:32 a.m.]

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 8th day of May, A. D. 1942, the Tonopah Belmont Development 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 $10 Par Common Stock 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 a.m. on Wednes-
day, June 10, 1942, at the office of the Securities and 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 Flits 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. 42-4177; Filed, May 9, 1942; 10:33 a. m.]