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Washington, Wednesday, May 6, 1942

The President

EXECUTIVE ORDER 9156

FURTHER DEFINING THE FUNCTIONS AND DUTIES OF THE OFFICE OF DEFENSE TRANSPORTATION

By virtue of the authority conferred upon me by the Constitution and statutes of the United States, as President of the United States and Commander in Chief of the Army and Navy, it is hereby ordered:

1. In addition to the functions, duties and powers conferred upon it by Executive Order No. 8989, approved December 18, 1941,[1] the Office of Defense Transportation shall:

a. Include within the scope of its authority and responsibility, as defined in said order, all rubber-borne transportation facilities, including passenger cars, buses, taxicabs, and trucks.

b. Develop programs to facilitate the continuous adjustment of the Nation and its transport requirements to the available supply of transportation services relying upon rubber.

c. Formulate measures to conserve and assure maximum utilization of the existing supply of civilian transport services dependent upon rubber, including the limitation of the use of rubber-borne transportation facilities in non-essential civilian activities, and regulation of the use or distribution of such transportation facilities among essential activities.

2. The several Federal departments and agencies which perform functions relating to the conservation or use of rubber-borne transportation facilities shall, in discharging such functions, conform to such policies, programs, and measures as the Director of the Office of Defense Transportation may prescribe in the execution of the powers vested in him by this order and by Executive Order No. 8989.

3. Nothing herein shall be deemed in any way to limit the functions and authority of the Chairman of the War Production Board under paragraph 4 of Executive Order No. 8989 of December 18, 1941 and paragraph 1a of Executive Order No. 9040 of January 24, 1942,[2] nor the rationing authority delegated to the Office of Price Administration by War Production Board Directives No. 1 of January 24, 1942,[3] No. 1A of February 2, 1942,[4] No. 1B of February 9, 1942,[5] No. 1C of February 28, 1942,[6] or any other Directive of the War Production Board supplementary thereto.[7]

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
May 2, 1942.

[F. R. Doc. 42-4018; Filed, May 4, 1942; 3:48 p. m.]

[1] 6 F.R. 6725.

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 29—THE FEDERAL LAND BANK OF WICHITA

APPLICATION FEES

Section 29.1 of Title 6, Code of Federal Regulations, as amended (5 F.R. 4050) is amended to read as follows:

§ 29.1 *Application fees.* At the time of the filing of an application for a Federal Land Bank loan or a Land Bank Commissioner loan, or both, the applicant shall be required to pay the following application fees, to-wit:

Amount of loan applied for:	*Amount of fee*
$5,000 or less, regardless of acreage	$5.00
$5,100 to $25,000 on less than 1,000 acres	10.00
$25,100 or more on less than 1,000 acres	15.00
$5,100 to $10,000 on 1,000 acres or more	15.00
$10,100 or more on 1,000 acres or more	25.00

[2] 7 F.R. 527.
[3] 7 F.R. 562.
[4] 7 F.R. 698, 1493, 2229, 2729.
[5] 7 F.R. 925.
[6] 7 F.R. 1669.
[7] 7 F.R. 1792, 2965.

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FEDERAL REGISTER

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If the application includes irrigated land or land in a drainage district, or both, an additional fee of $5.00 shall be charged and collected.

If an applicant resides outside of the Ninth Farm Credit District, an additional fee of $7.50 shall be charged and collected.

If after an inspection and investigation have been made by a Land Bank Appraiser a loan is not granted, no refund of any portion of the foregoing fees charged and collected will be made.

If an application for a loan is made to refinance a Federal Land Bank agreement for sale of real estate on the same security, and a Federal Land Bank loan is not made for this purpose, or if an application for a loan is made to refinance a Federal Farm Mortgage Corporation agreement for sale of real estate on the same security and a Land Bank Commissioner loan is not made for this purpose, in either event all of the foregoing fees charged and collected will be refunded. (Sec. 13. "Ninth", 39 Stat. 372, Sec. 26, 48 Stat. 44, Sec. 32. 48 Stat. 48, as amended; 12 U.S.C. 781 "Ninth", 723 (e), 1016 (e) and Sup.; 6 CFR 19.4019) [Res. Ex. Com., March 25, 1942.]

[SEAL] THE FEDERAL LAND BANK OF WICHITA,
C. G. SHULL, *President.*

[F. R. Doc. 42-4020; Filed, May 4, 1942; 4:51 p. m.]

PART 29—THE FEDERAL LAND BANK OF WICHITA

LOAN FEES

Section 29.2 of Title 6, Code of Federal Regulations, as amended (5 F.R. 4051) is amended to read as follows:

§ 29.2 *Loan fees.* The following loan fees, payable when loan is closed, shall be charged and collected for a Federal Land Bank loan or a Land Bank Commissioner loan, or both, to-wit:

Amount of loan:	*Amount of fee*
$1,000 or less	$10.00
$1,100 to $2,000	15.00
$2,100 to $4,000	20.00
$4,100 to $6,000	25.00
$6,100 to $8,000	30.00
$8,100 to $10,000	35.00
Over $10,000	$3.50 for each $1,000 of loan

An additional loan fee of $1.00 for each $1,000 of the amount of the loan closed shall be charged and collected, when the loan is closed, on all loans on acreages in excess of 1,000 acres.

An additional loan fee of $2.00 for each $1,000 of the amount of the loan closed shall be charged and collected, when the loan is closed, if any of the land involved is under irrigation, and the value of such land as irrigated land is a factor in determining the amount of the loan.

An additional loan fee of $2.00 for each $1,000 of the amount of the loan closed shall be charged and collected, when the loan is closed, if licenses or permits to graze on public domain, leases on public domain, permits to graze on national forests, or leases on state land in New Mexico are involved as a part of the operating unit and the bank requires their inclusion in the loan.

An additional loan fee, as determined by the bank, varying with the amount of work or expense required, shall be charged and collected, when the loan is closed, on any loan involving unusually long or complicated abstracts of title.

Upon cancellation or withdrawal of an application, a reasonable fee, as determined by the bank, to partially cover expenses incurred, shall be charged and collected if abstracts of title have been examined.

No loan fee shall be charged or collected for that portion of a Federal Land Bank loan made to refinance a Federal Land Bank agreement for sale of real estate on the same security, or for that portion of a Land Bank Commissioner loan made to refinance a Federal Farm Mortgage Corporation agreement for sale of real estate on the same security. (Sec. 13. "Ninth", 39 Stat. 372, Sec. 26, 48 Stat. 44, Sec. 32, 48 Stat. 48, as amended; 12 U.S.C. 781 "Ninth", 723 (e), 1016 (e) and Sup.; 6 CFR 19.4019) (Res. Ex. Com., March 25, 1942)

[SEAL] THE FEDERAL LAND BANK OF WICHITA,
C. G. SHULL, *President.*

[F. R. Doc. 42-4021; Filed, May 4, 1942; 4:51 p. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Administration

PART 900—GENERAL REGULATIONS UNDER THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937

SUBPART—RULES OF PRACTICE AND PROCEDURE GOVERNING PROCEEDINGS TO FORMULATE MARKETING AGREEMENTS AND MARKETING ORDERS

By virtue of the authority vested in the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 *et seq.*), the following amendments to Title 7, Chapter IX, Part 900, Code of Federal Regulations, as published in the FEDERAL REGISTER on December 20, 1941

(6 F.R. 6570 *et seq.*), are hereby promulgated:

1. Section 900.2 (e) and (f) are amended to read as follows:

§ 900.2 *Definitions.* * * *

* * * * *

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

(f) The term "Administration" means the Agricultural Marketing Administration of the Department.

2. Section 900.51 (e) and (f) are amended to read as follows:

§ 900.51 *Definitions.* * * *

* * * * *

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

(f) The term "Administration" means the Agricultural Marketing Administration of the Department.

3. Section 900.101 (e) and (f) are amended to read as follows:

§ 900.101 *Definitions.* * * *

* * * * *

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

(f) The term "Administration" means the Agricultural Marketing Administration of the Department.

4. Section 900.200 (e) and (f) are amended to read as follows:

§ 900.200 *Definitions.* * * *

* * * * *

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

(f) The term "Administration" means the Agricultural Marketing Administration of the Department.

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

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

Approved:

FRANKLIN D ROOSEVELT,
The President of the United States.

THE WHITE HOUSE,
May 2, 1942.

[F. R. Doc. 42-4019; Filed, May 4, 1942; 4:34 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 78—DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES [1]

AMERICAN DEFENSE SERVICE MEDAL

§ 78.40 *American Defense Service Medal; how earned.*

* * * * *

[1] § 78.40 (c) is rescinded.

(c) *Bronze Stars.* Rescinded. Pending revision of pertinent regulations, all references to the award of a bronze star in connection with the American Defense Service Medal are rescinded. (45 Stat. 500, 47 Stat. 158; 10 U.S.C. 1415a, 1415b) [Cir. 123, W.D., April 25, 1942, amending Cir. 44, W.D. February 13, 1942]

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

[F. R. Doc. 42-4017; Filed, May 4, 1942; 3:12 p. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Board of Governors of the Federal Reserve System

PART 222—CONSUMER CREDIT

Sec.

AUTHORITY: §§ 222.1 to 222.15, inclusive, issued under sec. 5 (b), 40 Stat. 415, as amended by sec. 5, 40 Stat. 966, sec. 2, 48 Stat. 1, sec. 1, 54 Stat. 179; sec. 301, Pub. Law 354, 77th Congress; 12 U.S.C. 95 (a) and Sup., and Executive Order No. 8843, 6 F.R. 4035.

SOURCE: In §§ 222.1 to 222.15, inclusive, the numbers to the right of the decimal point correspond with the respective section numbers in Regulation W, Board of Governors of the Federal Reserve System, revised effective May 6, 1942.

§ 222.1 *Scope of part.* This part is issued by the Board of Governors of the Federal Reserve System (hereinafter called the "Board") under authority of section 5 (b) of the Act of October 6, 1917, as amended, and Executive Order No. 8843, dated August 9, 1941 (hereinafter called the "Executive Order").

The part applies, in general, to any person who is engaged in the business of making extensions of instalment credit, extending credit in charge accounts, making single-payment loans in amounts of $1,500 or less, or discounting or purchasing obligations arising out of such extensions of credit. It applies whether the person so engaged is acting as principal, agent, broker or otherwise, and whether the person is a bank, loan company, or finance company, or a person who is so engaged in connection with any other business, such as by making such extensions of credit as a dealer, retailer, or other person in connection with the selling of consumers' durable or semi-durable goods.[1]

§ 222.2 *Definitions.* For the purposes of this part, unless the context otherwise requires:

(a) "Person" means an individual, partnership, association, or corporation.

(b) "Extension of credit" means any loan or mortgage; any instalment purchase contract, any conditional sales contract, or any sale or contract of sale under which part or all of the price is payable subsequent to the making of such sale or contract; any rental-purchase contract, or any contract for the bailment or leasing of property under which the bailee or lessee either has the option of becoming the owner thereof or obligates himself to pay as compensation a sum substantially equal to or in excess of the value thereof; any contract creating any lien or similar claim on property to be discharged by the payment of money or its equivalent; any purchase, discount, or other acquisition of, or any extension of credit upon the security of, any obligation arising out of any of the foregoing; and any transaction or series of transactions having a similar purpose or effect.

(c) "Instalment credit" means an extension of credit which the obligor undertakes to repay in two or more scheduled payments or as to which the obligor undertakes to make two or more scheduled payments or deposits usable to liquidate the credit, or which has a similar purpose or effect.

(d) "Sale" means a transfer of property for a price in money or its equivalent which the buyer pays or promises to pay to the seller for the thing bought or sold. It includes a lease, bailment, or other transaction which is similar in purpose or effect to a sale.

(e) "Instalment sale" means an instalment credit which is made, as principal, agent or broker, by any seller of any consumers' durable or semi-durable good listed in § 222.13 (a) (hereinafter called a "listed article") and which arises out of a sale of such listed article.

(f) "Charge sale" means an extension of credit (other than instalment credit) which is made, as principal, agent or broker, by any seller and which arises out of a sale of any article, whether listed or unlisted.

(g) "Charge account" means the indebtedness arising from charge sales between the same seller and purchaser.

(h) "Instalment loan" means an instalment credit, other than an instalment sale, in the form of a loan which is in a principal amount of $1,500 or less; but the definition does not include any loan upon the security of any obligation which arises out of any instalment sale or instalment loan.

[1] The Executive Order defines "consumers' durable good" as including "any good, whether new or used, which is durable or semi-durable and is used or usable for personal, family or household purposes, and any service connected with the acquisition of any such good or of any interest therein." § 222.13 (a) lists the consumers' durable and semi-durable goods within the scope of this part.

(i) "Single-payment loan" means an extension of credit in the form of a loan to one or more individuals (other than a partnership), which is repayable in a single payment whether on demand or on a fixed or determinable future date, and which is in a principal amount of $1,500 or less; but the definition does not include (1) a loan made for business purposes to a business enterprise which is not for the purpose of purchasing a listed article, (2) a loan for agricultural purposes to a person engaged in agriculture which is not for the purpose of purchasing a listed article or (3) any loan upon the security of any obligation which arises out of any instalment sale, instalment loan, charge account or single-payment loan.

(j) "Cash price" means the bona fide cash purchase price of an article, including the bona fide cash purchase price of any accessories, any bona fide delivery, installation and service charges (other than interest, finance or insurance charges), and any applicable sales taxes.

(k) "Registrant" means a person who is licensed pursuant to § 222.3.

§ 222.3 *General requirements and registration*—(a) *General requirements.* No person engaged in the business of making instalment sales,[2] charge sales of listed articles, instalment loans, or single-payment loans, or engaged in the business of lending on the security of or discounting or purchasing obligations arising out of such extensions of credit, shall make or receive any payment which constitutes or arises directly or indirectly out of any such extension of credit made by him or out of any such obligation lent on or discounted or purchased by him, except on the following conditions:

(1) He must be licensed pursuant to this section;

(2) He must not make or receive any such payment in connection with an extension of credit made by him if he knew or had reason to know when he made such extension of credit any fact by reason of which it failed to comply with any requirement of this part applicable thereto;

(3) He must not make or receive any such payment in connection with any obligation which he has purchased or discounted or has accepted as collateral if, at the time he purchased or discounted such obligation or accepted it as collateral, it showed on its face a failure to comply with such requirements or if he knew any fact by reason of which the extension of credit giving rise to the obligation failed to comply with such requirements; and

(4) He must not make or receive any such payment in connection with an obligation arising out of an extension of credit which he has renewed, revised or consolidated, if he knew or had reason to know when he renewed, revised or consolidated it any fact by reason of which such renewal, revision or consolidation resulted in a failure to comply with such requirements.

(b) *General license.* Whenever this regulation is amended so that any person who was not formerly subject to § 222.3 (a) becomes subject thereto, such person is hereby granted a general license; but such general license shall terminate at the end of the second full calendar month after the month in which the amendment becomes effective unless such person has registered in the manner provided in § 222.3 (c) before such termination, except that the general license of a person who is required to be licensed solely because he makes charge sales of listed articles or makes single-payment loans shall not terminate until the expiration of the time within which the Board shall, by public announcement, require such person to register.

Any person whose license is not suspended may become licensed by registering in the manner provided in § 222.3 (c).

(c) *Registration.* Registration may be accomplished by filing, with the Federal Reserve Bank or any branch thereof in the district in which the main office of the Registrant is located, a registration statement on forms obtainable from any Federal Reserve Bank or branch.

(d) *Suspension of license.*[3] The license of any Registrant may, after reasonable notice and opportunity for hearing, be suspended by the Board, in its entirety or as to particular activities or particular offices or for specified periods, on any of the following grounds:

(1) Any material misstatement or omission willfully or negligently made in the registration statement;

(2) Any willful or negligent failure to comply with any provision of this part or any requirement of the Board pursuant thereto.

A license which is suspended for a specified period will again become effective upon the expiration of such period. A license which is suspended indefinitely may be restored by the Board, in its discretion, if the Board is satisfied that its restoration would not lead to further violations of this part and would not be otherwise incompatible with the public interest.

§ 222.4 *Instalment sales.* Except as otherwise permitted by this part, each instalment sale shall comply with the following requirements:

(a) *Down payment.* The down payment shall not be less than one-third of the cash price of the listed article, except that:

(1) In the case of pianos and furniture as defined in Group B of § 222.13 (a), the down payment need not be more than one-fifth of the cash price;

(2) In the case of articles listed in Group C of § 222.13 (a), no down payment is required; and

(3) In the case of articles the cash price of which is $6.00 or less, no down payment is required.

In any case involving a used automobile, any article for which the Federal price authorities have prescribed a maxmium retail price, or any article on which there is a trade-in by the purchaser, the amount of the down payment must be computed in accordance with the applicable provisions of § 222.13.

(b) *Maximum maturity.* The maturity shall not exceed 12 months, except that, in the case of automobiles and motorcycles as defined in Group D of § 222.13 (a), the maturity may be not more than 15 months.

(c) *Amounts and intervals of instalments.* Except as permitted by § 222.9, the instalments in which the time balance is payable (1) shall not be less than $5.00 per month or $1.25 per week on the aggregate instalment indebtedness of one debtor to the same creditor; (2) shall be substantially equal in amount or so arranged that no instalment is substantially greater in amount than any preceding instalment; and (3) shall be payable at approximately equal intervals not exceeding one month.

(d) *Statement of transaction.* Unless the cash price of the article sold is $6.00 or less, the instalment sale shall be evidenced by a written instrument or record, and there shall be incorporated therein or attached thereto a written statement, of which a copy shall be given to the obligor as promptly as circumstances will permit, and which shall set forth (in any order) the following information:

(1) A brief description identifying the article purchased;

(2) The cash price of the article;

(3) The amount of the purchaser's down payment (i) in cash and (ii) in goods accepted in trade, together with a brief description identifying such goods and stating the monetary value assigned thereto in good faith;

(4) The deferred balance, which is the difference between subparagraphs (2) and (3);

(5) The amount of any insurance premium for which credit is extended and of any finance charges or interest by way of discount included in the principal amount of the obligation, or the sum of these amounts;

(6) The time balance owed by the purchaser, which is the sum total of subparagraphs (4) and (5); and

(7) The terms of payment.

§ 222.5 *Charge accounts.* Except as otherwise permitted by this part, each charge sale and charge account shall comply with the following requirements:

(a) *Maximum maturity.* Except as permitted by § 222.9, no listed article shall be sold in a charge acount with an agreement that payment therefor may

[2] It is to be noted that the term "instalment sale" includes only instalment credit arising out of the sale of listed articles.

[3] In addition, any Registrant who willfully violates or knowingly participates in a violation of this regulation is subject to the penalties prescribed in section 5 (b) of the Act of October 6, 1917, as amended, which reads in part as follows: "Whoever willfully violates any of the provisions of this subdivision or of any license, order, rule or regulation issued thereunder, shall, upon conviction, be fined not more than $10,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both."

be deferred beyond the 10th day of the second calendar month following the calendar month during which such article was sold.

(b) *Restriction.* When a charge account is in default, the Registrant shall not extend credit to the obligor for any charge sale or instalment sale of any listed article until the default has been cured by one of the methods described below.

(c) *Default.* A charge account shall be deemed to be in default if any article (whether listed or unlisted) for which credit was extended in such account has not been paid for in full on or before the 10th day of the second calendar month following the calendar month during which such article was sold, except that:

(1) A charge account shall not be deemed to be in default because of a failure to make payment for any article purchased therein prior to May 1, 1942, unless such article shall not have been paid for in full by July 10, 1942;

(2) If an article was sold in a charge account prior to May 1, 1942, under a definite agreement between the seller and purchaser (evidenced in writing) that such article need not be paid for until a specified date, the account shall not be deemed to be in default with respect to such article unless such article shall not have been paid for in full by the date so agreed upon; and

(3) For persons with seasonal incomes, adjustments are permitted in accordance with § 222.9.

(d) *Curing defaults.* When a charge account is in default, the default may be cured either:

(1) By payment in full of the amount in default;

(2) By the purchaser entering into a written agreement in good faith to pay the amount in default within a period of 6 months or less from the date of such agreement by substantially equal instalment payments of not less than $5.00 per month or $1.25 per week at substantially equal intervals not exceeding one month; [4] or

(3) By the purchaser filing with the creditor a Statement of Necessity in accordance with § 222.10 (d) and entering into a written agreement in good faith to pay the amount in default within a period of 12 months from the date of such agreement by substantially equal instalment payments at substantially equal intervals not exceeding one month.[4]

(e) *Conversion of charge account into instalment credit prior to default.* If the seller and purchaser agree to convert into an instalment credit [4] the whole or any part of a charge account arising from the sale of a listed article the charge for which is not in default, the agreement shall be in writing and shall provide that the instalment credit shall be retired within 6 months from the date of the agreement by substantially equal payments of not less than $5.00 per month or $1.25 per week, at substantially equal intervals not exceeding one month.

(f) *"Floor authorizations".* A Registrant shall not be deemed to have violated § 222.5 (b) if he makes a charge sale of a listed article, the cash price of which is $5.00 or less, for immediate delivery to the customer in person and (1) the person authorizing such charge sale on behalf of the Registrant acts in good faith without knowledge that the customer's charge account is in default, and (2) the Registrant, upon discovery that such charge account is in default, promptly requests the return of, or the immediate payment in full for, the article sold.

§ 222.6 *Instalment loans.* Except as otherwise permitted by this part, each instalment loan shall comply with the following requirements:

(a) *Instalment loans to purchase listed articles.* If the Registrant knows or has reason to know that the proceeds of an instalment loan (defined to exclude loans of more than $1,500) are to be used to purchase any listed article having a cash price of $15.00 or more:

(1) The principal amount lent (excluding any interest or finance charges and the cost of any insurance) shall not exceed two-thirds of the cash price of the listed article except that:

(i) This requirement does not apply in the case of articles listed in Group C of § 222.13 (a); and

(ii) The principal amount lent may be not more than four-fifths of the cash price of a piano or furniture as defined in Group B of § 222.13 (a).

In any case involving a used automobile, or any article on which there is a trade-in by the purchaser, the maximum amount which may be lent shall be computed in accordance with the applicable provisions of § 222.13; and

(2) The maturity shall not exceed 12 months, except that, in the case of automobiles and motorcycles as defined in Group D of § 222.13 (a), the maturity may be not more than 15 months.

(b) *Instalment loans not to purchase listed articles.* In the case of an instalment loan (defined to exclude loans of more than $1,500) which is not subject to § 222.6 (a), the maximum maturity shall not exceed 12 months; except that, if the Registrant knows or has reason to know that the proceeds are to be used to reduce or retire a charge account arising in whole or in part from the sale of a listed article, or to reduce or retire a single-payment loan which is subject to this regulation, the maximum maturity shall not exceed 6 months.

(c) *Additional requirements.* Whether subject to § 222.6 (a) or § 222.6 (b), the instalment loan shall comply with the following additional requirements:

(1) It shall be evidenced by a written instrument or record, and there shall be incorporated therein or attached thereto a written statement, of which a copy shall be given to the obligor as promptly as circumstances will permit, and which shall set forth the terms of payment;

(2) Except as permitted by § 222.9, the obligation shall be payable in instalments which (i) shall not be less than $5.00 per month or $1.25 per week, on the aggregate instalment indebtedness of the debtor to the creditor, (ii) shall be substantially equal in amount or be so arranged that no instalment is substantially greater in amount than any preceding instalment, and (iii) shall be payable at approximately equal intervals not exceeding one month.

(d) *Statement of the borrower.* No Registrant shall make any instalment loan, except under the provisions of § 222.10 (a), unless he shall have accepted in good faith a signed Statement of the Borrower as to the purposes of the loan in form prescribed by the Board. No obligor shall willfully make any material misstatement or omission in such a Statement. If the Registrant relies in good faith on the facts set out by the obligor in such Statement, it shall be deemed to be correct for the purposes of the Registrant.

§ 222.7 *Single-payment loans.* Except as otherwise permitted by this part, each single-payment loan shall comply with the following requirements:

(a) *Single-payment loans to purchase listed articles.* If the Registrant knows or has reason to know that the proceeds of a single-payment loan (defined to exclude loans of more than $1,500) are to be used to purchase any listed article having a cash price of $15.00 or more:

(1) The principal amount lent (excluding any interest or finance charges and the cost of any insurance) shall not exceed two-thirds of the cash price of the listed article, except that:

(i) This requirement does not apply in the case of articles listed in Group C of § 222.13 (a); and

(ii) The principal amount lent may be not more than four-fifths of the cash price of a piano or furniture as defined in Group B of § 222.13 (a).

In any case involving a used automobile or any article on which there is a trade-in by the purchaser, the maximum amount which may be lent shall be computed in accordance with the applicable provisions of § 222.13; and

(2) The maturity shall not exceed 90 days, except as permitted by § 222.9.

(b) *Single-payment loans not to purchase listed articles.* In the case of a single-payment loan (defined to exclude loans of more than $1,500) not subject to § 222.7 (a), the maximum maturity shall not exceed 90 days, except as permitted by § 222.9.

(c) *Renewals and extensions.* A single-payment loan (defined to exclude loans of more than $1,500) made originally on or after May 6, 1942, may not be renewed or extended except as follows:

(1) A single-payment loan made on or after May 6, 1942 may be renewed or extended by means of an instalment loan complying with the requirements of

[4] Renewals, revisions, and additions of instalment credits growing out of charge accounts are subject to the provisions of § 222.10.

§§ 222.6 (b) and 222.6 (c) (2) with the maturity[5] calculated from the date on which the original single-payment loan was made;

(2) A single-payment loan made on or after May 6, 1942 may be renewed or extended by a series of obligations each of which has a maturity of not in excess of 90 days if the last of such obligations matures not later than the date on which an instalment loan made for a similar purpose would have matured[5] and the borrower pays at the time of each such renewal or extension enough to reduce the unpaid balance to an amount not greater than would have been permitted if the loan had been an instalment loan subject to the provisions of § 222.6 (b); and

(3) Nothing in this part shall be construed to prevent the Registrant from making any renewal or revision or taking any action that he shall deem necessary in good faith (i) with respect to any obligation of any member of the armed forces of the United States incurred prior to his induction into such service, or (ii) for the Registrant's own protection in connection with any obligation which is in default and is the subject of bona fide collection effort by the Registrant.

(d) *Statement of the borrower.*[6] No Registrant shall make any single-payment loan, except under the provisions of § 222.7 (c), unless he shall have accepted in good faith a signed Statement of the Borrower as to the purpose of the loan in form prescribed by the Board. No obligor shall willfully make any material misstatement or omission in such Statement. If a Registrant relies in good faith on the facts set out by the obligor in such Statement, it shall be deemed to be correct for the purposes of the Registrant.

(e) *Loans payable on demand.* A single-payment loan made on or after May 6, 1942, which is payable on demand shall be treated for the purposes of this part as if it matured 90 days after the date on which it was made.

(f) *Credit to retire obligations held elsewhere.* Any single-payment loan, the proceeds of which a Registrant knows or has reason to know will be used in whole or in part to retire any single-payment loan not held by such Registrant, shall be subject to the provisions of this part to the same extent as if the obligation being retired were held by the Registrant.

§ 222.8 *Exceptions.* This part shall not apply to any of the following:

(a) *Real estate loans.* Any extension of credit which is secured by a bona fide first lien on improved real estate duly recorded or which is for the purpose of financing or refinancing the construction or purchase of an entire residential building or other entire structure.

(b) *Security loans and credits.* Any extension of credit on securities which is subject to the Board's Regulation T (relating to Extension and Maintenance of Credit by Brokers, Dealers, and Members of National Securities Exchanges), or subject to the Board's Regulation U (relating to Loans by Banks for the Purpose of Purchasing or Carrying Stocks Registered on a National Securities Exchange), or any other extension of credit for the purpose of purchasing or carrying stocks, bonds or other investment securities.

(c) *Educational, hospital, medical, dental, and funeral expenses.* Any instalment loan as to which the Registrant accepts in good faith a written statement signed by the borrower certifying:

(1) That the proceeds are to be used for bona fide educational, medical, hospital, dental, or funeral expenses, or to pay debts incurred for such expenses;

(2) That his income available for the purpose is such that he could not reasonably meet the requirements of this regulation otherwise applicable; and

(3) That failure to obtain the extension of credit would cause undue hardship to him or his dependents.

Such a statement by the borrower must set forth specifically the facts relied upon to bring the loan within this exception; and the facts recited therein shall be deemed to be correct for the purposes of this part if the statement is accepted by the Registrant in good faith.

(d) *Aircraft credits.* Any extension of credit to finance the purchase of aircraft for use in any activity in respect of which a preference rating of A–10 or higher is in force for deliveries of civil aircraft.

(e) *Defense housing.* Any extension of credit to remodel or rehabilitate any structure which the Administrator of the National Housing Agency, or his authorized agent, shall designate as being for "defense housing" as defined by the Administrator. Information regarding the procedure for obtaining such a designation may be obtained through any Federal Reserve Bank or branch.

(f) *Credit to dealers.* Any extension of credit to a dealer in any listed article (including a wholesaler, retailer, and a plumbing, electrical, heating or other contractor) to finance the purchase of any such article for resale or installation.

(g) *Fire and casualty insurance premiums.* Any loan which is made for the purpose of financing a premium in excess of one year on a fire or casualty insurance policy, if the proceeds are paid directly to the insurance agent, broker, or company issuing or underwriting the insurance and the extension of credit is fully secured by the unearned portion of the premium so financed.

(h) *Disaster loans.* Any loan made by the Disaster Loan Corporation.

(i) *Agricultural loans.* Any loan to a person engaged in agriculture, or to a cooperative association of such persons, if it (1) is made by the Land Bank Commissioner on behalf of the Federal Farm Mortgage Corporation and is found, pursuant to regulations issued by the Commissioner, to be necessary to maintain or increase production of essential agricultural commodities, or (2) is approved by the Farm Security Administrator or his authorized agent as being necessary for the rehabilitation of a needy farm family, or (3) is for general agricultural purposes and is not for the purpose of purchasing any listed article. In determining whether an extension of credit meets the description of subparagraph (3) above, a Registrant may accept in good faith a written statement signed by the obligor setting forth the facts relied upon to bring it within the description, and the facts set forth in such statement shall be deemed to be correct for the purposes of this part.

(j) *Business loans.* Any loan for business purposes to a business enterprise which is not for the purpose of purchasing a listed article.

(k) *Insurance policy loans.* Any loan made by a life insurance company which is fully secured by the loan value or cash surrender value of a life insurance policy issued by such company; any loan made by any Registrant on the security of the loan value or cash surrender value of a life insurance policy for the purpose of enabling the borrower to pay off a policy loan made by the insurer prior to May 6, 1942; and any renewal or extension of any such loan which does not involve an increase in the amount of the loan.

(l) *Credit to Governmental agencies and religious, educational or charitable institutions.* Any extension of credit to the Federal Government, any State government, any political subdivision, or any department, agency or establishment thereof, or to any church, hospital, clinic, sanitarium, school, college, or other religious, educational, charitable, or eleemosynary institution.

§ 222.9 *Seasonal adjustments.* Notwithstanding any other provision of this part, appropriate seasonal adjustments may be made in connection with the contractual time of payment of any extension of credit, in accordance with the following provisions:

(a) *Intervals of payments.* When appropriate for the purpose of facilitating payment in accordance with the obligor's main source of income, the payment schedule in connection with any instalment credit may reduce or omit payments over any period or periods totaling not more than 4 months, if the other payments are increased in such manner as to meet all the other requirements of this part applicable to such instalment credit.

(b) *Farmers and stock raisers.* When appropriate for the purpose of facilitating payment in accordance with the seasonal nature of the obligor's main source of income, any instalment credit which is made to a person who is engaged in agriculture or stock raising and derives his income principally therefrom

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[5] The maturity must not be later than twelve months from the date on which the original loan was made, except that (1) if the Registrant know or have reason to know that the proceeds were used to reduce or retire a charge account, the maturity must not be later than six months from such date, and (2) if the borrower file, and the Registrant accept in good faith, a Statement of Necessity in accordance with the requirements of § 222.10 (d), the maturity may be not more than twelve months from the date of such renewal or extension.

[6] This requirement does not apply to a single-payment loan made for business purposes to a business enterprise or for agricultural purposes to a person engaged in agriculture, unless the proceeds are to be used to purchase a listed article.

may be payable in any amounts and at any intervals, if: (1) The instalment credit complies with the applicable provisions of this part concerning the amount and maximum maturity of the credit, and (2) at least one-half of the credit is to be repaid within the first half of the applicable maximum maturity.

If the purchaser or borrower be known to the Registrant customarily to receive 75 per cent or more of his income during one or two seasons of the year from farming or stock raising, (1) his charge account shall not be deemed to be in default unless the articles previously purchased in the account shall not have been paid for in full within 10 days after the end of the next calendar month during which most of his annual or semi-annual income is customarily received, (2) any single-payment loan made to him may be made to mature during the next calendar month in which most of his annual or semi-annual income is customarily received, and (3) the schedule of payments in connection with any instalment credit extended to him may be arranged so that the instalment payments will fall due during the calendar months in which most of his annual or semi-annual income is customarily received; but each such extension of credit shall mature not later than 12 months from the date on which it was originally extended.

(c) *Other persons with seasonal incomes.* If the Registrant has accepted from the purchaser or borrower in good faith a written statement to the effect that such purchaser or borrower customarily receives 75 per cent or more of his income during one or two specified seasons of the year from seasonal labor, investments, trust funds, or other seasonal sources, (1) his charge account shall not be deemed to be in default unless the articles previously purchased in the account shall not have been paid for in full within 10 days after the end of the next calendar month during which most of his annual or semi-annual income is customarily received, (2) any single-payment loan made to him may be made to mature during the next calendar month in which most of his annual or semi-annual income is customarily received, and (3) the schedule of payments in connection with any instalment credit extended to him may be arranged so that the instalment payments will fall due during the calendar months in which most of his annual or semi-annual income is customarily received; but each such extension of credit shall mature not later than 12 months from the date on which it was originally extended.

§ 222.10 *Renewals, revisions, and additions of instalment credit*—(a) *Renewals or revisions.* If any obligation evidencing any instalment sale or instalment loan is renewed or revised by a Registrant, such renewal or revision must not have the effect of changing the terms of repayment to terms which this part would not have permitted in the first instance for such credit;[7] but nothing in this part shall be construed to prevent any Registrant from making any renewal or revision, or taking any action that he shall deem necessary in good faith, (1) with respect to any obligation of any member of the armed forces of the United States incurred prior to his induction into such service, or (2) for the Registrant's own protection in connection with any obligation which is in default and is the subject of bona fide collection effort by the Registrant.

(b) *Additions to outstanding credit held by registrant.* An obligation evidencing any instalment sale[8] or instalment loan shall not be consolidated with any obligation or obligations held by the Registrant evidencing any prior instalment sale or instalment loan to the same obligor, unless the additional credit complies with the down payment or maximum credit limitations applicable thereto (if any) and, in addition, the consolidated obligation complies with one of the following options:

(1) *Option 1.* The terms of the consolidated obligation shall be such as would have been necessary to meet the requirements of this regulation if the several obligations had not been consolidated, except that, in order to schedule payments at approximately equal intervals, the consolidated obligation may combine payments that would otherwise have fallen due at different times within any monthly period, but the first of such combined payments shall fall due within one month after such consolidation; or

(2) *Option 2.* The consolidated obligation shall provide for a rate of payment (not less than $5.00 per month or $1.25 per week) throughout its term, which is (i) at least as large per month as the rate of payment or payments on the outstanding obligation or obligations being consolidated would have been for the month commencing on the date of consolidation,[9] and (ii) is larger to whatever extent may be necessary in order to repay the consolidated obligation within 12 months.

(c) *Credit to retire instalment obligations held elsewhere.* Any instalment loan the proceeds of which a Registrant knows or has reason to know will be used in whole or in part to retire any instalment sale[10] or instalment loan not held by such Registrant, shall be subject to the provisions of this part to the same extent as if the obligation being retired were held by the Registrant.

(d) *Statement of necessity to prevent undue hardship.* Notwithstanding any other provision of this part, if a Registrant accepts in good faith a Statement of Necessity as provided in the following paragraph, the renewed, revised or consolidated obligation may provide for a schedule of repayment as though it were a new instalment loan subject to § 222.6 (b), except that the payments need not be as large as $5.00 per month or $1.25 per week, even though such action results in the reduction of the rate of repayment thereon.

The requirements of a Statement of Necessity will be complied with only if the Registrant accepts in good faith a written statement signed by the obligor, in form and content prescribed by the Board, that the contemplated renewal, revision or other action is necessary in order to avoid undue hardship upon the obligor or his dependents resulting from contingencies that were unforeseen by him at the time of obtaining the original extension of credit or which were beyond his control, which statement also sets forth briefly the principal facts and circumstances with respect to such contingencies and specifically states that the renewal, revision, or other action is not pursuant to a preconceived plan or an intention to evade or circumvent the requirements of this part.

§ 222.11 *Evasive devices prohibited*—(a) *Evasive side agreements.* No extension of credit complies with the requirements of this part if at the time it is made there is any agreement, arrangement, or understanding by which the obligor is to be enabled to make repayment on conditions inconsistent with those required by this part, or which would otherwise evade or circumvent, or conceal any evasion or circumvention of, any requirement of this part.

(b) *Loans to make down payments.* A Registrant shall not make any instalment loan or single-payment loan if he knows or has reason to know that any part of the proceeds thereof is to be used to make a down payment on the purchase price of any listed article.

(c) *Side loan to make down payment on listed article.* A Registrant shall not make an extension of credit to finance the purchase of any listed article if he knows or has reason to know that there is, or that there is to be, any other extension of credit in connection with the purchase of the listed article which would bring the total amount of credit extended in connection with such purchase beyond the amount permitted by

[7] If there should be any arrearage under an instalment contract which does not arise out of any prearrangement or plan to evade this regulation, the arrearage may be divided equally among and added to the remaining payments scheduled for the liquidation of the credit to which such arrearage relates. This applies to any renewal, revision or consolidation effected in accordance with any provision of § 222.10.

[8] The term "instalment sale" as here used includes an instalment credit resulting from the conversion of a charge account to an instalment basis.

[9] If any part of the consolidated obligation is used to reduce or retire a charge account or single-payment loan, under the provisions of § 222.6 (b) or § 222.7 (c) (1), such part shall be treated for the purpose of this Option as if the charge account or single-payment loan were payable in six equal monthly instalments.

[10] The term "instalment sale" as here used includes an instalment credit resulting from the conversion of a charge account to an instalment basis.

this part; but, if the Registrant accepts in good faith a written statement signed by the obligor that no such other extension exists or is to be made, such statement shall be deemed to be correct for the purposes of this part.

(d) *Purchase of article in lieu of trade-in.* Anything which the seller of a listed article buys, or arranges to have bought, from the purchaser at or about the time of the purchase of the listed article shall be regarded as a trade-in for purposes of this part.

(e) *Coupon plans.* No coupon, ticket or similar medium of credit, whether paid for in instalments or otherwise, shall be accepted by any Registrant in payment, in whole or in part, for any listed article if such acceptance, in effect, would permit the article to be sold on terms not complying with the requirements of this part.

§ 222.12 *Miscellaneous provisions*—(a) *Clerical errors.* Any failure to comply with this part resulting from a mistake in determining, calculating, or recording any price, down payment, or extension of credit, or other similar matter, shall not be construed to be a violation of this regulation if the Registrant establishes that such failure to comply was the result of excusable error and was not occasioned by a regular course of dealing.

(b) *Extension of credit for mixed purposes.* In case an extension of credit arises partly out of a sale of a listed article and partly out of another sale, or is partly subject to one section of this regulation and partly subject to another section, or is partly subject to the regulation and partly not subject to the regulation, the amount and terms of such extension of credit shall be such as would result if the credit were divided into two or more parts and each part were treated in good faith as if it stood alone.

(c) *Calculating maximum maturity of instalment contract.* In calculating the maximum maturity of an instalment sale or instalment loan, a Registrant may, at his option, use any date not more than 15 days subsequent to the actual date of the sale or loan.

(d) *"Lay-away" plans.* With respect to any extension of credit involving a bona fide "lay-away" plan, or other similar plan by which a purchaser makes one or more payments on an article before receiving delivery thereof, the Registrant may, for the purposes of this part, treat the extension of credit as not having been made until the date of the delivery of the article to the purchaser.

(e) *Contracts and obligations outstanding on September 1, 1941.* Nothing in this part shall prevent the performance of any valid contract or obligation entered into prior to September 1, 1941; but, when any obligation arising out of any extension of credit made prior to September 1, 1941, has been combined with any extension of credit made on or after September 1, 1941, or has been the subject of any renewal or revision made on or after such date, such extension of credit shall thereafter be treated for the purposes of this part as having been made on the date of such consolidation, renewal or revision.

(f) *Transactions subjected to this part by amendment.* Whenever this part is amended to add any article to the list of articles specified in § 222.13 (a) or so as to apply to any additional class of transactions, the amendment shall not prevent the performance of any valid contract made prior to the effective date of the amendment; but any renewal, revision or consolidation of any obligation growing out of an extension of credit covering such newly added article or class of transactions shall be subject to the applicable requirements of this part, and, for the purposes of the applicable provisions regarding renewals, revisions and consolidations, the terms of repayment "permitted in the first instance" for such an obligation shall be deemed to be those applicable to such an extension of credit under such amendment.

(g) *Payments arising out of loans on pledged obligations.* With respect to any loan on the security of an obligation which arises out of an extension of credit subject to this part, the prohibitions of this part shall be deemed to apply only to payments arising out of the obligation rather than to payments arising out of the loan.

(h) *Records and reports.* Every Registrant shall keep such records and make such reports as the Board may from time to time require as necessary or appropriate for enabling it to perform its functions under the Executive Order.

(i) *Production of records.* Every Registrant, as and when required by the Board, shall furnish complete information relative to any transaction within the scope of the Executive Order, including the production of any books of account, contracts, letters, or other papers in connection therewith.

(j) *Transactions outside United States.* Nothing in this part shall apply with respect to any extension of credit made in Alaska, the Panama Canal Zone, or any territory or possession outside the continental United States.

(k) *Right of registrant to impose stricter requirements.* Any Registrant has the right to refuse to extend credit, or to extend less credit than the amount permitted by this part, or to require that repayment be made within a shorter period than the maximum permitted by this part.

(l) *Sets and groups of articles.* For the purposes of this part, the word "article" shall be deemed to include any set, group or assembly commonly considered, sold or used as a single unit, if the component parts thereof are sold or delivered at substantially the same time.

§ 222.13 *Listed articles, down payments and maximum credit values*—(a) *Listed articles.* The following are the articles which are "listed articles" within the meaning of this part:

Group A—One-third down and 12 months' maximum maturity

1. Air conditioners, room unit.
2. Air conditioning systems, home.
3. Aircraft (including gliders).
4. Attic ventilating fans.
5. Automobile batteries and accessories.[1]
6. Automobile tires and inner tubes, for passenger automobiles.[1]
7. Bedding, blankets, curtains, draperies, and household linens and towels.[1]
8. Bicycles.[2]
9. Binoculars, field glasses, opera glasses, and hand telescopes.[1]
10. Boats, and inboard and outboard motors designed for use therewith, other than boats or motors designed specifically for commercial use.[3]
11. Clocks, electric or other, designed for household or personal use.[2]
12. Cooking stoves and ranges, designed for household use.
13. Dishwashers, electric, designed for household use.
14. Electric appliances, not elsewhere listed, designed for household or personal use.[1]
15. Floor coverings (including fabric and linoleum type rugs, carpets, mats, and other floor covering materials, whether or not designed to be affixed to the floor.)[2]
16. Furnaces and heating units for furnaces, household (including oil burners, gas conversion burners, and stokers).
17. Heating stoves and space heaters, designed for household use.
18. Ironers designed for household use.
19. Jewelry (including precious stones and costume jewelry).[1]
20. Lamps designed for household use.[4]
21. Lawn mowers, edgers, and trimmers (whether or not power-driven).[5]
22. Lighting fixtures designed for household use.[1]
23. Luggage, purses, handbags, toilet cases, and umbrellas.[1]
24. Motion picture cameras, projectors, and lenses, designed for film gauges less than 35 mm.; still cameras, projectors, lenses and shutters, and enlargers.[2]
25. Musical instruments not elsewhere listed.[5]
26. Organs, household electric.
27. Plumbing and sanitary fixtures designed for household use.
28. Portable lights, and portable or stationary flood-lighting equipment, designed for household use.[1]
29. Radio receiving sets, phonographs, or combinations.
30. Refrigerators, mechanical, of less than 12 cubic feet rated capacity.
31. Sewing machines designed for household use.
32. Silverware (including flatware and hollow ware, whether solid or plated).[2]
33. Sports', athletic, outing, and games' equipment.[1]

[1] Added effective May 6, 1942.
[2] Added effective March 23, 1942.
[3] Boats other than power driven boats added effective May 6, 1942.
[4] Lamps previously classified as furniture.
[5] Lawn mowers, mower-type edgers and trimmers added effective March 23, 1942. Edgers and trimmers other than mower-type, musical instruments other than those composed principally of metal, and mechanical carpet sweepers added effective May 6, 1942.

34. Suction cleaners and mechanical carpet sweepers, designed for household use.[6]

35. Tableware and kitchen ware, equipment, and utensils, designed for household use (including pottery, porcelain, chinaware, glassware, and cutlery).[1]

36. Washing machines designed for household use.

37. Watches.[2]

38. Water heaters designed for household use.

39. Water pumps designed for household use.

40. Wearing apparel and furs, nonmilitary, (including footwear, headwear, and haberdashery).[1]

41. Yard goods designed for making garments or for making articles of household use.[1]

Group B—20 per cent down and 12 months' maximum maturity

1. Furniture, household (including ice refrigerators, bed springs, and mattresses).[3]

2. Pianos.

Group C—12 months' maximum maturity

1. Materials and services (other than articles, whether or not designed for household use, which are of kinds elsewhere listed) in connection with repairs, alterations, or improvements upon urban, suburban or rural real property in connection with existing structures (other than a structure, or a distinct part thereof, which, as so repaired, altered or improved, is designed exclusively for non-residential use), provided the deferred balance does not exceed $1,500.

Group D—Maximum maturity 15 months; for down payment requirement see § 222.13 (c)

1. Automobiles (passenger cars designed for the purpose of transporting less than 10 passengers, including taxicabs).

2. Motorcycles (two- or three-wheel motor vehicles, including motor bicycles).

(b) *Trade-in.* If any article is traded in by the purchaser on an article listed in Group A, the cash down payment shall be one-third of the net price of the article after deducting from the cash price the amount allowed for the trade-in, and such cash down payment shall be obtained in addition to the trade-in. In the case of an article listed in Group B, the cash down payment shall be one-fifth of such net price. In the case of automobiles and other articles listed in Group D, the down payment required by this part may be made in the form of cash or in the form of a trade-in, or both.

(c) *Down payment on automobiles and motorcycles.* For a new automobile or a new or used motorcycle, the down payment (which may be in cash or in the form of a trade-in or in both forms) shall be one-third of the cash price.

For a used automobile the down payment (which may be in cash or in the form of a trade-in or in both forms) shall be:

(1) One-third of the cash price if the cash price is equal to or lower than the "appraisal guide value"; or

(2) The cash price minus two-thirds of the "appraisal guide value" if the cash price is higher than the "appraisal guide value".

"Appraisal guide value" means the estimated average retail value as stated in such edition of any regularly published automobile appraisal guide as the Board may designate for this purpose for use in the territory in which such used automobile is sold, *plus* any applicable sales taxes. Information as to the guide or guides designated for any given territory may be obtained from any Federal Reserve Bank or branch.

(d) *Down payment where price is fixed by Federal authorities.* In the case of any article for which the Federal price authorities have prescribed a maximum retail price, the amount of credit extended pursuant to the provisions of § 222.4 shall in no event exceed the amount which would have been permitted if the article had been sold at the maximum retail price.

(e) *Maximum amount of loan.* A loan to purchase an article listed in Group A in connection with which the seller has accepted a trade-in shall not exceed two-thirds of the net price of the listed article after deducting from the cash price the amount allowed for the trade-in, and, in the case of an article listed in Group B, the loan shall not exceed four-fifths of such net price.

A loan to purchase a used automobile shall not exceed two-thirds of the cash price or two-thirds of the "appraisal guide value" of the automobile, whichever is lower.

§ 222.14 *Enforceability of contracts.* Except as may subsequently be otherwise provided, all provisions of this regulation are designated, pursuant to section 2 (d) of the Executive Order, as being "for administrative purposes" within the meaning of said section 2 (d), which provides that noncompliance with provisions of the regulation so designated shall not affect the right to enforce contracts.

§ 222.15 *Effective date.* This part became effective in its original[1] form September 1, 1941; Amendment No. 1 became effective September 20, 1941; Amendment No. 2 became effective December 1, 1941; Amendment No. 3 became effective March 23, 1942, except that the change made in § 222.11 (c) (2) by Amendment No. 3 became effective April 1, 1942. This revised part shall become effective May 6, 1942.

[SEAL] BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.
S. R. CARPENTER,
Assistant Secretary.

[F. R. Doc. 42-4059; Filed, May 5, 1942; 11:51 a. m.]

[1] Added effective May 6, 1942.
[2] Added effective March 23, 1942.
[3] Used furniture added effective May 6, 1942.
[6] Lawn mowers, mower-type edgers and trimmers added effective March 23, 1942. Edgers and trimmers other than mower-type, musical instruments other than those composed principally of metal, and mechanical carpet sweepers added effective May 6, 1942.

[1] 6 F.R. 4443. See also 6 F.R. 4035, 4838, 5507; 7 F.R. 1826, 1828.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Amendment 61-35, Civil Air Regs.]

PART 61—SCHEDULED AIR CARRIER RULES

COMPETENCY OF FIRST PILOTS OVER ADJACENT ROUTES; ROUTE COMPETENCY EXPIRATION AND RENEWAL; INSTRUMENT COMPETENCY RENEWAL

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 1st day of May 1942.

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

Effective May 1, 1942, Part 61 of the Civil Air Regulations is amended as follows:

1. By amending § 61.512 to read as follows:

§ 61.512 *Instrument competency.* The first pilot, in addition to meeting the minimum requirements for an instrument rating provided for in § 20.21 and appropriate provisions of Part 21, as the case may be, must prove satisfactorily to the operator's check pilot, within forty-five days prior to the end of every six-month period after entry into the service in accordance with the training program required by § 61.53, his ability to pilot and navigate by instruments an aircraft of a make and model to be flown by him in the air carrier service. Additional checks may be required by the Administrator at his discretion.

2. By amending § 61.513 to read as follows:

§ 61.513 *Route competency.* Except as provided in § 61.5130 no first pilot shall be deemed competent over any route or part thereof unless he has met the appropriate minimum requirements of Part 40 and is listed in the air carrier operating certificate as approved for the route or part thereof.

3. By adding a new § 61.5130 to read as follows:

§ 61.5130 *Adjacent routes.* The first pilot may be deemed competent over any route adjacent to a regular route on which he is presently listed as competent in the air carrier operating certificate if the Administrator finds that:

(1) No part of the center line of the adjacent route is located more than 50 miles from the center line of the regular route,

(2) The terrain along the adjacent route is similar to the terrain on the regular route,

(3) Such pilot has a thorough knowledge of the air navigation facilities located on the adjacent route, and

(4) Such pilot has complied with the provisions of § 40.2611 (b) before effecting landings along such adjacent routes.

4. By amending § 61.514 to read as follows:

§ 61.514 *Route competency expiration.* Except as provided in § 61.5130 the following rules will govern conditions of route

competency expiration, as related to first pilots:

5. By striking the words "6 consecutive months' " appearing in § 61.5140 (a) and inserting in lieu thereof the following: "12 consecutive months' ".

6. By striking the words "12 consecutive months' " appearing in § 61.5141 (b) and inserting in lieu thereof the following: "24 consecutive months' ".

7. By amending § 61.515 to read as follows:

§ 61.515 *Route competency renewal.* Except as provided in § 61.5130 the following rules will govern conditions of route competency renewal, as related to first pilots:

8. By striking the words "12 consecutive months" appearing in § 61.5150 (a) and inserting in lieu thereof the following: "18 consecutive months."

9. By striking the words "12 consecutive months" appearing in § 61.5151 (b) and inserting in lieu thereof the following: "24 consecutive months".

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-4027; Filed, May 5, 1942; 9:55 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 50626]

PART 8—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

EMERGENCY—FREE ENTRY OF RELIEF SUPPLIES IMPORTED BY THE AMERICAN NATIONAL RED CROSS [1]

Food, Clothing, and Medical, Surgical, and Other Supplies Imported by The American National Red Cross for Use by It in Emergency Relief Work in Connection With the War To Be Admitted Free of Duty Under a Proclamation of the President, Made Pursuant to Section 318, Tariff Act of 1930

MAY 4, 1942.

The Proclamation of the President dated April 27, 1942, made pursuant to the provisions of section 318 of the Tariff Act of 1930, declaring the existence of an emergency by reason of the war, and authorizing the Secretary of the Treasury to permit the importation free of duty of food, clothing, and medical, surgical, and other supplies by or directly for the account of The American National Red Cross for use by it in emergency relief work in connection with the war, is published for your information and guidance: [Here follows the text of Proclamation 2553 which appears on page 3143 of the issue of Thursday, April 30, 1942.]

The following regulations are hereby promulgated pursuant to the provisions of the foregoing proclamation:

§ 8.79c *Articles imported by the Red Cross for war relief work.* (a) Food, clothing, and medical, surgical, and other supplies imported by or directly for the account of The American National Red Cross shall be admitted free of duty, provided there is filed in connection with the entry a declaration by a duly authorized representative of the said Red Cross or any chapter thereof that such food, clothing, and medical, surgical, and other supplies are imported by or directly for the account of the said Red Cross and will be used by it in emergency relief work in connection with the emergency declared by the foregoing proclamation.

(b) The free entry herein authorized shall apply only with respect to importations entered for consumption or withdrawn from warehouse for consumption on and after the date of the approval of these regulations and prior to the termination of the state of war, or such earlier date as may be proclaimed by the President if he shall declare by proclamation that the emergency has terminated. (Sec. 318, 46 Stat. 696; 19 U.S.C. 1318. Proc. No. 2553, April 27, 1942; 7 F.R. 3143)

[SEAL] JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-4050; Filed, May 5, 1942; 11:23 a. m.]

[1] New § 8.79c is added.

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners' Loan Corporation

[Bulletin 53]

PART 401—GENERAL

ADVANCES, EMPLOYEE HOME OWNERS

Section 401.08 is amended to read as follows:

§ 401.08 *Advances for employee home owners.* Advances, other than those due to shortages in Tax and Insurance Accounts, and grants of extensions for the accounts of salaried employees, whether mortgagors, vendees or their successors in interest, shall be made only upon review and approval by the Regional Manager, a Deputy General Manager or the General Manager. (Secs. 4 (a), (k), 48 Stat. 129, 132, as amended by sec. 13, 48 Stat. 647; 12 U.S.C. 1463 (a), (k), E.O. 9070, 7 F.R. 1529)

Effective May 1, 1942.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 42-4026; Filed, May 5, 1942; 9:31 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 2—REGULATIONS APPLICABLE TO CONTRACTORS AND SUBCONTRACTORS ON PUBLIC BUILDING AND PUBLIC WORK AND ON BUILDING AND WORK FINANCED IN WHOLE OR IN PART BY LOANS OR GRANTS FROM THE UNITED STATES

AMENDMENT REGARDING INSTALLATION OF EQUIPMENT

Pursuant to and by virtue of the authority conferred by section 2 of the Act of June 13, 1934,[1] and section 9 of Reorganization Plan No. IV, effective June 30, 1940, in accordance with section 4 of H. J. Res. 551 (Public Res. No. 75), approved June 4, 1940,[2] § 2.2 (b) of the Regulations published in the FEDERAL REGISTER February 4, 1942,[3] as amended February 11, 1942[4] and April 4, 1942,[5] is hereby amended by deleting therefrom the words "except as herein provided," following the words "without limitation," and preceding the words "altering, remodeling" and also by deleting therefrom the following sentence:

By way of limitation, the terms herein defined shall not include the installation of machinery, machine tools, or other apparatus, when such installation does not involve a substantial amount of construction, alteration, or remodeling of the building or work, nor shall they include the retooling or fabrication of machinery in the regular plants of concerns not ordinarily engaged in construction activities.

This amendment shall become effective immediately upon publication in the FEDERAL REGISTER.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 42-4058; Filed, May 5, 1942; 11:49 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[General Docket No. 12]

PART 317—REGISTRATION OF DISTRIBUTORS; MAXIMUM DISCOUNTS; REGISTRATION OF FARMERS' COOPERATIVE ORGANIZATIONS

ORDER AMENDING PART 317, REGISTRATION OF DISTRIBUTORS; MAXIMUM DISCOUNTS; REGISTRATION OF FARMERS' COOPERATIVE ORGANIZATIONS IN THE MATTER OF PRESCRIBING DUE AND REASONARLE MAXIMUM DISCOUNTS OR PRICE ALLOWANCES BY CODE MEMBERS TO "DISTRIBUTORS" UNDER SECTION 4 PART II (h) OF THE BITUMINOUS COAL ACT OF 1937, AND ESTABLISHING RULES AND REGULATIONS FOR THE MAINTENANCE AND OBSERVANCE BY DISTRIBUTORS IN THE RESALE OF COAL, OF THE PRICES AND MARKETING RULES AND REGULATIONS PROVIDED BY SECTION 4 OF THE ACT; AND IN RE PETITION OF AMERICAN COAL DISTRIBUTORS ASSOCIATION FOR AMENDMENT OF § 317.5 (a) (PENALTIES: REVOCATION AND SUSPENSION) IN PART 317, REGISTRATION OF DISTRIBUTORS; MAXIMUM DISCOUNTS; REGISTRATION OF FARMERS' COOPERATIVE ORGANIZATIONS

A proceeding having been instituted, pursuant to the Bituminous Coal Act of 1937 and to the Order of the Director dated June 19, 1940, 5 F.R. 2345, for the purpose of considering an amendment to § 317.5 (a) in Part 317, Registration of Distributors; Maximum Discounts;

[1] Sec. 2, 48 Stat. 948, 40 U.S.C. 276c.
[2] Sec. 9, 54 Stat. 1236; Sec. 4, 54 Stat. 231; 5 U.S.C. 133u.
[3] 7 F.R. 687.
[4] 7 F.R. 925.
[5] 7 F.R. 2591.

Registration of Farmers' Cooperative Organizations;

Petitions of intervention having been filed by the Vanderbilt Coal & Coke Company, T. A. D. Jones & Company, Inc., C. H. Sprague & Sons Company, Hanna Coal Sales Company, District Board No. 1, and District Board No. 10;

Bituminous Coal Consumers' Counsel having filed a notice of appearance;

A hearing having been held in this matter pursuant to Orders of the Acting Director before Floyd McGown, a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard, and at which appearances were entered by the petitioner, American Coal Distributors Association; Hanna Coal Sales Company, Vanderbilt Coal & Coke Company, C. H. Sprague & Sons Company, T. A. D. Jones & Company, Bituminous Coal Consumers' Counsel, and District Boards 1, 3, 4, and 8;

The preparation and filing of a report by the Examiner having been waived and the matter having thereupon been submitted to the Acting Director;

Briefs having been submitted by petitioner, Bituminous Coal Consumers' Counsel, and by the other intervenors;

The Acting Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That the second paragraph of § 317.5 (a) in Part 317, Registration of Distributors; Maximum Discounts; Registration of Farmers' Cooperative Organizations, be and it hereby is amended to read as follows:

§ 317.5 *Penalties; revocation and suspension.* (a) * * *

The registration of such distributor may be revoked or, in the discretion of the Division, suspended for such period of time as it may deem proper after hearing held upon reasonable notice and upon proof that such registered distributor has wilfully violated any provisions of the Act or Division's orders or its marketing rules and regulations in Part 318 of this chapter; or, where such distributor has wilfully violated any of the terms of "Agreement by Registered Distributor": *Provided,* That the Division, in its discretion, may issue an order directing such distributor to cease and desist from violating the Act or regulations made thereunder, and upon failure of such distributor to comply with such order, the Division may reopen the case upon ten (10) days notice to the distributor affected and proceed in a hearing thereon as above provided: *And, provided further,* That on determination made after hearing or opportunity therefor that a distributor has violated any provisions of the Act or Division's orders or its marketing rules and regulations in Part 318 of this chapter or the terms of "Agreement by Registered Distributor" the registration of such distributor may be revoked or, in the discretion of the Division, suspended for such period of time as it may deem proper unless discounts accepted in the course of such violations are returned within ten (10) days of the entry of such an order.

* * * * *

It is further ordered, That the second paragraph of § 317.36 (a) (*Penalties: revocation and suspension*) in Part 317, Registration of Distributors: Maximum Discounts; Registration of Farmers' Cooperative Organizations, be and it hereby is amended to read as follows:

§ 317.36 *Penalties; revocation and suspension.* (a) * * *

The registration of such registered farmers' cooperative organizations may be revoked or, in the discretion of the Division, suspended for such period of time as it may deem proper after hearing held upon reasonable notice and upon proof that such registered farmers' cooperative organization has wilfully violated any provisions of the Act or Division's orders or its marketing rules and regulations in Part 318 of this chapter; or, where such registered farmers' cooperative organization has wilfully violated any of the terms of "Agreement by Registered Farmers' Cooperative Organization": *Provided,* That the Division, in its discretion, may issue an order directing such registered farmers' cooperative organization to cease and desist from violating the Act or regulations made thereunder, and upon failure of such registered farmers' cooperative organization to comply with such order, the Division may reopen the case upon ten (10) days notice to the registered farmers' cooperative organization affected and proceed in a hearing thereon as above provided; and *Provided further,* That on determination made after hearing or opportunity therefor that a registered farmers' cooperative organization has violated any provisions of the Act or Division's orders or its marketing rules and regulations in Part 318 of this chapter or the terms of "Agreement by Registered Farmers' Cooperative Organization," the registration of such registered farmers' cooperative organization may be revoked or, in the discretion of the Division, suspended for such period of time as it may deem proper unless discounts accepted in the course of such violations are returned within ten (10) days after the entry of such an order.

Dated: May 2, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4034; Filed, May 5, 1942; 10:48 a. m.]

[General Docket No. 12]

PART 317—REGISTRATION OF DISTRIBUTORS; MAXIMUM DISCOUNTS; REGISTRATION OF FARMERS' COOPERATIVE ORGANIZATIONS

ORDER GRANTING RELIEF IN PART IN THE MATTER OF PRESCRIBING DUE AND REASONABLE MAXIMUM DISCOUNTS OR PRICE ALLOWANCES BY CODE MEMBERS TO "DISTRIBUTORS" UNDER SECTION 4 PART II (h) OF THE BITUMINOUS COAL ACT OF 1937 AND ESTABLISHING RULES AND REGULATIONS FOR THE MAINTENANCE AND OBSERVANCE BY DISTRIBUTORS IN THE RESALE OF COAL, OF THE PRICES AND MARKETING RULES AND REGULATIONS PROVIDED BY SECTION 4 OF THE ACT, AND IN THE MATTER OF REOPENING GENERAL DOCKET NO. 12 FOR THE PURPOSE OF CHANGING AND CLARIFYING MAXIMUM DISCOUNTS PERMISSIBLE ON CERTAIN SIZES OF COAL PRODUCED IN DISTRICT 12

This proceeding having been reopened pursuant to a petition filed with the Bituminous Coal Division on May 5, 1941, by the Bituminous Coal Producers Board for District No. 12, requesting that the maximum permissible discounts on coals produced in District No. 12 and purchased for resale by registered distributors be 25 cents per ton for Size Groups 1 to 4, 6, and 7, and 12 cents per ton for Size Groups 5, 8, 9, and 10;

Scandia Coal Company having filed a petition of intervention; American Coal Distributors Association having filed a notice of intention to intervene; District Board No. 7 having filed a notice of desire to be heard;

Pursuant to Orders of the Director and the Acting Director, a hearing having been held in this matter before a duly designated Examiner of the Division at a hearing room of the Division in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the matter having been thereupon submitted to the undersigned;

Briefs having been filed by District Board No. 12 and the Consumers' Counsel;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That effective fifteen (15) days from the date hereof, the Appendix (*Maximum Discounts in Cents Per Net Ton That May Be Made to Registered Distributors From Established Minimum Prices on Coal Which They Purchase for Resale and Resell in Not Less Than Cargo or Railroad Carload Lots*) following § 317.10 (*Miscellaneous provisions*) in Part 317, Registration of Distributors; Maximum Discounts; Registration of Farmers' Cooperative Organization, be and it hereby is amended by establishing the following maximum discounts when coal produced in District No. 12 is purchased for resale by a registered distributor;

	Cents per ton
All sizes from which no fines have been removed	12
All other sizes	25

Washing and/or dedusting shall not be considered as removing fines.

It is further ordered, That the prayers for relief contained in the petitions filed herein are granted to the extent set forth above and are in all other respects denied.

Dated: May 2, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4032; Filed, May 5, 1942; 10:47 a. m.]

[Docket No. A-1217]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER CORRECTING FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10 FOR ESTABLISHMENT OF A PRICE EXCEPTION TO THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10 FOR TRUCK SHIPMENTS, TO PERMIT THE SALE FOR TRUCK SHIPMENT OF 2 MESH BY 0 RESULTANT COAL BY MINE INDEX NO. 84 IN DISTRICT NO. 10, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

An error occurred in the Findings of Fact, Conclusions of Law, Memorandum Opinion and Order dated April 16, 1942, 7 F.R. 2934, in the above-entitled matter, as follows:

In the Price Exception quoted in paragraph 4 and paragraph 13, the words "which pass through a 2" mesh screen" should be changed to read, "which pass through a 2 mesh screen."

Now, therefore, it is ordered, That in the Price Exception quoted in paragraph 4 and paragraph 13, the words "which pass through a 2" mesh screen" should be, and the same hereby are, changed to read "which pass through a 2 mesh screen."

It is further ordered, That as thus corrected the Price Exception in § 330.21 (*Price instructions and exceptions*—(b) *Price exceptions*) in said Order shall read as follows:

"Mine Index No. 84 may sell the resultant coal, produced by degradation in handling of washed 6" x 4" and 6" x 2" coals at Wataga Dock, which passes through a 2 mesh screen at the price of $1.30 per ton f. o. b. transportation facilities: *Provided, however,* That no more than 100 tons of such coal may be disposed of at that price monthly."

Dated: May 2, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4035; Filed, May 5, 1942; 10:48 a. m.]

[Docket No. A-1293]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF THE BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 10 FOR THE REVOCATION OF RELIEF GRANTED IN DOCKET NO. A-450 WHICH ESTABLISHED PERMANENT PRICE CLASSIFICATIONS AND MINIMUM PRICES IN SIZE GROUPS 17 THROUGH 25 FOR THE COALS OF THE MINES IN PRICE GROUP NO. 20 IN DISTRICT NO. 10, FOR ALL SHIPMENTS EXCEPT TRUCK

This proceeding was instituted upon an original petition filed with the Bituminous Coal Division on January 30, 1942, by the Bituminous Coal Producers Board for District No. 10 (hereinafter referred to as "District Board No. 10"), pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. In its petition the District Board requested the revocation of the relief granted in Docket No. A-450, 5 F.R. 5237, which had established permanent minimum prices in Size Groups 17 through 25 for the coals produced at mines in Price Group No. 20 in District No. 10.

Pursuant to an Order of the Acting Director dated February 10, 1942, and after notice to interested parties, a hearing in this matter was held on March 10, 1942, before D. C. McCurtain, a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Petitioner appeared and the only witness who testified did so in its behalf. The preparation and filing of a report by the Examiner was waived and the record was thereupon submitted to the undersigned.

Mines in District No. 10 classified in Price Group No. 19 and Price Group No. 20 produce Belleville Standard Coal and have commanded identical minimum prices for all sizes of coal other than washed or air-cleaned double screened coals or screenings (Size Groups 17 through 25) since the inception of effective minimum prices. Differentiating originally between the two price groups resulted from the policy of distinguishing between mines which possessed washing facilities and those which did not. No price classifications in Size Groups 17 through 25 were given to mines in the price group that had no washeries (Price Group 20); such prices were given only to those mines having washing facilities (Price Group 19). In December 1940, however, District Board No. 10 petitioned the Division, under section 4 II (d) of the Act, requesting the establishment of price classifications and minimum prices for the coals in Size Groups 17 through 25 produced at mines in Price Group No. 20 identical with those established for coals in the same size groups produced at mines in Price Group No. 19. In the background of this petition lay two facts: (1) the difficulty being encountered by most mines in Price Group No. 20 of disposing of their raw screenings; (2) the expectation of the successful functioning of a plan whereby the mines in Price Group No. 20 were to send their coal in Size Groups 17 through 25 under a milling-in-transit rate to the washery of the Pyramid Mine, Mine Index No. 142, owned and operated by the Pyramid Coal Corporation, a code member, District No. 10. The relief requested was granted in the proceeding of December 1940, designated and known as "Docket No. A-450."

District Board No. 10 now asks that the relief formerly given be revoked for two reasons: First, the understanding between the Pyramid Coal Corporation and the Belleville Standard Mines which had impelled the requesting of relief granted in Docket No. A-450 has not developed into a permanent working arrangement; second, the District Board believes that it would be desirable to adhere to a policy allowing establishment of washed coal prices only for mines using washing facilities, the exact location of which have been made known to the Division. According to J. R. Henderson, who testified on behalf of District Board No. 10, if a producer begins to wash coal, maintenance of fair competitive opportunities requires price adjustments after taking into account the particular circumstances under which processing and shipment onto the consumer will occur.

District Board No. 10 does not ask that the Service Mine, Mine Index No. 159, owned and operated by the Service Coal and Mining Company, code member, Belleville, Illinois, be deprived of its washed coal prices for since the granting of relief in Docket No. A-450, washing facilities have been installed at this mine.

No one has offered any objection to the revocation of the relief given in Docket No. A-450. Indeed both the Pyramid Coal Corporation and all the mines without washeries, except one, now operating in Price Group No. 20 were said to be "very anxious" to have the classifications established in Docket No. A-450 cancelled.

It is therefore ordered, That the relief granted in Docket No. A-450 be, and it hereby is, revoked and § 330.1 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 10 For All Shipments Except Truck is amended so that henceforth no mine in Price Group No. 20, District No. 10, have, nor have they, washed coal prices.

It is further ordered, That § 330.1 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 10 For All Shipments Except Truck is amended so that the Service Mine, Mine Index No. 159, owned and operated by the Service Coal and Mining Company, code member, Belleville, Illinois, District No. 10, be, and it hereby is, classified in Price Group No. 19.

Dated: May 4, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4031; Filed, May 5, 1942; 10:47 a. m.]

[Docket No. A-947]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

MEMORANDUM OPINION AND ORDER MODIFYING ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF BIG BEND COLLIERIES, INC., ET AL., FOR THE ESTABLISHMENT OF EFFECTIVE MINIMUM PRICES FOR SUBSTANDARD COALS PRODUCED FROM THE BRAZIL BLOCK VEIN

This proceeding was instituted upon an original petition filed with the Bituminous Coal Division by the Big Bend Collieries, Inc., the Maumee Collieries Company, the Birch Creek Coal Co., the Mariah Hill Super Block Coal Company, Ray Morgan (F. C. Morgan Coal Company), the Dixon Block Co., Inc., and the G & F Coal Corporation, code member producers in District 11, pursuant to the provisions of section 4 II (d) of the

Bituminous Coal Act of 1937. The petition requested the establishment of effective minimum prices for all code member producers in Price Groups Nos. 15, 16 and 17 for substandard coals mined from the Brazil Block Vein in District 11, The requested prices were intended to apply only to coals shipped by rail. The petition contained a prayer for temporary relief.

Petitions of intervention were filed by District Boards 9 and 10.

On September 30, 1941, the petitioners filed a motion requesting immediate temporary relief pending final determinations of the matter by the Director. On October 8, 1941, District Board 10 filed an opposition to the motion for immediate temporary relief. On October 16, the petitioners filed a reply to the opposition of District Board 10. On October 18, District Board 10 filed an answer to the reply.

Pursuant to an Order of the Director and after due notice to all interested parties a hearing was held in this matter on September 18, 1941, before Charles O. Fowler, a duly designated Examiner of the Bituminous Coal Division, Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The original petitioners and District Board 10 appeared at the hearing. The preparation of a report by the Examiner was waived and the matter was thereupon submitted to the undersigned.

By Order of the Acting Director dated November 29, 1941, 6 F.R. 6191, temporary relief was granted by allowing certain reductions from the minimum prices to be made for substandard coals in Size Groups 1–7 produced at mines in Price Groups 15. 16, and 17. On February 18, 1942, 7 F.R. 1590, the Acting Director issued an Order granting permanent relief in this matter.

In a petition filed on March 21, 1942, the petitioners request the Acting Director to reconsider and modify the Order granting permanent relief dated February 18, 1942. The petitioners ask that this Order be modified so as to give producers selling substandard coal at the established substandard prices the right to seek further allowances under § 318.10 (a) in Part 318, Marketing Rules and Regulations.[1]

Prior to the Orders of November 29, 1941 and February 18, 1942, District 11 code members were required to dispose of their substandard coal by shipping it as standard coal, and after delivery, making adjustments of price, as provided in § 318.10 (a) in Part 318, Marketing Rules and Regulations. Producers complained that this practice of making adjustments after the coal reached its destination worked to the detriment of the producers by reducing their bargaining power in regard to allowances which frequently resulted in forcing producers to make greater allowances than they would have had to make could the coals have been originally sold as substandard, and by creating an undesirable relationship with purchasers which tended to jeopardize future business relations. The Acting Director, with the view of remedying this distressing condition, issued an Order authorizing Indiana (District 11) producers to make certain reductions in the minimum prices for substandard coals produced from the Brazil Block seam. The maximum reductions authorized were: Size Groups 1 and 2, not to exceed 50 cents per ton; Size Group 3, not to exceed 30 cents per ton; Size Groups 4 to 7, inclusive, not to exceed 25 cents per ton.

The Order granting permanent relief specifically prohibited the producers from making further allowances in excess of the authorized maximum reductions by the following provision:

"* * * *And provided further,* That coal sold as substandard pursuant to this Order shall not be subject to the allowances for substandard coals permitted by § 318.10 (a) in Part 318, Marketing Rules and Regulations."

The petitioners contend that the above provision nullifies the purpose and effectiveness of the order and imposes upon the producers an arbitrary and discriminatory restriction. In support of this contention, petitioners show as follows:

The uncontroverted evidence shows that in the production of Brazil Block vein coals, producers frequently encounter coal which is substandard or inferior in quality. The evidence of record, and the affidavits of H. A. Brattin, General Manager of Brazil Block Fuels, Inc., and Hugh B. Lee, Vice-President and General Manager of Maumee Collieries Company, show that the degree of the substandard quality of the coal varies within a wide range. Substandard Brazil Block coal, due to its analytical and structural inferiority, particularly because of its high moisture content, materially deteriorates in degree of substandard quality between the time it is loaded at the mine and the time it is received by the purchaser. Further, the presently established prices for these substandard coals are for each size group less than the average allowance made by producer members of the Brazil Block Fuels, Inc., in accordance with § 318.10 (a) in Part 318, Marketing Rules and Regulations. Although it appears that further allowances under § 318.10 (a) in Part 318, Marketing Rules and Regulations will be unnecessary in most cases, yet the conditions mentioned above which warrant further adjustment due to extreme deterioration of the coals makes it imperative that Brazil Block code member producers be afforded the privilege to such relief under § 318.10 (a) in Part 318, Marketing Rules and Regulations. The affidavits of Brattin and Lee both set out the fact that neither company or other code member producers in the Brazil Block vein have found it economically feasible to operate under the order granting permanent relief.

Upon reconsideration of the record, the petition and affidavits, and particularly in view of the absence of any opposition to, and because of the seeming urgent necessity for such modification of the order granting permanent relief, I am of the opinion and conclude that the request of the petitioners should be granted, and the order previously entered in this proceeding modified accordingly. However, I shall reserve jurisdiction to rescind or otherwise modify the relief herein granted if it appears that excessive or otherwise improper allowances are granted hereunder or that the relief is otherwise inappropriate.

Now, therefore, it is ordered, That the order entered in this proceeding under date of February 18, 1942, be and it hereby is rescinded.

It is further ordered, That § 331.1 (*Price instructions and exceptions*—(b) *Price exceptions*) in the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck, be, and hereby is, amended by adding to the price exceptions a new price exception to read as follows:

"The effective minimum prices established for Brazil Block vein coals produced at mines in price groups Nos. 15, 16, and 17, may be reduced by not more than the following amounts where coals are substandard, that is, soft or shelly:

Size group Nos.:	*Maximum reduction (cents per ton)*
1 and 2	50
3	30
4–7, inclusive	25

"Provided, however, That (1) the determination of the substandard classification of said coals shall be under the direct supervision of District Board 11; (2) the classification of the coals shall be made by a representative of District Board 11 at the mine; (3) said representative shall issue a certificate or notice of substandard classification which certificate or notice shall be filed with the Field Office of the Division for District No. 11; and (4) District Board 11 shall approve and certify all orders, acknowledgments, and invoices involving substandard coals. Certificates or notices filed with the Field Office pursuant to this Order shall contain an indication to that effect: *And provided further,* That coals sold as substandard pursuant to this Order shall be subject to further allowances as permitted by § 318.10 (a) in Part 318, Marketing Rules and Regulations."

It is further ordered, That jurisdiction is hereby reserved to rescind or otherwise modify the relief herein granted in the event it appears appropriate to do so.

It is further ordered, That relief should be granted to the extent set forth above, and in all other respects be, and it hereby is, denied.

Dated: May 2, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4033; Filed, May 5, 1942; 10:48 a. m.]

[1] "Where any claim for allowance * * * is requested by a buyer for any delivery of coal claimed to be substandard in preparation or quality * * * the Code Member, his Sales Agent, or a Distributor may, within a reasonable time after delivery, make settlement and agree with the buyer upon an amount reasonable to be deducted for such inferior coal * * * and may accept payment therefor at less than the applicable minimum price."

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

PART 633—DELIVERY AND INDUCTION

[Amendment No. 49, 2d Ed.]

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend the regulations by adding a new section to be known as § 633.21 to read as follows:

§ 633.21 *Induction and subsequent classification of cobelligerent aliens.* (a) At any time prior to his induction into the land or naval forces of the United States, a registrant who is not a citizen of the United States and who has not declared his intention to become a citizen of the United States but who is a citizen or subject of a cobelligerent nation may request and be permitted to be inducted into the armed forces of such cobelligerent nation, provided an agreement has been entered into between the United States Government and the government of such cobelligerent nation, the terms of which permit such induction and give to citizens or subjects of the United States residing in such cobelligerent nation a reciprocal right to serve in the land or naval forces of the United States.

(b) The manner in which, the time when, and the place where a request may be made by such registrant and the procedure to be followed in order for such registrant to be inducted into the armed forces of the cobelligerent nation of which he is a citizen or subject shall be prescribed by the Director of Selective Service.

(c) When such registrant files a request for induction into the armed forces of the cobelligerent nation of which he is a citizen or subject and fails to report for or to be inducted into the armed forces of such cobelligerent nation, he shall, if acceptable, be inducted into the armed forces of the United States when his order number is reached.

(d) When it has been determined that any registrant has been inducted into the armed forces of a cobelligerent nation in the manner in this section provided, his classification shall be reopened and he shall be placed in Class II–B.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

MAY 2, 1942.

[F. R. Doc. 42–4014; Filed, May 4, 1942; 3:06 p. m.]

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

SUPPLEMENTARY DIRECTIVE NO. 1 F—ADJUSTMENTS TO POLICIES OF OFFICE OF DEFENSE TRANSPORTATION

§ 903.7 *Adjustment of rationing of tires, passenger cars, or other products used in transportation to policies and programs of Office of Defense Transportation.* In the exercise of rationing authority delegated to the Office of Price Administration with respect to tires, passenger cars, gasoline, or other products used in transportation, such Office shall, to the full extent administratively practicable, implement any policies or programs with respect to transportation which the Office of Defense Transportation may formulate. (E.O. 9024, 7 F.R. 329, E.O. 9040, 7 F.R. 527, E.O. 9125, 7 F.R. 2719; Sec. 2 (a) Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507. 77th Cong.; WPB Directive No. 1, 7 F.R. 562, WPB Reg. No. 1, 7 F.R. 561, as amended, 7 F.R. 2126)

Issued this 4th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–4022; Filed, May 4, 1942; 4:53 p. m.]

Subchapter B—Division of Industry Operations

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

AMENDMENT NO. 2 TO PRIORITIES REGULATION NO. 8 [1]

Appendix B of Priorities Regulation No. 8 is amended as follows:

By striking therefrom any reference to Orders P–19, P–19–a, P–19–e, and P–19–h. (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 5th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–4055; Filed, May 5, 1942; 11:45 a. m.]

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

SUPPLEMENTARY LIMITATION ORDER L–4–C

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of aluminum, chromium, copper, nickel, magnesium, steel, tin, rubber and other critical materials entering into the production of Replacement Parts for passenger automobiles and light trucks for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

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

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

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

(2) "Passenger Automobile" means any passenger vehicle, including station wagons and taxicabs propelled by an internal combustion engine and having a seating capacity of less than fifteen (15) persons.

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

(4) "Replacement Parts" means only the following parts (including components entering into such parts) used for the repair of Passenger Automobiles or Light Trucks: (1) engines, (2) clutches, (3) transmissions, (4) propeller shafts, (5) universal joints, (6) axles, (7) brakes, (8) wheels, (9) hubs, (10) drums, (11) starting apparatus, (12) spring suspensions, (13) shock absorbers, (14) exhaust systems, (15) cooling systems, (16) fuel systems, (17) lubricating systems, (18) electrical systems including therein generators, lights and reflectors, (19) gauges, (20) speedometers, (21) rear view mirrors, (22) windshield wipers, (23) windshield wiper motors, (24) control mechanisms, and (25) steering apparatus.

(5) "Producer" means any individual, partnership, association, corporation, or other form of business enterprise engaged in the manufacture of Replacement Parts for Passenger Automobiles or Light Trucks.

(6) "Distributor" means any person (other than a Producer) whose business consists, in whole or in part, of the sale of Replacement Parts from stock or inventory. Distributor includes wholesalers, jobbers, dealers, retailers, branch warehouses of Producers and other persons performing a similar function.

(7) "Inventory" means stocks of Replacement Parts and components thereof

[1] 7 F.R. 2097, 2168.

on hand, on consignment, or held for the account of the owner thereof in any other name, manner or place.

(c) *Restrictions on production.* On and after May 1, 1942, no Producer shall manufacture any Parts for Passenger Automobiles and Light Trucks except those Replacement Parts listed in paragraph (b) (4) above, and in the production of such Parts, no materials shall be used which are prohibited by any "M" Orders or other restrictions on use of critical materials as now or hereafter ordered by the Director of Industry Operations of the War Production Board.

(d) *Further restrictions on production.* Notwithstanding the provisions of Amendment No. 1 of Limitation Order L-4-a,[1] issued January 23, 1942, during each of the two calendar quarters in the period from April 1, 1942 to September 30, 1942, a Producer shall not manufacture Replacement Parts in excess of seventy per cent (70%) of the total dollar value of such Parts sold by him in the corresponding quarter of the year 1941: *Provided however,* That such production shall not at any time result in the Producer's inventory of finished parts (either produced by him or purchased by him from others) exceeding, during the third month in each calendar quarter, in dollar value, four times the Producer's average monthly sales during the preceding calendar quarter.

(e) *Return of replacement parts.* Replacement Parts returned to a Producer by a Distributor are not to be scheduled in the Producer's inventory during the quarter in which the Parts are received, but shall be included in the Producer's inventory in the succeeding calendar quarter.

(f) *Emergency orders for replacement parts.* To secure a Replacement Part required for the emergency repair of a designated vehicle which cannot be operated without such Part, a Distributor must file with such emergency order to the Producer a Certificate in the following form:

CERTIFICATE FOR EMERGENCY ORDER

I hereby certify that the Replacement Part specified in the attached Order is essential for the repair of the following vehicle, which without such Part cannot now be operated:
Make_____ Engine Number_____
(Signed)_____
Firm, partnership, or corporation
By_____
Title of individual
_____
Address of firm, partnership, or corporation

A Producer to whom such emergency order and certificate are submitted must give such order precedence in shipment over other orders not of an emergency nature. A copy of each such Certificate must be retained by the Distributor as part of his records.

(g) *Restrictions on raw materials inventory.* The average of a Producer's inventory of raw materials and materials in process in either of the two calendar quarters, April 1, 1942 to September 30, 1942, shall not exceed the quantity required to complete the production of Replacement Parts authorized for production during that quarter. The average of a Producer's inventory shall be taken as the average of the inventory at the beginning and end of each quarterly period.

(h) *Exceptions to applicability of order.* The terms and restrictions of this Order shall not apply to any Replacement Parts sold or produced under contracts or orders for delivery to or for the account of:

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

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

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

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

(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.

(k) *Reports.* All persons affected by this Order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(l) *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, materials under priority control and may be deprived of priorities assistance.

(m) *Appeal.* Any person affected by this Order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may appeal to the War Production Board, setting forth pertinent facts and the reasons such person considers that he is entitled to relief. In order to facilitate conversion to complete war production appeals may be made to increase or to transfer to other Producers quotas established in paragraph (d) above. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(n) *Communications to the War Production Board.* All reports to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Automotive Branch, Washington, D. C. Ref.: Order L-4-C.

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

Issued this 5th day of May, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4052; Filed, May 5, 1942; 11:44 a. m.]

PART 1073—FIRE PROTECTIVE EQUIPMENT

AMENDMENT NO 2 TO GENERAL LIMITATION ORDER NO. L-39[1]

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

Paragraph (c) (1) is amended by adding after the words "April 27, 1942," the following language:

* * * or which are in the possession or control of any coupling distributor on May 5, 1942. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 5th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4053; Filed, May 5, 1942; 11:45 a. m.]

PART 1115—FUEL OIL

PREFERENCE RATING EXCLUSION ORDER M-144

The fulfillment of the requirements for the defense of the United States has created a shortage in Fuel Oil which will result, in certain areas, in a shortage in the supply of such Fuel Oil for defense, for private account and export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 1115.2 *Preference Rating Exclusion Order M-144*—(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 of this Order may

[1] 7 F.R. 516.

[1] 7 F.R. 1597, 3083.

be inconsistent therewith, in which case such provision shall govern.

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

(2) "Fuel oil" means any liquid petroleum classified as grade No. 1, 2, 3, 4, 5, or 6, including Bunker "C" fuel oil, kerosene, range oil, gas oils, and any other liquid petroleum product used for the same purpose as the above designated grades.

(c) *Exclusion of fuel oil from certain provisions of priority regulations and orders.* (1) Notwithstanding the provisions of any Regulation, Order, direction or certificate heretofore issued by the Director of Industry Operations of the War Production Board or the Director of Priorities of the Office of Production Management, deliveries of Fuel Oil may be made by any Person to any Person for any purpose without regard to any preference rating assigned to the purchase, sale or delivery of such fuel oil. No Person shall require the application of a preference rating assigned by any such Regulation, Order, direction or certificate to the purchase, sale or delivery of Fuel Oil and, except as provided in paragraph (c) (2) hereof, no such purchase, sale or delivery of Fuel Oil shall be deemed to bear any preference rating whatsoever.

(2) No preference rating shall be assigned to any purchase, sale or delivery of Fuel Oil (other than to a purchase, sale or delivery of Fuel Oil for use in ocean-going vessels) by any Regulation, Order, direction or certificate hereafter issued by or under the authority of the Director of Industry Operations, except by or pursuant to a Regulation or Order hereafter issued by the Director of Industry Operations specifically assigning the rating and excepting the transaction from the provisions of this Order.

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

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

Issued this 5th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4056; Filed, May 5, 1942; 11:46 a. m.]

PART 1176—IRON AND STEEL CONSERVATION

GENERAL CONSERVATION ORDER M-126

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

§ 1176.1 *General Conservation Order M-126*—(a) *Restrictions with respect to List A products.* Except as provided in paragraph (b):

(1) *Raw material deliveries.* From and after the date 15 days after the Governing Date (as hereinafter defined) no person shall deliver or accept delivery of any iron or steel which he knows or has reason to know will be used to make any item on List A, or part thereof, except as permitted in paragraph (e) (1) (i).

(2) *Fabrication*—(i) *Limitation.* During the 45 days next following the Governing Date no such person shall put into process any iron or steel to make any item on List A, or part thereof, in an aggregate weight greater than 75 percent of the average monthly weight of all metals put into process by him during 1941 in the making of such items and parts, and no person shall put into process any iron or steel in the making of such item or part unless processing thereof will be completed within such 45 day period.

(ii) *Prohibition.* From and after the date 45 days after the Governing Date no person shall process any iron or steel to make any item on List A, or part thereof.

(3) *Assembly.* From and after the date 90 days after the Governing Date no person shall assemble any item on List A, or part thereof, containing any iron or steel.

(4) *Finished item deliveries.* No person shall deliver or accept delivery of any item which he knows or has reason to know was fabricated, assembled, or delivered in violation of the provisions of this paragraph (a).

(b) *Exceptions for Army, Navy, Maritime Orders*—(1) *List B products.* The provisions of paragraph (a) shall not apply to Army, Navy, Maritime Orders for items on List B or parts thereof. With respect to Army, Navy, Maritime Orders, from and after the date 90 days after the Governing Date no person shall deliver, accept delivery of, put into process, process or assemble any iron or steel for the making of any item on List B, or part thereof.

(2) *List C products.* The provisions of paragraph (a) shall not apply to Army, Navy, Maritime Orders for items on List C, or parts thereof.

(c) *Restrictions with respect to other products*—(1) *Roofing and siding.* No person shall manufacture any iron or steel into roofing or siding except:

(i) For delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development; or

(ii) For delivery on a preference rating of A-1-k or higher assigned by a PD-3A preference rating certificate or by a Preference Rating Order in the P-19 series; or

(iii) For defense housing, as permitted by the Defense Housing Critical List; or

(iv) For the manufacture of railroad freight cars, street cars, busses, trucks, or trailers; or

(v) For delivery to an ultimate purchaser for maintenance and repair purposes regardless of rating. With respect to this paragraph (c) (1) (v), no person may manufacture from the effective date of this Order to December 31, 1942, more than 20 percent of the roofing and siding made by him from iron or steel during the calendar year 1940; or in the calendar year 1943 and subsequent calendar years, more than 25 percent of the roofing and siding made by him from iron or steel during the calendar year 1940.

Any person manufacturing or selling any such roofing or siding may rely on the certificate of his customer that such roofing or siding will only be sold or used as permitted by this paragraph (c) (1).

(2) *Other products.* From and after the effective date of this Order no person shall use any iron or steel to make any article not on List A where and to the extent that the use of other material (excluding material on List D) is practicable. Alloy steel shall not be used when the use of carbon steel is practicable, and no more iron or steel shall be used in connection with the manufacture of any such article than is essential. The provisions of this paragraph (c) (2) shall not apply in the case of articles to be purchased by or for the account of the Army or Navy of the United States or the United States Maritime Commission, or to be physically incorporated into products to be so purchased to the extent that the use of iron or steel is required by the specifications (including performance sspecifications) of the prime contract.

(d) *Restrictions with respect to other scarce materials.* No person whose use of iron or steel is restricted by paragraphs (a), (b), or (c) shall use as a substitute therefor any material on List D.

(e) *Disposition of frozen inventories.* (1) No person who has in inventory any iron or steel, the fabrication or assembly of which is prohibited by this Order or by any other Order of the Director of Industry Operations, shall deliver any such iron or steel, except

(i) To a person engaged in the manufacture of similar items for fabrication or assembly within the limitations of this Order.

(ii) On purchase orders bearing the following preference ratings which have been duly assigned pursuant to regulations, orders, or certificates:

As to alloy steel (including stainless), A-1-k or higher.

As to all other steel and as to iron, A-10 or higher.

Such purchase orders must be accompanied by letter from the prospective purchaser, signed in duplicate and certifying material and quantity ordered and preference rating applied. Each person to whom such purchase order is given must forward a duplicate letter to Distressed Stocks Unit, Iron and Steel Branch, War Production Board, Washington, D. C., at the time shipment is made, or

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

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

(2) This paragraph (e) shall not be deemed to limit or prevent the processing by any person of any part of his inventory to the extent that such processing is not otherwise restricted by this Order or by any other Order of the Director of Industry Operations.

(f) *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) *Appeal.* Any appeal from the provisions of this Order must be made on Form PD-437 and must be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(3) *Applicability of Order.* The prohibitions and restrictions contained in this Order shall apply whether the items are ordered or manufactured pursuant to a contract made prior or subsequent to the effective date hereof or pursuant to a contract supported by a preference rating. Insofar as any other Order may have the effect of limiting or curtailing to a greater extent than herein provided the use of any material in the production of any item, the limitations of such Order shall be observed.

(4) *Inter-company deliveries.* The restrictions of this Order with respect to deliveries prohibit or restrict deliveries not only to other persons, including affiliates or subsidiaries, but also from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

(5) *Violations.* Any person who wilfully violates any provision of this Order or who 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.

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

(i) With respect to any item or part thereof, "Governing Date" means the date set forth opposite such item in Column 2 of List A.

(ii) "Army-Navy-Maritime Order" means an order for material to be purchased (or physically incorporated into material to be purchased) by or for the account of the Army or Navy of the United States or the United States Maritime Commission, where the use of iron or steel is required by the specifications (including performance specifications) of the prime contract.

(iii) The terms "iron" and "steel" shall not be deemed to include screws, nails, rivets, bolts, or wire, strapping or small hardware for joining or other similar essential purposes.

(iv) "Process" means cut, draw, machine, stamp, melt, cast, forge, roll, turn, spin, or otherwise shape.

(v) "Put into process" means the first change by a manufacturer in the form of material from that form in which it is received by him.

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

Issued this 5th day of May, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

List A

Item	*Governing date*
Access panels, except as required by Underwriters Code	May 5, 1942
Acoustical ceilings	Do.
Advertising novelties	Do.
Air-conditioning systems [1]—except for hospital operating rooms and industrial plants	Do.
Amusement park devices and roller coasters [1]	Do.
Area walls	Do.
Ash sieves	Do.
Asparagus tongs	Do.
Atomizers, perfume-boudoir	Do.
Attic fans	Do.
Autographic registers [1]	Do.
Automobile accessories—except as required by law	Do.
Automotive replacement parts, non-functional	Do.
Awning frames and supports	Do.
Bag, purse and pocketbook frames	Do.
Barber and beauty shop furniture	Do.
Baskets—except for commercial cooking and manufacturing uses	Do.
Bath tubs	Do.
B-B shot for air rifles	Do.
Beds—except hospital	Do.
Bed spring frames—except for hospital link fabric spring type bed	Do.
Beer kegs—except hoop and fittings for wooden kegs	Do.
Beer mugs	May 5, 1942
Beer stands	Do.
Beer steins	Do.
Bench legs—except industrial	Do.
Binoculars—except U. S. Government Agencies	Do.
Bird cages and stands	Do.
Bird houses and feeders	Do.
Biscuit boxes	Do.
Blackboards	Do.
Blade stroppers mechanical	Do.
Bleachers and grandstands [1]	Do.
Book ends	Do.
Bottle holders	Do.
Boxes and trays for jewelry, cutlery, combs, toilet sets	Do.
Bread racks	Do.
Bridge splash guards	Do.
Building ornaments	Do.
Butter chips	Do.
Butter knives	Do.
Cabinets—except (a) Hospital operating and examining rooms. (b) Office furniture as permitted in Limitation Orders L-13-a and L-62.	Do.
Cake cutters	Do.
Cake tongs	Do.
Candy display dishes	Do.
Canopies for electric brooders	Do.
Canopies and supports	Do.
Cans or containers for Anti-freeze, under 5 gal. size. Artist supplies. Bouillon cubes. Candy. Caviar. Chalk. Coffee. Gloves. Incense. Lawn seed. Nuts. Pencils. Pet food. Phonograph needles. Playing cards. Razor blades. Sponges. Staples. Tennis balls. Tobacco products. Toilet water. Yarn.	Do.
Carpet rods	Do.
Carving set holders	Do.
Cash boxes	Do.
Cash registers [1]	Do.
Casket hardware	Do.
Cattle stanchions—except hangers and fasteners	Do.
Ceilings	Do.
Cheese dishes	Do.
Chicken crates	Do.
Chick feeders	Do.
Christmas tree holders	Do.
Christmas tree ornaments	Do.
Cigar and cigarette holders and cases	Do.
Cigarette lighters	Do.
Cigar slippers	Do.
Clock cases—except on recording and controlling industrial instruments	Do.
Clothes line pulleys	Do.
Clothes line reels	Do.
Clothes racks and dryers	Do.
Clothes trees	Do.
Coal chute and door, household	Do.
Coal pans	Do.
Cocktail glasses	Do.
Cocktail sets	Do.
Cocktail shakers	Do.
Coffee roasting machinery	Do.
Compacts	Do.

[1] Maintenance and repair excepted.

List A—Continued

Item—Continued	*Governing Date*
Cooking stoves, commercial electric [1]	May 5, 1942
Copy holders	Do.
Corn cribs	Do.
Corn poppers and machines	Do.
Counter tops	Do.
Croquet sets	Do.
Crumb trays	Do.
Culverts	Do.
Cupboard turns	Do.
Cups of all kinds, drinking	Do.
Curb guards	Do.
Decorative iron products	Do.
Dictaphone racks	Do.
Dinner bells	Do.
Dishwashing machines [1]—except hospitals	Do.
Dispensers, hand, for	Do.
Hand lotions.	
Paper products.	
Soap.	
Straws.	
Document stands	Do.
Door chimes	Do.
Door knockers	Do.
Door closers—except	Do.
Fire prevention as required by Underwriters Code.	
Door handles—except shipboard use	Do.
Door stops	Do.
Drain boards and tub covers, household	Do.
Drawer pulls	Do.
Dress forms	Do.
Dummy police	Do.
Dust collecting systems and equipment—except on A–1–j or higher [1]	Do.
Ediphone racks	Do.
Egg slicers	Do.
Electric water coolers—except on PD–1a or PD–3a certificates	Do.
Enamel store fronts	Do.
Erasing knives	Do.
Escalators [1]	Do.
Feed troughs	Do.
Fence posts—except on A–2 or higher	Do.
Fences, chain link—except on A–2 or higher	Do.
Fences, ornamental	Do.
Finger bowls	Do.
Fireplace equipment—except dampers	Do.
Fireplace screens	Do.
Fish aquariums	Do.
Flagpoles	Do.
Flashlight tubes	Do.
Floor and ceiling plates for piping	Do.
Floor and counter covering trim	Do.
Floor polishing machines	Do.
Flour, salt and pepper shakers	Do.
Flower boxes, pot holders, and vases	Do.
Flower shears	Do.
Fly traps	Do.
Foot baths—except hospitals	Do.
Foot scrapers	Do.
Fountain pens—except functional parts	Do.
Fountains, ornamental	Do.
Furniture [1]—except	Do.
(a) Wood furniture.	
(b) As listed in Limitation Orders L–13–a and L–62.	
(c) Hospital operating and examining rooms.	
(d) Hospital beds and cots.	
Garage hoists, car lifts and racks	Do.
Golf bag supports	Do.
Grain storage bins—except strapping, hardware, and reinforcing materials	Do
Grass shears	Do.

[1] Maintenance and repair excepted.

List A—Continued

Item—Continued	*Governing Date*
Grilles	May 5, 1942
Ornamental.	
Sewers [1]—except on A–2 or higher and reinforcing for concrete sewers.	
Gutters, spouting, conductor pipe, and fittings for single family dwellings	Do.
Hair curlers, non-electric	Do.
Hair dryers	Do.
Hand mirrors	Do.
Hangers and track for garage doors for private use	Do.
Hanger rings on brushes, brooms, etc	Do.
Hat frames	Do.
Hat-making machinery [1]	Do.
Hedge shears	Do.
Helmets—except on A–2 or higher	Do.
Hose reels—except	Do.
(a) Fire fighting equipment.	
(b) Industrial uses in direct fire hazard areas.	
House numerals	Do.
Ice box exteriors—except portable blood banks	Do.
Ice cream freezers, household	Do.
Ice cube trays	Do.
Ink well holders	Do.
Incinerators—except industrial, commercial and as allowed in Defense Housing Critical List	Do.
Insulation, metal reflecting type	Do.
Jam boxes	Do.
Jelly molds	Do.
Jewelry	Do.
Jewelry cases	Do.
Kitchenware of stainless steel	Do.
Knitting needles	Do.
Lard or vegetable oil tubs—except 5 lbs. and over and straps for wood containers	Do.
Laundry chutes	Do.
Laundry trays—except reinforcing mesh	Do.
Lavatories—except hangers	Do.
Lawn sprinklers	Do.
Letter chutes	Do.
Letter openers	Do.
Letter trays	Do.
Lighting poles and standards [1]	Do.
Lipstick holders	Do.
Lobster forks	Do.
Lobster tongs	Do.
Lockers—except	Do.
(a) Oil refinery use.	
(b) Office equipment as limited by Limitation Order L–13–a.	
Looseleaf binding wire, rings, posts and metal parts	Do.
Mail boxes—except as required by U. S. postal regulations	Do.
Mailing tubes	Do.
Manicure implements	Do.
Marine hardware for pleasure boats	Do.
Marquees	Do.
Match boxes	Do.
Material for housing, not otherwise specified in this order—except as allowed in Defense Housing Critical List	Do.
Mechanical book binding wire	Do.
Measuring pumps and dispensers [1] for gasoline station, garage and household use, including but not limited to	Do.
Gasoline dispensing pumps.	
Grease pumps.	
Oil pumps, except barrel pumps and lubesters.	
Kerosene pumps.	
Air pumps.	
Menu holders	Do.
Milk bottle cases	Do.
Millinery wire and gimps	Do.

List A—Continued

Item—Continued	*Governing Date*
Mop wringers	May 5, 1942
Music stands	Do.
Napkin rings	Do.
Necktie racks	Do.
Newspaper boxes or holders	Do.
Novelties and souvenirs of all kinds	Do.
Office machinery used for [1]	Do.
Change making.	
Coin handling.	
Check cancelling.	
Check cutting.	
Check dating.	
Check numbering.	
Check signing.	
Check sorting.	
Check writing.	
Envelope handling.	
Envelope opening.	
Envelope sealing.	
Envelope stamping.	
Envelope mailing.	
Folding contents of envelope.	
Ornamental hardware and mouldings	Do.
Outdoor fireplace parts	Do.
Packing twine holders	Do.
Pail clasps	Do.
Paint spray outfits—except industrial	Do.
Paper rollers, household	Do.
Park and recreational benches	Do.
Parking meters	Do.
Pen holders	Do.
Permanent wave machines	Do.
Pet beds	Do.
Pet cages	Do.
Pet dishes	Do.
Phonograph motors, hand wound	Do.
Phonograph record blanks	Do.
Photographic accessories	Do.
Physical reducing machines	Do.
Picture and mirror hardware	Do.
Pie plates—except commercial or institutional	Do.
Pipe cases	Do.
Pipe-cleaner knives	Do.
Plant and flower supports	Do.
Pleasure boats	Do.
Pneumatic tube delivery systems [1] except industrial	Do.
Polishing-wax applicators	Do.
Polishing-wax sprayers	Do.
Portable bath tubs	Do.
Posts for fencing—Except on A–2 or higher	Do.
Poultry incubator cabinets	Do.
Push carts	Do.
Push plates and kick plates, doors	Do.
Racquete	Do.
Radiator enclosures	Do.
Radio antennae poles—[1] except on ratings of A–2 or higher	Do.
Refrigerator containers and trays, household	Do.
Rotary door bells	Do.
Salesmen's display cases and sales kits	Do.
Salt and pepper holders	Do.
Sample boxes	Do.
Scaffolding	Do.
Screen frames—except industrial processing	Do.
Scrubbing boards	Do.
Service food trays	Do.
Sewer pipe, exterior installations [1]—except for vents and within 5 ft. of buildings	Do.
Sheet iron or hoop iron packings for cookies and sweet goods	Do.
Shirt and stocking dryers	Do.
Shoe cleaning kits	Do.
Shower receptors—except frames	Do.
Shower stalls—except frames	Do.
Show window lighting and display equipment	Do.
Sign hanger frames	Do.

List A—Continued

Item—Continued	*Governing Date*
Sign posts	May 5, 1942
Signets	Do.
Silos [1] except strapping and reinforcing	Do.
Sink aprons and legs	Do.
Sink metal drainboards, both integral and removable	Do.
Sitz baths	Do.
Skates, roller and ice	Do.
Ski racks	Do.
Slide fasteners	Do.
Snow shovels and pushers, hand and power propelled [1]—except A-1-j or higher	Do.
Spittoons	Do.
Sporting and athletic goods	Do.
Spray containers, household	Do.
Stadiums [1]	Do.
Stamped bakery equipment	Do.
Stamps and tablets	Do.
Starter shingle strips	Do.
Statues	Do.
Steel wool for household use made from other than waste	Do.
Store display equipment and show cases	Do.
Structural steel home construction	Do.
Subway turnstiles [1]	Do.
Sugar cube dryer trays	Do.
Sugar holders	Do.
Swivel chairs	Do.
Table name-card holders	Do.
Table tops for household use	Do.
Tags	Do.
Identification.	
Key.	
Name.	
Price.	
Tanks—(strapping excluded)	Do.
Dipping—for animals.	
Watering—for animals.	
Feeding—for animals.	
Storage, beer.	
Storage, water [1]—except:	
(a) In tropical climates.	
(b) Heights in excess of 100 ft.	
(c) Boilers, hot water and storage.	
(d) Pneumatic pressure tanks under 31 gallons.	
Teapots	Do.
Telephone bell boxes—except bases and where required for safety	Do.
Telephone booths	Do.
Telescopes—except U. S. Government Agencies	Do.
Terrazzo spacers and decorative strips—except hospital operating rooms	Do.
Thermos jugs and bottles over 1 qt	Do.
Thermometer bases, household	Do.
Tile, steel-back	Do.
Tongs, food handling and household use	Do.
Tool boxes—except industrial	Do.
Tool cases—except industrial	Do.
Tool handles — except power driven	Do.
Urinals	Do.
Wagon bodies, frames and wheels all metal [1]—except for construction	Do.
Voting machines	Do.
Wardrobe trunks	Do.
Wastebaskets	Do.
Water color paint boxes	Do.
Weather stripping	Do.
Wheelbarrows—except wheels	Do.
Whiskey service sets	Do.
Window display advertising	Do.
Window stools	Do.

[1] Maintenance and repair excepted.

List A—Continued

Item—Continued	*Governing Date*
Window ventilators—except industrial and hospitals	May 5, 1942
Wine coolers	Do.
Wine service sets	Do.
Wire parcel handles and holders	Do.
Wire racks and baskets—except	Do.
(a) Industrial.	
(b) Scientific laboratory equipment.	
(c) Animal cages for biological work.	
Work benches—except shipboard and industrial where required for safety	Do.

List B

Access panels	Do.
Acoustical ceilings	Do.
Air-conditioning systems	Do.
Area walls	Do.
Ash sieves	Do.
Attic fans	Do.
Automobile accessories	Do.
Automotive replacement parts, non-functional	
Awning frames and supports	Do.
Barber and beauty shop furniture	Do.
Baskets	Do.
Bath tubs	Do.
B-B shot for air rifles	Do.
Beds—except hospital	Do.
Bed spring frames	Do.
Beer kegs—except hoop and fittings for wooden kegs	Do.
Beer mugs	Do.
Bench legs	Do.
Binoculars	Do.
Bird houses and feeders	Do.
Biscuit boxes	Do.
Blackboards	Do.
Bottle holders	Do.
Bread racks	Do.
Butter knives	Do.
Cabinets	Do.
Cake cutters	Do.
Cake tongs	Do.
Canopies and supports	Do.
Cans or containers for	Do.
Anti-freeze, under 5 gal. size.	
Candy.	
Chalk.	
Coffee.	
Nuts.	
Pencils.	
Tobacco products.	
Cash boxes	Do.
Cash registers	Do.
Ceilings	Do.
Cigarette lighters	Do.
Clock cases	Do.
Clothes line pulleys	Do.
Clothes line reels	Do.
Cocktail shakers	Do.
Coffee roasting machinery	Do.
Cooking stoves, commercial electric	Do.
Counter tops	Do.
Culverts	Do.
Cupboard turns	Do.
Cups of all kinds, drinking	Do.
Dishwashing machines	Do.
Dispensers, hand, for:	
Paper products	Do.
Soap	Do.
Door closers	May 5, 1942
Door handles	Do.
Door stops	Do.
Drawer pulls	Do.
Dust collecting systems and equipment	Do.
Egg slicers	Do.
Electric water coolers	Do.
Erasing knives	Do.
Escalators	Do.
Feed troughs	Do.

List B—Continued

Item—Continued	*Governing Date*
Fence posts	May 5, 1942
Fireplace equipment—except dampers	Do.
Flagpoles	Do.
Flashlight tubes	Do.
Floor and ceiling plates for piping	Do.
Floor polishing machines	Do.
Flour, salt and pepper shakers	Do.
Fountain pens	Do.
Furniture	Do.
Garage hoists, car lifts and racks	Do.
Grass shears	Do.
Grilles: Sewers	Do.
Gutters, spouting, conductor pipe, and fittings for single family dwellings	Do.
Hand mirrors	Do.
Hat-making machinery	Do.
Helmets	Do.
Hose reels	Do.
Ice box exteriors	Do.
Ice cream freezers, household	Do.
Incinerators	Do.
Insulation, metal reflecting type	Do.
Jelly molds	Do.
Kitchenware of stainless steel	Do.
Lard or vegetable oil tubs	Do.
Laundry chutes	Do.
Laundry trays	Do.
Lavatories	Do.
Lawn sprinklers	Do.
Lighting poles and standards	Do.
Lockers	Do.
Looseleaf binding wire, rings, posts and metal parts	Do.
Mail boxes	Do.
Mailing tubes	Do.
Measuring pumps and dispensers for gasoline Station, garage, and household use, including but not limited to	Do.
Gasoline dispensing pumps.	
Grease pumps.	
Oil pumps.	
Kerosene pumps.	
Air pumps.	
Millinery wire and gimps	Do.
Office machinery used for	Do.
Change making.	
Coin handling.	
Check cancelling.	
Check cutting.	
Check dating.	
Check numbering.	
Check signing.	
Check sorting.	
Check writing.	
Envelope sealing.	
Paint spray outfits	Do.
Pencils, automatic	Do.
Pen holders	Do.
Photographic accessories	Do.
Picture and mirror hardware	Do.
Pie plates	Do.
Pneumatic tube delivery systems	Do.
Portable bath tubs	Do.
Push carts	Do.
Push plates and kick plates, doors	Do.
Radio antennae poles	Do.
Refrigerator containers and trays, household	Do.
Salt and pepper holders	Do.
Scaffolding	Do.
Service food trays	Do.
Sewer pipe, exterior installations	Do.
Shoe cleaning kits	Do.
Shower receptors	Do.
Shower stalls	Do.
Show window lighting and display equipment	Do.

List B—Continued

Item—Continued	*Governing Date*
Sink aprons and legs	May 5, 1942
Sink, metal drain boards, both integral and removable	Do.
Ski racks	Do.
Slide fasteners	Do.
Sporting and athletic goods	Do.
Stamped bakery equipment	Do.
Stamps and tablets	Do.
Sugar holders	Do.
Swivel chairs	Do.
Tags	Do.
Identification.	
Name.	
Tanks—storage, water	Do.
Teapots	Do.
Telephone bell boxes	Do.
Telescopes	Do.
Thermos jugs and bottles over 1 quart	Do.
Tile, steel-back	Do.
Tongs, food-handling and household use	Do.
Tool boxes	Do.
Tool cases	Do.
Urinals	Do.
Wagon bodies, frames and wheels, all metal	Do.
Wastebaskets	Do.
Wheelbarrows	Do.
Wire racks and baskets	Do.
Work benches	Do.

List C

None.

List D

(Other Scarce Materials)

Metals, except gold and silver.
Rubber.

[F. R. Doc. 42-4051; Filed, May 5, 1942; 11:44 a. m.]

PART 1208—NAPHTHENIC ACID AND NAPHTHENATES

GENERAL PREFERENCE ORDER M-142

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Naphthenic Acid and Naphthenates 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:

§ 1208.1 *General Preference Order M-142*—(a) *Definitions.* (1) "Naphthenic Acid" means the acids existing naturally in certain crude petroleums and distillates therefrom and known as monobasic carboxylic acids of the general formula RCOOH, where R is a naphthene (cyclic hydrocarbon) radical, such acids being normally obtained by extraction of such certain petroleum distillates with caustic soda. The term includes crude and refined sodium naphthenate intended for the manufacture of other naphthenates.

(2) "Naphthenate" means any salt of naphthenic acid other than crude and refined sodium naphthenate intended for the manufacture of other naphthenates. The term includes, but is not limited to, sodium naphthenate (except as above), potassium naphthenate, calcium naphthenate, copper naphthenate, zinc naphthenate, aluminum naphthenate, lead naphthenate, cobalt naphthenate, manganese naphthenate and triethanolamine naphthenate;

(3) "Driers" means products which are incorporated in paints, varnishes, and related materials to accelerate the process of drying thereof;

(4) "Producer" means any person engaged in the production of naphthenic acid or naphthenates and includes any person who has such materials produced for him pursuant to toll agreement;

(5) "Distributor" means any person who purchases naphthenic acid or naphthenates for sale;

(6) "Supplier" means any producer, distributor or other person who sells or offers for sale naphthenic acid or naphthenates.

(b) *Withholding of naphthenic acid for inventory stock.* Each Producer of Napthenic Acid shall accumulate before June 1, 1942 or as soon thereafter as possible, an inventory stock of Naphthenic Acid equivalent to 25% of his average monthly production during the first calendar quarter of 1942 and hold this quantity for distribution by the Director of Industry Operations. After any withdrawal from this inventory stock on authorization by the Director of Industry Operations, each Producer shall re-accumulate such quantity of inventory stock from production at the minimum rate of 5% of his daily production, or such other rate as may be specified from time to time by the Director of Industry Operations, unless such production is approved for delivery in accordance with paragraph (d) hereof.

(c) *Restrictions on use.* Except as specifically authorized by the Director of Industry Operations;

(1) No person shall use naphthenates for any purpose, be it a defense use or otherwise, if suitable substitutes are available and can be used for the same purpose.

(2) On and after May 5, 1942, no person shall use driers containing more than 40% by weight (dry basis) of naphthenates in the manufacture of paints, varnishes and related products except to fill orders to which a preference rating of A-2 or higher has been assigned or extended.

(3) On and after May 5, 1942, no person shall use naphthenates or any mixture containing more than 1% by weight (dry basis) of naphthenates except to fill orders to which a preference rating of A-10 or higher has been assigned or extended.

(d) *General restrictions on deliveries.* (1) Deliveries of Naphthenic Acid:

(i) On and after June 1, 1942, except as specifically authorized by the Director of Industry Operations or as provided in paragraph (d) (1) (ii) hereof, no Producer shall sell or deliver Naphthenic Acid. On or before the 1st day of each month, beginning June 1942, the Director of Industry Operations will issue to all producers of Naphthenic Acid specific directions covering deliveries of Naphthenic Acid which may be made by such Producer during that month.

(ii) This Order shall not prevent any Consumer of Naphthenic Acid from accepting delivery for his own use any processed or refined Naphthenic Acid which after the effective date of this Order is imported into the United States and is subject to import duty, nor shall the quantity of any consumer's inventory stock of such imported material prevent said Consumer from accepting deliveries of Naphthenic Acid approved by the Director of Industry Operations.

(2) *Deliveries of naphthenates:* On and after May 5, 1942, except as specifically authorized by the Director of Industry Operations or for purposes of resale, no person shall sell or deliver naphthenates or any mixture containing more than 1% by weight (dry basis) of naphthenates or driers containing more than 40% by weight (dry basis) of naphthenates except to fill orders to which the preference ratings specified in paragraphs (c) (2) and (3) have been assigned or extended.

(e) *Placing of orders, scheduling of deliveries and filing of forms*—(1) *Naphthenic Acid.* (i) Each person requiring Naphthenic Acid shall, on or before the 15th day of each month beginning with May, 1942, file with the Chemicals Branch, War Production Board, Washington, D. C., Form PD-439, properly executed by him, on which he shall show, among other things, the quantity he requests for delivery in the succeeding month, his inventory position, the use for the products requested, and the name of his Supplier.

(ii) Each producer of Naphthenic Acid shall, on or before the 15th day of each month beginning with May, 1942, file with the Chemicals Branch, War Production Board, Washington, D. C., Form PD-438, properly executed by him, on which he shall show among other things, his inventory position, and his estimated production in the succeeding month. After such Form PD-438 has been filed with said Chemicals Branch any changes of circumstances or matters occurring thereafter affecting the accuracy of the statements contained in such Form PD-438 shall be forthwith reported to said Chemicals Branch.

(2) *Naphthenates.* (i) Each person requiring Naphthenates or mixtures containing more than 1% by weight (dry basis) of Naphthenates for his own use or for resale on and after May 5, 1942, shall place his order for Naphthenates with his Supplier at least one week before the desired shipping date. Such orders shall have inscribed thereon or attached thereto, in substantially the same wording, the following certification statement of such person:

The undersigned purchaser certifies to the Supplier and to the War Production Board that:

1. The facts set forth herein are true and correct.

2. The purchaser is familiar with the provisions of General Preference Order No. M-142.

3. The purchaser's inventory of Naphthenates is not, and will not by acceptance of the Naphthenates hereby ordered, become in excess of a thirty day supply thereof, based on current permissible use and sale, except

as may be necessitated by delivery in the smallest practical delivery unit.

4. The Naphthenates requested on this order will be used only for the following purposes to which the duly authorized preference ratings as listed apply:

Use or purpose	Preference rating		Pounds required for each use
	Rating	Authority	

(Name of purchaser)

By (Authorized representative (position))

(Date)

(ii) Each Supplier of Naphthenates shall make deliveries pursuant to orders conforming to paragraph (e) (2) (i) hereof according to the preference ratings applicable thereto.

(f) *Intra-company transactions.* The prohibitions or restrictions contained in this Order with respect to acceptances of orders and deliveries in the absence of a contrary direction apply not only to acceptances of orders from and deliveries to other persons, including affiliates and subsidiaries, but also to acceptances of orders from and deliveries to one branch, division or section of a single enterprise by or from another branch, division or section of the same or any other enterprise under common ownership or control.

(g) *Inventory restrictions.* No Producer, or Distributor shall knowingly make, and no person shall accept delivery of Naphthenic Acid or Naphthenates if the inventory of the person accepting delivery is, or will by virtue of such acceptance become, in excess of a thirty day supply thereof, having regard to current permissible use or sale, but this order shall not prevent a person's accepting delivery thereof in the smallest practical delivery unit. This restriction is subject, however, to the exception with respect to imports specified by paragraph (d) (1) (ii) hereof.

(h) *Miscellaneous provisions*—(1) *Reports.* Each Producer and Distributor shall file with the Chemicals and Allied Products Branch of the Materials Division of the War Production Board such reports and questionnaires as said Board shall from time to time specify.

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

(3) *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.

(4) *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 unreasonably disproportionate compared with the amount of materials 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 Director of Industry Operations. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(5) *Notification of customers.* Producers and Distributors shall, as soon as practicable, notify each of their regular customers of the requirements of this Order, but failure to give such notice shall not excuse any person from the obligation of complying with the terms of this Order.

(6) *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.

(7) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board; Washington, D. C. Ref.: M–142.

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

(9) *Effective date.* This Order shall take effect upon the date of issuance thereof 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 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 5th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–4057; Filed, May 5, 1942; 11:46 a. m.]

PART 1213—SAFETY EQUIPMENT

GENERAL LIMITATION ORDER NO. L–114

The fulfillment of requirements for the defense of the United States has created shortages in the supplies for the war effort, for private account and for export, of materials entering into the production of Safety Equipment; and the following Order is deemed necessary and appropriate in the public interest and to promote the war effort:

§ 1213.1 *General Limitation Order L–114*—(a) *Definition.* "Safety Equipment" means all equipment, devices, guards, shields, containers, harnesses, headgear, belts, shoes, protective clothing, protective coverings, masks, respirators, inhalators, resuscitating apparatus, measuring instruments, indicating instruments, protective creams, treads, warning signs, and all other articles, which are manufactured or used to promote safety, or to prevent or reduce accidents, injuries, occupational hazards or diseases.

(b) *Restrictions on use of scarce materials.* Except as provided in paragraph (c) below, or upon specific authorization of the Director of Industry Operations, no person shall incorporate in the manufacture of Safety Equipment, or in any component part thereof, or sell, deliver, rent, purchase, accept delivery of, or obtain any Safety Equipment or parts thereof, in which there is incorporated or used, any of the following materials: Aluminum, Asbestos Cloth, Chromium, Copper, Copper Base Alloys, Nickel, Corrosion Resisting Steel, Alloy Steel, Tin, Synthetic Plastics, Magnesium, Rubber or Synthetic Rubber, or Neoprene.

(c) *General exceptions.* Paragraph (b) shall not apply to Safety Equipment assembled or manufactured:

(1) Prior to the date of this Order or from parts which were finished and ready for assembly on said date, provided such Safety Equipment is delivered to fill purchase orders bearing preference ratings of A–2 or higher, or

(2) From materials to the extent permitted in Appendix A hereto attached and made a part hereof, or

(3) Within 90 days after the effective date of this order, for delivery to, or for the account of, the Army, Navy, or Maritime Commission.

(d) *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.

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

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

(g) *Reports.* All persons affected by this Order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(h) *Violations.* Violation of this Order is a criminal offense. In addition, any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of materials subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation

for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

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

(j) *Communications.* All reports required to be filed hereunder, or communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Safety and Technical Equipment Branch, Industrial Safety Equipment Section, Washington, D. C. Ref.: L-114.

(k) *Effect of other orders.* With respect to the use of the materials named herein for incorporation in the products named herein, or in component parts thereof, this Order shall be subject to all other Orders to conserve specific raw materials (M Orders), and all Orders providing for a preference rating in deliveries, or for allocation, as are now or may hereafter be in effect.

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

Issued this 5th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

APPENDIX A

Pursuant to the provisions of paragraph (b) of the above Order, the following Materials may be used to the extent indicated:

(1) Asbestos Cloth in protective clothing, for industrial operations involving intense heat or handling of hot objects, or for firefighting.

(2) *Copper* or *copper base alloys* when essential to the proper functioning of:

(a) Eyelets, rivets, and fasteners worn on the person and required to be noncorrosive or non-sparking.

(b) Frames, side screen binders and temples for spectacle type goggles.

(c) Lens extension rings for Hot Workers' goggles.

(d) Valves, unions, ferrules, tubing, connections, housings, non-sparking fittings, fastenings, gaskets, pins, probe tubes, orifices, regulators and bearings, for respirators, gas masks or hazard measuring devices through which explosive, toxic, or corrosive gases, dusts or fumes may pass.

(e) Valves, tubing, manifolds, chambers, gaskets, discs, breaker valves, unions, connections, mouthpieces, orifices and facepiece parts on safety equipment through which oxygen or air under pressure is conducted.

(f) Conductors of electricity for safety devices and appliances.

(g) Lens retaining rings and fittings on gas mask facepieces.

(h) Exhalation and inhalation valve inserts and angle tubes for gas masks, air line respirator and breathing apparatus, face and mouth pieces.

(i) Screen in safety canisters to be used as flame arrestors.

(j) Tubing and valves in safety canisters.

(k) Tubing and fittings in hazard measuring devices.

(l) Screen for mask type goggles or hoods but not including side screens on spectacle type or molded goggles.

(m) Bridge clips for molded goggles.

(n) Cylinders, valves, tubing and regulators for compressed air, mechanical guarding devices.

(3) Nickel in:

(a) Nickel Silver for pad inserts for nose pads on spectable type goggles, but not to exceed 20% in such alloy.

(b) Nickel Silver for the following, but not to exceed 10% Nickel in such alloy:

(i) Valve inserts for respirators.

(ii) Reducing, admission, dilution, check and safety valve pins, stems, plungers, inserts, screws, spiders, sleeves, yokes and bearings on gas masks, breathing apparatus, or hazard measuring devices.

(4) Alloy steel in oxygen cylinders for breathing apparatus and inhalators, for which NE 8124 or 8233 Steel may be applied.

(5) Tin in solder up to 30% by weight.

(6) Synthetic plastics in:

(a) Protective hats and caps.
(b) Face shields.
(c) Goggle frames.
(d) Lenses and laminated glass.
(e) Respirator and gas mask parts.

(7) Rubber in:

(a) Respirators, hose masks and inhalators, except in head harnesses or straps.

(b) Linemen's gloves, overshoes, sleeves, and blankets.

(c) Webbing for head harnesses or straps for respirators, hose masks, inhalators, and goggles.

(d) Goggles for chemical workers.

(8) *Synthetic rubber* (subject to prior confirmation by Synthetic Rubber Section), in impregnating safety clothing for handling corrosive materials.

[F. R. Doc. 42-4054; Filed, May 5, 1942; 11:45 a. m.]

Chapter XI—Office of Price Administration

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

AMENDMENT NO. 1 TO MAXIMUM PRICE REGULATION NO. 136[1]—MACHINES AND PARTS

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 1390.4 is amended and a new subparagraph (6) is added to § 1390.1 (b), a new subparagraph (4) is added to § 1390.1 (c), a new paragraph (g) is added to § 1390.9 and a new § 1390.14a is added, as set forth below:

§ 1390.1 *Maximum prices for machinery and machine work.* * * *

(b) *Sales of new machines and parts by the manufacturer.* * * *

(6) For any new machine or part sold on an installed basis the maximum price shall be the price determined in accordance with subparagraphs (1), (2), (3), (4), or (5) except that in the determination of such price outbound freight may be calculated at the rates in effect on March 31, 1942, and the labor required for installation may be calculated at the prevailing rates in effect in March, 1942.

(c) *Sales of new machines and parts by a seller other than the manufacturer.* * * *

(4) Notwithstanding the provisions of subparagraph (1) of this paragraph (c), if for any new machine or part a seller other than a manufacturer had an established price in effect on October 31, 1941, which was higher than his price in effect on October 1, 1941 because of an increase in the price to him of such machine or part made between September 1 and October 1, 1941, inclusive, the maximum price for such machine or part shall be either (i) the price in effect on October 31, 1941 or (ii) the price in effect on October 1, 1941 plus an amount not exceeding in percentage the amount of the increase in the price to him, whichever is lower: *Provided*, That until the report provided for in § 1390.9 (g) is filed, the maximum price for such machine or part shall be the established price in effect on October 1, 1941.

§ 1390.4 *Terms and conditions.* No discounts or differences in price which the seller, lessor or processor on October 1, 1941, customarily allowed to different classes of purchasers or for different quantities or under different conditions of sale shall be eliminated or reduced. No guaranty, warranty of performance, maintenance, repair or installation service, or cash discount, trade-in allowance, or rental credit on purchase which was in effect on October 1, 1941, shall be discontinued.

§ 1390.9 *Reports.* * * *

(g) If for any new machine or part a seller other than a manufacturer had an established price in effect on October 31, 1941, which was higher than his price in effect on October 1, 1941, because of an increase in the price to him made between September 1 and October 1, 1941, inclusive, such seller may file on or before July 1, 1942, with the Office of Price Administration, Washington, D. C. a report containing (1) a description of the machine or part in question; (2) the seller's price in effect on October 31, 1941, and the date such price became effective; (3) the seller's price in effect on October 1, 1941 and the date such price became effective; (4) the price to such seller in effect on August 31, 1941; (5) the price to such seller in effect on October 1, 1941, and the date such price became effective; and

[1] 7 F.R. 3198.

(6) the maximum price determined pursuant to § 1390.1 (c) (4).

§ 1390.14a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1390.1 (b) (6), 1390.1 (c) (4), 1390.4, 1390.9 (g), and 1390.14 (a) to Maximum Price Regulation No. 136 shall become effective May 18, 1942.

Issued this 5th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4060; Filed, May 5, 1942; 12:10 p. m.]

Chapter XV—Defense Communications Board

[Order No. 6]

PART 1705—CLOSURE OF CABLE FACILITIES

CABLE FACILITIES OF FRENCH TELEGRAPH CABLE CO. WITHIN CONTINENTAL UNITED STATES

Whereas, the Defense Communications Board has determined that the national security and defense and the successful conduct of the war demand that the facilities of the French Telegraph Cable Company within the continental United States be immediately closed;

Now, therefore, By virtue of the authority vested in the Board by Executive Order No. 9089 [1] of March 6, 1942:

§ 1705.1 *French Telegraph Cable Company.* It is hereby ordered, that all the facilities of the French Telegraph Cable Company located within the continental United States, including all offices, stations, equipment and apparatus for the transmission, handling, and receipt of messages be, and they are hereby, designated for closure and closed.

Subject to such further order as the Board may deem appropriate.

DEFENSE COMMUNICATIONS BOARD,
JAMES LAWRENCE FLY,
Chairman.

Attest:

HERBERT E. GASTON,
Secretary.

MAY 4, 1942.

[F. R. Doc. 42-4012; Filed, May 4, 1942; 1:18 p. m.]

Notices

TREASURY DEPARTMENT.

Fiscal Service: Bureau of the Public Debt.

[1942 Dept. Cir. No. 685]

2½ PERCENT TREASURY BONDS OF 1962–67, OFFERING

MAY 4, 1942.

I. OFFERING OF BONDS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for bonds of the United States, designated 2½ percent Treasury Bonds of 1962–67. These bonds will not be available for subscription, for their own account, by commercial banks which accept demand deposits. The amount of the offering is not specifically limited.

II. DESCRIPTION OF BONDS

1. The bonds will be dated May 5, 1942, and will bear interest from that date at the rate of 2½ percent per annum, payable on a semiannual basis on June 15 and December 15 in each year until the principal amount becomes payable, the first payment being made December 15, 1942. They will mature June 15, 1967, but may be redeemed at the option of the United States on and after June 15, 1962, in whole or in part, at par and accrued interest, on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The income derived from the bonds shall be subject to all Federal taxes, now or hereafter imposed. The bonds shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will not be acceptable to secure deposits of public moneys before May 5, 1952, they will not bear the circulation privilege, and they will not be entitled to any privilege of conversion.

4. Bonds registered as to principal and interest will be issued in denominations of $100, $500, $1,000, $5,000, $10,000 and $100,000. The bonds will not be issued in coupon form prior to May 5, 1952, but will be available in coupon form after that date, in the same denominations as, and freely interchangeable with, the registered bonds of this issue. Under rules and regulations prescribed by the Secretary of the Treasury, provision will be made for the transfer of the bonds, other than to commercial banks which accept demand deposits, and for exchanges of denominations, on and after July 6, 1942. They will not be eligible for transfer to commercial banks which accept demand deposits before May 5, 1952. However, the bonds may be pledged as collateral for loans, including loans by commercial banks which accept demand deposits, but any such bank acquiring such bonds before May 5, 1952 because of the failure of such loans to be paid at maturity will be required to dispose of them in the same manner as they dispose of other assets not eligible to be owned by banks.

5. Except as provided in the preceding paragraphs, the bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions and security dealers generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Subscriptions must be accompanied by payment in full for the amount of bonds applied for.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of bonds applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. PAYMENT

1. Payment at par and accrued interest, if any, for bonds allotted hereunder must be made on or before May 5, 1942, or on later allotment. One day's accrued interest is $0.06868 per $1,000. Any qualified depositary will be permitted to make payment by credit for bonds allotted to its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its district.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 42-4016; Filed, May 4, 1942; 3:08 p. m.]

[1942 Dept. Circ. No. 684]

2 PERCENT TREASURY BONDS OF 1949–51, OFFERING

MAY 4, 1942.

I. OFFERING OF BONDS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for bonds of the United States, designated 2 percent Treasury Bonds of 1949–51. The amount of the offering is $1,250,000,000, or thereabouts.

[1] 7 F.R. 1777.

II. DESCRIPTION OF BONDS

1. The bonds will be dated May 15, 1942, and will bear interest from that date at the rate of 2 percent per annum, payable on a semiannual basis on September 15, 1942, and thereafter on March 15 and September 15 in each year until the principal amount becomes payable. They will mature September 15, 1951, but may be redeemed at the option of the United States on and after September 15, 1949, in whole or in part, at par and accrued interest, on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The income derived from the bonds shall be subject to all Federal taxes, now or hereafter imposed. The bonds shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege and will not be entitled to any privilege of conversion.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $100, $500, $1,000, $5,000, $10,000 and $100,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Subscribers must agree not to sell or otherwise dispose of their subscriptions, or of the securities which may be allotted thereon, prior to the closing of the subscription books. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than banking institutions will not be permitted to enter subscriptions except for their own account. Subscriptions from banks and trust companies for their own account will be received without deposit. Subscriptions from all others must be accompanied by payment of 10 percent of the amount of bonds applied for.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of bonds applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, subscriptions for amounts up to and including $10,000 will be allotted in full. The basis of the allotment on all other subscriptions will be publicly announced, and allotment notices will be sent out promptly upon allotment.

IV. PAYMENT

1. Payment at par and accrued interest, if any, for bonds allotted hereunder must be made or completed on or before May 15, 1942, or on later allotment. In every case where payment is not so completed, the payment with application up to 10 percent of the amount of bonds applied for shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit for bonds allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its district.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 42-4015; Filed, May 4, 1942; 3:08 p. m.]

WAR DEPARTMENT.

[Civilian Exclusion Order No. 27]

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

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA—ALAMEDA COUNTY, CALIF.

APRIL 30, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1[1] and 2,[2] this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Thursday, May 7, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All of that portion of the County of Alameda, State of California, within that boundary beginning at the point at which the southerly limits of the City of Berkeley meet San Francisco Bay; thence easterly and following the southerly limits of said city to College Avenue; thence southerly on College Avenue to Broadway; thence southerly on Broadway to the southerly limits of the City of Oakland; thence following the limits of said city westerly and northerly, and following the shoreline of San Francisco Bay to the point of beginning.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Friday, May 1, 1942, or during the same hours on Saturday, May 2, 1942, to the Civil Control Station located at 530 Eighteenth Street, Oakland, California.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Thursday, May 7, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving, or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

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

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

Confirmed:

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

[F. R. Doc. 42-4045; Filed, May 5, 1942; 11:34 a. m.]

[Civilian Exclusion Order No. 28]

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

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA—ALAMEDA AND CONTRA COSTA COUNTIES, CALIF.

APRIL 30, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1[1] and 2,[2] this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Thursday, May 7, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that

[1] 7 F.R. 2320.
[2] 7 F.R. 2405.

portion of Military Area No. 1 described as follows:

All of those portions of the Counties of Alameda and Contra Costa, State of California, within that boundary beginning at the point where College Avenue meets the southerly limits of the City of Berkeley; thence following the southerly limits of said city in an easterly direction to California State Highway No. 24; thence easterly along said Highway No. 24 to Walnut Creek; thence southerly on California State Highway No. 21 to its intersection with U. S. Highway No. 50; thence westerly and northerly on said Highway No. 50 to the southerly limits of the City of Oakland; thence following the southerly limits of said city in a westerly direction to San Francisco Bay; thence northerly and following the shoreline of San Francisco Bay, west of Bay Farm Island, and Alameda, to the northwestern entrance of the channel entering Oakland Inner Harbor; thence following said channel southeasterly to Broadway (City of Oakland); thence northeasterly on Broadway to College Avenue; thence northerly on College Avenue to the point of beginning.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Friday, May 1, 1942, or during the same hours on Saturday, May 2, 1942, to the Civil Control Station located at: 1117 Oak Street, Corner, 12th and Oak Streets, Second Floor, Oakland, Calif.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Thursday, May 7, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress. approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving. or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

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

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

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

[F. R. Doc. 42-4046; Filed, May 5, 1942; 11:34 a. m.]

[Civilian Exclusion Order No. 29]

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

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA—LOS ANGELES COUNTY, CALIF.

APRIL 30, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1[1] and 2,[2] this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Thursday, May 7, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All that portion of the County of Los Angeles, State of California, within the boundary beginning at the intersection of Western Avenue and Redondo Beach Boulevard, northwest of Gardena; thence easterly on Redondo Beach Boulevard and Compton Boulevard to Atlantic Boulevard; thence southerly on Atlantic Boulevard to Artesia Street; thence westerly on Artesia Street to Alameda Street; thence southerly on Alameda to Carson Street; thence westerly on Carson Street to a point at which a north-south line established by Western Avenue intersects Carson Street; thence northerly on said line and Western Avenue to the point of beginning.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Friday, May 1, 1942, or during the same hours on Saturday, May 2, 1942, to the Civil Control Station located at: 16522 South Western Avenue, Torrence, Calif.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Thursday, May 7, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving, or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

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

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

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

[F. R. Doc. 42-4047; Filed, May 5, 1942; 11:35 a. m.]

[Civilian Exclusion Order No. 30]

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

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA—LOS ANGELES COUNTY, CALIF.

APRIL 30, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1[1] and 2,[2] this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Thursday, May 7, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All that portion of the County of Los Angeles, State of California, within the boundary beginning at the intersection of Washington Boulevard and Sepulveda Boulevard, southwest of Culver City; thence northeasterly and easterly on Washington Boulevard to Arlington Avenue; thence southerly on Arlington Avenue to Vernon Avenue; thence easterly on Vernon Avenue to Vermont Avenue; thence southerly on Vermont Avenue to Slauson Avenue; thence easterly on Slauson Avenue to Atlantic Boulevard; thence southerly on Atlantic Boulevard to Compton Boulevard; thence westerly on Compton Boulevard and Redondo Beach Boulevard to Western Avenue; thence northerly on Western Avenue to Manchester Avenue; thence westerly on Manchester Avenue to Sepulveda Boulevard; thence northerly and northwesterly on Sepulveda Boulevard to the point of beginning.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Friday, May 1, 1942, or during the same hours on Saturday, May 2, 1942, to the Civil Control Station located at: 7412 South Broadway, Los Angeles, Calif.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Thursday,

[1] 7 F.R. 2320.
[2] 7 F.R. 2405.

May 7, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving, or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

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

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

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

[F. R. Doc. 42-4048; Filed, May 5, 1942; 11:35 a. m.]

[Civilian Exclusion Order No. 31]

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

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA—LOS ANGELES COUNTY, CALIF.

APRIL 30, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1[1] and 2,[2] this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Thursday, May 7, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All that portion of the County of Los Angeles, State of California, bounded on the north by East Sixth Street and Whittier Boulevard (City of Los Angeles), bounded on the east by California State Highway No. 15 (Atlantic Boulevard), bounded on the south by Slauson Avenue, and bounded on the west by a line running northerly on Central Avenue to East Ninth Street, (Olympic Boulevard); thence northwesterly on East Ninth Street to Main Street, and thence northerly on Main Street to East Sixth Street.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Friday, May 1, 1942, or during the same hours on Saturday, May 2, 1942, to the Civil Control Station located at: 839 South Central Avenue, Los Angeles, California.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Thursday, May 7, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving, or Committing any Act in Military Areas or Zones," an alien Japanese will be subject to immediate apprehension and internment.

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

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

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

[F. R. Doc. 42-4049; Filed, May, 5, 1942; 11:36 a. m.]

[1] 7 F.R. 2320.
[2] 7 F.R. 2405.

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[General Docket No. 21]

IN THE MATTER OF DETERMINING THE EXTENT OF CHANGE, IF ANY, IN EXCESS OF 2 CENTS PER NET TON IN THE WEIGHTED AVERAGE OF THE TOTAL COSTS OF ANY OF THE MINIMUM PRICE AREAS; AND OF REVISING THE EFFECTIVE MINIMUM PRICES AS MAY BE REQUIRED BY REASON OF ANY SUCH CHANGE IN COSTS

[Docket Nos. A-1299, A-1360, A-1422, A-1423, A-1424]

PETITIONS OF CERTAIN BITUMINOUS COAL PRODUCERS BOARDS FOR ESTABLISHMENT OF MINIMUM PRICES BASED ON COSTS DETERMINED IN FIRST PHASE OF GENERAL DOCKET 21

NOTICE AND ORDER CONCERNING CONSOLIDATION AND HEARING

On February 2, 1942, District Board No. 16 (Docket No. A-1299) filed a petition requesting (1) with certain exceptions, a 15 cent increase in the minimum prices for District 16 pending final disposition of General Docket No. 21; and (2) a final order granting such relief.

On March 18, 1942, District Board No. 14 (Docket No. A-1360) filed a petition requesting a 35.6 cent increase in the minimum prices for District 14 pending final disposition of General Docket No. 21.

On April 21, 1942, District Board No. 11 (Docket No. A-1422) filed a petition requesting (1) a 20 cent increase in the minimum prices for Minimum Price Areas 1 and 2, pending final determination of General Docket No. 21; (2) an order making such temporary relief final; and (3) consolidation of Docket No. A-1422 with General Docket No. 21.

On April 22, 1942, District Boards Nos. 1, 2, 3, 4, 5, 6, and 8 (Docket No. A-1423) and District Board No. 9 (Docket No. A-1424) filed petitions requesting similar relief.

By Order of April 17, 1942, a hearing was scheduled in General Docket No. 21 on May 5, 1942, for the purpose of determining what adjustments should be made in existing minimum prices in order to reflect the changes in costs heretofore determined in this proceeding.

It appears that the original petitions filed by the respective District Boards (except District Board 11) and the Notice of and Order for Resumption of Hearing in General Docket No. 21 raise similar and related issues and that such matters should be consolidated for all purposes.

District Board No. 11 (Docket No. A-1422) has alleged as a basis for relief that costs of production have increased since the period for which costs determinations were made in the first phase of General Docket No. 21. I am accordingly of the opinion that District Board No. 11's petition raises issues not within the scope of the second phase of General Docket No. 21, which is strictly limited by the Order dated April 17, 1942, to determining what adjustments should be made in the existing minimum prices in order to reflect the changes in cost heretofore found by the Acting Director in this proceeding. District Board No. 11's request for consolidation should accordingly be denied.

Now, therefore, it is ordered, That Dockets Nos. A-1299, A-1360, A-1423, and A-1424, be and the same hereby are consolidated for all purposes with General Docket No. 21.

It is further ordered, That District Board No. 11's request for consolidation of Docket No. A-1422 with General Docket No. 21 is denied.

Dated: May 4, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4044; Filed, May 5, 1942; 10:46 a. m.]

[Docket No. 1787-FD]

IN THE MATTER OF CLARENCE MALLIOTT & WM. MAUCH, A CO-PARTNERSHIP, D. B. A. SILVER TIP MINING COMPANY, CODE MEMBER

ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE EXAMINER AND CEASE AND DESIST ORDER

A complaint, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division on June 30, 1941, by the Bituminous Coal Producers Board for District No. 19, alleging that Clarence Malliott & Wm. Mauch, a co-partnership doing business as Silver Tip Mining Company, a code member in District No. 19, has violated the provisions of the Bituminous Coal Code or rules and regulations thereunder and praying that the Division either cancel or revoke the code membership of Clarence Malliott & Wm. Mauch, a co-partnership, doing business as Silver Tip Mining Company or, in its discretion, direct code member

to cease and desist from violations of the Code and rules and regulations thereunder.

A hearing having been held before Scott A. Dahlquist, a duly designated Examiner of the Division, at a hearing room thereof in Billings, Montana, on November 14, 1941;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in the matter dated March 25, 1942, in which it was recommended that an order be entered directing code member to cease and desist from violating the Act, the Schedule of Effective Minimum Prices for District No. 19 For All Shipments, the Code and rules and regulations thereunder.

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 determined after consideration of the record that the proposed findings of fact and proposed conclusions of law of the Examiner should be approved and adopted as findings of fact and conclusions of law of the undersigned;

Now, therefore, it is ordered, That the proposed findings of fact and proposed conclusions of law of the Examiner 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 code member Clarence Mailiott & Wm. Mauch, a co-partnership doing business as Silver Tip Mining Company, its representatives, agents, servants, employees, attorneys, and successors or assigns, and all persons acting or claiming to act in its behalf or interest, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal below the minimum prices therefor and from violating the Bituminous Coal Act and Schedule of Effective Minimum Prices for District No. 19, For All Shipments, the Bituminous Coal Code and the rules and regulations thereunder.

It is further ordered, That code member be notified that, upon its failure to comply with this Order, the Division may forthwith apply to a Circuit Court of Appeals of the United States or take other action appropriate to enforcement of this Order.

Dated: May 4, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4036; Filed, May 5, 1942; 10:49 a. m.]

[Docket No. 1478-FD]

APPLICATION OF KEYSTONE PUBLIC SERVICE COMPANY FOR EXEMPTION

ORDER DENYING EXEMPTION AND DISMISSING APPLICATION

An application having been filed with the Bituminous Coal Division on November 6, 1940, by the Keystone Public Service Company (hereinafter referred to as "Keystone"), pursuant to section 4-A of the Bituminous Coal Act of 1937, seeking an exemption from the provisions of Section 4 of the Act for coal produced from certain leases owned by Keystone, alleging that: (1) Keystone, a corporation organized and existing under the laws of the State of Pennsylvania, is engaged in generating, sale and distribution of electric current in Venango and Crawford Counties, Pennsylvania, and in the course of such business operates a power plant in Oil City, Pennsylvania; (2) that in order to insure a constant supply of coal for use at its power plant, it acquired on or about October 10, 1940, coal leases covering approximately 34 acres of land in Clarion County, Pennsylvania; (3) that the applicant began to produce coal from the land covered by said leases on or about October 14, 1940, and that all coal produced from the leases is transported to and consumed at the applicant's power plant, which transportation covers a distance of about 30 miles and involves only intrastate commerce;

Pursuant to an order of the Director, and after notice to interested persons, a hearing in this matter was held on December 17 and 18, 1940, before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof in Oil City, Pennsylvania, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

Appearances having been entered on behalf of Keystone and District Boards 1 and 2;

The preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact, Conclusions of Law and having rendered an Opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That effective thirty (30) days from the date hereof, the exemption prayed for in the application filed herein by the Keystone Public Service Company be, and it hereby is, denied, and the application be, and it hereby is, dismissed.

Dated: May 4, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4037; Filed, May 5, 1942; 10:49 a. m.]

[Docket No. D-16]

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

ORDER POSTPONING HEARING

A Notice of and Order for Hearing having been issued in this matter on April 4, 1942, providing that a hearing be held on May 7, 1942; and

A motion having been filed by the applicant for postponement of the hearing for a period of thirty days; and

The Acting Director finding that a reasonable showing of necessity for postponement has been made by the applicant:

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is, postponed from May 7, 1942, at 10:00 a. m. until June 8, 1942, at 10:00 a. m. at the place and before the Examiner heretofore designated.

It is further ordered, That the time within which persons may file notices of their desires to be heard at such hearing be, and it hereby is, extended to and including June 4, 1942.

In all other respects the Notice of and Order for Hearing entered in this matter on April 4, 1942, shall remain in full force and effect.

Dated: May 2, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4038; Filed, May 5, 1942; 10:50 a. m.]

[Docket No. A-1409]

PETITION OF CARL NYMAN, A CODE MEMBER IN DISTRICT NO. 20 FOR REVISION IN THE MINIMUM PRICES FOR THE COALS, FOR TRUCK SHIPMENT, PRODUCED FROM THE NATIONAL MINE (MINE INDEX NO. 179) IN DISTRICT NO. 20

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on June 4, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts

on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before May 28, 1942.

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

The matter concerned herewith is in regard to the petition of Carl Nyman, a code member in District No. 20, for a reduction of 30 cents per ton in the minimum prices for the coals, in all size groups, produced from the National Mine, Mine Index No. 179, in District No. 20, for shipment by truck into all market areas.

Dated: May 2, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4039; Filed, May 5, 1942; 10:50 a. m.]

[Docket No. B-219]

IN THE MATTER OF FREEBROOK CORPORATION, CODE MEMBER, DEFENDANT

ORDER POSTPONING HEARING AND REQUIRING WITNESSES TO APPEAR AND TESTIFY AT SAID POSTPONED HEARING

The above-entitled matter having been scheduled for hearing on May 4, 1942, at a hearing room of the Division at the Colonial Hotel, Altoona, Pennsylvania, pursuant to an Order of Postponement dated April 11, 1942; and

R. L. Roberts, Charles M. Shoffner, B. W. Allendorfer, W. M. Dippold, and W. H. Shaffer, all of Kittanning, Pennsylvania, having been duly served with subpoenas requiring each of them to appear before the presiding officer at said hearing at the time and place aforesaid to testify and give evidence in the above-entitled matter and to bring with each of them and to produce at the time and place aforesaid certain books and records; and

The defendant herein having duly filed with the Division on April 30, 1942, an amended application based upon admissions for disposition of the above-entitled matter without formal hearing, pursuant to § 301.132 of the Rules of Practice and Procedure, and having requested a postponement of the hearing herein to a time and place to be hereafter designated by an appropriate order; and

The Acting Director deeming it advisable that said request should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same hereby is postponed from May 4, 1942, at 10 a. m. at Altoona, Pennsylvania, to a time and place to be hereafter designated by an appropriate order; and

It is further ordered, That R. L. Roberts, Charles M. Shoffner, B. W. Allendorfer, W. M. Dippold, and W. H. Shaffer, all of Kittanning, Pennsylvania, appear before the presiding officer at a time and place hereafter designated by appropriate order to testify and give evidence in the above-entitled matter, to bring with each of them and to produce at the time and place aforesaid certain books and records as described in said subpoenas.

Dated: May 2, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4040; Filed, May 5, 1942; 10:50 a. m.]

[Docket No. 1646-FD]

IN THE MATTER OF E. R. ELLINGTON, CODE MEMBER

ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

A complaint having been filed on April 2, 1941, with the Bituminous Coal Division, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 13, alleging wilful violation by E. R. Ellington, a code member in District 13, of the Bituminous Coal Code and the rules and regulations thereunder as follows:

That he sold for shipment by truck and delivered the same in trucks owned by him, during January and February 1941, 242.75 net tons of unwashed mine run coal (Size Group 13) produced at his Black Cat Mine (Mine Index No. 317), located in Subdistrict 2 of District 13, at a delivered price of $3.00 per net ton; that the minimum f. o. b. mine price applicable to such sales was $2.85 per net ton; that the actual cost of transportation from the mine to the point of delivery, a distance of about 25 miles, was an amount in excess of 15 cents per net ton.

Pursuant to Orders of the Director and the Acting Director, and upon due notice to interested persons, a hearing in this matter having been held on February 24, 1942, before Scott A. Dahlquist, a duly designated Examiner of the Division, at a hearing room thereof in Birmingham, Alabama, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the matter having been presented to the undersigned;

The undersigned having made Findings of Fact, Conclusions of Law, and having rendered an Opinion, which are filed herewith;

Now, therefore, it is ordered, That the code membership of E. R. Ellington, a code member in District 13, operating his Black Cat Mine (Mine Index No. 317) in Subdistrict 2 of District 13, be and it is hereby revoked and cancelled, effective fifteen (15) days from the date of this Order; and

It is further ordered, That, prior to any reinstatement of the defendant, E. R. Ellington, to membership in the Code, code member shall pay to the United States a tax in the amount of $269.82, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: May 2, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4041; Filed, May 5, 1942; 10:51 a. m.]

[Docket No. 1762-FD]

IN THE MATTER OF PEERLESS COAL COMPANY, DEFENDANT

CEASE AND DESIST ORDER

District Board No. 14, the complainant, having filed a complaint with the Bituminous Coal Division pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging that Peerless Coal Company, a code member in District 14, wilfully violated the Bituminous Coal Code or rules and regulations thereunder, and the effective minimum prices by selling for rail shipment a considerable quantity of prepared coal at f. o. b. mine prices lower than the effective minimum f. o. b. mine prices applicable to such sales;

A hearing having been held before D. C. McCurtain, a duly designated Examiner of the Division at a hearing room thereof in Fort Smith, Arkansas, on October 3, 1941;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated February 23, 1942, in which he found that defendant had sold coal in violation of the Coal Act and recommended that an order be entered revoking and cancelling the defendant's code membership;

An opportunity having been afforded to all parties to file exceptions thereto and exceptions thereto and supporting briefs, together with a request for oral argument, having been filed by the defendant and a brief having been filed by District Board 14 in opposition to the defendant's exceptions and in support of the Examiner's Report;

The undersigned having considered this matter and having rendered his Findings and Opinion concerning the exceptions to the Examiner's Report;

Now, therefore, it is ordered, That the stipulation entered into between District Board 14, the complainant, and Peerless Coal Company, the defendant, on December 23, 1941, and filed herein, be, and the same hereby is, approved and such stipulation is hereby made a part of the record in this proceeding.

It is further ordered, That the request of the defendant for oral argument be, and the same hereby is, denied.

It is further ordered, That the exceptions of the defendant be, and the same hereby are, sustained to the extent set forth in the Opinion rendered in this matter and otherwise denied.

It is further ordered, That the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation of the Examiner, as modified in the Opinion filed herewith, be, and they hereby are, adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That Peerless Coal Company, a corporation, its representatives, servants, agents, employees, attorneys, successors and assigns, and all persons acting or claiming to act in its behalf or interest, cease and desist, and they are permanently enjoined and restrained from selling or offering for sale coal at prices below the effective minimum prices established therefor in the Schedule of Effective Minimum Prices for District 14 for All Shipments Except Truck, and from otherwise violating the Bituminous Coal Act, the Code, and the Marketing Rules and Regulations.

It is further ordered, That if the defendant fails or neglects to comply with this order, the Division may in its discretion forthwith apply to the Circuit Court of Appeals of the United States within any Circuit where such code member carries on business for the enforcement thereof, or take any other appropriate action.

Dated: May 2, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4042; Filed, May 5, 1942; 10:51 a. m.]

[Docket No. D-1]

APPLICATION OF JEROME FREEDMAN FOR REGISTRATION AS A DISTRIBUTOR

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER

This proceeding was instituted upon the application of Jerome Freedman, 800 Eighth Avenue, New York, New York, for registration as a distributor, pursuant to § 304.11 of the Rules and Regulations for the Registration of Distributors.

The application was filed on September 20, 1941, and after considering the statements contained in the application, the Director found that no adequate showing was made that the applicant was actively, regularly and continuously engaged in the business of purchasing coal for resale and reselling it in not less than cargo or railroad carload lots without physically handling such coal, within the meaning of § 304.13 of the Rules and Regulations for the Registration of Distributors. The applicant was advised accordingly by letter of the Director dated October 24, 1941. In this letter the applicant was also advised that if he desired to make a further showing as to his eligibility for registration he could do so by filing a revised application setting forth new facts or could request a hearing for the purpose of making such showing. In a letter dated October 27, 1941, the applicant requested that he be given an opportunity of furnishing additional information at a hearing.

Pursuant to an Order of the Director dated November 10, 1941, and after notice to interested persons, a hearing in this matter was held on December 16, 1941, before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Jerome Freedman, the applicant, appeared. The preparation and filing of a report by the Examiner was waived and the record was thereupon submitted to the undersigned.

The application of Jerome Freedman filed on September 20, 1941, contained statements to the effect that the applicant had during 1940 and 1941 sold approximately 5,000 tons of bituminous coal as sales agent for the Bird Coal Company,[1] a producer, and that the applicant had, during the year 1939, sold approximately 5,000 tons of coal as a salesman employed by the Wyoming Valley Engineering Company. As stated by the Director in his letter of October 24, 1941, to the applicant, there was no showing that the applicant had been regularly and continuously engaged in the business of purchasing coal for resale and thus, on the basis of the facts set forth in the application, the applicant was not entitled to registration as a distributor.

However, at the hearing, the applicant presented uncontroverted evidence to show that during the year 1941 he purchased and resold considerable tonnage without physically handling the coal. The applicant has been connected with the coal business in one way or another since 1934, but has purchased coal for resale only since March 1941. According to an exhibit introduced in evidence, 134 cars of run of mine coal were purchased and resold by the applicant on various dates during the period from March 3, 1941 to December 20, 1941. This coal, produced by five different code members in Pennsylvania, was purchased from the Leon Coal Sales, a registered distributor. The coal was invoiced to the applicant and was resold by him in the New York City area to certain retail coal dealers, principally the Lionel Fuel Corporation and the Tesser Coal Company, and to certain industrial plants. The coal was purchased at not less than the established minimum prices. It was also shown that the applicant is not engaged in the retail coal business and is not financially or otherwise interested in the Leon Coal Sales or in any of the retail dealers or consumers to whom he has sold the coal.

A "distributor" is defined in § 304.10 of the Distributors Rules as "a person who purchases coal f. o. b. the mine for resale and resells it in not less than cargo or railroad carload lots, without physically handling such coal * * *." Section 304.13 of the Distributors Rules provides that registration as a distributor is to be granted "upon a determination by this Division (whether upon the application or after hearing held for such purpose) that the applicant is a bona fide merchant actively, regularly and continuously engaged in the business of purchasing coal for resale and actually reselling it in cargo or railroad carload lots without physically handling such coal * * *."

The fact that the applicant purchased and resold a total of 134 cars of coal in carload lots during a period of approximately nine and one-half months in 1941, without physically handling such coal, is sufficient to justify his being considered a bona fide merchant actively, regularly and continuously engaged in the business of purchasing coal for resale in cargo or railroad carload lots, as required by § 304.13 of the Rules and Regulations for the Registration of Distributors. Since the application of Jerome Freedman is in proper form and contains the information required in all other respects, I find and conclude that it should be granted.

Now, therefore, it is ordered, That the application of Jerome Freedman for registration as a distributor, pursuant to section 4 II (h) of the act and § 304.11 of the Rules and Regulations for the Registration of Distributors, be, and it hereby is, granted.

Dated: May 2, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4043; Filed, May 5, 1942; 10:51 a. m.]

[1] The applicant, under the trade name of East Coast Distributor, has a sales agency agreement with the Bird Coal Company which has been approved by the Division.

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

NOTICE OF REPORT AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED MARKETING AGREEMENT, AS AMENDED, AND A MARKETING ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE TOLEDO, OHIO, MARKETING AREA, PREPARED BY THE ADMINISTRATOR OF AGRICULTURAL MARKETING ADMINISTRATION

Pursuant to § 900.12 (a) of the General Regulations of the Surplus Marketing Administration, United States Department of Agriculture, governing proceedings to formulate marketing orders and marketing agreements, notice is hereby given of the filing with the hearing clerk of this report of the Administrator of the Agricultural Marketing Administration, with respect to a proposed marketing agreement, as amended, and to a marketing order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area. Interested parties may file exceptions to the report with the Hearing Clerk, Room 0312, Department of Agriculture, Washington, D. C., not later than the close of business on the 7th day after publication of this notice in the FEDERAL REGISTER. Exceptions to the report should be made in quadruplicate.

PRELIMINARY STATEMENT

The proceedings were initiated by the Surplus Marketing Administration upon

receipt of a petition dated January 21, 1942, from the Northwestern Cooperative Sales Association for a public hearing on proposals to enlarge the marketing area, to revise the computation of milk in each class, to revise the formula for Class II and Class III milk and to provide for a stated price of $2.95 per hundredweight for Class I milk, to establish a Class I price applicable to milk sold in the Monroe, Michigan, segment of the marketing area, which would be 20 cents per hundredweight lower than that applicable to the remainder of the marketing area, to revise the advance payment to producers, and to terminate the market-share provision. Following this request the Dairy and Poultry Branch, Agricultural Marketing Administration, proposed, in addition, to reconsider the butterfat differential to producers, to delete the price of Class I milk disposed of outside the marketing area, and to reconsider the definition of producer and handler. After consideration of the proposals, notice of hearing was issued on March 24, 1942, and the hearing was convened on March 30, 1942.

The major issues developed in the hearing revolved around the level at which Class II and Class III prices should be fixed in relation to condensery paying price, the advisability of establishing a stated Class I price, the extension of the marketing area to include territory adjacent to the city of Toledo, Ohio, and the city of Monroe, Michigan, the implications of requiring handlers to pay for Class I milk on a volume basis, the advisability of permitting handlers to purchase a restricted volume of milk to be manufactured into butter to be priced on a butterfat formula, the price handlers should pay for Class I milk sold outside of the marketing area, and the amount of the advance payment handlers should make to producers.

It is concluded from the record that a marketing agreement, as amended, be issued and offered to handlers which will provide changes in Order No. 30, as amended, as follows:

1. The marketing area to be enlarged to include the territory within the townships of Monclova, Springfield, Adams, Sylvania, Washington, Jerusalem, and Oregon in Lucas County, and the townships of Perrysburg, Ross, and Lake in Wood County, all in the State of Ohio; and the townships of Whiteford, Bedford, and Erie in Monroe County, in the State of Michigan.

2. The new-producer clause to be elimnated.

3. The provisions pertaining to computation of milk in each class to be revised to provide for determining the volume of Class I milk on an actual weight basis.

4. The Class I price to be the average condensery price plus 90 cents for June 1942; and thereafter, the average condensery price plus 80 cents for the months of April, May, and June, and plus 90 cents per hundredweight for the months of July through March, instead of Class III price plus 80 cents per hundredweight for the entire year, as specified in the present order, as amended.

5. The price of Class II milk to be the average condensery price, plus 25 cents per hundredweight for the months of July through March, and plus 15 cents for the months of April, May, and June, instead of the Class III price plus 30 cents for the entire year, as specified in the present order, as amended.

6. The price of Class III milk to be the average of the prices paid by specified condenseries in the Toledo area for the months of July through March, and such price less 10 cents for the months of April, May, and June, instead of the average condensery price less 10 cents per hundredweight for the entire year, as specified in the present order, as amended.

7. The condensery plant operated by the Pet Milk Company at Hudson, Michigan, to be added to the list of plants used in determining the Class III price.

8. The price of Class I milk disposed of outside the marketing area to be the regular Class I price for the marketing area.

9. The amount of the advance payment which each handler is required to pay to be increased from $1.50 per hundredweight to an amount per hundredweight which equals such handler's uniform price for the preceding delivery period.

10. The market-share provision to be deleted.

11. The butterfat differential to producers to be revised.

The proposed marketing agreement and order, as amended, are recommended as the detailed means by which these conclusions can be carried out.

This report filed at Washington, D. C., the 4th day of May 1942.

[SEAL] ROY F. HENDRICKSON,
Administrator.

PROPOSED MARKETING ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE TOLEDO, OHIO, MARKETING AREA

These proposed amendments are prepared by the Administrator pursuant to § 900.12 (a) of the General Regulations, Surplus Marketing Administration, and have not received the approval of the Secretary of Agriculture.

It is found, upon the evidence introduced at the public hearing held in Toledo, Ohio, on March 30, 1942, such findings being in addition to the findings made upon the evidence introduced at prior public hearings on the order (which findings are hereby ratified and affirmed save only as such findings are in conflict with the findings hereinafter set forth):

Findings

1. That the prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to section 2 and section 8 (e) (50 Stat. 246; 7 U.S.C., 1940 ed. 602, 608e), are not reasonable in view of the prices of feeds, the available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk, and that the minimum prices set forth in this order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

2. That the order, as amended, regulates the handling of milk in the same manner as and is applicable only to handlers defined in a marketing agreement, as amended, upon which a hearing has been held; and

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

Provisions

§ 930.1 *Definitions*—(a) *Terms.* The following terms shall have the following meanings:

(1) The term "Secretary" means the Secretary of Agriculture of the United States.

(2) The term "Toledo, Ohio, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of the city of Toledo, and the towns and villages of Ottawa Hills, Maumee, Sylvania, Harbor View, Rossford, and Trilby, in Lucas County, also the townships of Monclova, Springfield, Adams, Sylvania, Washington, Jerusalem, and Oregon in Lucas County, and the townships of Perrysburg, Ross, and Lake in Wood County, all in the State of Ohio; the village of Lakeside, and the territory within the townships of Whiteford, Bedford, and Erie, in Monroe County, in the State of Michigan.

(3) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(4) The term "producer" means any person who produces milk which is received at the plant of a handler from which milk is disposed of in the marketing area and any person reported by a handler pursuant to § 930.3 (a) (6).

(5) The term "handler" means any person who, on his own behalf or on behalf of others, purchases or receives milk from producers, associations of producers, or other handlers, all, or a portion, of which milk is disposed of as milk in the marketing area, and who, on his own behalf or on behalf of others, engages in such handling of milk as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk and its products.

(6) The term "delivery period" means any calendar month.

(7) The term "market administrator" means the agency which is described in § 930.2 for the administration hereof.

(8) The term "act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937.

(9) The term "emergency milk" means milk received by a handler from sources other than producers under a permit to receive such milk issued by the proper health authorities.

§ 930.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person se-

lected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof; and

(2) Report to the Secretary complaints of violation of the provisions hereof.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(2) Pay, out of the funds provided by § 930.8, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office.

(3) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the Secretary may designate.

(4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not (a) made reports pursuant to § 930.3 or (b) made payments pursuant to § 930.7.

(5) Promptly verify the information contained in the reports submitted by handlers.

§ 930.3 *Reports of handlers*—(a) *Submission of reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 5th day after the end of each delivery period (a) the receipts of milk from producers, (b) the receipts of milk from handlers, (c) the receipts of milk produced by him, if any, (d) the receipts of milk from any other source, and (e) the utilization of all receipts of milk for the delivery period.

(2) Within 10 days after the market administrator's request with respect to any producer for whom such information is not in the files of the market administrator and with respect to a period or periods of time designated by the market administrator (a) the name and address, (b) the total pounds of milk received (c) the average butterfat test of milk received, and (d) the number of days upon which milk was received.

(3) On or before the 20th day after the end of each delivery period, his producer pay roll, which shall show for each producer (a) the total delivery of milk with the average butterfat test thereof, (b) the net amount of the payment to such producer made pursuant to § 930.7, and (c) the deductions and charges made by the handler.

(4) On or before the 5th day after the market administrator's request, a schedule which shall show the transportation rates which are charged and paid for the transportation of milk from the farm of each producer to such handler's plant.

(5) On or before the 5th day after any changes are made in the schedule filed in accordance with subparagraph (4) of this paragraph, a copy of the revised schedule with the effective dates of such changes as may appear in the revised schedule.

(6) On or before the 5th day after the end of each delivery period, a list showing the name and address of each person who produces milk and is under contract with such handler, either individually or through a cooperative association, to have his milk received and paid for as part of the handler's supply of milk for the marketing area, but whose milk may be received at a plant of such handler from which no milk is disposed of in the marketing area. Any such person who is not included on such a list, submitted on or before the 5th day after the end of the delivery period, shall not be deemed to be a producer for such delivery period.

(7) On or before the day such handler receives emergency milk his intention to receive such milk.

(8) On or before the 5th day after the end of each delivery period, the receipts of emergency milk, as follows: (a) the amount of such milk, (b) the date or dates upon which such milk was received during the delivery period, (c) the plant from which such milk was shipped, and (d) such other information with respect thereto as the market administrator may request.

(b) *Verification of reports.* Each handler shall make available to the market administrator or his agent (1) those records which are necessary for the verification of the information contained in the reports submitted in accordance with this section and § 930.4 (c), and (2) those facilities necessary for the check-weighing, testing, and sampling of milk and for determining the utilization of milk being made by the handler.

If, in the verification of the reports of any handler made pursuant to paragraph (a) of this section, it is necessary for the market administrator to examine records relating to milk and cream handled in a plant of the handler from which no milk is disposed of in the marketing area, such handler shall make such records available to the market administrator. If, in the verification of the reports of any handler made pursuant to paragraph (a) of this section, the market administrator finds that subsequent to the delivery period for which the verification is being made, any milk of a producer received during such delivery period was used in a class other than that in which it was first disposed of, such milk shall be reclassified accordingly and the adjustments necessary to reflect the reclassified value of such milk shall be made in the value of milk computed for such handler for the delivery period following such reclassification of milk.

§ 930.4 *Classification of milk*—(a) *Milk to be classified.* All milk, including milk produced by him, if any, received by each handler at a plant from which milk is disposed of in the marketing area and all milk of producers reported pursuant to § 930.3 (a) (6) shall be classified, subject to the provisions of paragraphs (c) and (d) of this section, by the market administrator in the classes set forth in paragraph (b) of this section.

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

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

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

(3) Class III milk shall be all milk used to produce a milk product other than those specified in Class II milk, and all actually accounted for plant shrinkage up to but not exceeding 3 percent of the total receipts of milk from producers.

(c) *Interhandler and nonhandler sales.* Milk or skimmed milk disposed of by a handler to another handler, or disposed of by a handler to a person who is not a handler but who distributes milk or manufactures milk products shall be classified as Class I milk: *Provided,* That if different classification is similarly reported to the market administrator by the selling handler and the person to whom such milk, or skimmed milk, is disposed of, such milk, or skimmed milk, shall be classified according to such reports, subject to verification by the market administrator: *And provided further,* That in no event shall the amount so reported in any class be greater than the total amount so reported in any class by the person receiving such milk or skimmed milk.

(d) *Computation of milk in each class.* For each delivery period, each handler shall compute, in the manner and on forms prescribed by the market administrator, the amount of milk in each class, as defined in paragraph (b) of this section, as follows:

(1) Determine the total pounds of milk (a) received from producers, (b) produced by him, if any, (c) received from other handlers, if any, (d) received from other sources, if any, and (e) add together the resulting amounts.

(2) Determine the total pounds of butterfat received as follows: (a) multiply the weight of the milk received from producers by its average butterfat test, (b) multiply the weight of the milk produced by him, if any, by its average butterfat test, (c) multiply the weight of the milk received from other handlers, if any, by its average butterfat test, (d) multiply the weight of the milk received from all other sources, if any, by its average butterfat test, and (e) add together the resulting amounts.

(3) Determine the total pounds of milk in Class I as follows: (a) convert to quarts the quantity of milk disposed of

in the form of milk and milk drinks, whether plain or flavored, and multiply by 2.15, (b) multiply the result by the average butterfat test of such milk, and (c) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk and Class III milk, computed pursuant to subparagraphs (4) (b) and (5) (b) of this paragraph, is less than the total pounds of butterfat received computed in accordance with subparagraph (2) of this paragraph, an amount equal to the difference shall be divided by 3.5 percent and added to the quantity of milk determined pursuant to (a) of this subparagraph.

(4) Determine the total pounds of milk in Class II as follows: (a) multiply the actual weight of each of the several products of Class II milk by its average butterfat test, (b) add together the resulting amounts, and (c) divide the result obtained in (b) of this subparagraph by 3.5 percent.

(5) Determine the total pounds of milk in Class III as follows: (a) multiply the actual weight of each of the several products of Class II milk by its average butterfat test, (b) add together the resulting amounts, (c) subtract the total pounds of butterfat in Class I milk and Class II milk, computed pursuant to subparagraphs (3) (b) and (4) (b) of this paragraph, and the total pounds of butterfat computed pursuant to (b) of this subparagraph, from the total pounds of butterfat computed pursuant to subparagraph (2) of this paragraph, which resulting quantity shall be allowed as plant shrinkage for the purposes of this paragraph (but in no event shall such plant shrinkage allowance exceed 3 percent of the total receipts of butterfat from producers by the handler) and shall be added to the result obtained in (b) of this subparagraph, and (d) divide the result obtained in (b) of this subparagraph by 3.5 percent.

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

(i) Subtract pro rata out of each class the quantity of milk received from the handler's own farm.

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

(iii) Subtract pro rata out of each class the quantity of emergency milk received.

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

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

§ 930.5 *Minimum prices*—(a) *Class prices.* Subject to the butterfat differential as set forth in paragraph (b) of this section, each handler shall pay, at the time and in the manner set forth in § 930.7, not less than the following prices per hundredweight of milk of 3.5 percent butterfat content received at such handler's plant:

(1) Class I milk price—To the price determined pursuant to subparagraph (4) of this paragraph, add 90 cents during the delivery period of June 1942; and thereafter add the following amount per hundredweight:

Delivery period:	*Amount (dollars per hundredweight)*
July through March	0.90
April, May, and June	.80

Provided, That with respect to Class I milk disposed of by such handler under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price per hundredweight shall be such price for Class I milk less 46 cents.

(2) Class II milk price—To the price determined pursuant to subparagraph (4) of this paragraph, add 15 cents during the months of April, May, and June, and add 25 cents during the months of July through March.

(3) Class III milk price—The Class III price shall be the price determined pursuant to subparagraph (4) of this paragraph, except during the months of April, May, and June, when the Class III price shall be the price determined pursuant to subparagraph (4) of this paragraph, less 10 cents.

(4) Basic formula price—The basic formula price per hundredweight to be used in determining the class prices pursuant to this paragraph shall be the price resulting from the following computation by the market administrator; determine the average of the basic, or field, prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat content received during the delivery period at the following plants:

Concern:	*Location of plant*
Van Camp Milk Company	Wauseon, Ohio.
Pet Milk Company	Delta, Ohio.
Defiance Milk Products company	Defiance, Ohio.
Pet Milk Company	Hudson, Mich.

Provided, That if the price so determined is less than the price per hundredweight computed by the market administrator in accordance with the following formula, such formula price shall be used: multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and add 30 percent thereof.

(b) *Butterfat differential to handlers.* If any handler has purchased or received milk from producers containing more or less than 3.5 percent of butterfat, such handler shall add or deduct, per hundredweight of milk in each class, for each one-tenth of 1 percent butterfat above or below 3.5 percent, an amount computed as follows: to the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, add 20 percent and divide the result obtained by 10.

§ 930.6 *Determination and announcement of uniform prices to producers*—(a) *Computation of the value of milk for each handler.* For each delivery period the market administrator shall compute for each handler the value of milk of producers received by such handler, as follows: (1) multiply the hundredweight of Class I milk by the Class I price, (2) multiply the hundredweight of Class II milk by the Class II price, (3) multiply the hundredweight of Class III milk by the Class III price, and (4) add together the resulting amounts.

(b) *Computation and announcement of the uniform price.* (1) For each delivery period, the market administrator shall compute for each handler the uniform price per hundredweight of milk received by such handler as follows:

(i) From the sum computed pursuant to paragraph (a) of this section deduct, if the average butterfat content of all milk received from producers is in excess of 3.5 percent, or add, if the average butterfat content of all milk received from producers is less than 3.5 percent, the total value of the butterfat differential applicable pursuant to § 930.7 (c);

(ii) If, in verification of the reports of such handler for previous delivery periods, the market administrator has discovered errors in such reports, there shall be added or subtracted, as the case may be, the amount necessary to correct such errors;

(iii) Divide the hundredweight of milk received from producers;

(iv) Adjust the resulting figure to the nearest cent. This result shall be known as such handler's uniform price for such delivery period for milk of producers which contains 3.5 percent butterfat; and

(v) On or before the 12th day after the end of each delivery period, the market administrator shall notify each handler of the class prices for milk and of the uniform price computed for him pursuant to this subparagraph, and shall publicly announce such prices.

§ 930.7 *Payment for milk*—(a) *Time and method of payment.* On or before the last day of each delivery period, each handler shall pay each of his producers, with respect to all milk received during the first 15 days of such delivery period, a price per hundredweight which equals such handler's uniform price for milk testing 3.5 percent of butterfat as announced by the market administrator for the preceding delivery period. In the event any producer discontinues shipping to a handler during the delivery period,

or delivers during the last 15 days of the delivery period less than 60 percent of his deliveries for the first 15 days, such handler shall pay such producer $1.50 per hundredweight for milk received during the first 15 days of the delivery period.

(b) On or before the 15th day after the end of each delivery period, each handler shall make payment, subject to the butterfat differential set forth in paragraph (c) of this section and less the payment made in accordance with paragraph (a) of this section, for each hundredweight of milk received from producers during such delivery periods as follows:

(1) To each producer at not less than such handler's uniform price.

(c) *Butterfat differential.* If a handler has received from a producer during any delivery period, milk having an average butterfat content other than 3.5 percent, such handler, in making payments pursuant to paragraph (b) of this section, shall add to the price to be paid each producer for each one-tenth of 1 percent of average butterfat content in milk above 3.5 percent not less than, or shall deduct from such price for each one-tenth of 1 percent of average butterfat content in milk below 3.5 percent, not more than an amount per hundredweight as follows:

Three cents, if the average butter price used in § 930.5 (a) is 25 cents or less;

Three and one-half cents, if the average butter price used in § 930.5 (a) is more than 25 cents but not more than 30 cents; or

Four cents, if the average butter price used in § 930.5 (a) is more than 30 cents but not more than 35 cents; or

Four and one-half cents, if the average butter price used in § 930.5 (a) is more than 35 cents but not more than 40 cents; or

Five cents, if the average butter price used in § 930.5 (a) is more than 40 cents but not more than 45 cents; or

Five and one-half cents, if the average butter price used in § 930.5 (a) is more than 45 cents.

(d) *Additional payments.* Any handler may make payments for milk in addition to the payments to be made pursuant to paragraph (b) of § 930.7: *Provided,* That such additional payments shall be made on a uniform basis to all producers for milk of like grade and quality received by such handler.

(e) *Errors in payments.* Whenever verification by the market administrator of the payment by a handler to any producer discloses a payment to such producer that is less than that required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following such disclosure.

§ 930.8 *Expense of administration*—(a) *Payment of handlers.* As his prorata share of the expense of administration hereof, each handler, with respect to all milk received from producers, an association of producers, or produced by him during the delivery period, shall pay to the market administrator on or before the 10th day after the end of the delivery period an amount per hundredweight not to exceed 2 cents, the exact amount to be determined by the market administrator, subject to review by the Secretary.

§ 930.9 *Marketing services*—(a) *Deduction for marketing services.* Except as set forth in paragraph (b) of this section, each handler shall deduct an amount not exceeding 4 cents per hundredweight (the exact amount to be determined by the market administrator, subject to review by the Secretary) from the payments made direct to producers pursuant to § 930.7, with respect to all milk received by such handler during the delivery period from producers, and shall pay such deductions to the market administrator on or before the 10th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk of said producers and to provide them with market information; such services to be performed in whole or in part by the market administrator, or by an agent engaged by and responsible to him.

(b) *Payment to an association.* In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and to be actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made pursuant to § 930.7 as may be authorized by such producers, and pay over, on or before the 15th day after the end of each delivery period, such deductions to the association rendering such services.

§ 930.10 *Effective time, suspension, or termination of order, as amended*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension or termination of order, as amended.* The Secretary may suspend or terminate this order, as amended, or any provision hereof whenever he finds that this order, as amended, or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This order, as amended, shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall (a) continue in such capacity until removed by the Secretary, (b) from time to time account for all receipts and disbursements, and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator or such person, to such person as the Secretary shall direct, and (c) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

PROPOSED MARKETING AGREEMENT, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE TOLEDO, OHIO, MARKETING AREA, PREPARED BY THE ADMINISTRATOR OF THE AGRICULTURAL MARKETING ADMINISTRATION, UNITED STATES DEPARTMENT OF AGRICULTURE

This proposed marketing agreement is prepared by the Administrator pursuant to § 900.12 (a) of the General Regulations, Surplus Marketing Administration, and has not received the approval of the Secretary of Agriculture.

The parties hereto, in order to effectuate the declared policy of the said act, desire to enter into this marketing agreement, as amended.

The parties signatory hereto agree as follows:

1. The terms and provisions of § 930.1 through § 930.10 of Order No. 30, as amended, regulating the handling of

milk in the Toledo, Ohio, marketing area, issued effective _____, 1942, shall be the terms and provisions of this marketing agreement, as amended, as if set out in full herein, with the exception that wherever the word "order" is used the words "marketing agreement" shall be substituted therefor; and

2. The following sections shall also be a part of the marketing agreement, as amended, in addition to § 930.1 through § 930.10 of said order, as amended:

§ 930.11 *Liability*—(a) *Liability of handlers.* The liability of the handlers hereunder is several and not joint and no handler shall be liable for the default of any other handler.

§ 930.12 *Counterparts and additional parties*—(a) *Counterparts of marketing agreement, as amended.* This agreement, as amended, may be executed in multiple counterparts, and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument, as if all such signatures were obtained in one original.

(b) *Additional parties to the marketing agreement, as amended.* After this agreement, as amended, first takes effect, any handler may become a party to this agreement, as amended, if a counterpart hereof is executed by him and delivered to the Secretary. This agreement, as amended, shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement, as amended, shall then be effective as to such new contracting party.

§ 930.13 *Record of milk handled during the month of _____ 1942, and authorization to correct typographical errors*—(a) *Record of milk handled during the month of _____ 1942.* The undersigned certifies that he handled during the month of _____ 1942, _____ hundredweight of milk covered by this agreement, as amended, and disposed of within the marketing area.

(b) *Authorization to correct typographical errors.* The undersigned hereby authorizes the Chief, Dairy and Poultry Branch, Agricultural Marketing Administration, to correct any typographical errors which may have been made in this marketing agreement, as amended.

§ 930.14 *Signature of parties.* In witness whereof, the contracting handlers, acting under the provisions of the act, for the purposes and subject to the limitations herein contained and not otherwise, have hereunto set their respective hands and seals.

[F. R. Doc. 42-4023; Filed, May 4, 1942; 4:55 p. m.]

OFFICE OF PRICE ADMINISTRATION

[Docket No. 3006-7]

SENECA WIRE & MANUFACTURING CO., EXCEPTION GRANTED

ORDER NO. 6 UNDER REVISED PRICE SCHEDULE NO. 6 [1]—IRON AND STEEL PRODUCTS

On April 7, 1942, the Seneca Wire & Manufacturing Company, Fostoria, Ohio, filed a petition for an exception to Revised Price Schedule No. 6, as amended, pursuant to § 1306.7 (c) thereof. Due consideration has been given to the petition, and an opinion in support of this Order No. 6 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, it is hereby ordered:

Granting exception to Seneca Wire & Manufacturing Company. (a) That the Seneca Wire & Manufacturing Company, Fostoria, Ohio, may sell to the Lend-Lease Administration and the Lend-Lease Administration may purchase the type, grade and quantity of wire described in (b) herein, at a maximum price not in excess of the price therein stated.

(b) 300 gross tons, low carbon steel wire, annealed and galvanized, 0.3 mm. (0.0118") in diameter, at a price not in excess of $19.80 per hundred weight, f.o.b. Cleveland, Ohio. Freight charged is not to exceed actual freight paid.

(c) The permission herein granted in this Order No. 6 applies only to the particular sale by the Seneca Wire & Manufacturing Company to the Lend-Lease Administration which is identified as follows:

Contract No. DA-TPS-7067.
Requisition No. R 1834.
Allocation No. 7252-5119.

(d) The benefit of any f. i. t. rate which may be secured in reducing extra freight charges of 42¢ as alleged shall be passed on to the Lend-Lease Administration.

(e) Copies of invoices covering the delivery of the wire described herein shall be delivered to the Office of Price Administration not later than 10 days after any delivery of the said wire.

(f) This Order No. 6 may be revoked or amended by the Price Administrator at any time.

This Order No. 6 shall become effective May 5, 1942. (Pub. Law 421, 77th Cong.)

Issued this 4th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4024; Filed, May 4, 1942; 5:12 p. m.]

[1] 7 F.R. 1215.
[2] 7 F.R. 971.

FOLLANSBEE STEEL CORPORATION, EXCEPTION GRANTED

ORDER NO. 7 UNDER REVISED PRICE SCHEDULE NO. 6 [1]—IRON AND STEEL PRODUCTS

On January 27, 1942, the Follansbee Steel Corporation of Pittsburgh, Pennsylvania, filed an application for an exception from Price Schedule No. 6. This application has been considered as a petition under § 1306.7 of Revised Price Schedule No. 6, as revised by Amendment No. 2 thereto. Due consideration has been given to the petition, and an opinion in support of this Order No. 7 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, it is hereby ordered:

Granting exception to Follansbee Steel Corporation. (a) The Follansbee Steel Corporation may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds and grades of steel set forth in paragraph (b), at prices not in excess of those stated therein. Any person may buy and receive, and agree, offer, solicit and attempt to buy and receive, such kinds of steel at such prices from the Follansbee Steel Corporation.

(b) Carbon steel forging quality billets at a maximum price of $49.50 per gross ton, f. o. b. Toronto, Ohio.

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

(d) The Follansbee Steel Corporation is to submit monthly data covering cost of production of carbon steel forging quality billets, as well as monthly profit and loss data.

(e) This Order No. 7 may be revoked or amended by the Price Administrator at any time.

This Order No. 7 shall become effective May 6, 1942. (Pub. Law 421, 77th Cong.)

Issued this 4th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4025; Filed, May 4, 1942; 5:13 p. m.]