



FEDERAL REGISTER

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Washington, Saturday, February 18, 1939

The President

EXECUTIVE ORDER

LIMITING THE IMPORTATION OF RED CEDAR SHINGLES FROM CANADA DURING THE FIRST SIX MONTHS OF 1939

WHEREAS Executive Order No. 7575 of March 13, 1937,¹ issued under and pursuant to section 811 of the Revenue Act of 1936 (49 Stat. 1746), limited the quantity of red cedar shingles imported from Canada which might be admitted to entry during the first six months of the calendar year 1937 to 1,048,262 squares, the equivalent of 25 per centum of the combined total of the shipments of red cedar shingles by producers in the United States and the imports of such shingles from Canada for the last six months of the calendar year 1936; and

WHEREAS the said section 811 of the Revenue Act of 1936 requires that the President shall issue a new order for each succeeding half-calendar year during the continuation of the operation of the reciprocal trade agreement entered into with the Dominion of Canada under date of November 15, 1935, limiting the imports of red cedar shingles from Canada for such half-calendar year to 25 per centum of the combined total of such shipments and imports of red cedar shingles for the preceding half-calendar year, and pursuant thereto I issued Executive Orders No. 7701 of September 3, 1937, No. 7822 of February 25, 1938, and No. 7946 of August 9, 1938,² covering respectively the periods July 1, 1937—December 31, 1937, January 1, 1938—June 30, 1938, and July 1, 1938—December 31, 1938; and

WHEREAS I find from available statistics that the combined total of such shipments and imports of red cedar shingles during the second half of the calendar year 1938 is 4,204,671 squares; and

WHEREAS it is provided in Article XVIII of the trade agreement concluded

between the United States and Canada on November 17, 1938 that upon the definitive coming into force of the said agreement the whole of the trade agreement concluded between the United States and Canada on November 15, 1935 shall terminate:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by the aforesaid section 811 of the Revenue Act of 1936, it is hereby ordered that the quantity of red cedar shingles imported from Canada which may be admitted to entry during the first six months of the calendar year 1939 shall be limited to 1,051,168 squares. Upon the termination in whole of the trade agreement entered into with Canada under date of November 15, 1935, in accordance with the provisions of Article XVIII of the trade agreement with Canada signed on November 17, 1938, this Executive Order shall cease to have force and effect.

FRANKLIN D ROOSEVELT
THE WHITE HOUSE,
February 15, 1939.

[No. 8051]

[F. R. Doc. 39-565; Filed, February 16, 1939; 2:54 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B. E. P. Q.—Q. 48]

PART 301—DOMESTIC QUARANTINE NOTICES

NOTICE OF QUARANTINE NO. 48 (12TH REVISION) ON ACCOUNT OF THE JAPANESE BEETLE, WITH RULES AND REGULATIONS (17TH REVISION) SUPPLEMENTAL THERETO

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¹ 2 F. R. 531 (619 DI).

² 2 F. R. 1306 (2113 DI); 3 F. R. 547, 1965 DI.



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- Sec.
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JAPANESE BEETLE QUARANTINE

Introductory Note

Nominal extensions of regulated areas in Maryland, New York, Pennsylvania, Virginia, and West Virginia together with a more extensive increase in the Ohio regulated area are made in the following

revision of the Japanese beetle quarantine regulations. Counties newly added in part or in entirety include Jefferson and Livingston Counties, N. Y.; Harrison, Licking, Richland, Trumbull, and Tuscarawas Counties, Ohio; Mercer County, Pa.; and Spotsylvania and Westmoreland Counties, Va. Discovery of substantial infestation of the Japanese beetle in these sections warranted their addition to the regulated area. Enlargements of several partially regulated counties were made in Maryland, New York, Ohio, and West Virginia.

Counties newly added in part to the special area from which the movement of fruits and vegetables by motortruck or refrigerator car is regulated (regulation 5) include Berks, Dauphin, Lehigh, and Northampton Counties, Pa. and Baltimore and Harford Counties, Md.

Outlying points placed under regulation include Hornell, Mount Morris, and Watertown, N. Y., other regulated parts of Jefferson, Livingston, and Steuben Counties, N. Y., Newark and Mansfield, Ohio, and the regulated parts of Licking and Richland Counties, Ohio. These points are included in the areas to which fruits and vegetables from the main regulated area may be moved only when accompanied by certificates. No restrictions are placed on the movement of fruits and vegetables from these special areas.

Fruit shippers have been further relieved from restrictions on the movement of certain commodities by the elimination of restrictions on the movement of commercially packed peaches in any quantity, except those moving by refrigerator cars or motortruck from the special area listed in regulation 5. Bananas in single bunches packed in commercial containers are also newly exempt from the restrictions.

Certain articles, which because of their growth or production, or their manufactured or processed condition, are considered innocuous as carriers of infestation, and heretofore exempted in administrative instructions, circular B. E. P. Q. 395, have been so exempted in the revised regulations.

Qualifications for maintaining a class III status under the restrictions on the movement of nursery and greenhouse stock have been added to limit these establishments to those having a legitimate need for certification of stock.

Several isolated sections in which Japanese beetles were trapped during the summer of 1938 are not included in the regulated area. Action with respect to these infestations has been deferred to permit the States concerned an opportunity to inaugurate chemical treatments of the infested sections in the spring of 1939.

The section numbers which appear in this document agree with the section numbers in the code of Federal regulations now in process of publication.

Summary

Unless a certificate or permit has been issued, these regulations as now revised, prohibit the interstate shipment of green corn on the cob, beans in the pod, bananas, apples, peaches, blackberries, blueberries, huckleberries, or raspberries from the regulated areas, to or through points outside; and also prohibit (unless a certificate or permit has been issued) the interstate movement of all fruits and vegetables by refrigerator car or motortruck from the District of Columbia, the State of Delaware, and parts of Maryland, New Jersey, Pennsylvania, and Virginia, to or through points outside the regulated areas as defined in regulation 3. Refrigerator cars used for loading fruits and vegetables, in such area must, prior to loading, be fumigated or cleaned by the common carrier and kept tightly closed and sealed during the interval between fumigating or cleaning and loading. Fruits and vegetables must be fumigated in the car when such action is deemed necessary by the inspector, and doors and hatches of the cars must be closed or screened. For other details and exceptions see regulation 5.

The regulations also prohibit the interstate shipment of plants, sand, soil, earth, peat, compost, and manure from any part of the regulated areas to or through any outside point throughout the year unless a Federal permit or certificate has been secured. Portions of plants and cut flowers are restricted interstate movement only between June 15 and October 15, inclusive. For details and exceptions see regulations 6 and 7.

The regulated areas include the District of Columbia, the entire States of Connecticut, Delaware, Massachusetts, New Jersey, and Rhode Island, and parts of Maine, Maryland, New Hampshire, New York, Ohio, Pennsylvania, Vermont, Virginia, and West Virginia, as described in regulation 3.

These regulations also place certain restrictions to protect restricted articles from infestation while in transit, require thorough cleaning of vehicles and containers which have been used in transporting restricted products, and provide other safeguards and conditions as specified in regulations 8 to 13, inclusive.

To secure permits and certificates, address the Bureau of Entomology and Plant Quarantine, 266 Glenwood Avenue, Bloomfield, N. J., or the nearest branch office listed in the appendix.

AVERY S. HOYT,
Acting Chief.

SEC. 301.48—NOTICE OF QUARANTINE NO. 48
(TWELFTH REVISION)

[Approved March 1, 1937; effective March 1, 1937]

I, H. A. Wallace, Secretary of Agriculture, have determined that it is necessary to quarantine the States of Connecticut,

Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and the District of Columbia, to prevent the spread of the Japanese beetle (*Popillia japonica* Newm.), a dangerous insect new to and not heretofore widely prevalent or distributed within and throughout the United States.

Now, therefore, under authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended by the act of Congress approved March 4, 1917 (39 Stat. 1134, 1165), and having duly given the public hearing required thereby, I do quarantine the said States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and the District of Columbia, effective on and after March 1, 1937. Hereafter, under the authority of said act of August 20, 1912, amended as aforesaid (1) fruits and vegetables; (2) nursery, ornamental, and greenhouse stock, and other plants; and (3) sand, soil, earth, peat, compost, and manure shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of said quarantined States or District into or through any other State or Territory or District of the United States in manner or method or under conditions other than those prescribed in the rules and regulations hereinafter made and amendments thereto: *Provided*, That the restrictions of this quarantine and of the rules and regulations supplemental thereto may be limited to the areas in a quarantined State now, or which may hereafter be, designated by the Secretary of Agriculture as regulated areas when, in the judgment of the Secretary of Agriculture, the enforcement of the aforesaid rules and regulations as to such regulated areas shall be adequate to prevent the spread of the Japanese beetle: *Provided further*, That such limitations shall be conditioned upon the said State providing for and enforcing such control measures with respect to such regulated areas as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the spread of the Japanese beetle therefrom to other parts of the State: *And provided further*, That certain articles classed as restricted herein may, because of the nature of their growth or production or their manufactured or processed condition, be exempted by administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine when, in his judgment, such articles are considered innocuous as carriers of infestation.*

Done at the city of Washington this 1st day of March, 1937.

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

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

RULES AND REGULATIONS (SEVENTEENTH REVISION), SUPPLEMENTAL TO NOTICE OF QUARANTINE NO. 48

[Approved February 16, 1939; effective February 20, 1939]

Regulation 1

SEC. 301.48-1 *Definitions*. For the purpose of these regulations the following words, names, and terms shall be construed, respectively, to mean:

(a) *Japanese beetle*. The insect known as the Japanese beetle (*Popillia japonica* Newm.), in any stage of development.

(b) *Infested, infestation*. The terms "infested," "infestation," and the like, relate to infestation with the Japanese beetle.

(c) *Quarantined area*. Any State or District quarantined by the Secretary of Agriculture to prevent the spread of the Japanese beetle.

(d) *Regulated area*. Any area in a quarantined State or District which is now, or which may hereafter be, designated as such by the Secretary of Agriculture in accordance with the provisos to Notice of Quarantine No. 48 (Sec. 301.48), as revised.

(e) *Fruits and vegetables*. For the list of restricted fruits and vegetables see regulation 5.

(f) *Nursery and ornamental stock*. Nursery, ornamental, and greenhouse stock, and all other plants, plant roots, cut flowers, or other portions of plants.

(g) *Sand, soil, earth, peat, compost, and manure*. Sand, soil, earth, peat, compost, or manure of any kind and as to either bulk movement or in connection with farm products or nursery and ornamental stock.

(h) *Certified sand, soil, earth, peat, compost, and manure*. Sand, soil, earth, peat, compost, or manure determined by the inspector as uninfested and so certified.

(i) *Certified greenhouse*. A greenhouse or similar establishment which has complied to the satisfaction of the inspector with the conditions imposed in regulation 6 (Sec. 301.48-6). This term may apply also to potting beds, healing-in areas, hotbeds, coldframes, or similar plots or to storage houses, packing sheds, or stores treated or otherwise safeguarded in manner and method satisfactory to the inspector.

(j) *Inspector*. An inspector of the United States Department of Agriculture.

(k) *Moved or allowed to be moved interstate*. Shipped, offered for shipment to a common carrier, received for transportation or transported by a common

carrier, or carried, transported, moved or allowed to be moved from one State or Territory or District of the United States into or through any other State or Territory or District.

(l) *Certificate*. A valid form evidencing compliance with the requirements of these regulations as to movement of restricted articles to points outside the regulated areas.

(m) *Permit*. A valid form authorizing movement of restricted articles from a regulated area to a restricted destination in a separate regulated area.*

Regulation 2

SEC. 301.48-2. *Limitation of restrictions to regulated areas*. Conditioned upon the compliance on the part of the State concerned with the provisos to Notice of Quarantine No. 48 (twelfth revision), (Sec. 301.48) the restrictions provided in these regulations on the interstate movement of plants and plant products and other articles enumerated in said notice of quarantine will be limited to such movement from the areas in such State now or hereafter designated by the Secretary of Agriculture as regulated areas.*

Regulation 3

SEC. 301.48-3 *Regulated areas*. In accordance with the provisos to Notice of Quarantine No. 48 (twelfth revision) (Sec. 301.48), the Secretary of Agriculture designates as regulated areas for the purpose of these regulations the States, District, counties, townships, towns, cities, election districts, and magisterial districts listed below, including all cities, towns, boroughs, or other political subdivisions within their limits:

Connecticut. The entire State.

Delaware. The entire State.

District of Columbia. The entire District.

Maine. County of York; towns of Auburn and Lewiston, in *Androscoggin County*; towns of Cape Elizabeth, Gorham, Gray, New Gloucester, Raymond, Scarborough, Standish, and the cities of Portland, South Portland, Westbrook, and Windham, in *Cumberland County*; the city of Waterville, in *Kennebec County*; and the city of Brewer, in *Penobscot County*.

Maryland. Counties of Cecil, Kent, Queen Annes, Somerset, and Worcester; the city of Baltimore; the city of Cumberland, the town of Frostburg, and election districts Nos. 4, 5, 6, 7, 11, 12, 14, 22, 23, 24, 26, 29, 31 and 32, in *Allegany County*; the city of Annapolis and election districts Nos. 2, 3, 4, and 5, in *Anne Arundel County*; election districts Nos. 1, 2, 3, 8, 9, 11, 12, 13, 14, and 15, in *Baltimore County*; all of *Caroline County* except election districts of American Corners (No. 8) and Hillsboro (No. 6); the city of Westminster, and election districts of Freedom (No. 5), Hampstead (No. 8), New Windsor (No. 11), and Westminster (No. 7), in *Car-*

*Sections 301.48 to 301.48-14 issued under authority of Section 8, 37 Stat. 318; 39 Stat. 1165; 44 Stat. 250; 7 U. S. C. 161.

roll County; election districts of La Plata and White Plains, in *Charles County*; election districts of Cambridge (No. 7), East New Market (No. 2), Hurlock (No. 15), and Williamsburg (No. 12), in *Dorchester County*; election districts of Brunswick (No. 25), Buckeystown (No. 1), Frederick (No. 2), Jefferson (No. 14), New Market (No. 9), and Petersville (No. 12), in *Frederick County*; *County of Harford*, except election district of Marshall (No. 4); election districts of Elkridge (No. 1), Ellicott City (No. 2), Gullford (No. 6), and West Friendship (No. 3), in *Howard County*; election districts of Colesville (No. 5), and Rockville (No. 4), in *Montgomery County*, and those portions of the election districts of Bethesda (No. 7), and Wheaton (No. 13) in said county located within the established boundaries of the so-called "Washington Suburban Sanitary District"; all of *Prince Georges County* except the election districts of Aquasco (No. 8), and Nottingham (No. 4); towns of Easton and Oxford, in *Talbot County*; election districts of Hagerstown (Nos. 3, 17, 21, 22, 24, and 25), Halfway (No. 26), Leitersburg (No. 9), Sandy Hook (No. 11), Sharpsburg (No. 1), and Williamsport (No. 2), in *Washington County*; election districts of Camden (No. 13), Delmar (No. 11), Dennis (No. 6), Fruitland (No. 16), Nutters (No. 8), Parsons (No. 5), Pittsburg (No. 4), Salisbury (No. 9), Trappe (No. 7), and Willards (No. 14), in *Wicomico County*.

Massachusetts. The entire State.

New Hampshire. Counties of Belknap, Cheshire, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; towns of Brookfield, Eaton, Effingham, Freedom, Madison, Moultonboro, Ossipee, Sandwich, Tamworth, Tuftonboro, Wakefield, and Wolfeboro, in *Carroll County*; towns of Alexandria, Ashland, Bridgewater, Bristol, Canaan, Dorchester, Enfield, Grafton, Groton, Hanover, Hebron, Holderness, Lebanon, Lyme, Orange, and Plymouth, in *Grafton County*.

New Jersey. The entire State.

New York. Counties of Albany, Bronx, Broome, Chemung, Chenango, Columbia, Cortland, Delaware, Dutchess, Fulton, Greene, Kings, Madison, Montgomery, Nassau, New York, Oneida, Onondaga, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Tioga, Ulster, Washington, and Westchester; towns of Red House and Salamanca, and the city of Salamanca, in *Cattaraugus County*; towns of Amherst, Cheektowaga, and Tonawanda, and the cities of Buffalo and Lackawanna, in *Erie County*; towns of Columbia, Danube, Fairfield, Frankfort, German Flats, Herkimer, Litchfield, Little Falls, Manheim, Newport, Salisbury, Schuyler, Stark, Warren, and Winfield, and the city of Little Falls, in *Herkimer County*; town of Watertown and city of Watertown, in *Jefferson County*; town

of Mount Morris and village of Mount Morris, in *Livingston County*; towns of Catherine, Cayuta, Dix, Hector, Montour, and Reading, and the borough of Watkins Glen, in *Schuyler County*; towns of Caton, Corning, Hornby, and Hornellsville, and the cities of Corning and Hornellsville, in *Steuben County*; towns of Caroline, Danby, Dryden, Enfield, Ithaca, Newfield, and the city of Ithaca, in *Tompkins County*; towns of Luzerne and Queensbury and the city of Glens Falls, in *Warren County*.

Ohio. Counties of Carroll, Columbiana, Harrison, Jefferson, Mahoning, Portage, Stark, Summit, and Tuscarawas; the city of Coshocton, in *Coshocton County*; all of *Cuyahoga County*, except the townships of Bay, Dover, North Olmsted, and Olmsted; the city of Columbus, and villages of Bexley, Grandview, Grandview Heights, Hanford, Marble Cliff, and Upper Arlington, in *Franklin County*; the township of Newark and city of Newark, in *Licking County*; the city of Toledo, in *Lucas County*; the township of Madison and the city of Mansfield, in *Richland County*; townships of Bazetta, Braceville, Brookfield, Champion, Fowler, Hartford, Howland, Hubbard, Liberty, Lordstown, Newton, Southington, Warren, Weathersfield, and Vienna, the cities of Niles and Warren, and the villages of Cortland, Girard, Hubbard, McDonald, Newton Falls and Orangeville, in *Trumbull County*.

Pennsylvania. The entire State, except Crawford, Erie, Forest, and Venango Counties, Mercer Township in *Butler County*, Ashland, Beaver, Elk, Richland (including the boroughs of Foxburg and St. Petersburg), Salem, and Washington Townships, in *Clarion County*, townships of Coolspring, Deer Creek, Delaware, East Lackawannock, Fairview, Findley, French Creek, Greene, Hempfield, Jackson, Jefferson, Lackawannock, Lake, Liberty, Mill Creek, New Vernon, Otter Creek, Perry, Pine, Pymatuning, Salem, Sandy Creek, Sandy Lake, South Pymatuning, Springfield, Sugar Grove, West Salem, Wilmington, Wolf Creek, and Worth, and the boroughs of Clarksville, Fredonia, Greenville, Grove City, Jackson Center, Jamestown, Mercer, New Lebanon, Sandy Lake, Sheakleyville, and Stoneboro, in *Mercer County*, and the townships of Brokenstraw, Cherry Grove, Columbus, Conewango, Deerfield, Eldred, Farmington, Freehold, Limestone, Pine Grove, Pittsfield, Pleasant, Southwest, Spring Creek, Sugar Grove, Triumph, Watson (including the boroughs of Bear Lake, Grand Valley, Sugar Grove, Tidioute, and Youngsville), in *Warren County*.

Rhode Island. The entire State.

Vermont. Counties of Bennington, Rutland, Windham, and Windsor; and the town of Burlington, in *Chittenden County*.

Virginia. Counties of Accomac, Arlington, Culpeper, Elizabeth City, Fairfax, Fauquier, Henrico, Loudoun, Norfolk,

Northampton, Prince William, Princess Anne, and Stafford; magisterial districts of Dale and Manchester, in *Chesterfield County*; magisterial district of Sleepy Hole, in *Nansemond County*; magisterial district of Courtdland, in *Spotsylvania County*; Camp Stuart, in *Warwick County*; magisterial district of Washington, in *Westmoreland County*; and the cities of Alexandria, Fredericksburg, Hampton, Newport News, Norfolk, Portsmouth, Richmond, South Norfolk, and Suffolk.

West Virginia. Counties of Hancock, Harrison, Marion, Monongalia, and Taylor; districts of Arden, Hedgesville, Falling Waters, and Opequon, and the city of Martinsburg, in *Berkeley County*; the towns of Bolivar and Harpers Ferry, in *Jefferson County*; town of Keyser and district of Frankfort, in *Mineral County*; the city of Wheeling, in *Ohio County*; and the city of Parkersburg, in *Wood County*.*

Regulation 4

SEC. 301.48-4 *Extension or Reduction of Regulated Areas.* The regulated areas designated in regulation 3 (Sec. 301.48-3) may be extended or reduced as may be found advisable by the Secretary of Agriculture. Due notice of any extension or reduction and the areas affected thereby will be given in writing to the transportation companies doing business in or through the States in which such areas are located and by publication in one or more newspapers selected by the Secretary of Agriculture within the States in which the areas affected are located.*

Regulation 5

SEC. 301.48-5 *Restrictions on the movement of fruits and vegetables—A. Control of movement.* (1) Unless a certificate or permit shall have been issued therefor, by an inspector, except as provided in paragraphs (a) to (e), inclusive, of this regulation: (i) No green corn on the cob, beans in the pod, bananas, apples, peaches, blackberries, blueberries, huckleberries, or raspberries shall be moved or allowed to be moved interstate from any regulated area to or through any point outside thereof; and (ii) no fruits and vegetables of any kind shall be moved or allowed to be moved interstate via refrigerator car or motortruck from the State, District, counties, election districts, townships, towns or cities listed below to or through any point outside of the regulated areas:

Delaware. The entire State.

District of Columbia. The entire District.

Maryland. Counties of Cecil, Kent, Queen Annes, Somerset, and Worcester; the city of Baltimore; elections districts No. 12 and No. 15, in *Baltimore County*; all of *Caroline County*, except election districts of American Corners (No. 8) and Hillsboro (No. 6); election districts of Cambridge (No. 7), East New Market (No. 2), Hurlock (No. 15), and Williams-

burg (No. 12), in *Dorchester County*; election districts of Abingdon (No. 1), Halls Cross Roads (No. 2), and Havre de Grace (No. 6), in *Harford County*; election districts of Camden (No. 13), Delmar (No. 11), Dennis (No. 6), Fruitland (No. 16), Nutters (No. 8), Parsons (No. 5), Pittsburg (No. 4), Salisbury (No. 9), Trappe (No. 7), and Willard (No. 14), in *Wicomico County*.

New Jersey. Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Salem, Somerset, and Union.

Pennsylvania. Counties of Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia; townships of Alsace, Amity, Brecknock, Caernarvon, Colebrookdale, District, Douglas, Earl, Exeter, Hereford, Lower Alsace, Muhlenberg, Oley, Oumru, Pike, Robeson, South Heidelberg, Spring, Union, and Washington, the city of Reading, and the boroughs of Bally, Bechtelsville, Birdsboro, Boyertown, Mohnton, Mount Pen, Saint Lawrence, Shillington, Sinking Spring, Temple, West Lawn, West Reading, Wyomissing, and Wyomissing Hills, in *Berks County*; townships of Londonderry, Lower Paxton, Lower Swatara, Susquehanna, and Swatara, the city of Harrisburg, and the boroughs of Highspire, Middletown, Paxtang, Penbrook, Royalton, and Steelton, in *Dauphin County*; townships of Lower Milford, Upper Milford, and Upper Saucon, and the boroughs of Coopersburg, and Emaus, in *Lehigh County*; townships of Lower Saucon and Williams, in *Northampton County*.

Virginia. Counties of Accomac, Arlington, and Northampton.

Provided, That the Chief of the Bureau of Entomology and Plant Quarantine may by administrative instructions extend or reduce the areas specified in this regulation when in his judgment such action is considered advisable.

(a) No restrictions are placed on the interstate movement of fruits and vegetables between October 16 and June 14, inclusive.

(b) No certificate or permit will be required for the interstate movement of fruits and vegetables when transported by a common carrier on a through bill of lading either from an area not under regulation through a regulated area to another nonregulated area, or from a regulated area through a nonregulated area to another regulated area, except that a certificate is required for interstate movement to Brewer and Waterville, Maine; Buffalo, Hornell, Mount Morris, and Watertown, N. Y., or to other regulated parts of Erie, Jefferson, Livingston, and Steuben counties, N. Y.; Cleveland, Columbus, Coshocton, Mansfield, Newark, and Toledo, Ohio, or to other regulated parts of Licking and Richland counties, Ohio; Burlington, Vt.; and Parkersburg and Wheeling, W. Va. No restrictions are placed on the inter-

state movement of fruits and vegetables from Brewer and Waterville, Maine; Buffalo, Hornell, Mount Morris, and Watertown, N. Y., or from other regulated parts of Erie, Jefferson, Livingston, and Steuben counties, N. Y.; Cleveland, Columbus, Coshocton, Mansfield, Newark, and Toledo, Ohio, or from other regulated parts of Licking and Richland counties, Ohio; Burlington, Vt.; and Parkersburg and Wheeling, W. Va.

(c) No restrictions are placed on the interstate movement of fruits and vegetables when they shall have been manufactured or processed in such a manner that in the judgment of the inspector no infestation could be transmitted.

(d) No restrictions are placed on the interstate movement of any shipments of (1) apples or peaches of less than 15 pounds to the shipment; (2) bananas in single bunches packed in commercial containers; or (3) bananas singly, or in individual hands.

(e) No restrictions are placed on the interstate movement of commercially packed apples or commercially packed peaches in any quantity, except those moving via refrigerator cars or motor-trucks from the area listed in paragraph (1) of this regulation.

(2) No restrictions are placed on the interstate shipment from the regulated areas of fruits and vegetables other than those mentioned above, except that any such interstate shipments of fruits and vegetables may be inspected at any time or place inside or outside the regulated areas and when actually found to involve danger of dissemination of Japanese beetle to uninfested localities, measures to eliminate infestation may be required as a condition of further transportation or delivery.

B. Conditions of certification. Certificates may be issued for the interstate movement of fruits and vegetables to points outside the regulated areas between June 15 and October 15, inclusive, under one of the following conditions:

(3) When the fruits and vegetables, moving from a point in the regulated area other than that specified in paragraph (1) of this regulation, or moving from such designated area other than by refrigerator car, have actually been inspected by the United States Department of Agriculture and found free from infestation. The number of inspection points for such certification will be limited and their location determined by shipping needs and further conditioned on the establishment at such points of provisions satisfactory to the inspector for the handling and safeguarding of such shipments during inspection. Such inspection may be discontinued and certification withheld by the inspector during periods of general or unusual flight of the beetles.

(4) When the fruits and vegetables have been handled or treated under the observation of an inspector in manner and by method to free them from any infestation.

(5) When the fruits and vegetables have originated outside of the regulated areas and are to be reshipped directly from freight yards, transfer points, or unloading docks within such areas, under provisions satisfactory to the inspector for the safeguarding of such shipments pending certification and re-shipment. Certificates on this basis will be issued without inspection only in cases where, in the judgment of the inspector, the shipments concerned have not been exposed to infestation while within such freight yards, transfer points, or unloading docks.

(6) When the fruits and vegetables were grown in districts where the fact has been established to the satisfaction of the inspector that no infestation exists and are to be shipped directly from the farms where grown to points outside the regulated areas, or are shipped from infested districts where the fact has been established to the satisfaction of the inspector that the Japanese beetle has not begun or has ceased its flight.

(7) When the fruits and vegetables moving via refrigerator car from the area listed in paragraph (1) of this regulation, have been inspected and loaded in a manner to prevent infestation, in a refrigerator car with closed or adequately screened doors and hatches, which car prior to loading has been determined by an inspector as fumigated or thoroughly swept and cleaned by the common carrier in a manner to rid it of infestation. During the interval between fumigation or cleaning and loading such refrigerator car must be tightly closed and sealed.

(8) When the fruits and vegetables moving via refrigerator car from the area listed in this regulation have been fumigated in the car, when deemed necessary in the judgment of the inspector and when the doors and hatches of the car have been tightly closed or adequately screened under the supervision of an inspector.*

Regulation 6

SEC. 301.48-6 *Restrictions on the movement of nursery and ornamental stock—A. Control of movement.* Nursery and ornamental stock as defined in regulation 1 (Sec. 301.48-1), shall not be moved or allowed to be moved interstate from the regulated areas to or through any point outside thereof, unless a certificate or permit shall have been issued therefor by the inspector except as follows:

(1) The following articles, because of their growth or production, or their manufactured or processed condition, are considered innocuous as carriers of infestation and are therefore exempt from the requirements of certification:

(a) (i) True bulbs, corms, and tubers, when dormant, except for storage growth, and when free from soil, and (ii) single dahlia tubers when free from stems, cavities, and soil. Dahlia tubers, other than

single tubers meeting these conditions, require certification.

(b) (i) Cut orchids, (ii) orchid plants, when growing exclusively in *Osmunda* fiber, (iii) *Osmunda* fiber, *Osmundine*, or orchid peat (*Osmunda cinnamomea*, and *O. claytoniana*).

(c) (i) Floral designs or "set pieces," including wreaths, sprays, casket covers, and all formal florists' designs; bouquets and cut flowers not so prepared are not exempted; (ii) trailing arbutus, or Mayflower (*Epigaea repens*), when free from soil or primary roots, and when shipped during the period between October 16 and June 14, inclusive.

(d) (i) Herbarium specimens, when dried, pressed, and treated, and when so labeled on the outside of each container of such materials, (ii) balsam pillows, when composed of balsam needles only, (iii) mushroom spawn, in brick, flake, or pure culture form, (iv) banana stalks, when crushed, dried and shredded.

(e) (i) Sheet moss (*Calliergon schriberi* and *Thuridium recognitum*), (ii) resurrection plant or birds'-nest moss (*Selaginella lepidophylla*), (iii) sphagnum moss, bog-moss, or peat moss (*Sphagnaceae*), (iv) dyed moss, when heat treated and appropriately labeled.

(2) No restrictions are placed on the interstate movement of nursery and ornamental stock imported from foreign countries when reshipped from the port of entry in the unopened original container and labeled as to each container with a copy certificate of the country from which it was exported, a statement of the general nature and quantity of the contents, the name and address of the consignee, and the country and locality where grown.

(3) No restrictions are placed on the interstate movement between October 16 and June 14, inclusive, of cut flowers, aquatic plants, and of portions of plants without roots and free from soil (such as branches, twigs and scions of trees and shrubs, and Christmas trees).

(4) No certificate or permit will be required for the interstate movement of nursery and ornamental stock when transported by a common carrier on a through bill of lading either from an area not under regulation through a regulated area, or from a regulated area through a nonregulated area to another regulated area, except that a certificate is required between June 15 and October 15 for interstate movement of cut flowers, aquatic plants, and of portions of plants without roots and free from soil (such as branches, twigs, and scions of trees and shrubs, and Christmas trees) to Brewer and Waterville, Maine; Buffalo, Hornell, Mount Morris, and Watertown, N. Y. or to other regulated parts of Erie, Jefferson, Livingston, and Steuben counties, N. Y.; Cleveland, Columbus, Coshocton, Mansfield, Newark, and Toledo, Ohio, or to other regulated parts of Licking and Richland counties, Ohio; Burlington, Vt.; and Parkersburg and Wheeling, W. Va. No restrictions

are placed on the interstate movement between June 15 and October 15 of cut flowers, aquatic plants, and of portions of plants without roots and free from soil (such as branches, twigs, and scions of trees and shrubs, and Christmas trees) from Brewer and Waterville, Maine; Buffalo, Hornell, Mount Morris, and Watertown, N. Y., or from other regulated parts of Erie, Jefferson, Livingston, and Steuben counties, N. Y.; Cleveland, Columbus, Coshocton, Mansfield, Newark, and Toledo, Ohio, or from other regulated parts of Licking and Richland counties, Ohio; Burlington, Vt.; and Parkersburg and Wheeling, W. Va.

B. Conditions governing the issuance of certificates and permits. For the purpose of certification of nursery and ornamental stock, nurseries, greenhouses and other premises concerned in the movement of such stock will be classified as follows:

(5) **Class I.** Nurseries, greenhouses, and other premises concerned in the movement of nursery and ornamental stock on or within approximately 500 feet of which no infestation has been found may be classified as class I. Upon compliance with the requirements of paragraph 10 of this regulation, nursery and ornamental stock may be certified by the inspector for shipment from such premises without further inspection, and without meeting the safeguards prescribed as a condition of interstate shipment of plants originating in nurseries or greenhouses of class III.

(6) **Class III.** (a) Nurseries, greenhouses, and other premises concerned in the movement of nursery and ornamental stock on which either grubs in the soil or one or more beetles have been found, will be classified as class III, provided (i) there are maintained on the premises subdivided class I areas, certified houses, frames, or plots, or other certified areas, or (ii) there is a legitimate need for interstate or intradealer certification of such stock. Such classification will not be granted to nurseries, greenhouses, and other premises that do not maintain certified or subdivided areas and require only infrequent certification. Such classification also may be given to nurseries, etc., where one or more beetles or grubs are found in the immediate proximity (within approximately 500 feet) of such nurseries, etc., on adjacent property or properties. In the case of nursery properties under single ownership and management but represented by parcels of land widely separated, such parcels may be independently classified either as class I or class III upon compliance with such conditions and safeguards as shall be required by the inspector. Similarly, unit nursery properties, which would otherwise fall in class III, may be open to subdivision, for the purpose of rating such subdivisions in classes I or III, when in the judgment of the inspector such action is warranted by recent and

scanty infestation limited to a portion of the nursery concerned: *Provided*, That the subdivision containing the infestation shall be clearly marked by boundaries of a permanent nature which shall be approximately 500 feet beyond the point where the infestation occurs.

(b) Upon compliance with paragraphs (7) and (10) of this regulation, nursery and ornamental stock may be certified by the inspector for shipment from such premises under any one of the following conditions: (i) That the roots shall be treated by means approved by the Bureau of Entomology and Plant Quarantine in manner and by method satisfactory to the inspector; or (ii) in the case of plants in which the root system is such that a thorough inspection may be made, that the soil shall be entirely removed from the stock by shaking or washing; or (iii) that it shall be shown by evidence satisfactory to the inspector that the plants concerned were produced in a certified greenhouse.

(7) Greenhouses of class III may be certified upon compliance with all the following conditions with respect to the greenhouses themselves and to all potting beds, heeling-in areas, hotbeds, coldframes, and similar plots:

(a) Ventilators, doors, and all other openings in greenhouses or coldframes on premises in class III shall be kept screened in manner satisfactory to the inspector during the period of flight of the beetle, namely, south of the northern boundaries of Maryland and Delaware between June 1 and October 1, inclusive, or north thereof between June 15 and October 15, inclusive.

(b) Prior to introduction into nurseries or greenhouses, sand, if contaminated with vegetable matter, soil, earth, peat, compost, or manure taken from infested locations or which may have been exposed to infestation, must be sterilized or fumigated under the direction and supervision of, and in manner and by method satisfactory to the inspector. If such sand, soil, earth, peat, compost, or manure is not to be immediately used in such greenhouses, it must be protected from possible infestation in manner and by method satisfactory to the inspector.

(c) All potted plants placed in certified greenhouses of class III and all potted plants to be certified for interstate movement therefrom (i) shall be potted in certified soil; (ii) shall, if grown outdoors south of the northern boundaries of Maryland and Delaware at any time between June 1 and October 1, inclusive, or north thereof at any time between June 15 and October 15, inclusive, be kept in screened frames while outdoors; (iii) shall, if grown outdoors during any part of the year, be placed in beds in which the soil or other material shall have been treated in manner and by method approved by the Bureau of Entomology and Plant Quarantine to eliminate infestation; and (iv) shall comply with such other

safeguards as may be required by the inspector.

(8) Cut flowers and other parts of plants without roots or soil may be certified for movement either (a) when they have been inspected by an inspector and found free from infestation, or (b) when they have been grown in a greenhouse of class I or in a certified greenhouse of class III and are transported under such safeguards as will in the judgment of the inspector prevent infestation. (See also paragraph (3) of this regulation.)

(9) Nursery and ornamental stock originating on or moved from unclassified premises may be certified by the inspector under either one of the following conditions: (a) That the soil shall be entirely removed from the stock, or (b) that the roots shall be treated by means approved by the Bureau of Entomology and Plant Quarantine in manner and by method satisfactory to the inspector, or (c) that it shall be shown by evidence satisfactory to the inspector that the accompanying soil was obtained at such points and under such conditions that in his judgment no infestation could exist therein.

(10) Nurserymen, florists, dealers, and others, in order to maintain their classified status, (a) shall restrict their purchases or receipts of nursery and ornamental stock, sand, if contaminated with vegetable matter, soil, earth, peat, compost, and manure within the regulated area to articles which have been certified under these regulations as to each such article and the said certificate shall accompany the articles when moved; (b) shall obtain approval of the inspector before such articles are received on their premises or moved from the open on their own premises into certified greenhouses; (c) shall report immediately in writing all purchases or receipts of such articles secured from within the regulated area; and (d) shall also report immediately on forms provided for that purpose all their sales or shipments of such articles both to points outside the regulated areas and to other classified nurseries or greenhouses within the regulated areas. Certification may be denied to any person who has omitted to make the report or reports required by this regulation, and such denial of certification shall continue until the information so omitted has been supplied.

(11) Nursery and ornamental stock imported from foreign countries and not reshipped from the port of entry in the unopened original container may be certified for movement under these regulations when such stock has been inspected by an inspector and found free from infestation.

(12) Nursery and ornamental stock originating outside the regulated areas and certified stock originating in classified nurseries or greenhouses may be certified for reshipment from premises other than those on which they origi-

nated, under provisions satisfactory to the inspector for the safeguarding of such stock from infestation at the point of reshipment and en route, and when found advisable by the inspector, after reinspection and determination of freedom from infestation.*

Regulation 7

SEC. 301.48-7 *Restrictions on the movement of sand, soil, earth, peat, compost, and manure—A. Control of movement.* Sand, soil, earth, peat, compost, and manure shall not be moved or allowed to be moved interstate from any point in the regulated areas to or through any point outside thereof unless a certificate or permit shall have been issued therefor by the inspector, except as follows:

(1) No restrictions are placed on the interstate movement of (a) sand for construction purposes, molding sand, silica sand, greensand, marl, "bird sand," "bird gravel," pottery clay, and when free from vegetable matter and heat-treated, processed clay, and dyed sand; (b) such other sands as have been treated or processed and subsequently handled in such manner that in the judgment of the inspector no Japanese beetle could exist therein, provided that each container of such article shall be labeled on the outside thereof as to nature of contents, except that in case of bulk shipments such label shall accompany the waybill or other shipping papers.

(2) No restrictions are placed on the interstate movement of manure, peat, compost, or humus (a) when dehydrated and either shredded, ground, pulverized, or compressed, or (b) when treated with crude petroleum or any other product having high potency as an insecticide, and when so labeled on the outside of each commercial container of such materials.

(3) No restrictions are placed on the interstate movement of sand, soil, earth, peat, compost, and manure imported from foreign countries when reshipped from the port of entry in the unopened original container and labeled as to each container with the country of origin, and when the shipment is further protected in manner or method satisfactory to the inspector.

(4) No certificate will be required for the interstate movement of sand, soil, earth, peat, compost, and manure when transported by a common carrier on a through bill of lading either from an area not under regulation through a regulated area, or from a regulated area through a nonregulated area to another regulated area.

B. Conditions of certification. Certificates for the movement of restricted sand, soil, earth, peat, compost, and manure may be issued under any one of the following conditions:

(5) When the articles to be moved have originated in districts included in

the regulated area, but in which neither beetles nor grubs in soil have been found.

(6) When the material consists of fresh manure or of mined, dredged, or other similar materials, and it has been determined by an inspector that no infestation could exist therein.

(7) When the material has been removed, under the supervision of an inspector, from a depth of more than 12 inches below the surface of the ground and either (a) is to be moved between October 16 and June 14, inclusive, or (b) is loaded and shipped at points where it has been determined by an inspector that no general infestation of adult beetles exists, or (c) when the cars and loading operations are protected by screening under the direction of and in manner and by method satisfactory to the inspector.

(8) When the material has been fumigated with carbon disulphide or otherwise treated under the supervision of and in manner and by method satisfactory to the inspector. Such fumigation or treatment will be required as a condition of certification of all restricted sand, soil, earth, peat, compost, and manure, except such as is loaded and shipped in compliance with paragraphs (5), (6), or (7) hereof.*

Regulation 8

SEC. 301.48-8 *Conditions governing the protection of restricted articles from infestation while in transit.* Fruits and vegetables, nursery and ornamental stock, and sand, soil, earth, peat, compost, and manure, moving interstate from or through the regulated areas to points outside thereof between June 15 and October 15, inclusive, shall at all times while they are in the regulated areas be screened, covered, or otherwise protected in manner or method satisfactory to the inspector for safeguarding the articles from infestation.

Trucks or other road vehicles transporting restricted articles may be sealed by the inspector at the point of inspection, and all such seals shall remain intact as long as the vehicle is en route within the regulated area.*

Regulation 9

SEC. 301.48-9 *Marking and certification a condition of interstate transportation.* (a) Every car, vehicle, box, basket, or other container of the articles listed, the interstate movement of which is restricted in regulations 5, 6, and 7, (Secs. 301.48-5 to 301.48-7) shall be plainly marked with the name and address of the consignor and the name and address of the consignee, and shall have securely attached to the outside thereof a valid certificate or permit issued in compliance with these regulations. In the case of lot shipments by freight, one certificate attached to one of the containers and another certificate attached to the waybill will be sufficient.

(b) In the case of bulk carload shipments by rail, the certificate shall accompany the waybill, conductor's manifest, memorandum, or bill of lading pertaining

to such shipment, and in addition each car shall have securely attached to the outside thereof a placard showing the number of the certificate or certificates accompanying the waybill.

(c) In the case of shipment by road vehicle, the certificates shall accompany the vehicle.

(d) Certificates shall be surrendered to the consignee upon delivery of the shipment.*

Regulation 10

SEC. 301.48-10 *General conditions governing inspection and issuance of certificates and permits.* (a) Persons intending to move or allow to be moved interstate any of the articles the movement of which is restricted in regulations 5, 6, and 7 (Secs. 301.48-5 to 301.48-7), shall make application for inspection and certification as far as possible in advance of the probable date of shipment, specifying in the application the article and quantity to be shipped, method of shipment, name and address of the consignor, and name and address of the consignee.

(b) Applicants for inspection will be required to assemble the articles at such points as the inspector shall designate and so to place them that inspection may readily be made; if not so placed, inspection may be refused. All charges for storage, cartage, and labor incident to inspection, other than the services of the inspector, shall be paid by the shipper.

(c) Certificates and permits shall be used in connection with the transportation of only those articles intended to be covered thereby.

(d) Where the apparent absolute freedom from infestation of any of the articles enumerated cannot be determined by the inspector, certification will be refused.

(e) Permits may be issued for the interstate movement of restricted articles by truck or other road vehicle from a regulated area through a nonregulated area to another regulated area, except for the articles listed in paragraph (1) of regulation 5, (Sec. 301.48-5) and paragraph (4) of regulation 6 (Sec. 301.48-6), as requiring certification when moved interstate to certain isolated regulated areas.*

Regulation 11

SEC. 301.48-11 *Cancellation of certificates.* Certificates issued under these regulations may be withdrawn or canceled by the inspector and further certification refused, either for any failure of compliance with the conditions of these regulations or violation of them, or whenever in the judgment of the inspector the further use of such certificates might result in the dissemination of infestation.*

Regulation 12

SEC. 301.48-12 *Inspection in transit.* Any car, vehicle, basket, box, or other container moved interstate or offered to a common carrier for shipment interstate, which contains or which the in-

spector has probable cause to believe contains either infestations, infested articles, or articles the movement of which is prohibited or restricted by these regulations, shall be subject to inspection by an inspector at any time or place.*

Regulation 13

SEC. 301.48-13 *Thorough cleaning required of trucks, wagons, cars, boats, and other vehicles and containers before moving interstate.* Trucks, wagons, cars, boats, and other vehicles and containers which have been used in transporting any article covered by these regulations within the regulated areas shall not thereafter be moved or allowed to be moved interstate until they have been thoroughly swept and cleaned by the carrier at a point within the regulated area.*

Regulation 14

SEC. 301.48-14 *Shipments for experimental and scientific purposes.* Articles subject to restriction in these regulations may be moved interstate for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.*

These revised rules and regulations shall be effective on and after February 20, 1939, and shall supersede the rules and regulations promulgated April 6, 1938.

Done at the city of Washington this 16th day of February 1939.

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

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

Appendix

Penalties

The Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended, provides that no person shall ship or offer for shipment to any common carrier, nor shall any common carrier receive for transportation or transport, nor shall any person carry or transport, from any quarantined State or Territory or District of the United States, or from any quarantined portion thereof, into or through any other State or Territory or District, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds * * * or any other article * * * specified in the notice of quarantine * * * in manner or method or under conditions other than those prescribed by the Secretary of Agriculture. It also provides that any person who shall violate any of the provisions of this act, or who shall forge, counterfeit, alter, deface, or destroy any certificate provided for in this

act or in the regulations of the Secretary of Agriculture shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding \$500, or by imprisonment not exceeding 1 year, or both such fine and imprisonment, in the discretion of the court.

State and Federal Inspection

Certain of the quarantined States have promulgated or are about to promulgate quarantine regulations restricting intrastate movement supplemental to the Federal quarantine. These State regulations are enforced in cooperation with the Federal authorities. Copies of either the Federal or State quarantine orders may be obtained by addressing the United States Department of Agriculture, 266 Glenwood Avenue, Bloomfield, N. J.

Subsidiary offices are maintained at the following locations:

Connecticut: Agricultural Experiment Station, 123 Huntington Street, New Haven, Conn.

Delaware: Room 210, New Post Office Building, Dover, Del.

Maryland: Room 306, Post Office Building, Calvert and Fayette Streets, Baltimore, Md.

Washington County Annex Building, Hagerstown, Md.

Room 202, New Post Office Building, Main Street, Salisbury, Md.

Massachusetts: Thirteenth Floor, Custom House, Boston, Mass.

New Jersey: Kotler Building, Main and High Streets, Glassboro, N. J.

P. O. Box 1, Trenton, N. J., or Yardville Road, White Horse, N. J.

New York: Room 838, 641 Washington Street, New York, N. Y.

Room 200, 2507 James Street, Syracuse, N. Y.

Ohio: 307 Mellett Building, Canton, Ohio.

Pennsylvania: Warehouse No. 4, United States Army General Depot, New Cumberland, Pa.

6905 Torresdale Avenue, Philadelphia, Pa. Room 438-K, New Post Office Building, Pittsburgh, Pa.

Virginia: Room 217, New Federal Building, Granby Street and Brambleton Avenue, Norfolk, Va. 1005 Grace-American Building, Richmond, Va.

Arrangements may be made for inspection and certification of shipments from the District of Columbia by calling Republic 4142, branch 2589, inspection house of the Bureau of Entomology and Plant Quarantine, Twelfth Street and Constitution Avenue NW., Washington, D. C.

General Offices of States Cooperating Department of Entomology, Agricultural Experiment Station, New Haven, Conn.

Board of Agriculture, Dover, Del.
State horticulturist, Augusta, Maine.
Department of Entomology, University of Maryland, College Park, Md.

Division of Plant Pest Control, Department of Agriculture, Statehouse, Boston, Mass.

Deputy commissioner, Department of Agriculture, Durham, N. H.

Bureau of Plant Industry, Department of Agriculture, Trenton, N. J.

Bureau of Plant Industry, Department of Agriculture and Markets, Albany, N. Y.

Division of Plant Industry, Department of Agriculture, Columbus, Ohio.

Bureau of Plant Industry, Department of Agriculture, Harrisburg, Pa.

Bureau of Entomology, Department of Agriculture, Statehouse, Providence, R. I.

Entomologist, Department of Agriculture, Montpelier, Vt.

Division of Plant Industry, Department of Agriculture and Immigration, Richmond, Va.

State entomologist, Department of Agriculture, Charleston, W. Va.

[F. R. Doc. 39-572; Filed, February 17, 1939; 12:23 p. m.]

[B. P. Q.-359 (Supp. 4)]

SEC. 301.48-6A—SUPPLEMENT NO. 4 TO ADMINISTRATIVE INSTRUCTIONS TO INSPECTORS ON THE TREATMENT OF NURSERY PRODUCTS, FRUITS, VEGETABLES, AND SOIL, FOR THE JAPANESE BEETLE, PURSUANT TO NOTICE OF QUARANTINE NO. 48

FEBRUARY 15, 1939.

II. Treatment of plants, with or without soil.

H. Methyl bromide fumigation. In accordance with the provisions of regulation 6 (Sec. 301.48-6) of the rules and regulations supplemental to Notice of Quarantine No. 48 (twelfth revision), the treatment specified below may be employed as a basis for certification of potted plants, plants in tubs, balled nursery stock, or bare-rooted nursery stock, when such treatment is carried out under the supervision of, and in a manner satisfactory to, an inspector of the Bureau of Entomology and Plant Quarantine, United States Department of Agriculture.

Treatment method. The nursery stock shall be fumigated with a dosage of 2½ pounds of methyl bromide per 1,000 cubic feet, including the space occupied by the nursery stock, for a period of 2½ hours, and during this time the temperature of the soil and the air in the fumigation chamber shall not be lower than 63° F. The treatment is to be applied only to plants with bare roots or in 8-inch pots or smaller, or in soil balls not larger than 8 inches in diameter. While a reasonable amount of moisture in the soil does not make the treatment ineffective, the soil should not be puddled or saturated, and withholding water for a period of 12 hours is advisable. The treatment shall be applied in a tight room or chamber with gastight doors and the plants shall be

stacked on racks or separated so that the gas can have access to all sides of the pot or soil balls.

After the room or fumigation chamber is loaded and closed the required dosage of methyl bromide shall be applied as a gas and may be introduced into the chamber as a gas or volatilized in the chamber. The air-gas mixture shall be circulated by means of a fan or blower throughout the entire 2½-hour fumigation period or for the length of time required by the inspector. The treatment should be applied in a fumigation chamber of approved design. A chamber lined with sheet metal throughout, with a metal-covered door closing against gaskets and held tightly in place by refrigerator door fasteners, is recommended.

The efficiency of the treatment is dependent upon strict observance of all requirements herein stated. In authorizing the movement of potted plants and other nursery stock fumigated according to the requirements stated above, it is understood that no liability shall attach to the United States Department of Agriculture or any of its employees in the event of injury resulting from the use of the fumigant. A list of plants which have been treated with success experimentally will be furnished those interested in applying the treatment.

Caution. Methyl bromide is a gas at ordinary temperatures. It is a poison, and the operator should use an approved gas mask when exposed to the gas at concentrations used in fumigation. The plants in the fumigation chamber should be well aerated by blowing air through them, and the room adequately ventilated before it is entered.

[SEAL]

AVERY S. HOYT,
Acting Chief.

[F. R. Doc. 39-573; Filed, February 17, 1939; 12:23 p. m.]

SUGAR DIVISION

PART 802—SUGAR DETERMINATIONS

AMENDMENT TO DETERMINATION OF FAIR AND REASONABLE WAGE RATES FOR HARVESTING SUGARCANE IN THE MAINLAND SUGARCANE AREA BETWEEN SEPTEMBER 1, 1938, AND JUNE 30, 1939

Whereas, Section 301 (b) of the Sugar Act of 1937 provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

(b) That all persons employed on the farm in the production, cultivation, or harvesting of sugar beets or sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended, and the differences in conditions among various producing areas; Provided, however, That

a payment which would be payable except for the foregoing provisions of this subsection may be made, as the Secretary may determine, in such manner that the laborer will receive an amount, insofar as such payment will suffice, equal to the amount of the accrued unpaid wages for such work, and that the producer will receive the remainder, if any, of such payment.

and

Whereas, the Secretary of Agriculture has held a number of public hearings¹ in the mainland cane sugar area for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable wage rates for persons employed in the harvesting of sugarcane during the period from September 1, 1938, to June 30, 1939.

Now, therefore, I, H. A. Wallace, Secretary of Agriculture, after investigation and due consideration of the evidence obtained at the aforesaid hearings and all other information before me, do hereby determine that:

Sec. 802.24b Determination of fair and reasonable wage rates for harvesting sugarcane in the mainland sugarcane area between September 1, 1938, and June 30, 1939. The requirements of Section 301 (b) of the Sugar Act of 1937 shall be deemed to have been met with respect to any harvesting of cane in the mainland cane sugar area during the period from September 1, 1938, to June 30, 1939, if all persons employed on the farm during that period in the harvesting of sugarcane shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates not less than the following:

1. Louisiana. A. For cutting, topping and stripping cane: adult male workers, not less than \$1.50 per day of 9 hours; adult female workers, not less than \$1.20 per day of 9 hours. For a working day longer or shorter than 9 hours, the rate shall be not less than 17 cents per hour for adult male workers and 13 cents per hour for adult female workers.

B. For cutting, topping, and stripping cane on a tonnage basis, not less than 75 cents per ton.

2. Florida. A. For cutting, topping, stripping, and loading green cane on a tonnage basis, not less than the following rates per ton:

Type of cane:	Rate per ton
Small barrel cane.....	\$1.19
Medium barrel cane.....	.97
Large barrel cane.....	.81

B. For cutting, topping, and loading burnt cane on a tonnage basis, not less than the following rates:

Type of cane:	Rate per ton
Small barrel cane.....	\$0.97
Medium barrel cane.....	.81
Large barrel cane.....	.65

C. For cutting, topping, and stripping cane and for cutting and topping cane: adult male workers, not less than \$2.00 per day of 9 hours; adult female workers, not less than \$1.60 per day of 9 hours. For a working day longer or shorter than

¹ 3 F. R. 1830 DL.

9 hours, the rate shall not be less than 22.5 cents per hour for adult male workers and 18 cents per hour for adult female workers.

Provided, however, That the producer shall furnish to the laborer, without charge, the customary perquisites, such as, a habitable house, a suitable garden plot with facilities for its cultivation, pasturage for livestock, medical attention, and similar incidentals: *And Provided, further,* That the producer shall not, through any subterfuge or device whatsoever, reduce the wage rates to laborers below those determined above.

This determination supersedes the "Determination of Fair and Reasonable Wage Rates for Harvesting Sugarcane in the Mainland Sugarcane Area between September 1, 1938, and June 30, 1939," made by the Secretary of Agriculture on October 15, 1938,² except that any producer who has completed harvesting prior to the date of this determination shall be deemed to have met the requirements of subsection (b) of Section 301 of the Sugar Act of 1937 if he has complied with the determination of October 15, 1938.

Nothing in this determination shall be construed to mean that a producer may qualify for a payment under the said act who has not paid in full the amount agreed upon between the producer and the laborer. (Sec. 301, 50 Stat. 909; 7 U. S. C., Sup. III, 1131)

Done at Washington, D. C., this 16th day of February 1939. Witness my hand and seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
Secretary.

[F. R. Doc. 39-571; Filed, February 17, 1939; 12:22 p. m.]

**TITLE 10—ARMY
WAR DEPARTMENT**

CHAPTER VI—ORGANIZED RESERVES

PART 61—OFFICERS' RESERVE CORPS

SEC. 61.4 Appointments; how made.³

* * * * *
(b) *Appointment above initial grade.*
* * *

*Classes of Persons; for What Eligible;
How Appointed*

Classes of persons	For what eligible	How appointed
(6) Warrant officers and enlisted men of the Regular Army, members of the Regular Army Reserve, and enlisted men of the Enlisted Reserve Corps.	In appropriate section and in lowest grade thereof.	Upon approved recommendation of an examining board.
* * *	* * *	* * *

(Sec. 37, 39 Stat. 189; 40 Stat. 73; sec. 32, 41 Stat. 775; sec. 2, 42 Stat. 1033;

³ 3 F. R. 2497 DI.

² Supersedes paragraph (b) (6), Section 61.4, Title 10, of the Code of Federal Regulations.

sec. 3, 48 Stat. 154; 48 Stat. 939; 10 U. S. C. 352, 353) [AR 140-5, June 16, 1936, Cir. No. 10, War Department, 1939]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 39-567; Filed, February 17, 1939; 10:07 a. m.]

**TITLE 29—LABOR
WAGE AND HOUR DIVISION**

PART 516—REGULATIONS ON RECORDS TO BE KEPT BY EMPLOYERS PURSUANT TO SECTION 11 (c) OF THE FAIR LABOR STANDARDS ACT OF 1938

The following amendment to Regulations—Part 516—(Regulations on Records to be Kept by Employers Pursuant to Section 11 (c) of the Fair Labor Standards Act of 1938)¹ is hereby issued. Said amendment to Part 516 adds a new Section 516.90 prescribing regulations on records to be kept by employers of industrial homeworkers. Said amendment shall become effective March 15, 1939 and shall be in force and effect for six months thereafter unless repealed or modified by regulations hereafter made and published by me.

Signed at Washington, D. C., this 16th day of February 1939.

ELMER F. ANDREWS,
Administrator.

Whereas, after notice duly published in the FEDERAL REGISTER on December 24, 1938,² a public hearing was held January 4, 5, 6, 17 and 18, 1939 before Merle D. Vincent on the following question:

"What, if any, amendments should be made to Part 516 of regulations issued under Section 11 (c) of the Fair Labor Standards Act of 1938, to require special or additional records to be kept by employers of industrial homeworkers."

and

Whereas, as a result of such hearing, it has appeared desirable that an amendment be made to said regulations to require special or additional records to be kept by employers of industrial homeworkers:

Now, therefore, in view of the foregoing, the following regulations are hereby issued:

SECTION 516.90 Regulations on records to be kept by employers of industrial homeworkers, pursuant to Section 11 (c) of the Fair Labor Standards Act. Every employer subject to any provisions of the Fair Labor Standards Act or any order issued under this Act who directly or indirectly distributes work to be performed by an industrial homemaker shall be relieved of the provisions for record-keeping contained in Section 516.1, 516.2, 516.3, and 516.4 (b) of these Regulations with respect to such industrial homemaker and shall, in lieu of such requirements, make and preserve, records con-

¹ 3 F. R. 2533 DI.
² 3 F. R. 3159 DI.

taining the following information with respect to each such industrial homemaker engaged on work distributed directly by such employer or indirectly in his interest:

- (a) Name in full.
- (b) Home address.
- (c) Date of birth if under 19.
- (d) With respect to each lot of work issued:
 - (1) Date and hour on which work is given out to worker, and amount of such work given.
 - (2) Date and hour on which work is returned by worker, and amount of such work returned.
 - (3) Kind of articles worked on and operations performed.
 - (4) Piece rates paid.
 - (5) Hours worked on each lot of work returned.
 - (6) Wages paid for each lot of work returned.
 - (7) Deductions for Social Security Taxes.
 - (8) Date of payment.
- (e) With respect to each week:
 - (1) Hours worked each week.
 - (2) Wages earned each week at regular piece rates.
 - (3) Extra pay each week for overtime.
 - (4) Total wages earned each week.
 - (5) Deductions for Social Security Taxes.
- (f) Name and address of each agent, distributor, or contractor through whom homework is distributed.

In addition to the keeping of the above records, a separate handbook (to be obtained by the employer from the Wage and Hour Division and supplied by him to each worker) shall be kept for each industrial homemaker, and the information required therein shall be entered by the employer or the person distributing homework on behalf of such employer each time work is given out to or received from an industrial homemaker.

Except for the time necessary for the making of entries by the employer, the handbook must remain in the possession of the industrial homemaker until such time as the Wage and Hour Division may request it.

A separate record and a separate handbook must be kept for each individual performing work in or about a home on any lot or amount of homework distributed.

For the purpose of this section, the term "Industrial Homemaker" means any person producing in or about a home, for an employer, goods from materials furnished directly by or indirectly for such employer.

This section shall be in force and effect for a six-month period beginning March 15, 1939, unless repealed or modified prior to that date.*

[F. R. Doc. 39-564; Filed, February 16, 1939; 2:38 p. m.]

*Issued under the authority contained in Section 11 (c), 52 Stat. 1060.

**TITLE 30—MINERAL RESOURCES
NATIONAL BITUMINOUS COAL
COMMISSION**

[Order No. 262]

**DISCONTINUANCE OF CERTAIN REPORTS
HERETOFORE REQUIRED TO BE MADE BY
PRODUCERS OF COAL HAVING A DAILY
CAPACITY OF LESS THAN FIFTY TONS AT
MINES WITHOUT RAIL OR WATER CON-
NECTIONS, AND PROVIDING FOR A SINGLE
ANNUAL REPORT IN LIEU THEREOF**

Whereas, pursuant to Orders Nos. 15, 29, 236, and 252¹ the Commission has collected cost reports from producers with a daily capacity of less than fifty (50) tons at mines without rail or water connections covering the year 1936 and each month of the years 1937 and 1938, and

Whereas, said reports from such small producers contribute for the industry as a whole less than 2 per cent of the total ascertainable tonnage covered by the cost reports received by the Commission from all producers, and have little effect upon the weighted average cost of production, and

Whereas, the reports heretofore collected from such small producers are sufficient for practical purposes to determine the weighted average costs for the years 1936, 1937, and 1938, and there is no present necessity for the producers of less than 50 tons daily capacity to continue furnishing the reports directed by Orders Nos. 15, 29, 236, and 252:

Now, therefore, Pursuant to the provisions of the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs:

1. That those producers of bituminous coal having a daily capacity of less than 50 tons at mines without rail or water connections be and they are hereby exempted, until further order of the Commission, from compliance with the requirements of Orders Nos. 15, 29, 236, and 252, as to all past, current and future reports.

2. That in lieu of the monthly reports required by Orders Nos. 236 and 252, producers of bituminous coal with a daily capacity of less than 50 tons, be and they are hereby directed to make an annual report for the calendar year 1939 on a form to be approved by the Commission and in accordance with an Order of the Commission to be hereafter issued.

3. That the Secretary of the Commission shall cause the proper Statistical Bureau of the Commission to mail to each known producer within the United States whose mine or mines comes within the description set forth in this Order, namely, mines with a daily capacity of less than 50 tons, and shall cause a copy of this Order to be mailed to the Secretary of each District Board and to the Consumers' Counsel, and shall cause a

copy hereof to be published in the FEDERAL REGISTER.

By order of the Commission.
Dated this 16th day of February, 1939.

[SEAL] F. WITCHER McCULLOUGH,
Secretary.

[F. R. Doc. 39-569; Filed, February 17, 1939;
11:24 a. m.]

[Order No. 263]

**REPORTS FROM PRODUCERS COVERING PRO-
DUCTION AND MINE OPERATION FOR THE
CALENDAR YEAR 1938**

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st Sess.), known as the Bituminous Coal Act of 1937, and pursuant to Section 10 thereof, the National Bituminous Coal Commission hereby orders and directs:

1. That each producer of bituminous coal, whether or not a code member and whether or not engaged in commerce in coal which is subject to the provisions of Section 4 of said Act, shall file complete reports showing his production and other items relating to mine operation as set forth in the form approved by the Commission and hereinafter designated.

2. That each producer shall, on or before the 31st day of March, 1939, on the form hereinafter made applicable, file separate reports for each mine operated by him, which reports shall be filed with the Statistical Bureau of the Commission in the district within which the mine or mines reported upon are located.

3. That Commission's Form No. T-1 shall be used by producers for underground mines having rail or river connections regardless of the amount of daily average production, and for all underground mines having a daily average production of more than fifty (50) net tons.

Commission's Form No. T-1-S shall be used by producers for strip mines having rail or river connections regardless of the amount of daily average production, and for all strip mines having a daily average production of more than fifty (50) net tons.

Commission's Form No. T-2 shall be used by producers for mines without rail or river connections, having a daily average production of less than fifty (50) net tons.

4. That the Secretary of the Commission be and he is hereby directed to cause a copy of this Order together with the necessary forms to be mailed on March 1, 1939, to each known producer within the United States, and shall cause additional copies of said forms to be made available to all producers at the office of each Statistical Bureau of the Commission.

By order of the Commission.

Dated this 16th day of February, 1939.

[SEAL] F. WITCHER McCULLOUGH,
Secretary.

[F. R. Doc. 39-570; Filed, February 17, 1939;
11:24 a. m.]

Notices

**SECURITIES AND EXCHANGE COM-
MISSION.**

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of February, A. D. 1939.

[File No. 32-129]

**IN THE MATTER OF CENTRAL INDIANA POWER
COMPANY**

**NOTICE OF AND ORDER FOR POSTPONMENT
OF HEARING**

An application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party; and

Whereas It was Ordered¹ on February 3, 1939, that a hearing on said matter be held on February 21, 1939, at 10:30 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C.; and

Whereas the above-named party has requested that said hearing be postponed;

It is ordered, That said hearing be, and it hereby is, postponed until February 28, 1939, at 10:00 in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such postponement is hereby given to said applicant and to any other person whose participation in such proceedings may be in the public interest or for the protection of investors or consumers.

The matter concerned herewith is in regard to an application by Central Indiana Power Company, a subsidiary of the Surviving Trustee of the Estate of

¹ 4 F. R. 518 DI.

¹ 2 F. R. 1234, 1347 (1477, 1606 DI); 3 F. R. 723, 2475 DI.

Midland United Company, a registered holding company, pursuant to Section 6(b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of Section 6 (a) of the issue and sale to Rural Electrification Administration of its Collateral Notes in the aggregate amount of not exceeding \$430,000. Such Notes are to be secured by the pledge of applicant's First Mortgage Collateral and Refunding Gold Bonds, "Series A", dated July 1, 1922; and the proceeds of the Notes will be used to pay the cost of the construction of such systems and facilities as will be necessary to render electric utility service in certain rural areas in Hamilton and Howard Counties in the State of Indiana, adjacent to territory now served by Northern Indiana Power Company, a subsidiary of the applicant.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-568; Filed, February 17, 1939,
11:16 a. m.]

United States of America—Before the
Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of February, A. D. 1939.

[File No. 43-175]

IN THE MATTER OF NEW YORK AND RICHMOND GAS COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

New York and Richmond Gas Company, a New York corporation and an indirect subsidiary of Washington and Suburban Companies, a Massachusetts common law trust and a registered holding company, having filed a declaration, and amendments thereto, pursuant to Sections 6 and 7 of the Public Utility Holding Company Act of 1935 regarding the reduction of that part of its capital which is represented by the authorized and outstanding 150,000 shares of no-par common stock from \$1,500,000 to \$850,000, by reducing the stated value of its no-par common stock from \$10 to \$5.66 $\frac{2}{3}$ per share, without reducing the number of shares and without changing the respective voting rights of the outstanding stocks;

A public hearing having been held on declaration, as amended, pursuant to appropriate notice;¹ no member of the public having appeared or having requested an opportunity to be heard; the declarant having waived a trial examiner's report, submission of proposed findings of fact to the Commission, or requested findings of fact by counsel to the Commission and oral argument before the Commission; and the Commission having considered the record in this matter and having made and filed its findings herein:

¹ 4 F. R. 221 DI.

It is ordered, That said declaration be and become effective forthwith subject, however, to the following conditions:

(1) That the corporate action and all matters connected therewith or related thereto shall be performed in all respects as set forth in and for the purpose represented by, the declaration;

(2) That no charge (other than one required by the New York Commission) shall be made to the surplus account unless said charge first be authorized by the board of directors and subsequent to such authorization notice of the making of such charge be given to this Commission, in which event the Commission reserves jurisdiction, after notice and opportunity for hearing, to disapprove such charge on the basis of the record herein and any additional evidence that may be adduced by any interested party; and in the event that the Commission shall, within twenty days, notify declarant to show cause why such charge should not be disapproved, the charge in question, shall not be made until expressly authorized by order of this Commission: *Provided, however,* That in no event, until further order of this Commission, shall the declarant pay any dividends on any of its stocks unless it has filed with this Commission under Section 12 (c) of the Act and the applicable rules and regulations thereunder an application for approval of the payment of such dividends and except in conformity with the order of the Commission issued in respect thereof; and

(3) That the Commission reserves full power and jurisdiction to act at any time under Section 11 (b) (2) with respect to any unfair or inequitable distribution of voting power whether now existing or hereafter arising.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-574; Filed, February 17, 1939;
1:01 p. m.]

UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS WEDNESDAY, FEBRUARY 15, 1939

Important.—Although the apportioned classified civil service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts, and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are

first made from States which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Puerto Rico.....	591	41
2. Hawaii.....	141	15
3. California.....	2,174	780
4. Alaska.....	23	9
5. Texas.....	2,231	896
6. Michigan.....	1,855	879
7. Louisiana.....	865	383
8. Arizona.....	167	85
9. New Jersey.....	1,548	826
10. South Carolina.....	666	383
11. Ohio.....	2,546	1,521
12. Oklahoma.....	918	564
13. Mississippi.....	770	475
14. Alabama.....	1,013	627
15. Arkansas.....	710	444
16. New Mexico.....	162	108
17. Georgia.....	1,114	747
18. North Carolina.....	1,214	821
19. Kentucky.....	1,001	680
20. Tennessee.....	1,002	764
21. Wisconsin.....	1,125	866
22. Illinois.....	2,923	2,254
23. Connecticut.....	615	494
24. Oregon.....	365	321
25. Delaware.....	91	81
26. Indiana.....	1,240	1,104
27. Florida.....	552	528
28. Idaho.....	170	162
29. New York.....	4,821	4,695
30. Pennsylvania.....	3,689	3,525
31. Utah.....	195	194
32. Maine.....	305	304
33. West Virginia.....	662	661

State	Number of positions to which entitled	Number of positions occupied	Net gain or loss since July 1, 1938
QUOTA FILLED			
34. Wyoming.....	86	86	
35. Nevada.....	35	35	

State	Number of positions to which entitled	Number of positions occupied	Net gain or loss since July 1, 1938
IN EXCESS			
36. Massachusetts.....	1,628	1,629	+1
37. New Hampshire.....	178	180	+2
38. Missouri.....	1,390	1,406	+16
39. Colorado.....	397	409	+12
40. Washington.....	599	618	+19
41. Kansas.....	720	744	+24
42. Minnesota.....	982	1,016	+34
43. Vermont.....	138	144	+6
44. North Dakota.....	261	275	+14
45. Montana.....	206	220	+14
46. Rhode Island.....	263	292	+29
47. South Dakota.....	275	301	+26
48. Iowa.....	946	1,089	+143
49. Nebraska.....	528	622	+94
50. Virginia.....	928	1,939	+1,011
51. Maryland.....	625	1,875	+1,250
52. Dist. of Col.....	186	8,756	+8,570

GAINS	
By appointment.....	56
By reinstatement.....	2
By transfer.....	33
Total.....	91

LOSSES	
By separation.....	86
By transfer.....	119
By correction.....	1
Total.....	206
Total appointments.....	47,779

NOTE.—Number of employees occupying apportioned positions who are excluded from the apportionment figures under Section 2, Rule VII, and the Attorney General's opinion of Aug. 25, 1934, 14,535.

By direction of the Commission.
L. A. MOYER,
Executive Director and
Chief Examiner.

[F. R. Doc. 39-566; Filed, February 16, 1939;
3:45 p. m.]