FEDERAL REGISTER

VOLUME 7 NUMBER 127

Washington, Tuesday, June 30, 1942

The President

PROCLAMATION 2559

EXTENDING TITLE III, PART I, OF THE TRANSPORTATION ACT OF 1940

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS Title III, Part I, of the Transportation Act of 1940, enacted September 18, 1940 (54 Stat. 898), established a Board of Investigation and Research to investigate and report to the President and to the Congress its findings and recommendations upon certain subjects of importance to national transportation, including the relative economy and fitness of carriers by railroad, motor carriers and water carriers and the service for which each type of carrier is especially fitted or unfitted; the methods by which each type of carrier should be developed to provide a national transportation system adequate for commerce, the Postal Service and the national defense; the extent of public aid provided for such carriers; the extent to which such carriers are taxed; and other matters deemed important to investigate for the improvement of transportation conditions and to effectuate the national transportation policy; and

WHEREAS the provisions of Title III, Part I, of the aforesaid Act will cease to have effect at the end of two years after enactment unless extended, in accordance with the provisions of section 306 thereof, by a proclamation of the President; and

WHEREAS the members of the aforesaid Board assumed office August 22, 1941, and it appears that their duties cannot be adequately performed unless Title III, Part I of the aforesaid Act shall continue to have effect for an additional period of two years; and

WHEREAS an efficient transportation system is essential to the nation in peace and war, and the national interest requires the development of informed policies by which such a system may be promoted, strengthened and maintained:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me as set forth above, do proclaim that Title III, Part I, of the Transportation Act of 1940 is extended and shall continue to have effect until September 18, 1944.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 26th day of June, in the year of our Lord nineteen hundred and forty-two, and of the Independence of the United States of America the one hundred and sixty-sixth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[F. R. Doc. 42-6031; Filed, June 27, 1942; 10:43 a. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 26—FEDERAL LAND BANK OF ST. LOUIS

PREPAYMENT FEES

Section 26.7 of Title 6, Code of Federal Regulations is amended to read as follows:

§ 26.7 *Prepayment fees.* If in any one year during the first five years a loan is in force, the borrower, through the refinancing of the loan from a non-Government lending source, makes special principal payments in excess of one-fifth of the original amount of the loan, a prepayment fee will be charged the borrower in a sum equal to 1% per annum on the amount of such excess for each year or

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REGULATIONS

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FEDERAL REGISTER

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fraction thereof of the unexpired portion of said five-year period. (Sec. 12 "Second," 39 Stat. 370 as amended; 12 U.S.C. 771 "Second"; 6 CFR 10.386) (Res. Ex. Com., May 7, 1942)

[SEAL] THE FEDERAL LAND BANK OF ST. LOUIS.
By W. L. RUST, *President.*

Attest: E. B. HARRIS,
Assistant Secretary.

[F. R. Doc. 42-6059; Filed, June 29, 1942; 10:06 a. m.]

Chapter II—Commodity Credit Corporation

[Amendment 2 to 1937 CCC Cotton Form SFE]

PART 224—TERMS AND CONDITIONS OF COTTON SALES FOR EXPORT PROGRAM

1937 CCC Cotton Form SFE—Terms and Conditions of Cotton Sales for Export Program, issued October 3, 1941, and amended October 9, 1941, is hereby further amended as follows:

1. Paragraph (f) of § 224.10 *Registration of sales,*[1] is amended to read as follows:

(f) Such contract must show the sales price, the date of sale, the quantity (number of pounds, gross weight) of cotton sold, the delivery or sailing dates thereon, destination of shipment, the name and address of the parties to the contract, and must call for the exportation of the cotton prior to September 30, 1942.

[1] 6 F.R. 5615, 5616.

2. Section 224.13 *Liquidated damages*,[2] is amended to read as follows:

§ 224.13 *Liquidated damages.* In all cases in which (a) cotton is sold by the Corporation in reliance upon registered sales for future delivery and satisfactory evidence of the exportation, prior to September 30, 1942, of an equivalent quantity of cotton in fulfilment of such sales is not filed within the prescribed time with the Corporation or (b) cotton as to which satisfactory evidence of exportation has been submitted re-enters the United States or its possessions (other than the Philippine Islands) in raw cotton form, the purchaser shall pay to the Corporation, as liquidated damages, the sum of 12½ cents per pound for each pound of such cotton: *Provided,* That the purchaser shall not be liable for liquidated damages under (b) above, with respect to raw cotton re-entering the United States or its possessions (other than the Philippine Islands) under the provisions of the Proclamation of the President of the United States, No. 2544, dated March 31, 1942.

3. These amendments shall be applicable to all cotton purchased under the Cotton Sales for Export Program prior to July 31, 1942, whether based upon sales registered prior to, or subsequent to, the date of this amendment. Nothing herein shall be deemed, however, to authorize the registration of sales after July 31, 1942, or the purchase of cotton after such date.

(Sec. 302 (a), 381 (c), 52 Stat. 43; 7 U.S.C., Sup., 1302)

Issued this 29th day of May 1942, at Washington, D. C.

[SEAL] J. B. HUTSON,
President.

[F. R. Doc. 42-6080; Filed, June 29, 1942; 11:25 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Administration

PART 29—TOBACCO INSPECTION

FLUE-CURED TOBACCO MARKETS

Designating Forty-nine Markets in Georgia, North Carolina, South Carolina, Virginia, and Florida

Pursuant to authority conferred upon the Secretary of Agriculture by The Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 1940 Ed. 511d), the following amendment to Title 7, Chapter I, Part 29, Code of Federal Regulations (7 CFR, 1938 Sup., 1939 Sup., 1940 Sup., Chapter I, Part 29, as amended by 6 FR 4111, 5147, 5478) is promulgated:

§ 29.301 *Orders of designation of tobacco markets.* * * *

(t) The flue-cured tobacco markets at Baxley, Blackshear, Hazlehurst, Moultrie, Pelham, Tifton, Vidalia, and Waycross, Georgia; Aberdeen, Ahoskie, Burlington, Carthage, Chadbourn, Clarkton, Durham, Fair Bluff, Fairmont, Henderson, Kinston, Louisburg, Lumberton, Madison, Mebane, Mt. Airy, Rocky Mount, Roxboro, Sanford, Smithfield, Stoneville, Tabor City, Wallace, Warrenton, Washington, Whiteville, Wilson, and Winston-Salem, North Carolina; Conway, Kingstree, and Mullins, South Carolina; Brookneal, Chase City, Clarksville, Kenbridge, Lawrenceville, Martinsville, Petersburg, Rocky Mount and South Boston, Virginia; and Lake City, Florida.

Effective thirty days from this date, no tobacco shall be offered for sale at auction on said markets until such tobacco shall have been inspected and certified by an authorized representative of the United States Department of Agriculture according to standards established under The Tobacco Inspection Act: *Provided, however,* That the requirement of inspection and certification may be suspended at any time when it is found impracticable to provide inspection or when the quantity of tobacco available for inspection is not sufficient to justify the cost of such service. No fee or charge shall be imposed or collected for the inspection and certification of tobacco sold or offered for sale at auction on the markets designated herein.

Done at Washington, D. C., this 26th day of June, 1942. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 42-6034; Filed, June 27, 1942; 11:25 a. m.]

Chapter IV—Federal Crop Insurance Corporation

PART 405—1943 WHEAT CROP INSURANCE REGULATIONS

The Federal Crop Insurance Program is part of the general program of the United States Department of Agriculture administered for the benefit of agriculture.

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, as amended, these regulations are hereby published and prescribed to be in force and effect, with respect to the wheat crop insurance program, until amended or superseded by regulations hereafter made.

MANNER OF OBTAINING INSURANCE

PREMIUM FOR INSURANCE CONTRACT

INSURANCE COVERAGE

PAYMENT OF INDEMNITY

PAYMENT OF INDEMNITY TO PERSONS OTHER THAN ORIGINAL INSURED

DEPOSITS, REFUNDS OF DEPOSITS, AND EXCESS PAYMENTS

ESTABLISHMENT OF AVERAGE YIELDS AND PREMIUM RATES

GENERAL

AUTHORITY: §§ 405.1 to 405.45, inclusive, issued under secs. 506 (e), 516 (b), 52 Stat. 73, 77; 7 U.S.C. 1506 (e), 1516 (b).

MANNER OF OBTAINING INSURANCE[1]

§ 405.1 *Application for insurance.* An application for insurance may be made by any person who has an interest as landlord, owner-operator, tenant, or sharecropper in a wheat crop. Such application shall be made on a form prescribed by the Corporation for such purpose. The application shall cover all insurance units in the county in which the application is filed and in which the applicant has an interest in the crop as landlord, owner-operator, tenant, or sharecropper at the time of seeding in any of the three years specified in the application, and the insurance units so covered shall include (a) all insurance units physically located in such county,

[2] 6 F.R. 5616.

[1] Definitions of terms for purposes of the wheat crop insurance program are contained in § 405.45 hereof.

or considered as located in such county for the purpose of establishing the average yield and premium rate, and in which the applicant has an interest in the crop as landlord, owner-operator, tenant, or sharecropper, (b) all insurance units in adjoining counties in which the applicant has an interest in the crop as owner-operator, tenant, or sharecropper, provided the applicant is an operator of an insurance unit in the county where the application is filed, and (c) all insurance units in other counties in which the applicant has an interest in the crop as owner-operator, tenant, or sharecropper, and considered for the purposes of the Agricultural Conservation Program as located in the county in which the application is filed. The insurance shall attach at the time of the seeding of the wheat crop. Applications shall be submitted to the office of the county committee on or before the closing date established by the Corporation for the county in which the insurance unit is located.

§ 405.2 *Acceptance of applications by the Corporation.* (a) Upon acceptance of an application by the county committee, the insurance contract shall be in effect: *Provided, however,* That the application is submitted on or before the closing date as defined in § 405.43 hereof and in accordance with the provisions of the application, these regulations and any amendments hereto: *And provided, further,* That such application is subject to the Federal Crop Insurance Act, and any subsequent legislation (including appropriation statutes) affecting the insurance contract as Congress may hereafter enact. Acceptance of the application shall be evidenced by delivery to the applicant of a copy of the application signed by a member of the county committee.

(b) The Corporation reserves the right to reject any application for insurance or to limit the insured percentage to 50 percent of the average yield for the insurance unit covered by the application in any case where the county committee determines that the risk to be incurred under the insurance contract warrants either such action.

(c) The insured may cancel the insurance contract as it relates to future crops for the purpose of entering into a new three-year contract, if one is offered, but such cancelation shall not affect any existing insurance coverage. The insured may cancel the insurance contract as it applies to the third year by giving written notice to the county committee on or before the closing date (as defined in § 405.43 hereof) for the second year.

PREMIUM FOR INSURANCE CONTRACT

§ 405.3 *Amount of annual premium.* (a) The annual premium for each insurance unit under the contract shall be the number of bushels of wheat determined by multiplying the number of acres of wheat seeded, not in excess of the maximum insurable acreage, by the premium rate per acre and by the insured's interest in the crop at the time of seeding. If more than one premium rate has been established for the insurance unit, a premium shall be computed separately using the applicable acreage for each premium rate and the total of the amounts computed shall be the premium for the insurance unit. The annual premium for the insurance contract shall be the total of the annual premiums for the insurance units covered by the contract. For any year when wheat is seeded the minimum annual premium for any insurance contract shall be one bushel of wheat. The annual premium with respect to each insurance unit shall be regarded as earned when the wheat crop on such unit is seeded.

(b) The Corporation may reduce the annual premium in any year not to exceed 50 percent, if it determines, from a comparison of the insured production with the accumulated balance of premiums paid over indemnities received by the insured on consecutively insured crops, that the risks on wheat crops produced by the insured justify such reduction. Nothing in this provision shall create in the insured any right to a reduced premium as a result of the total premiums he has paid exceeding the total indemnities he has received.

§ 405.4 *Manner of paying premium.* (a) Each applicant for insurance shall sign a note which is a part of his application. Such note shall represent a promise to pay the Federal Crop Insurance Corporation the total premium for all insurance units covered by the insurance contract for the crop years in which the contract is in effect. Such total premiums shall be payable in annual installments constituting the amount of premium earned with respect to each crop year under the insurance contract, and such annual installments shall be payable each year on or before the due date for the state in which the insurance unit(s) is located. Annual installments paid on or before the due date may be paid in wheat or cash equivalent, but installments paid after the due date are payable only in cash equivalent. Such note shall not bear interest.

(b) Any payment upon such note in wheat shall be made in the form of a warehouse receipt, or other instrument acceptable to the Corporation, representing salable wheat. In connection with any payment, there shall be credited on this note the number of bushels of wheat computed by dividing the payment made (the proceeds of the wheat if wheat is paid) by the cash equivalent price per bushel, for the date of the payment or the maturity date, whichever occurs first. The cash equivalent of any annual premium installment shall be determined by multiplying the number of bushels of wheat of the applicable class and grade constituting the annual installment by the cash equivalent price per bushel for the date the installment is due, or in the event the installment is paid before the due date, the price for the day when the installment is paid.

(c) Any unpaid amount of any installment on the note (either before or after the due date) may be deducted by the Corporation from any indemnity due the insured, from the proceeds of any commodity loan to him, and, by the Secretary of Agriculture, from any payment made to the insured under the Soil Conservation and Domestic Allotment Act, as amended, or any other act of Congress administered by the United States Department of Agriculture. In instances where such collections are made before the due date, the cash equivalent of the payment will be based on the cash equivalent price used in computing the indemnity payment or the cash equivalent price in effect on the day the county committee approves a loan or other payment, as the case may be.

(d) Payments in cash shall be made by means of cash or by check, money order, or bank draft, payable to the Treasurer of the United States. All checks and drafts will be accepted subject to collection, and payments tendered shall not be regarded as paid unless collection is made.

§ 405.5 *Wheat seeded for purposes other than grain.* In the event the applicant or the insured, as the case may be, indicates his intent to seed only a part of his wheat for harvest as grain, and before the closing date for acceptance of applications in any year of the contract submits to the county committee a designation of the acreage to be seeded for purposes other than harvest as grain, which designation has the approval of the county committee, the acreage used in computing the premium and insured production will not include such acreage. However, the total production from any wheat threshed on the insurance unit shall be considered in determining a loss under the contract.

INSURANCE COVERAGE

§ 405.6 *Insurance period.* Insurance for each wheat crop covered by the insurance contract shall attach when each such crop is seeded. The insurance shall cease with respect to any portion of the wheat crop covered by the insurance contract upon threshing (unless combined, field-sacked, and remaining in the field, in which event the insurance shall not cease for 120 hours thereafter) or removal from the insurance unit, but in no event shall the insurance remain in effect later than October 31 of each year unless such time is extended in writing by the Corporation.

§ 405.7 *Insured production.* The insured production for each year of the contract on each insurance unit under the contract shall be the number of bushels of wheat determined by multiplying the acreage of wheat seeded, as determined by the Corporation, (but not in excess of the maximum insurable acreage defined in § 405.45 (l)) by the yield per acre, by the percent insurance, and by the insured's interest in the crop at the time of seeding. If more than one average yield has been established for the insurance unit, the insured production shall be computed separately using the applicable acreage for each yield and the total of such computed amounts shall be the insured production for the insurance unit.

§ 405.8 *Hazards insured against.* The insurance hereby applied for shall cover loss in yield of wheat due to drought, flood, hail, wind, frost, winterkill, light-

ning, fire, tornado, storm, insect infestation, animal pests, plant diseases, excess or deficient moisture, incursions of animals, and other unavoidable causes not specifically mentioned herein. The insurance hereby applied for shall not cover damage to quality, or loss in yield caused by overpasturage, overplanting, use of defective or unadapted seed, failure properly to prepare the land for seeding or properly to seed, harvest, thresh, or care for the insured crop, failure to reseed to wheat in areas and under circumstances where the Corporation determines it is customary to reseed, or, where insurance is written on an irrigated basis, failure properly to apply irrigation water to wheat in proportion to the amount of water available for all irrigated crops, or failure to follow good farming practices, or loss in yield caused by the neglect or malfeasance of the insured or any person in his household or employment or connected with the insurance unit as tenant, sharecropper or wage hand, or loss by theft.

§ 405.9 *Notice of transfer, or probable loss.* (a) Notice shall be given the Corporation at the office of the county committee: (1) immediately after the wheat crop or any portion thereof is transferred to another person, or (2) before the crop is harvested, removed, or any other use is made of the insured crop if a loss is probable. Any such notice shall be given in time to allow the Corporation to make appropriate investigation.

(b) Any portion of the wheat crop that has been substantially totally destroyed may be put to another use only with the consent of the Corporation and subject to an appraisal of the yield by the Corporation. No acreage seeded to wheat shall be considered as put to another use as long as any wheat on such acreage is remaining for harvest, nor shall other grains be seeded with the wheat crop without the consent of the Corporation. Proper measures shall be taken to protect the crop from further damage and there shall be no abandonment of any crop or any portion thereof to the Corporation.

§ 405.10 *Time of loss.* Loss, if any, shall be deemed to have occurred at the completion of threshing of such crop (unless combined, field-sacked, and remaining in the field, in which event the loss shall be deemed to have occurred 120 hours thereafter) or October 31 of each year, whichever occurs first, unless the Corporation determines that total or substantially total destruction of the wheat crop occurred earlier, in which event the loss shall be deemed to have occurred on the date so determined by the Corporation. The wheat crop shall be deemed to have been substantially totally destroyed if the Corporation finds that it has been so badly damaged that farmers generally in the area where the insurance unit is located would not further care for the crop or harvest any portion thereof.

§ 405.11 *Proof of loss.* If a loss is claimed in any crop year with respect to any insurance unit, the insured shall submit to the Corporation at the office of the county committee, on a form prescribed by the Corporation, a statement in proof of loss containing such information as may reasonably be required regarding the insured crop. Such statement in proof of loss shall be submitted not later than 30 days after threshing, but in no event later than November 15 of each year, unless such time is extended in writing by the Corporation. It shall be a condition precedent to any liability under the insurance contract that the insured establish that any loss for which claim is made has been directly caused by a hazard insured against by the insurance contract during the term of the contract, and that the insured further establish that such loss has not arisen from, or been caused by, either directly or indirectly, any of the hazards not insured against by the insurance contract.

§ 405.12 *Amount of loss.* The amount of loss for which indemnity will be paid with respect to any insurance unit covered by the insured contract shall be the amount by which the total production of wheat for such insurance unit, multiplied by the percentage representing the insured's interest in the wheat crop on such insurance unit, or portion thereof, is less than the insured production for such insurance unit. Such total production, for the purpose of determining the amount of loss, shall include:

(a) Wheat produced from any acreage of the wheat crop which was threshed;

(b) Wheat production appraised from any acreage of the wheat crop which was not threshed, but which was otherwise harvested as grain;

(c) Wheat production appraised from any acreage of the wheat crop which was not harvested as grain, was not threshed, but which, after maturity, was left standing in the field;

(d) Wheat production appraised from any acreage of the wheat crop which was totally or substantially totally destroyed and put to another use with the consent of the Corporation;

(e) For the acreage of the wheat crop in excess of the maximum insurable acreage on farms classified as non-wheat allotment farms under the Agricultural Conservation Program which is disposed of with the consent of the Corporation and on which the appraised yield per acre is greater than the appraised yield per acre for the remaining acreage of the wheat crop, a number of bushels equal to the product of (1) such acreage disposed of, (2) the quantity of wheat by which the appraised yield per acre for such acreage is greater than the appraised yield per acre for the remaining acreage of the wheat crop, and (3) the insured percentage. No adjustment shall be made if the appraised yield per acre of the acreage disposed of is not greater than the appraised yield per acre for such remaining acreage of the wheat crop;

(f) For the acreage of the wheat crop which was not reseeded in areas and under circumstances where it is customary to reseed, a number of bushels equal to the quantity of wheat by which the actual production for such acreage is less than the product of (1) such acreage, (2) the average yield, and (3) the insured percentage;

(g) For the acreage of the wheat crop which before maturity is pastured off, cut for hay, or used for soil conservation purposes, with the consent of the Corporation, a number of bushels equal to the product of (1) such acreage, (2) the average yield, and (3) the insured percentage;

(h) For the acreage of the wheat crop which was a complete failure in yield due to causes not insured against, or because the land or crop was put to some other land use or crop use without the consent of the Corporation, a number of bushels equal to the appraised reduction in production due to such causes or due to the land or crop being put to another use without consent of the Corporation. In no event shall such appraised reduction in production be less than the product of (1) such acreage, (2) the average yield, and (3) the insured percentage;

(i) For the acreage of the wheat crop which has been damaged by reason of causes not insured against, or which has been damaged or destroyed by reason of causes insured against and causes not insured against, a number of bushels equal to the appraised reduction in production due to causes not insured against;

(j) For the acreage of the wheat crop seeded on land of poorer average quality for the production of wheat than the average quality of the land seeded to wheat on the insurance unit during the base period, where such seeding is not the result of a regularly established rotation, a number of bushels equal to the product of (1) such acreage, (2) the insured percentage, and (3) a quantity of wheat representing the difference between the average yield and the yield per acre appraised on the basis of the quality of land so seeded. This adjustment shall be made notwithstanding that damage or total destruction of the insured crop occurs by reason of any other cause;

(k) For the acreage of the wheat crop for which the risk to the Corporation has been increased by reason of the seeding of a different class of wheat than the class of wheat considered in establishing the average yield, a number of bushels equal to the product of (1) such acreage, (2) the insured precentage, and (3) a quantity of wheat representing the difference between the average yield and the yield per acre appraised on the basis of the class of wheat seeded. This adjustment shall be made notwithstanding that damage or total destruction of the insured crop occurs by reason of any other cause;

(l) For the acreage of the wheat crop for which the risk to the Corporation has been increased by reason of following different fertilizer or farming practices than those considered in establishing the average yield, a number of bushels equal to the product of (1) such acreage, (2) the insured percentage, and (3) a quantity of wheat representing the difference between the average yield and the yield

per acre appraised on the basis of the fertilizer or farming practices followed. This adjustment shall be made notwithstanding that damage or total destruction of the insured crop occurs by reason of any other cause;

(m) For the acreage of the wheat crop which is insured on the basis of irrigation (except where irrigated and nonirrigated yields have been established for the insurance unit) and on which the necessary irrigation water was not applied or was not applied at the proper time or in the proper manner, a number of bushels equal to the appraised reduction in production due to any such cause. This adjustment shall be made notwithstanding that damage or total destruction of the insured crop occurs by reason of any other cause. No adjustment shall be made if no water was available for irrigation purposes on the insurance unit, or if the amount of irrigation water available was insufficient, due to unavoidable causes, for all the irrigated crops and the amount of water available was distributed among the irrigated crops so that as large a proportion of the acreage in the wheat crop was protected by irrigation water as the acreage of other crops under irrigation on the insurance unit; and

(n) For the acreage of the wheat crop or portion thereof in which the insured's interest has changed by reason of one or more transfers of interest as provided in § 405.20 of these regulations and for which the Corporation determines that such transfers were made, after the time that substantial damage occurred to such wheat crop or portion thereof, for the purpose of procuring a greater amount of indemnity than would have been payable for the insurance unit had such transfers not taken place, a number of bushels, as determined by the Corporation, to the extent that the number of bushels for which the Corporation will be liable as an indemnity for the insurance unit shall not exceed the number of bushels that would have been payable had such transfers not taken place.

Provided, however, That where production of wheat is reduced by inability to obtain labor, fertilizer, machinery, repairs, or other farming essentials as a result of war conditions, and a reasonable effort has been made to obtain such labor, fertilizer, machinery, repairs, or other farming essentials, the total production shall include the wheat equivalent of the savings in cost of the continued care and harvesting of the insured crop unless such equivalent is more than the amount of loss attributable to such cause.

PAYMENT OF INDEMNITY

§ 405.13 *When indemnity payable.* The amount of loss for which the Corporation may be liable with respect to any insurance unit covered by the contract shall be payable within 30 days after proof of loss satisfactory to the Corporation has been established. Notwithstanding the fact that payment of any indemnity is delayed for any reason beyond the time specified, the Corporation shall not be liable for interest or damages on account of such delay.

§ 405.14 *Indemnity payment.* Any indemnity due under the insurance contract will be paid by the issuance of a certificate of indemnity on which will be shown the amount of loss. Settlement under such certificate will be made in cash unless other optional methods of settlement are offered.

§ 405.15 *Adjustments in connection with indemnity payments.* Where an adjustment is made in the amount of an indemnity, settlement for such adjustment may be made on the basis of a cash equivalent price per bushel other than that used in making settlement under the certificate of indemnity originally issued.

§ 405.16 *Other insurance.* If the insured has or acquires any other insurance against substantially all the risks that are insured against under the insurance contract on the crop or portion thereof covered in whole or in part by such insurance contract, whether valid or not, or whether collectible or not, the liability of the Corporation shall not be greater than its share would be if the amount of its obligations were divided equally between the Corporation and such other insurer. In any case where an indemnity is paid to the insured by another government agency because of damage to the wheat crop, the Corporation reserves the right to determine its liability under the wheat crop insurance contract taking into consideration the amount paid by such other agency.

§ 405.17 *Subrogation.* The Corporation may require from the insured an assignment of all rights of recovery against any party for loss or damage to the extent that payment therefor is made by the Corporation, and the insured shall execute all papers required and shall do everything that may be necessary to secure such rights.

§ 405.18 *Suit.* No suit or action shall be brought to enforce any claim for loss under the insurance contract unless all the requirements of such contract have been complied with.

§ 405.19 *Creditors.* (a) An interest existing by virtue of a debt lien, mortgage, garnishment, levy, execution, bankruptcy, or any other legal process shall not be considered an interest in an insured crop within the meaning of these regulations.

(b) Any indemnity payable under an insurance contract shall be paid to, and settlement under the certificate of indemnity made with, the insured, or to such other person as may be entitled to the benefits of the insurance contract under the provisions of these regulations, notwithstanding any attachment, garnishment, receivership, trustee process, judgment, levy, equity, or bankruptcy directed against the insured or such other person, or against any indemnity alleged to be due to such person; nor shall the Corporation or any officer, employee, or representative thereof be a proper party to any suit or action with reference to such indemnity or the proceeds thereof nor be bound by any judgment, order, or decree rendered or entered therein. No officer, agent, or employee of the Corporation shall, because of any such process, order, or decree, pay, or cause to be paid, to any person other than the insured or other person entitled to the benefits of the insurance contract, any indemnity payable, or any amount due in settlement of any certificate of indemnity in accordance with the provisions of the insurance contract. Nothing herein contained shall excuse any person entitled to the benefits of the insurance contract from full compliance with, or performance of, any lawful judgment, order, or decree with respect to the disposition of any sums paid thereunder as an indemnity.

PAYMENT OF INDEMNITY TO PERSONS OTHER THAN ORIGINAL INSURED

§ 405.20 *Transfers of interest in insured crop.* Payment of indemnity with respect to the wheat crop for any year will be made only to the person(s) having the insured interest in the crop at the time of loss. In the event there is a transfer of the insured interest in a wheat crop after planting and before the time of loss, the transferee shall be entitled to the benefits of the insurance contract as follows: (a) if the transfer is of the entire insured interest in the crop or a percentage of such entire interest, the insurance unit shall not be changed and the transferee shall be entitled to any indemnity payable with respect to the transferred interest, (b) if the transfer is of the insured interest or a portion thereof in a portion of the acreage constituting the insured crop, the acreage with respect to which such interest is transferred shall constitute a separate insurance unit for the purposes of determining the amount of loss: *Provided, however,* That if any such transfer takes place after material damage to the insured crop or portion thereof and the Corporation determines that the transfer was made for the purpose of requiring the Corporation to pay a greater indemnity than would have been paid if the transfer had not taken place, the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than would have been paid if the transfer had not taken place. If, as a result of a transfer of an interest in the wheat crop, diverse interests appear at the time a loss is being settled, the Corporation may settle the loss with respect to such an insurance unit by paying the indemnity jointly to all persons having the insured interest in the crop at the time of loss, or to one of such persons on behalf of all such persons. Any payment in such manner shall constitute a complete discharge of the Corporation's liability under the contract.

§ 405.21 *Death, incompetency, or disappearance of insured.* (a) If the insured dies, is judicially declared incompetent, or disappears, either before or after the time of loss, and his insured interest in a wheat crop is a part of his

estate, the indemnity, if any, shall be paid to the legal representative of his estate, if one is duly appointed or is otherwise qualified. If no such representative is or will be appointed, the indemnity shall be paid to the persons beneficially entitled to share in the insured's interest in the crop or to any one or more of such persons on behalf of all such persons: *Provided, however,* That if the indemnity exceeds 500 bushels of wheat the Corporation may withhold the payment of the indemnity until a legal representative of the insured's estate is appointed by the Court or otherwise legally qualifies.

(b) If the insured dies, is judicially declared incompetent, or disappears before the time of loss, and his interest in the wheat crop is not a part of his estate at such time, the indemnity, if any, shall be paid in the manner provided for in § 405.20 to the person or persons succeeding to such interest in the crop.

(c) Death, judicial declaration of incompetency, or disappearance of the insured, shall automatically cancel the insurance with respect to any acreage under the term insurance contract for which the premium has not been earned.

(d) An insured shall be considered to have disappeared within the meaning of this section if he leaves his place of residence and his whereabouts have been unknown for a period of 150 days.

§ 405.22 *Collateral assignment of insurance contract.* The insured's interest in an insurance contract, as it relates to any one crop year, may be assigned as collateral security for a current loan, current advance to assist in the making of a wheat crop, the amount of the current year's rental due under a leasing agreement covering the insurance unit, or for the amount of the current annual installment due under a purchase, mortgage, or trust agreement covering the purchase of the insurance unit, and an additional amount of any delinquency under the purchase, mortgage, or trust agreement not to exceed the amount of the current annual installment, including interest and taxes. Such assignment shall be made by the execution of a form prescribed by the Corporation. The interests of the assignee will be recognized in the event an indemnity is payable under the insurance contract, to the extent of the unpaid balance of the amount (including interest and other charges), for which such assignment was made as collateral security: *Provided, however,* That (a) the Corporation, in settlement of a certificate of indemnity may issue a check jointly to all persons having an interest in such settlement and such settlement shall constitute a complete discharge of the insurance contract; and (b) settlement under any certificate of indemnity will be subject to all conditions and provisions of the insurance contract. The Corporation's approval of an assignment shall not create in the assignee any right other than that derived from the assignor. The Corporation shall in no case be bound to accept notice of any assignment of the insurance contract, and nothing therein contained shall give any right against the Corporation to any person other than the insured except to an assignee approved by the Corporation. Only one such assignment will be recognized at any one time with respect to any one crop year in connection with any insurance contract.

§ 405.23 *Fiduciaries.* Any indemnity payable under an insurance contract, entered into in the name of a fiduciary who is no longer acting in such capacity at the time for the payment of indemnity and settlement under the certificate of indemnity, will be made to the succeeding fiduciary upon appropriate application and proof satisfactory to the Corporation of his incumbency. In the event there is no succeeding fiduciary payment of the indemnity and settlement under the certificate of indemnity shall be made to the person(s) beneficially entitled to the interests upon proper application and proof of the facts: *Provided, however,* That the loss may be adjusted with any one or more of the persons so entitled, and payment may be made to such person(s) in behalf of all the persons so entitled, whether or not the person to whom payment is made has been authorized to receive such payment by the other persons so entitled.

§ 405.24 *Indemnities subject to all provisions of insurance contract.* Indemnities shall be subject to all the provisions of the insurance contract, including the right of the Corporation to deduct from any such indemnity the unpaid amount of the note of the original insured for the payment of the earned premium. Any indemnity payable to any person other than the original insured as a result of transfer, or otherwise, shall be subject to any collateral assignment of the insurance contract by the original insured.

§ 405.25 *Determination of person to whom indemnity shall be paid.* In any case where the insured has transferred his interest in all or a portion of the wheat crop on any insurance unit, has died, has become incompetent, has disappeared, or has ceased to act as a fiduciary, payment in accordance with the provisions of these regulations will be made only after the facts have been established to the satisfaction of the Corporation. The determination of the Corporation as to the existence or nonexistence of a circumstance, in the event of which payment may be made to a person other than the named insured, and the determination of the person to whom such payment shall be made, shall be final and conclusive. Payment of any indemnity and settlement under any certificate of indemnity in accordance with an adjustment of loss made with such person shall constitute a complete discharge of the Corporation's obligation with respect to the loss for which such indemnity is paid and settled and shall be a bar to recovery by any other person.

DEPOSITS, REFUNDS OF DEPOSITS, AND EXCESS PAYMENTS

§ 405.26 *Deposits to be applied toward payment of annual premiums for future crop years.* (a) Any payment made by or for an applicant in excess of an amount equal to the number of bushels of wheat required to pay the annual installment on the note shall be credited as a deposit to be applied toward payment of the next succeeding annual installment on the same or another note. Such deposit shall be stated in terms of the wheat equivalent of the payment made. The wheat equivalent shall be determined by dividing the amount of such excess payment by the cash equivalent price per bushel applicable for the date on which the excess payment was made.

(b) The acceptance of any deposit shall not obligate the Corporation to insure the interest of the depositor under any insurance contract, and any such deposit will be subject to the provisions of the insurance contract for the year in which the deposit is used. The depositor shall have no title or interest in any wheat held by the Corporation, including that deposited by him, and the Corporation shall be liable to the depositor only for the cash equivalent price per bushel for each bushel of the quantity of wheat credited to the insured's account.

§ 405.27 *Refunds.* Except as may otherwise be provided by the Corporation, no refund of any amount deposited shall be made except upon receipt of a claim in writing: *Provided, however,* That the Corporation shall refund any amount which it determines to be in excess of the premium which may reasonably be expected to be earned in the next succeeding year following the making of the deposit: *Provided, further,* That the Corporation may refund any deposit at such earlier date as it may determine. The cash equivalent of any refund of deposit shall be determined by multiplying the number of bushels of wheat credited to the insured's account by the cash equivalent price per bushel applicable for (a) the most recent due date of an installment on the note or (b) if no such due date has passed, the date the refund is computed in the branch office.

§ 405.28 *Storage and handling expenses.* Any refund of premiums, excess payment, or deposits shall be made only in the cash equivalent of the quantity of wheat to be refunded, less an amount, fixed by the Corporation, to cover storage and handling expenses. In no case shall such deduction exceed one-twentieth of one cent per day per bushel. The period for which such deductions shall be computed shall commence with and include the day following the day on which the premium was paid or the deposit was made. Such period shall end with and include the day on which payment of the refund is approved by the Corporation.

§ 405.29 *Assignment or transfer of claims for refunds.* No claim for a refund, or any part or share thereof, or any interest therein, shall be assignable or transferable, notwithstanding any assignment of the insurance contract as security or any transfer of interest in any wheat crop covered by the insurance contract. Refund of any deposit will be made only to the depositor and refund

of any other payment will be made only to the person who made such payment, except as shown in § 405.30.

§ 405.30 *Refund in case of death, incompetence, or disappearance.* In any case where a person who is entitled to a refund of a payment or a deposit has died, has been judicially declared incompetent, or has disappeared, the provisions of § 405.21 with reference to the payment of indemnities in any such case shall be applicable with respect to the making of any such refund.

ESTABLISHMENT OF AVERAGE YIELDS AND PREMIUM RATES

§ 405.31 *Average yields per acre.* (a) The average yield per acre for each insurance unit with respect to which the applicant has an interest in the wheat crop for the first year of the contract shall be that established by the Corporation and on file in the county office and such yield shall be in effect throughout the life of the contract. Such yield, with respect to insurance contracts covering the crop years 1943, 1944, and 1945, shall be determined by averaging the 1942 program yield plus the amount by which the 1942 calculated yield exceeded 110 percent of the 1941 listing sheet yield with the 1941 crop-year yield, giving a weight of nine to the 1942 program yield as adjusted and a weight of one to the 1941 crop-year yield: *Provided, however,* That the 1943 program yield shall not exceed the 1942 program yield established for each insurance unit by more than 10 percent, and shall be subject to factoring, up or down, as the case may be, so that the average of all insurance unit yields will equal, or approximately equal, the 1943 check yields established for the county in which the insurance unit is situated. The average yields for insurance units may be adjusted to reflect changes in farming practices, abnormal weather conditions, or to bring them in line with average yields for similar units.

(b) For insurance units on which an average yield per acre has not been established, such yield shall be determined by appraisal, taking into consideration any actual yield data available for such or other similar insurance units.

(c) The average yield per acre for other insurance units with respect to which the applicant subsequently acquires an interest in the wheat crop shall be the average yield per acre that was or could have been determined hereunder for the first crop year of insurance under the contract.

§ 405.32 *Premium rate per acre.* (a) The premium rate per acre for each insurance unit with respect to which the applicant has an interest in the wheat crop for the first year of the contract shall be that established by the Corporation and on file in the county office, which premium rate shall be in effect throughout the life of the contract. Such premium rate, with respect to insurance contracts covering the crop years 1943, 1944, and 1945, shall be determined by either of two methods: (1) by averaging the 1942 premium rate with the 1941 crop loss per acre, giving a weight of 19 to the 1942 premium rate and a weight of one to the 1941 crop loss for the insurance unit and then adjusting the average thus obtained to conform with any change from 1942 to 1943 in the insurance unit yield: *Provided, however,* That the 1943 rate shall not exceed the 1942 rate by more than .30 bushel per acre unless the Corporation determines that a greater increase is necessary to reflect unusual risks for the insurance unit; or (2) the Corporation may establish premium rates by means of a premium rate schedule, provided such method achieves the establishment of rates for insurance units in the same yield classification that are determined by the Corporation to be fair and just. The premium rates for insurance units may be adjusted to reflect changes in farming practices, abnormal weather conditions, or to bring them in line with premium rates for similar units.

(b) For insurance units on which no average premium rate per acre has been established, such rate shall be determined by appraisal taking into consideration any actual loss data available for such or other similar insurance units.

(c) Premium rates for individual insurance units, by whatever method established, shall be subject to factoring, up or down, as the case may be, so that the average of the insurance unit premium rates will equal, or approximately equal, the 1943 check premium rate established for the county in which the insurance unit is located. The Corporation may establish minimum or maximum premium rates.

(d) The average premium rate per acre for other insurance units with respect to which the applicant subsequently acquires an interest in the wheat crop shall be the average rate per acre that was or could have been determined hereunder for the first crop year of insurance under the contract.

§405.33 *Average yields and premium rates where farms vary widely in productivity and risk of loss.* If land comprising any insurance unit consists of tracts which vary widely in productivity, or risk of loss, the Corporation may establish separate yields and premium rates for such tracts by appraisal, taking into consideration actual yield data available for such or other similar tracts.

§ 405.34 *County check yields.* The county check yields shall be determined by the Corporation by averaging the county check yield for 1942 with the 1941 average crop yield of wheat for the county, giving a weight of nine to the 1942 check yield and a weight of one to the 1941 crop yield, plus the amount by which the 1942 calculated yield exceeded 110 percent of the 1941 check yield: *Provided, however,* That no county check yield with respect to the 1943 program shall vary more than 5 percent from the 1942 county check yield. Adjustments may be made for abnormal weather conditions, trends in yields, and such other conditions that warrant consideration as may be determined by the Corporation.

§ 405.35 *County check premium rates.* (a) County check premium rates shall be determined by first adjusting the 1942 county check rate to reflect changes made in the county check yield from 1942 to 1943. The figure resulting from this adjustment shall be averaged with the 1941 loss per acre for the county, giving the 1942 adjusted rate a weight of 14 and the 1941 crop loss a weight of one. Adjustments shall then be made to reflect the county loss experience for the three years, 1939, 1940, and 1941. Further adjustments may be made for abnormal weather conditions, trends in risk, and any other conditions that warrant consideration as may be determined by the Corporation.

§ 405.36 *Special farming practices.* In areas where special farming practices are followed, separate yields and premium rates, both for the county and for insurance units, may be established for each practice. The method used for establishing the special practice average yields and premium rates shall be substantially the same as that used for establishing the yields and premium rates for the general practice. The yield and premium rate thus established shall apply to the acreage of wheat seeded on the insurance unit under the special farming practice.

GENERAL

§ 405.37 *Restriction on purchase and sale of wheat by the Corporation.* The restriction on the purchases and sale of wheat as provided in section 508 (d) of the Federal Crop Insurance Act, as amended, reads as follows:

> Insofar as practicable, the Corporation shall purchase the agricultural commodity only at the rate and to a total amount equal to the payment of premiums in cash by farmers or to replace promptly the agricultural commodity sold to prevent deterioration; and shall sell the agricultural commodity only to the extent necessary to cover payments of indemnities and to prevent deterioration: *Provided, however,* That nothing in this section shall prevent prompt offset purchases and sales of the agricultural commodity for convenience in handling. Nothing in this section shall prevent the Corporation from accepting, for the payment of premiums, notes payable in the commodity insured, or the cash equivalent, upon such security as may be determined pursuant to subsection (b) of this section, and from purchasing the quantity of the commodity represented by any of such notes not paid at maturity.

§ 405.38 *Records, access to insurance unit.* For the purpose of enabling the Corporation to determine the amount of loss under the insurance contract, the insured shall keep, or cause to be kept, records of the harvesting, storage, shipment, sale, or other disposition, of all wheat produced on each insurance unit covered by the insurance contract. Such records shall be made available for examination by the Corporation, and as often as may reasonably be required, any person designated by the Corporation shall have access to the insurance unit.

§ 405.39 *Review of determinations of county committees.* All determinations

by county committees shall be subject to review and approval or revision by duly authorized representatives of the Corporation.

§ 405.40 *Applicant's warranty: voidance by the Corporation.* In applying for insurance the applicant warrants that any information submitted by him is true and correct, and is made by him, or by his authority, and shall be taken as his act. The insurance contract may be voided and any earned premium forfeited to the Corporation without the Corporation's waiving any right or remedy, including its right to collect the amount of the note executed by the insured, whether before or after maturity, if at any time the insured has concealed any material fact or made any false or fraudulent statements relating to the insurance contract, the subject thereof, or his interest in the wheat crop covered thereby, or if the insured shall neglect to use all reasonable means to produce, care for or save the wheat crop covered thereby, whether before or after damage has occurred, or if the insured fails to give any notice, or otherwise fails to comply with the terms of the contract, including the note, at the time and in the manner prescribed.

§ 405.41 *Modification of insurance contract.* No notice to any county committee or representative of the Corporation or knowledge possessed by any such county committee or representative or by any other person shall be held to effect a waiver of or change for any year in any part of the insurance contract or estop the Corporation from asserting any right or power under such contract; nor shall the terms of such contract be waived or changed for any year except as authorized in writing by a duly authorized officer or representative of the Corporation; nor shall any provision or condition of the insurance contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers hereunder, or by any requirement, act, or proceeding on the part of the Corporation or of its representatives relating to appraisal or to any examination herein provided for.

§ 405.42 *Fractional units in acres and yields.* Fractions of yields per acre shall be rounded to the nearest tenth of a bushel. Fractions of loss costs and premium rates shall be rounded to the nearest one-hundredth of a bushel. Fractions of bushels other than loss costs and premium rates shall be rounded to the nearest bushel. Fractions of acres representing total acres of wheat shall be rounded to the nearest tenth of an acre. Computations shall be carried to one digit beyond the digit that is to be rounded. If the extra digit computed is one, two, three, or four, the rounding shall be downward. If the extra digit computed is six, seven, eight, or nine, the rounding shall be upward. If the extra digit computed is five, the computation shall be carried to another digit. If the two extra digits are 50, the rounding shall be downyard, and if the two extra digits are 51 or any higher figure the rounding shall be upward.

§ 405.43 *Closing dates for any crop year.* (a) Closing dates for submission of applications for any crop year shall be the earlier of: (1) the date of the beginning of the seeding of the wheat crop, or (2) for winter wheat, August 31 for Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, Wyoming; September 15 for Delaware, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia; September 30 for California, Idaho, Nevada, Oregon, Utah, Washington, or (3) for spring wheat March 15. If any of the above dates falls on Sunday or a legal holiday the next succeeding business day shall apply.

(b) In areas where the county committee determines it is good farming practice to seed spring wheat and an application is submitted after the closing date for winter wheat but before the closing date for spring wheat and both winter and spring wheat are seeded on the insurance unit, the insurance during the first crop year of the contract shall cover only the spring wheat seeded. In such instances all determinations with respect to the first year's insurance under the contract shall be made on the basis of the spring wheat crop only.

§ 405.44 *Due dates for payment of annual installments on premium notes.* The due dates by states for the payment of annual installments upon notes shall be as follows: July 10 for Arizona, Arkansas, Iowa, Texas, Virginia, North Carolina; July 13, Oklahoma; July 15, Missouri, Illinois, New York, Pennsylvania, New Jersey; July 20, Indiana, Delaware, Maryland, West Virginia; July 25, Kentucky, Ohio, Tennessee; July 30, Kansas; August 10, California, Nebraska; August 15, Colorado, Michigan, Utah, New Mexico, Wisconsin; August 18, Oregon, South Dakota; August 20, Minnesota, Nevada, Washington; August 25, Idaho, North Dakota; August 29, Montana, Wyoming.

§ 405.45 *Meaning of terms.* For the purpose of the wheat crop insurance program, the term:

(a) "Average yield" means the average yield of wheat per acre established by the Corporation for each insurance unit.

(b) "Cash equivalent price per bushel" means the net price per bushel of wheat established by the Corporation for the area in which the insurance unit is located on the basis of the price of wheat per bushel at the basic market designated by the Corporation for the area, with differentials to represent the difference in wheat prices for the basic market and area in which the insurance unit is situated.

(c) "Closing date for any crop year" means the latest date that an application may be submitted to the county office to cover wheat normally harvested in that crop year.

(d) "Corporation" means the Federal Crop Insurance Corporation.

(e) "Crop year" means the period within which a wheat crop is normally seeded and harvested. A crop year shall be designated by reference to the calendar year in which the wheat crop is normally harvested.

(f) "County" means a political or civil division of a state and includes parishes in Louisiana.

(g) "County committee" means the group of persons elected within any county to assist in the administration of the Agricultural Conservation Program in such county.

(h) "Insurance contract" means a contract of insurance entered into by the applicant and the Corporation by virtue of the application for insurance and these regulations and any amendments thereto.

(i) "Insured percentage" means the percentage of the average yield of wheat per acre for the insurance unit covered by insurance, and shall be either 50 or 75 percent.

(j) "Insurance unit" means the acreage considered for the purpose of establishing the average yield and premium rate or a portion of such acreage in which the insured has an interest as a wheat producer at the time of seeding in any crop year, except that when separate yields and separate premium rates are established because acreages vary widely in topography, productive capacity or risk of loss, or because of special practices being followed, such acreages shall not be considered separate insurance units. When an acreage in which the insured has an interest as a wheat producer at the time of seeding consists of land part of which is regularly irrigated and part of which is never irrigated, such acreages shall constitute separate insurance units.

(k) "Landlord" means a person who owns or leases farm land and rents or subleases such land to another person for a share of the crop or the proceeds therefrom; and *owner-operator* means a person who owns farm land and operates it.

(l) "Maximum insurable acreage" for an insurance unit shall be the acreage seeded to wheat for harvest as grain not in excess of the maximum acreage of wheat which may be harvested in the applicable year of the insurance contract without incurring a deduction from Agricultural Conservation Program payments for excess wheat.

(m) "Person" means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a state, a political subdivision of a state, or any agency thereof.

(n) "Premium rate" means the premium rate per acre established by the Corporation.

(o) "Sharecropper" means a person who works an insurance unit in whole or in part under the direction and supervision of the operator, who usually furnishes his labor and bears a specified percentage of certain production expenses and is entitled to receive a specified percentage of the crops he produces, or a specified percentage of the proceeds therefrom.

(p) "Tenant" means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the crop or proceeds therefrom), who bears all or a portion of the production and processing expenses, who farms independently or under the general supervision of the operator, and who is entitled under a written or oral lease or agreement to receive all or a share of the crop or proceeds therefrom produced on such land.

(q) "Wheat crop" means all seeded winter and spring wheat but does not include (1) volunteer or self-seeded wheat, (2) succotash, (3) true type winter wheat seeded in the spring, (4) wheat seeded for purposes other than grain, as provided in § 405.5, and (5) winter wheat in the first year of the contract on applications submitted after the closing date for winter wheat applications, as provided in § 405.43 (b).

As adopted by the Board of Directors on February 26, 1942

D. S. MYER,
Chairman.

Approved: June 29, 1942.

CLAUDE R. WICKARD,
Secretary of Agriculture

[F. R. Doc. 42-6081; Filed, June 29, 1942; 11:25 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 79b—WOMEN'S ARMY AUXILIARY CORPS [1]

ORGANIZATION

AUTHORITY: §§ 79b.1 to 79b.12, inclusive, issued under Act of May 14, 1942, Public Law 554, 77th Congress.

ORGANIZATION

§ 79b.1 *Establishment.* Pursuant to section 1 of Public Law 554, 77th Congress (sec. I, Bul. 25, W.D., 1942), approved May 14, 1942, by Executive Order 9163 (Sec. II, Bul. 25, W.D., 1942), dated May 15, 1942, the President of the United States has established the Women's Army Auxiliary Corps and has authorized the Secretary of War to organize the Corps into such units as may from time to time be necessary to accomplish the purposes of the WAAC as prescribed by law. The total number of women thereby authorized to be enrolled or appointed in the WAAC is 150,000. [Par. 1]

§ 79b.2 *General.* (a) The WAAC is organized for noncombatant service with the Army of the United States for the purpose of making available when needed for the war effort the knowledge, skill, and special training of the women of the Nation.

(b) The WAAC shall not be a part of the Army but will be the only women's organization authorized to serve with the Army exclusive of the Army Nurse Corps. The members of the WAAC will be subject to military law pursuant to the 2d Article of War, when applicable.

(c) The Secretary of War will appoint a Director of the WAAC who, under the direction of the Chief of Staff, will advise the War Department on matters pertaining to the establishment of the WAAC and will operate and administer the WAAC in accordance with normal military procedure of command and administration and with regulations prescribed by the Secretary of War. Direct correspondence between the Director and WAAC organizations and individual members of the WAAC is authorized on matters pertaining strictly to the WAAC. The Director will make recommendations to the Commanding General, Services of Supply, concerning the establishment of plans and policies, employment, training, supply, welfare, and discipline of the WAAC, and to supervise and administer the WAAC as prescribed in these regulations. She will perform such other duties as may be prescribed by the Secretary of War.

(d) The assistant directors appointed by the Secretary of War will assist and advise the Director and will perform such duties as she may assign to them, including those of regional commanders.

(e) The officers of the WAAC will be in the grades of first officer, second officer, and third officer. They will be charged with responsibility for the administration and command of the units to which they are assigned; and within the limits prescribed by these regulations, they will have all requisite authority for the proper government of their units, and for the execution by the WAAC of the duties assigned to it.

(f) Members in the grades of leaders and auxiliaries shall be responsible for such disciplinary and other functions as may be assigned them by their superior officers.

(g) Officers and noncommissioned officers of the Army under whom individuals or groups or units of the WAAC are assigned for work tasks have supervisory authority as they would with civilian employees generally, but have no disciplinary authority. Derelictions of duty will be reported to the WAAC officer commanding. [Pars. 2 to 8]

§ 79b.3 *Army Regulations.* In the absence of specific regulations to the contrary, the WAAC will be administered in accordance with Army Regulations substituting where applicable the words "enrolled members" for "enlisted men" and "enrollment" for "enlistment." The word "officers" will include the Director, assistant directors, and first, second, and third officers of the WAAC. [Par. 9]

§ 79b.4 *Orders.* Orders authorizing assignment to duty, transfer, or other changes in status of organizations or individuals of the WAAC will be issued by The Adjutant General upon request of the Director. No change in duty, transfer, or station, or change in status will be effected until orders have been published. [Par. 10]

APPOINTMENT AND ENROLLMENT

§ 79b.5 *Appointment.* The Director and such assistant directors as the Secretary of War may from time to time deem necessary or advisable will be appointed by the Secretary of War from women citizens of the United States and will serve during his pleasure. Officers will be appointed by the Secretary of War, in such numbers as may be deemed necessary for the proper administration of the WAAC, in the grades of first officer, second officer, and third officer. All officers, including assistant directors, will be appointed from enrolled members of the WAAC who have satisfactorily completed the Officer Candidates' School. Except in unusual circumstances, officers will originally be appointed in the grade of third officer. [Par. 11]

§ 79b.6 *Enrollment.* (a) Enrollment in the WAAC will be in the grade of auxiliary and will be made from women volunteers between the ages of 21 and 45 years who are citizens of the United States, of excellent character, and in good physical health.

(b) The term of service for any member of the WAAC will be 1 year unless such member is sooner discharged by the Secretary of War for cause, disability, or for the convenience of the Government, but in time of war or of national emergency declared by Congress or the President, the Secretary of War, may, by order, extend the term of service to include the period of the war or national emergency, plus not to exceed 6 months.

(c) All members of the WAAC will be in an active duty status immediately when appointed or enrolled. Thereafter, under these regulations, members may be relieved from active duty or recalled thereto at any time during their period of service.

(d) Members of the WAAC, while in inactive duty status, will not by reason solely of their appointments, oaths, commissions, enrollments, or status as such members, or any duties or functions performed, be held or deemed to be officers or employees of the United States, or persons holding any office of trust or profit, or discharging any official function under or in connection with any Department of the Government of the United States. While in inactive duty status, a member of the WAAC will not be entitled to pay or allowances in lieu of quarters or subsistence or to any benefit or allowance by reason of being a member of the WAAC, nor will she wear the uniform of the WAAC except pursuant to the orders issued by the Director.

[1] The regulations contained in §§ 79b.1 to 79b.12 are also contained in Women's Army Auxiliary Corps Regulations (Tentative) dated May 28, 1942, the particular paragraphs being shown in brackets at end of sections.

(e) Enrollment will be conducted by Army recruiting officers at Regular Army recruiting stations. WAAC officers, when available, will be asigned to recruiting stations to advise and assist the recruiting officers in matters regarding enrollment of WAAC members.

(f) At the recruiting station, the enrollee—

(1) Will be physically examined in a manner similar to the examination given to the personnel of the Army.

(2) Must submit satisfactory proof as to date of birth and of citizenship.

(3) Will qualify in the aptitude test prescribed by the Director.

(4) Will qualify in such manner as will from time to time be prescribed.

(5) Will execute the Enrollment Record of the WAAC.

(6) Will be fingerprinted.

(7) Will be assigned a serial number by the recruiting officer upon enrollment.

(8) Will swear or affirm to the following oath prescribed by the Secretary of War:

I, ---------- ---------- ----------,
(First name) (Middle name) (Last name)
a citizen of the United States, on this ---- day of ----------, 19----, do hereby voluntarily enroll as a member of the women's Army Auxiliary Corps under the following conditions: That I will serve in said Corps for the period of (word and figure) ---------- year prescribed by law which in time of war, or of national emergency declared by the Congress or the President, the Secretary of War, may, by order, extend to include the period of the war or national emergency plus not to exceed 6 months, unless I am sooner discharged by proper authority; and I do also agree to accept from the United States such bounty, pay, rations, and clothing as are, or may be established by law. And I do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever; and that I will obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the regulations of the Women's Army Auxiliary Corps and the Rules and Articles of War, when applicable.

I further solemnly swear (or affirm) that I have read and understand the provisions of the law printed in Instruction "B"; that I am not a member of any political party or organization that advocates the overthrow of the Government of the United States by force or violence; and that, during such time as I am a member of the Women's Army Auxiliary Corps, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States by force or violence.

Signature ---------- ----------
(First name) (Middle name)

(Last name)

[Pars. 12 to 17]

§ 79b.7 *Vaccination.* Enrollees will be vaccinated and inoculated against smallpox, typhoid, and tetanus as soon as practical after enrollment. Other vaccinations and inoculations may be required as recommended by the surgeon general. [Par. 18]

§ 79b.8 *Place of duty.* Officers, leaders, and auxiliaries enrolled in the WAAC are subject to orders to duty at any place where their services may be required. They may be assigned to any noncombatant duties for which they are qualified. [Par. 19]

§ 79b.9 *Physical examination of members of the WAAC.* The physical fitness of applicants for admission to the WAAC will be determined by one or more medical officers. Applicants will be carefully questioned about their medical histories and present health. Special inquiry will be made and recorded in each case in connection with diseases peculiar to women. The examination will be thorough in order that only those will be recommended for acceptance who are physically and mentally able to perform the duties required. X-ray of the chest and serological test for syphilis will be routine procedure as a part of the examination. If the examinations referred to are made by civilian physicians, charges as authorized in Army Regulations for enlistment of Army personnel are authorized. [Par. 20]

§ 79b.10 *Physical standards.* (a) In general, due consideration being given the difference in sex, the standards prescribed for enlistment for general military service will apply except as regards those pertaining to height, weight, and chest measurements.

(b) The following table is the average weight for age and height for applicants for admission to the WAAC:

Height (inches)	Weight according to age period				
	21–25	26–30	31–35	36–40	41–45
60	114	117	120	123	126
61	117	120	123	126	129
62	120	123	126	129	132
63	123	126	129	132	135
64	127	130	133	136	139
65	131	134	137	140	143
66	135	138	141	144	147
67	139	142	145	148	151
68	143	146	149	152	155
69	147	150	153	156	159
70	151	154	157	160	163
71	155	158	161	164	167
72	159	162	165	168	171

NOTE: Height and weight to be taken without shoes and with surgical gown or sheet in lieu of dress, minimum standard height is 5 feet, maximum 6 feet; minimum of weight is 100 pounds.

(c) The permissible variation below the standard for age is 15 pounds, with the exception of a minimum limit of 100 pounds. Except for the minimum standard, no applicant who, in the opinion of the examining officer, is otherwise physically qualified, will be disqualified by reason of being under-weight alone. In the interest of physical efficiency, the weight should not be more than 16⅔ percent above the average. In applying the percentage variation, fractions of less than ½ pound will be dropped; those of ½ pound or more will be counted as an additional pound.

(d) In addition to the conditions common to both men and women which are listed as causes for rejection for general military service the following are additional causes for rejection for service in the WAAC:

(1) Pregnancy.

(2) Infections or new growth involving female organs (the breasts included).

(3) Congenital abnormalities or lacerations of the birth canal which in the opinion of the medical examiner are of such a degree as to cause incapacity.

(4) Incapacitating menstrual disorders. (Amenorrhea per se is not a cause for rejection when secondary to menopause or surgery which was performed for a benign condition).

(5) Other gynecologic conditions which in the opinion of the medical examiner are disqualifying for admission to the WAAC. [Pars. 21 to 24]

§ 79b.11 *Reenrollment.* (a) Members honorably discharged from the WAAC (including those discharged for physical disability) are eligible for reenrollment in the WAAC provided they meet all requirements for original enrollment.

(b) In case of reenrollment within 60 days after honorable discharge, the member may be reenrolled in the same grade she held when last discharged from the WAAC.

(c) Reenrollment of a married member previously discharged without prejudice by reason of pregnancy shall be authorized provided she can meet all requirements for enrollment. At that time she may, in the discretion of the Director, be reenrolled or appointed or reappointed in the same grade or rank which she held at the time of such discharge, provided a vacancy exists. [Par. 25]

DISCHARGE

§ 79b.12 *Discharge.* (a) (1) Members will not be permitted to withdraw from the WAAC prior to the expiration of their enrollment periods.

(2) A member of the WAAC will be discharged by the Director under authority of the Secretary of War on the date upon which she will have completed her term of service.

(b) A member of the WAAC may be discharged for the convenience of the Government at any time for the following reasons:

(1) *Upon her request,* in case of utmost emergency.

(2) *When awaiting trial* or result of trial.

(3) *When awaiting discharge* on certificate of disability.

(4) *For inaptness.* When a member of the WAAC is inapt, the facts shall be reported through channels to the Director for necessary action.

(c) A member of the WAAC *must* be discharged for the following reasons:

(1) *Pregnancy.* (i) A married member certified by medical authority to be pregnant will be immediately given an honorable discharge without prejudice from the WAAC.

(ii) An unmarried member certified by medical authority to be pregnant will be given a summary discharge without delay.

(2) *Disability.* When a member of the WAAC has become unfitted because of physical disability, she will be discharged.

(3) *Fraudulent enrollment.* When a member is guilty of fraudulent enrollment.

(4) *Violation of the code of conduct.* When a member has been found guilty of violating the code of conduct and her discharge has been directed by appropriate authority.

(d) Prior to discharge from the WAAC for whatever cause, a member will be given a complete physical examination such as is prescribed for members of the Army upon discharge. [Pars. 35 to 39]

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

[F. R. Doc. 42-6093; Filed, June 29, 1942; 11:41 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 3794]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CRAVEX COMPANY, ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of respondents' "Cravex" medical preparation, or any other similar preparation, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or through inference, that respondents' preparation is a competent or effective treatment for alcoholism or that its use will relieve or remove the craving for alcoholic liquors or enable a person addicted to excessive drinking to discontinue the use of alcoholic liquors; prohibited. (Sec 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Cravex Company, et al., Docket 3794, June 19, 1942]

In the Matter of Sara B. Plant, an Individual, Trading as Cravex Company and Plant Products Company, Inc., a Corporation, and its Officers, James Plant and Sara B. Plant

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of June, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission on the amended complaint of the Commission, answer of the respondents, testimony and other evidence taken before Miles J. Furnas and Edward E. Reardon, trial examiners of the Commission theretofore duly designated by it, in support of the allegations of said amended complaint and in opposition thereto, report of the trial examiners upon the evidence, and brief filed in support of the amended complaint; and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent Plant Products Company, Inc., a corporation, its officers, representatives, agents, and employees, and Sara B. Plant, an individual trading as Cravex Company and as officer and director of the corporate respondent, Plant Products Company, Inc., and James Robert Plant, individually and as officer of said corporate respondent, and their respective representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of the medicinal preparation known as "Cravex", or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly,

(1) Disseminating, or causing to be disseminated, any advertisement by means of the United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents directly or through inference that respondents' preparation is a competent or effective treatment for alcoholism or that its use will relieve or remove the craving for alcoholic liquors or enable a person addicted to excessive drinking to discontinue the use of alcoholic liquors;

(2) Disseminating, or causing to be disseminated, any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act of respondents' preparation "Cravex", which advertisement contains any of the representations prohibited in paragraph (1) hereof.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-6049; Filed, June 27, 1942; 11:36 a. m.]

[File No. 21-303]

PART 138—RIBBON INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES AS EXTENDED

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 27th day of June, A. D. 1942.

Due proceedings having been had herein under the Trade Practice Conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the rules of Group I and Group II as hereinafter set forth, which have been approved and received, respectively, by the Commission, be and they are hereby promulgated as of June 30, 1942, said rules as extended superseding and taking the place of rules promulgated by the Commission for this industry on June 28, 1939.

Statement by the Commission

Trade practice rules for the Ribbon Industry as extended by certain additional provisions are promulgated by the Federal Trade Commission and are hereinbelow set forth.

The rules previously issued for this industry on June 28, 1939, are continued without textual change, but with the additional provisions incorporated. New rules added are numberd 16, 17, and 18, and relate to the labeling of "seconds;" to the use of a warranty statement concerning the marking of yardage and fiber content of ribbon product; and to the prevention of such intermingling of "cut-edge" and "woven-edge" ribbons as may be confusing or deceptive to purchasers. Paragraph (f) of Rule 13 has also been added and explanatory notes revised where necessary.

More adequate consumer protection and maintenance of fair competitive methods in the industry are primary objectives of the rules.

Ribbons of various kinds, which are the products of the industry, are manufactured and marketed for many different uses. They are sold directly or through jobbers, to manufacturers of millinery, footwear, and wearing apparel for use as trimming and for other purposes; to manufacturers of candy, greeting cards, and many other products for use in connection with the manufacture and distribution of such merchandise; and to merchants for use in the wrapping and decorating of gifts and numerous other articles. Ribbons are also marketed at retail through department stores, drygoods stores, and other dealer outlets for use by the general consuming public. The annual volume of sales of the manufacturing branch of the industry aggregates approximately $16,000,000, according to present available information.

Establishment of the rules was effected upon application of members of the industry under the Commission's trade practice conference procedure. The proceedings included the holding of an industry conference and public hearings at which all members of the industry, and all other interested or affected parties, were afforded opportunity to submit their views and to be heard.

Upon due consideration the rules appearing in Group I and Group II were respectively approved and received by the Commission.

The Rules

These rules promulgated by the Commission are designed to foster and promote fair competitive conditions in the interest of the industry and the public. They are not to be used, directly or indirectly, as part of or in connection with any combination or agreement to fix prices, or for the suppression of compe-

tition, or otherwise to unreasonably restrain trade.

NOTE: The rules do not supplant, or relieve any member of the industry or other party of the necessity of complying with, such applicable fiber identification rules and other pertinent Group I rules as have been or may be approved and promulgated by the Federal Trade Commission.

Definition: The term "ribbon" or "ribbons" as herein used shall be construed for purposes of these rules as embracing all those narrow fabrics technically classified or known as ribbons, also all other products marketed by members of the industry, whether domestic or imported, which have the appearance of ribbons and are used for the same or similar purposes, including so-called "cut-edge" ribbons and "pasted-back" ribbons.

Group I

The unfair trade practices embraced in these Group I rules are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

Sec.

AUTHORITY: §§ 138.1 to 138.18, inclusive, issued under 38 Stat. 717, as amended, and pursuant to other provisions of law administered by the Commission.

§ 138.1 *Misbranding of industry products.* The false or deceptive marking or branding of ribbons with respect to the grade, quality, yardage, size, use, colorfastness, content, origin, construction, fabrication, manufacture or distribution thereof, or in any other material respect, is an unfair trade practice. [Rule 1]

§ 138.2 *Misrepresentation of industry products.* It is an unfair trade practice to make or publish or cause to be made or published, directly or indirectly, any false, misleading or deceptive statement, representation, guarantee or warranty, by way of advertisement or otherwise, concerning the grade, quality, yardage, size, use, colorfastness, content, origin, construction, fabrication, manufacture or distribution of any ribbon, or in any other material respect. [Rule 2]

§ 138.3 *Misrepresentation as to character of business.* It is an unfair trade practice for any member of the industry to represent, directly or indirectly, through the use of the word "mill" or "mills," or any other word or term of similar import or meaning, in his or its corporate or trade name, or otherwise, that he or it is a manufacturer of ribbons or that he or it is the owner or operator of a mill or producing company manufacturing ribbons, when such is not the fact, or in any other manner to misrepresent the character, extent or type of his or its business. [Rule 3]

§ 138.4 *False invoicing.* Withholding from or inserting in invoices or sales tickets any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices or sales tickets, with the effect of thereby misleading or deceiving purchasers or the consuming public, is an unfair trade practice. [Rule 4]

§ 138.5 *Defamation of competitors or disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade, quality or manufacture of the products of competitors or of their business methods, selling prices, values, credit terms, policies or services, is an unfair trade practice. [Rule 5]

§ 138.6 *Commercial bribery.* It is an unfair trade practice for a member of the industry directly or indirectly to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees or representatives of customers or prospective customers, or to agents, employees or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase ribbons manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the product of competitors or from dealing or contracting to deal with competitors. [Rule 6]

§ 138.7 *Imitation or simulation of trade-marks, trade names, etc.* The imitation or simulation of the trade-marks, trade names, brands or labels of competitors, or of the exclusively owned patterns of competitors which have not been directly or by operation of law dedicated to the public, with the tendency and capacity or effect of misleading or deceiving purchasers or the consuming public, is an unfair trade practice. [Rule 7]

§ 138.8 *Circulation of threats of suit.* The circulation of threats of suit for infringement of patents or trade-marks among customers or prospective customers of competitors, not made in good faith but for the purpose or with the effect of harassing or intimidating such customers or prospective customers, or of unduly hampering, injuring or prejudicing competitors in their businesses, is an unfair trade practice. [Rule 8]

§ 138.9 *Consignment selling.* It is an unfair trade practice for any member of the industry to use the practice of shipping goods on consignment or pretended consignment for the purpose and with the effect of artificially clogging trade outlets and unduly restricting competitors' use of said trade outlets in getting their goods to consumers through regular channels of distribution, or with such purpose to entirely close said trade outlets to such competitors so as to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade: *Provided, however,* That nothing herein shall be construed or used as restricting or preventing consignment shipping or marketing of commodities in good faith and without artificial interference with competitors' use of the usual channels of distribution in such manner as thereby to suppress competition or restrain trade. [Rule 9]

§ 138.10 *Deception as to origin.* In respect to any ribbons of the following types, first, ribbons which have been woven or fabricated in a foreign country and imported in the greige or other unfinished state and dyed or finished in the United States; or second, ribbons which have been imported in the finished state and redyed or refinished in the United States; or third, ribbons which have been made from fabric which has been woven or fabricated in a foreign country and imported either in the greige or unfinished state or in the dyed or finished state, it is an unfair trade practice:

(a) To offer for sale, sell or distribute any such ribbons under marks, stamps, brands, labels or representations which have the capacity and tendency or effect of misleading or deceiving purchasers or the consuming public into the erroneous belief that such ribbons or the fabrics thereof were woven or fabricated in the United States, or that they were not so dyed, finished, redyed or refinished in the United States, as the case may be; or

(b) To offer for sale, sell or distribute any such ribbons without the same being marked, stamped, branded or labeled so as to indicate clearly and nondeceptively (1) the country of origin of the fabric, and (2) that the ribbons were woven or fabricated in such country and were dyed or finished or redyed or refinished in the United States, as the case may be; the failure, refusal or omission to so mark, stamp, brand or label such ribbons having the tendency and capacity or result of thereby promoting, abetting or effectuating the marketing of the ribbons under conditions which are misleading or deceptive to purchasers or the consuming public.

(Nothing in this section shall be construed as relieving any member of the

industry or other party of the necessity of complying with the requirements of the customs laws or regulations, or other applicable provisions of law or regulation, relating to the marking of imported articles.) [Rule 10]

§ 138.11 *Disclosure of yardage.* In order that purchasers may not be deceived as to the yardage of ribbons and that misrepresentation and deceptive concealment in respect thereto may be avoided and prevented, the minimum yardage of the article should be clearly and nondeceptively marked on the product or on the spools, bolts, cards or other immediate packaging of the product; and the sale, offer for sale or distribution of any ribbons not so marked, with the tendency and capacity or effect of misleading or deceiving purchasers or the consuming public, is an unfair trade practice.[1] [Rule 11]

§ 138.12 *"Cut-edge" and "pasted-back" products.* To the end that purchasers may have adequate information concerning the following types of industry products, and that confusion, misrepresentation and deception may be avoided and prevented, the spool, bolt, card or other form of immediate packaging of such products should be clearly and nondeceptively marked in the following manner:

(a) Ribbons having cut, and not woven, edges should be marked or labeled with the words "cut-edge," or with the word or words of similar import or meaning.

(b) Ribbons made by the adhesion of separate layers of fabric should be marked or labeled with such appropriate word or words as will adequately disclose that such products are so made, as for example, "pasted-back."

(c) Ribbon products which are both "cut-edge" and "pasted-back" are subject to the disclosure requirements of both paragraphs (a) and (b) of this section.

It is an unfair trade practice to cause any such product to be offered for sale, sold or distributed without being so marked or labeled, with the tendency and capacity or effect of thereby misleading or deceiving purchasers or the consuming public.

Nothing in this section shall be construed, however, as preventing the use of the word "ribbon" or "ribbons" in properly describing such products of the industry: *Provided,* That the words "cut-edge" and/or "pasted-back" or other appropriate terms are set forth in immediate conjunction therewith, and with at least equal prominence, conspicuousness and emphasis, as for example, "Cut-Edge Ribbon," "Pasted-Back Ribbon," or "Cut-Edge Pasted-Back Ribbon." [Rule 12]

§ 138.13 (a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce,[2] in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit or other form of price differential, where such rebate, refunds, discount, credit, or other form of price differential effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination or with customers of either of them: *Provided, however*—

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing herein contained shall prevent price changes from time to time where made in response to changing conditions affecting either (a) the market for the goods concerned, or (b) the marketability of the goods, such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Purchases by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.* The foregoing provisions of this section relate to practices within the purview of the Robinson-Patman Antidiscrimination Act, which Act and the application thereunder of this section are subject to the limitations expressed in the amendment to such Robinson-Patman Antidiscrimination Act, which amendment was approved May 26, 1938, and reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing in the Act approved June 19, 1936 (Public Numbered 692, Seventy-Fourth Congress, second session), known as the Robinson Patman Antidiscrimination Act, shall apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit. (52 Stat. 446; Supp. 4 U.S.C. Title 15, Sec. 13c.)

[Rule 13]

§ 138.14 *Discriminatory returns.* It is an unfair trade practice for any member of the industry engaged in commerce

[1] In cutting industry products in the greige or after finishing, adequate allowance should be made for the subsequent shrinkage and/or contraction of such products, to the end that purchasers may be assured the full yardage represented.

[2] As herein used, the word "commerce" means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States: *Provided,* That this shall not apply to the Philippine Islands.

to discriminate in favor of one customer-purchaser against another customer-purchaser of ribbons, bought from such member of the industry for resale, by contracting to furnish or furnishing in connection therewith, *upon terms not accorded to all customer-purchasers on proportionally equal terms,* the service or facility whereby such favored purchaser is accorded the privilege of returning ribbons so purchased and receiving therefor credit or refund of purchase price: *Provided, however,* Nothing in any of the rules herein shall prohibit or be used to prevent the return of merchandise by purchaser, for credit or refund of purchase price, when and because such merchandise has not been properly labeled by the seller as to fiber content, or has been otherwise falsely or deceptively labeled or represented, or when and because such merchandise is defective in material, workmanship, or in any other respect contrary to warranty or purchase contract. [Rule 14]

§ 138.15 *Fiber identification of product.* Identification and disclosure of fiber and other material content of the products of this industry shall be made in accordance with the applicable requirements of the Group I fiber identification rules approved and promulgated by the Commission, such as the Group I Rayon Rules promulgated October 26, 1937, relating to products containing rayon in whole or in part, and the Group I Silk Rules promulgated November 4, 1938, relating to products containing or purporting to contain silk in whole or in part, and such other provisions of laws and regulations on the subject as or when made applicable to the products of this industry. [Rule 15]

§ 138.16 *Warranty statement in invoices.*[2] (a) In respect to disclosure of fiber content in invoices, if, because of a multiplicity of items of different fiber composition, it is not feasible to have the fiber content of the different numbers or items set out on the face or back of the invoice or otherwise specifically listed therein, a statement in lieu of such specific listing of fiber content in the invoice may be set forth therein to the effect that the seller warrants each and every item coming under these rules and covered by such invoice to be properly marked and labeled as to content in full conformity with the provisions of applicable trade practice rules: *Provided,* Such products are labeled and marked properly as to fiber content, yardage, and in such other respects as required by these rules: *And provided further,* That no false or misleading designations or representations are used, nor any other deception, direct or indirect, is practiced in or by means of such invoice.

(b) The following is an example of such warranty statement which may be used under this section when the foregoing conditions are met:

The seller hereby warrants that the ribbons covered by this invoice are clearly and truthfully labeled and marked as to fiber content and yardage. Truthful labels or marks disclosing such information should not be removed or concealed.

(c) In invoices covering any ribbons which are "cut-edge," or "pasted-back," or "seconds," the warranty statement in the invoice under this section shall also include a warranty that the ribbons are properly marked in these respects, as for example:

The seller hereby warrants that the ribbons covered by this invoice are clearly and truthfully labeled and marked as to fiber content and yardage, and as to their being "cut-edge," "pasted-back," or "seconds," where such is the fact. Truthful labels or marks disclosing such information should not be removed or concealed.

Nothing in this section shall be construed as providing for the omission of disclosure in the invoice of yardage or of the fact that products are "cut-edge," "pasted-back," or "seconds," as the case may be. [Rule 16]

§ 138.17 *Seconds.* (a) Ribbons which are, or are represented as being, "Seconds" should be marked "Seconds."

(b) For purposes of this section, "Seconds" shall be considered as including all ribbons which are defective by reason of containing flaws, irregularities, or imperfections, in material, construction or finish, or which are otherwise not of first quality.

(c) The marking provided for in this section shall be made in a conspicuous and nondeceptive manner on the spool, bolt, card, or other form of immediate packaging of the ribbons, or on the ribbons themselves, whichever method of marking is appropriate under the circumstances, and with sufficient permanency as to carry through the channels of trade to the ultimate consumer in clearly legible condition. Letters which are of full face type and at least ¼ inch in height may be used for this purpose.

(d) It is an unfair trade practice to fail or refuse to make the disclosure provided for in this rule in respect of ribbons which are "Seconds," or to fail or refuse to disclose the presence in ribbon products of any cuts, tears, burns, or that the product is otherwise damaged, with the capacity and tendency or effect of thereby misleading or deceiving the purchasing or consuming public. [Rule 17]

§ 138.18 *Promoting the use of deceptive marketing methods in the sale of cut-edge ribbon products.*[1] In the course of, or in connection with the marketing, offering for sale, sale, or distribution of ribbon products in the trade and to the consuming public, it is an unfair trade practice, directly or indirectly, to cause, aid, abet, or promote the display, offering for sale, or sale of "cut-edge" ribbon products, through any means or device, or under any conditions or circumstances, which have the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public; as for example,

(1) By using the device of removing "cut-edge" ribbon products from their packages and displaying them for sale in retail stores without mark or sign plainly informing the purchaser that such products are "cut-edge," with the capacity and tendency or effect referred to above; or

(2) By using the device of intermingling "cut-edge" and "woven-edge" ribbons in such manner as to mislead or deceive the purchasing public; or

(3) By using any other means or device which involves the deceptive concealment or nondisclosure of the fact that such ribbon products are "cut-edge," with the deceptive capacity and tendency or effect mentioned.

NOTE: To promote and facilitate observance of this section, it is deemed proper practice for manufacturers and others marketing "cut-edge" ribbon products for resale in retail stores to supply their customers with counter markers and signs clearly indicating that the ribbon products displayed at such counters are "cut-edge" and to otherwise assist in making such disclosure and segregation as is necessary to avoid deception and to fully inform the purchasing public.

[Rule 18]

Group II

Compliance with the trade practice provisions embraced in these Group II rules is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of such rules does not, *per se,* constitute violation of law. Where, however, the practice of not complying with any such Group II rules is followed in such manner as to result in unfair methods of competition, or unfair or deceptive acts or practices, corrective proceedings may be instituted by the Commission as in the case of a violation of Group I rules.

RULE A. *Return of merchandise.* The practice, by members of the industry, of selling ribbons and later permitting the purchaser to return the same for credit or refund of purchase price, without just cause, creates waste and loss, increases the cost of doing business to the detriment of both the industry and the public, and is condemned by the industry, subject, however, to requirements and limitations set forth in the provisions of Rule 14 of Group I, herein, and subject also to the general limitation that members of the industry shall not engage in any combination or conspiracy in restraint of trade or use any other illegal methods in the regulation, control or prevention of the return of merchandise.

RULE B. *Maintenance of accurate records.* It is the judgment of the industry that each member should independently keep proper and accurate records for determining his costs.

A committee on trade practices is hereby created by the industry to cooperate with the Federal Trade Commission and to perform such acts as may be legal and proper to put these rules into effect.

Promulgated and issued by the Federal Trade Commission June 30, 1942.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-6048; Filed, June 27, 1942; 11:35 a. m.]

[2] Added to rules for the industry on June 30, 1942.

[1] See note on p. 4822.

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order 97]

PART 35—FILING OF RATES SCHEDULES

FILING OF CERTAIN CONTRACTS AND MATERIAL BY ELECTRIC UTILITIES, LICENSEES, AND OTHERS

JUNE 23, 1942.

The Federal Power Commission, acting pursuant to authority granted by the Federal Power Act, particularly section 4 (a), 205 (c), 301 (a), 304 (a), 309, and 311 thereof, and finding such action necessary and appropriate for carrying out the provisions of that Act, hereby orders that:

§ 35.25 *Filing.* (a) Each corporation, person, agency, authority, or other legal entity or instrumentality, whether public or private, engaged in the sale or delivery of electric power or energy, shall file with the Commission at its Washington, D. C. office on or before August 1, 1942, one full and complete copy of every contract then effective for the sale or delivery of electric power or energy, in which contract is involved:

(1) The actual or estimated sale or delivery of 1,000 or more kilowatts of contractual or actual demand or of 2,000,000 kilowatt-hours or more of electric energy per year to any agency of the United States; or

(2) Any provision or term (regardless of the quantity of electric power or energy involved) requiring any agency of the United States to:

(i) Make an advance or a contribution toward or for the cost of all or any portion of any facility used to furnish service; or

(ii) Construct, install, maintain, operate, or own all or any portion of any such facility;

(b) Each corporation, person, agency, authority, or other legal entity or instrumentality, whether public or private, engaged in the sale or delivery of electric power or energy, shall file with the Commission, at its Washington, D. C. office on or before August 1, 1942, one full and complete copy of every contract then effective for the sale or delivery of electric power or energy, in which contract is involved:

(1) The actual or estimated sale or delivery of 1,000 or more kilowatts of contractual or actual demand or of 2,000,000 kilowatt-hours or more of electric energy per year to any party whose contract for the purchase or receipt of electric power or energy requires the approval of concurrence of any agency of the United States; or

(2) Any provision or term (regardless of the quantity of electric power or energy involved) requiring any such party to:

(i) Make an advance or a contribution toward or for the cost of all or any portion of any facilitity used to furnish service; or

(ii) Construct, install, maintain, operate, or own all or any portion of any such facility;

(c) Each corporation, person, agency, authority, or other legal entity or instrumentality, whether public or private, engaged in the sale or delivery of electric power or energy, shall file with the Commission at its Washington, D. C. office, one full and complete copy of any contract of the character specified in paragraphs (a) and (b) hereof, which becomes effective after August 1, 1942, within 15 days after the effective date of such contract;

(d) For the purposes of this order and as used herein:

(1) "Contract" includes any contract, agreement, or undertaking, and any modification thereof, and all rate schedules, agreements, leases, or other writings, tariffs, classifications, services, rules and regulations relative to the sale or delivery of electric power or energy under such contract;

(2) "Agency of the United States" means any agency, authority, corporation, department, or instrumentality of the United States.

The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-6092; Filed, June 29, 1942; 11:35 a. m.]

[Order 96]

PART 54—FILING OF RATES SCHEDULES

FILING OF CERTAIN CONTRACTS AND MATERIAL BY NATURAL GAS COMPANIES

JUNE 23, 1942.

The Federal Power Commission, acting pursuant to authority granted by the Natural Gas Act, particularly sections 10 (a) and 16 thereof, and finding such action necessary and appropriate for carrying out the provisions of that Act, hereby orders that:

§ 54.20 *Filing.* (a) Each natural gas company as defined in the Natural Gas Act shall file with the Commission, at its Washington, D. C. office on or before August 1, 1942, one full and complete copy of every contract then effective for the sale or delivery of natural gas, directly or through any affiliate or subsidiary, in which contract is involved:

(1) The actual or estimated sale or delivery of 100,000 MCF or more of natural gas per year to any agency of the United States; or

(2) Any provision or term (regardless of the quantity of natural gas involved) requiring any agency of the United States to:

(i) Make an advance or a contribution toward or for the cost of all or any portion of any facility used to furnish service; or

(ii) Construct, install, maintain, operate, or own all or any portion of any such facility;

(b) Each natural gas company as defined in the Natural Gas Act shall file with the Commission, at its Washington, D. C. office on or before August 1, 1942, one full and complete copy of every contract then effective for the sale or delivery of natural gas directly or through any affiliate or subsidiary in which contract is involved:

(1) The actual or estimated sale or delivery of 100,000 MCF or more of natural gas per year to any party whose contract for the purchase or receipt of natural gas requires the approval or concurrence of any agency of the United States; or

(2) Any provision or term (regardless of the quantity of natural gas involved) requiring any such party to:

(i) Make any advance or a contribution toward or for the cost of all or any portion of any facility used to furnish service; or

(ii) Construct, install, maintain, operate, or own all or any portion of any such facility;

(c) Each natural gas company as defined in the Natural Gas Act shall file with the Commission at its Washington, D. C. office, one full and complete copy of any contract of the character specified in paragraphs (a) and (b) hereof, which becomes effective after August 1, 1942, within 15 days after the effective date of such contract;

(d) For the purposes of this order and as used herein:

(1) "Natural gas" means either natural gas unmixed, or any mixture of natural and artificial gas;

(2) "Contract" includes any contract, agreement, or undertaking, and any modification thereof, and all rate schedules, agreements, leases, or other writings, tariffs, classifications, services, rules and regulations relative to the sale or delivery of natural gas under such contract;

(3) "Agency of the United States" means any agency, authority, corporation, department, or instrumentality of the United States.

The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-6091; Filed, June 29, 1942; 11:35 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

(T.D. 50661)

PART 6—INVOICES, ENTRY AND ASSESSMENT OF DUTIES

PART 16—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

POSTPONEMENT OF EFFECTIVE DATE

The effective date of Treasury Decision 50648,[1] approved June 5, 1942, which

[1] 7 F.R. 4320.

amends articles 290 (f), 292 (b), 890, 903 (a), 910 (a) (1), and 915 (a), Customs Regulations of 1937 [secs. 6.9 (e), 6.11 (b), 16.18, 16.28 (a), 16.34 (a) (1), and 16.39 (a)], shall be August 1, 1942, instead of July 1, 1942.

FRANK DOW,
Acting Commissioner of Customs.

Approved June 26, 1942.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42-6050; Filed, June 27, 1942; 12:16 p. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs

PART 276—LICENSED INDIAN TRADERS

Section 276.10 of Part 276, Subchapter Y, is hereby amended to read as follows:

§ 276.10 *Bond requirements.* Application for license must be accompanied by a bond in the name of the proposed licensee in the amount of $10,000, or such less sum as may be designated by the Commissioner of Indian Affairs, with two or more sureties approved by the Superintendent, or with a guaranty company qualified under the Act of August 13, 1894 (28 Stat. 279; 6 U.S.C. 6–13). The bond shall be for the same period covered by the license.

The residence of each principal and surety must be distinctly stated, and the signature of each of them attested by two witnesses, and it must appear for whom each witness signs.

Individual sureties must not be bonded officers of the United States, attorneys having business before the Indian Office, or employees of the principal. (Sec. 5, 19 Stat. 200; 31 Stat. 1066; Sec. 10, 32 Stat. 1009; Title 25, U.S.C. 261, 262)

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

JUNE 22, 1942.

[F. R. Doc. 42-6060; Filed, June 29, 1942; 10:06 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

[T.D. 5157]

Subchapter A—Income and Excess Profits Taxes

PART 7—RELEASE OF EXCESS TAX WITHHELD, AND REDUCTION IN RATE OF WITHHOLDING, UNDER SECTIONS 143 AND 144 OF THE INTERNAL REVENUE CODE IN THE CASE OF RESIDENTS OF CANADA AND OF CORPORATIONS ORGANIZED UNDER THE LAWS OF CANADA, AS AFFECTED BY THE RECIPROCAL TAX CONVENTION BETWEEN THE UNITED STATES AND CANADA, EFFECTIVE JANUARY 1, 1941

AUTHORITY: §§ 7.10 to 7.17, inclusive, issued under sections 62, 143, 144, 211 (a) and 231 (a) of the Internal Revenue Code (53 Stat. 32, 60, 62, 75, 78; 26 U.S.C. 1940 ed., 62, 143, 144, 211 (a), 231 (a)); and the reciprocal tax convention between the United States and Canada ratified May 28, 1942.

§ 7.10 *Introductory.* The tax convention between the United States and Canada, signed March 4, 1942 and effective January 1, 1941 (hereinafter referred to as the convention), provides in part as follows:

ARTICLE VI

* * * * *

Pensions and life annuities derived from within one of the contracting States and paid to individuals residing in the other contracting State shall be exempt from taxation in the former State.

* * * * *

ARTICLE XI

1. The rate of income tax imposed by one of the contracting States in respect of income derived from sources therein, upon individuals residing in, or corporations organized under the laws of, the other contracting State, and not engaged in trade or business in the former State and having no office or place of business therein, shall not exceed fifteen per cent for each taxable year.

2. Notwithstanding the provisions of paragraph 1 of this Article, income tax in excess of five per cent shall not be imposed by one of the contracting States in respect of dividends paid by a subsidiary corporation organized under the laws of such State, or of a political subdivision thereof, to a parent corporation organized under the laws of the other contracting State, or of a political subdivision thereof: *Provided however,* That this paragraph shall not apply if the competent authority in the former State is satisfied that the corporate relationship between the two corporations has been arranged or is maintained primarily with the intention of taking advantage of this paragraph.

3. Notwithstanding the provisions of Article XXII of this Convention, paragraph 1 or paragraph 2, or both, of this Article, may be terminated without notice on or after the termination of the three-year period beginning with the effective date of this Convention by either of the contracting States imposing a rate of income tax in excess of the rate of 15 percent prescribed in paragraph 1 or in excess of the rate of 5 percent prescribed in paragraph 2.

4. The provisions of this Article shall not be construed so as to contravene the Tax Convention between the United States of America and Canada, effective January 1, 1936, to April 29, 1941.

* * * * *

ARTICLE XXII

This Convention and the accompanying Protocol which shall be considered to be an integral part of the Convention shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible.

"This Convention and Protocol shall become effective on the first day of January 1941. They shall continue effective for a period of three years from that date and indefinitely after that period, but may be terminated by either of the contracting States at the end of the three-year period or at any time thereafter: *Provided,* That, except as otherwise specified in the case of Article XI, at least six months prior notice of termination has been given, the termination to become effective on the first day of January following the expiration of the six-month period."

* * * * *

Protocol

* * * * *

6. The term "subsidiary corporation" referred to in Article XI of this Convention means a corporation all of whose shares (less directors' qualifying shares) having full voting rights are beneficially owned by another corporation: *Provided,* That ordinarily not more than one-quarter of the gross income of such subsidiary corporation is derived from interest and dividends other than interest and dividends received from its subsidiary corporations.

* * * * *

Under the terms of the convention, the provisions of which are retroactive to January 1, 1941, the rate of tax of 27½ percent imposed by section 211 (a) of the Internal Revenue Code (relating to nonresident alien individuals not engaged in trade or business within the United States and not having an office or place of business therein) and by section 231 (a) of the Internal Revenue Code (relating to foreign corporations not engaged in trade or business in the United States and not having an office or place of business therein) is reduced to 15 percent in the case of such individuals who are residents of Canada and in the case of such corporations organized under the laws of Canada, with respect to amounts received from sources within the United States as interest (except interest exempt from tax), dividends, rents, salaries, wages, premiums, compensations, remunerations, emoluments or other fixed or determinable annual or periodical gains, profits and income, other than annuities and pensions which are exempt from the tax under the convention. Such tax convention, however, does not affect the rates of tax prescribed under the prior tax convention with Canada, effective January 1, 1936 and terminated effective April 30, 1941. Under such prior convention, the reduced rate of tax with respect to such income, including annuities and pensions, in the case of nonresident aliens, residents of Canada, was 5 percent and in the case of Canadian corporations, 5 percent with respect to dividends only.

In accordance with section 143 of the Internal Revenue Code (relating to withholding of tax at the source) and section 144 of the Internal Revenue Code (relating to payment of corporation income tax at source), as amended by section 5 and section 202, Revenue Act of 1940, and section 107 of the Revenue Act of 1941, tax at the rate of 16½ percent was required to be withheld at the source with respect to income enumerated above and paid during the period May 15 to September 29, 1941, both dates inclusive, and at the rate of 27½ percent on and after September 30, 1941. Treasury Decision 5046 promulgated May 8, 1941, relating to the termination of the reciprocal tax convention between the United States and Canada, effective January 1, 1936, provides that in the case of income paid subsequent to April 29, 1941, and prior to May 15, 1941, the withholding of the tax in the case of nonresident alien individuals, residents of Canada, or corporations organized under the laws of Canada, at the rates applicable under Regulations 103 prior to their amendment by Treasury Decision 5046 shall be considered sufficient compliance with the provisions of law and regulations relat-

ing to withholding of the tax at the source.

§ 7.11 *Release of excess tax withheld at source.* In order to bring the convention into force and effect at the earliest practicable date, the reduced rate of tax of 15 percent to be withheld at the source in the case of nonresident aliens, residents of Canada (including individuals, fiduciaries and partnerships) and of corporations organized under the laws of Canada, with respect to the income enumerated above is hereby made effective beginning January 1, 1942. Accordingly, in the case of such taxpayers, where tax at the rate of 27½ percent has been withheld on or after January 1, 1942, an amount equal to 12½ percent of the income with respect to which such tax has been withheld shall be released by the withholding agent and paid over to the person from whom it was withheld.

Article VI of the convention provides, in part, that pensions and life annuities derived from sources within the United States by nonresident aliens, residents of Canada, shall be exempt from Federal income tax. Accordingly, in any such case in which the tax has been withheld at the source on such pensions or life annuities on or after January 1, 1942, such tax shall be released by the withholding agent and paid over to the person from whom it was withheld, and such items paid on or after the date of this Treasury decision to such taxpayers are exempt from withholding.

With respect to a dividend paid on or after January 1, 1942, by a domestic corporation to a corporation organized under the laws of Canada, the tax shall be withheld at the rate of 15 percent unless prior to the date of payment of such dividend the Commissioner has notified the paying corporation that such dividend falls within the provisions of paragraph 2 of Article XI of the convention. Any domestic corporation which claims or contemplates claiming that dividends paid by it come within the provisions of such paragraph shall file, as soon as practicable, with the Commissioner the following information: (1) The date and place of its organization; (2) the number of its outstanding shares of stock having full voting rights; (3) the person or persons beneficially owning such stock and their relation to such corporation; (4) the amount of gross income, by years, of the paying corporation for the three-year period immediately preceding the taxable year in which such dividend is paid; (5) the amount of interest and dividends, by years, included in such gross income and the amount of interest and dividends, by years, received from the subsidiary corporations, if any, of such domestic corporation; and (6) the corporate relationship between such domestic corporation and the Canadian corporation to which it pays the dividend. As soon as practicable after such information is filed, the Commissioner shall examine it and determine whether the dividends concerned fall within the provisions of such paragraph and may authorize the release of excess tax withheld with respect to dividends which are shown to the satisfaction of the Commissioner to come within the provisions of paragraph 2 of Article XI of the convention.

§ 7.12 *Refund of excess tax for 1941.* If the tax paid (whether paid directly or withheld at the source and paid to the Government by the withholding agent) is in excess of the tax due from the taxpayer under the convention, it will be necessary for the taxpayer, in order to compute the tax properly, to file an income tax return, Form 1040NB (Canadians), for individuals and Form 1120NB for corporations, whether or not an income tax return for the year 1941 was filed. In cases where a return has been filed for 1941, the return to be filed under these regulations should be marked "Amended". The taxpayer's total fixed or determinable annual or periodical income from sources within the United States for the year 1941 should be reported. In the case of income reported on Form 1040NB (Canadians), the tax on the income should be computed at the rate of 5 percent on income derived during the period January 1 to April 29 and 15 percent on income derived during the period April 30 to December 31, inclusive. In the case of income reported on Form 1120NB, a tax at the rate of 5 percent should be computed on the dividends derived only during the period January 1 to April 29, unless the dividends fall within the scope of paragraph 2 of Article XI of the convention, a tax at the rate of 15 percent being computed on the balance of income reported on the return. There should be filed with such return, in the case of a corporation claiming that the dividends paid by it fall within the provisions of paragraph 2 of Article XI of the convention, the information for 1941 corresponding to that required under the provisions of § 7.11 of this Treasury decision with respect to the year 1942. Where there has been an overpayment of income tax, claim therefor on Form 843 should accompany the return in order to protect the taxpayers against the running of the statute of limitations provided by section 322 of the Internal Revenue Code. Any tax paid for the year 1941 in excess of that due from the owner of the income will be refunded by the United States Government as required by law.

§ 7.13 *Rate of withholding.* On and after the date of the approval of this Treasury decision, withholding in the case of nonresident aliens (including a nonresident alien individual, fiduciary and partnership) residents of Canada and corporations organized under the laws of Canada, not engaged in trade or business in the United States and having no office or place of business therein, shall, except as to dividends falling within the provisions of paragraph 2 of Article XI of the convention, be at the rate of 15 percent.

§ 7.14 *Resident of Canada or corporation organized under the laws of Canada.* For the purpose of withholding, every individual (including a nonresident alien individual, fiduciary, or partnership) whose address is in Canada shall be considered by United States withholding agents as a resident of Canada, and every corporation whose address is in Canada shall be considered by such withholding agents as a corporation organized under the laws of Canada. These provisions relative to Canadian residents and Candian corporations are based upon the assumption that the payee is the actual owner of the property from which the income is derived and consequently is the person liable to the tax upon such income.

A person receiving income which is distributable to an organization exempt from Federal income tax under section 101 of the Internal Revenue Code shall be considered merely a conduit through which the income flows and not a taxable entity. In preparing ownership certificate, Form 1001, the person receiving the income should make a notation thereon substantially as follows: "As this organization has been held to be exempt from the payment of income tax by the Commissioner of Internal Revenue under date of ———, the interest on this certificate is not subject to withholding", giving the date of the official letter in which the organization was held to be exempt. A similar statement made with respect to other items of fixed or determinable annual or periodical income which are subject to withholding will relieve the withholding agent from liability to withhold the tax.

§ 7.15 *Addressee not actual owner.* If the recipient in Canada is a nominee or agent through whom the income flows to a person who is not entitled to the reduced rate of 15 percent, i. e., a nonresident alien individual who is not a resident of Canada, or a nonresident foreign corporation not organized under the laws of Canada, the recipient in Canada from whom a tax of only 15 percent was withheld becomes in turn a withholding agent, and is required to withhold and remit to the United States Treasury an additional tax equal to 12½ percent of the income prior to diminution by the 15 percent deducted in the United States.

Fiduciaries and partnerships with an address in Canada are liable to have 15 percent income tax deducted at the source. If the fiduciary or partnership is acting as a nominee or agent receiving the income for and on behalf of a person other than a resident of Canada or a corporation organized under the laws of Canada, an additional tax equal to 12½ percent of the income prior to

diminution by the 15 percent deducted in the United States must be deducted by such Canadian fiduciary or partnership and remitted to the United States Treasury. If the fiduciary or partnership receives the income in its own right and distributes its income under a trust deed or partnership agreement, then no further tax in Canada need be deducted.

No additional withholding is required with respect to interest on so-called tax-free covenant bonds issued prior to January 1, 1934, where the liability assumed by the obligor exceeds 2 percent but under section 143 (a) of the Internal Revenue Code only 2 percent income tax is required to be withheld at the source. An additional tax of 12½ percent of the income prior to diminution by the 15 percent deducted in the United States is required to be withheld, however, by Canadian withholding agents as above provided, (1) where the bonds were issued prior to January 1, 1934, and the liability assumed by the obligor does not exceed 2 percent; (2) where the bonds were issued on or after January 1, 1934, irrespective of the liability assumed by the obligor; (3) where the bonds do not contain a tax-free covenant, regardless of the date of issue; and (4) in the case of bonds issued by the United States or any agency or instrumentality thereof on or after March 1, 1941.

§ 7.16 *Return of tax withheld from persons whose addresses are in Canada.* Every United States withholding agent shall make and file with the collector, in duplicate, an information return on Form 1042B, for the calendar year 1942 and each subsequent calendar year, in addition to withholding return, Form 1042, with respect to the items of income from which a tax of 15 percent was withheld from persons who addresses are in Canada (5 percent in the case of dividends falling within the scope of paragraph 2 of Article XI of the convention). There shall be reported on Form 1042B not only such items of income listed on Form 1042, but also such items of interest listed on monthly returns, Form 1012, including items of interest where the liability for withholding is only 2 percent.

§ 7.17 *Returns filed by Canadian withholding agents.* Form 1042 should be prepared annually for the calendar year 1942 and each subsequent calendar year by persons in Canada who receive for the account of any person (other than a resident of Canada or a corporation organized under the laws of Canada) fixed or determinable annual or periodical income from sources within the United States which is subject to tax at the rate of 27½ percent but from which only 15 percent has been withheld as a result of the convention. Such form should contain the names and addresses of all persons whose addresses are outside of Canada and who derive through a nominee, or agent, or custodian in Canada income from sources within the United States. Annual withholding return, Form 1042, should be forwarded to the Collector of Internal Revenue, Baltimore, Maryland, accompanied by the tax shown to be due in United States dollars. An extension of time to June 15 is hereby granted to Canadian withholding agents in which to file such returns for 1942 and subsequent years.

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved June 27, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-6100; Filed, June 29, 1942; 11:57 a. m.]

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5156]

PART 113—DOCUMENTARY STAMP TAXES

TAXES OF AMBASSADORS AND OTHER DIPLOMATIC PERSONNEL

PARAGRAPH 1. Part 113, Title 26, Code of Federal Regulations, 1941 Sup. [Regulations 71] are amended by striking out § 113.34 (f) and § 113.95 thereof.

PAR. 2. The amendments hereby made shall be effective on and after July 1, 1942.

(This Treasury decision is issued under the authority of section 3791 of the Internal Revenue Code (53 Stat. 467; 26 U.S.C., 1940 ed., 3791).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: June 27, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-6098; Filed, June 29, 1942; 11:56 a. m.]

[T.D. 5158]

PART 137—CAPITAL STOCK TAX

EXTENSION OF TIME FOR FILING CAPITAL STOCK TAX RETURNS AND PAYING TAX

General extension. Returns of capital stock tax under Chapter 6 of the Internal Revenue Code (53 Stat., Part 1), as amended, for the year ended June 30, 1942, are required to be filed and the tax paid on or before July 31, 1942, unless the time for filing returns and paying the tax is extended under the provisions of sections 1203 and 1205 of the aforementioned chapter.

In accordance with the provisions of these sections, the period during which the returns of capital stock tax may be filed and the tax paid by all corporations is extended to September 29, 1942. Collectors of interal revenue are authorized to accept returns without assertion of penalties for delinquency or of interest if the returns are filed and the tax paid on or before the extended date. (Secs. 1203, 1205, 3791, 53 Stat., 171, 467; 26 U.S.C. (1940 ed.), 1203, 1205, and 3791.)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved June 27, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-6099; Filed, June 29, 1942; 11:57 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1461]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

RELIEF GRANTED

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8.

An original petition as amended, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District 8, for all shipments except truck and for truck shipments; and

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

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

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

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

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

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

No relief is granted herein as to the coals of the Charles Fannin Mine (Mine Index No. 5231) of Kenney & Newman (Earl Kenney) for truck shipment for the reason that such relief was granted in Docket A-1262 when the mine was operated by Lon Phillips.

Relief is granted herein for the coals of the Gilbert Coal Co. Mine of Quintin Cline & Sibert Cline under Mine Index No. 5571, which records of the Division indicate to be the correct mine index number for this mine, instead of Mine Index No. 5419 as listed in the original petition.

Dated: June 12, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

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

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

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

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17,	18, 19, 20, 21	22	23	24	25	26	27	For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
5518	B & B Coal Company (C. E. Barton).	Barton-Blair	Harlan	2	Loyall (Emerling), Ky.	L&N	80	O	O	L	K	F	D	D	D	D	H	(†)	(†)	(†)	(†)	(†)	C	O	M	K	F	C	C	D	N	H	(†)	(†)	(†)	(†)	C
143	Blue Diamond Coal Company.	Crown	Harlan & Creech.[1]	2	Chevrolet, Ky	L&N	80	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5534	Clark, J. P. (Camp Branch Coal Co.).	Clark #4 Brush Creek.	No. 5 Block	8	East Lynn, W. Va	N&W	130	Q	Q	O	L	L	J	L	H	G	M	(†)	(†)	(†)	(†)	(†)	(†)	Q	P	N	G	G	G	L	P	M	(†)	(†)	(†)	(†)	(†)
5571	Cline, Quintin & Sibert Cline	Gilbert Coal Co	Big Eagle	8	West Gilbert, W. Va.	C&O	150	K	K	E	D	E	C	E	A	A	E	(†)	(†)	(†)	(†)	(†)	(†)	K	K	J	D	A	A	E	H	E	(†)	(†)	(†)	(†)	(†)
5587	Conley, Eston	Eston Conley No. 1.	Isoline	6	Monterey, Tenn	T. C	210	P	P	M	L	K	J	M	H	G	O	(†)	(†)	(†)	(†)	(†)	(†)	P	O	M	H	F	F	M	Q	O	(†)	(†)	(†)	(†)	(†)
2828	Cross & Chambers (James Chambers).	Cross & Chambers #1.	Glen Mary	6	Robbins, Tenn	CNOTP	70	O	O	M	L	H	F	H	F	E	K	(†)	(†)	(†)	(†)	(†)	(†)	O	O	M	H	F	F	H	N	K	(†)	(†)	(†)	(†)	(†)
2093	Cross, Henry	Henry Cross	No. 3	6	Stanley Junction, Tenn.	Tenn	71	O	O	M	L	H	F	H	F	E	K	(†)	(†)	(†)	(†)	(†)	(†)	O	O	M	H	F	F	H	N	K	(†)	(†)	(†)	(†)	(†)
5568	Dalton, A. J. (Low Ash Mines).	Low Ash No. 4	Elkhorn No. 3	1	Pikeville, Ky	C&O	61	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	C
5523	Eastern Kentucky Elkhorn Coal Company (M. H. Conley).	Middle Creek	Elkhorn No. 1	1	West Prestonburg, Ky.	C&O	61	H	H	H	G	E	C	E	B	C	H	(†)	(†)	(†)	(†)	(†)	C	H	H	H	D	B	B	E	K	H	(†)	(†)	(†)	(†)	C
5525	Fry, Andrew J. (Andrew J. Fry Coal Co.).	#2	No. 5 Block	8	East Lynn, W. Va.	N&W	130	Q	Q	O	L	L	J	L	H	G	M	(†)	(†)	(†)	(†)	(†)	(†)	Q	P	N	G	G	G	L	P	M	(†)	(†)	(†)	(†)	(†)
5526	Fry, Andrew J. (Andrew J. Fry Coal Co.	#3	No. 5 Block	8	East Lynn, W. Va.	N&W	130	Q	Q	O	L	L	J	L	H	G	M	(†)	(†)	(†)	(†)	(†)	(†)	Q	P	N	G	G	G	L	P	M	(†)	(†)	(†)	(†)	(†)
5527	Fry, Andrew J. (Andrew J. Fry Coal Co.).	#4	No. 5 Block	8	East Lynn, W. Va.	N&W	130	Q	Q	O	L	L	J	L	H	G	M	(†)	(†)	(†)	(†)	(†)	(†)	Q	P	N	G	G	G	L	P	M	(†)	(†)	(†)	(†)	(†)
5528	Fry, Andrew J. (Andrew J. Fry Coal Co.).	#5	No. 5 Block	8	East Lynn, W. Va.	N&W	130	Q	Q	O	L	L	J	L	H	G	M	(†)	(†)	(†)	(†)	(†)	(†)	Q	P	N	G	G	G	L	P	M	(†)	(†)	(†)	(†)	(†)
5538	Garrett, Clabe	Garrett No. 2	No. 5 Darby	2	Maness, Va	L&N and Sou.	204	E	E	E	D	D	C	C	B	C	G	K	(†)	(†)	(†)	(†)	B	E	E	E	D	C	C	C	H	G	K	(†)	(†)	(†)	B
222	Goose Creek Mining Company.	Goose Creek	Elkhorn #1 & 3.[1]	1	Welco, Ky	C&O	61	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
3471	Greene, A. M	Wilton-Jellico No. 8.	Jellico	6	Woodbine, Ky	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
3495	Greene, A. M	Wilton-Jellico No. 14.	Jellico	6	Woodbine, Ky	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
1695	Greene, A. M	Wilton-Jellico No. 27.	Jellico	6	Woodbine, Ky	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
5539	Greene, A. M	Wilton-Jellico No. 41.	Jellico	6	Woodbine, Ky	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
5540	Greene, A. M	Wilton-Jellico No. 43.	Jellico	6	Woodbine, Ky	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
5541	Greene, A. M	Wilton-Jellico No. 44.	Jellico	6	Woodbine, Ky	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
5542	Greene, A. M	Wilton-Jellico No. 45.	Jellico	6	Woodbine, Ky	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
5543	Greene, A. M	Wilton-Jellico No. 46.	Jellico	6	Woodbine, Ky	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
5544	Greene, A. M	Wilton-Jellico No. 47.	Jellico	6	Woodbine, Ky	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
5545	Greene, A. M	Wilton-Jellico No. 48.	Jellico	6	Woodbine, Ky	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
5546	Greene, A. M	Wilton-Jellico No. 49.	Jellico	6	Woodbine, Ky	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
5548	Hampton, Geo. D. (Hampton Coal Co.).	Hampton Coal Co.	Williamson-Thacker.	8	Goodman, W. Va	N&W	130	Q	Q	O	N	L	J	L	F	F	K	(†)	(†)	(†)	(†)	(†)	(†)	Q	P	N	J	G	G	L	P	K	(†)	(†)	(†)	(†)	(†)
2264	Hankins, Hall	L. C. Wingate	Widow Kennedy.	7	Swords Creek, Va	N&W	20	K	K	E	E	E	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)	K	K	E	C	B	B	E	M	K	(†)	(†)	(†)	(†)	(†)
5569	Hereford, Byron	Swanson Creek Coal Co.	No. 7	1	Grant, Ky	C&O	61	M	M	K	J	G	E	G	F	F	L	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	E	G	N	L	(†)	(†)	(†)	(†)	(†)

See footnotes at end of table.

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17,	18, 19, 20, 21	22	23	24	25	26	27	For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
5585	Jennies Creek Coal Company (J. N. Meek).	Jennies Creek Coal Co.	Millers Creek	1	Dobson, Ky	C&O	61	D	D	E	E	E	C	C	B	A	G	L	(†)	(†)	(†)	(†)	(†)	D	D	E	B	B	B	C	F	G	L	(†)	(†)	(†)	(†)
3787	Keys & Hamby (C. W. Keys)	Keys & Hamby No. 1.	Bon Air No. 2.	6	Monterey, Tenn	T.C	210	P	P	M	L	K	J	M	H	G	O	(†)	(†)	(†)	(†)	(†)	(†)	P	O	M	H	F	F	M	Q	O	(†)	(†)	(†)	(†)	(†)
309	Majestic Collieries Company	Majestic	Pond Creek	8	Majestic, Ky	N&W	130	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	G	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5368	Majestic Collieries Company	Majestic No. 2	Alma	8	Majestic, Ky	N&W	130	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	G	(*)	(*)	(*)	(*)	(*)	(*)	(*)
2626	Marshall, J. Z	Marshall No. 2	Blue Gem	6	Jellico, Tenn	L&N and Sou.	113	A	A	A	A	A	A	C	A	A	K	(†)	(†)	(†)	(†)	(†)	(†)	A	A	A	A	A	A	C	D	K	(†)	(†)	(†)	(†)	(†)
1350	Montgomery, J. S	Montgomery No. 1	"B"	3	Cumberland, Ky	L&N	80	E	E	D	C	C	A	C	A	A	E	(†)	(†)	A	A	A	A	E	E	D	A	A	A	C	F	E	(†)	A	A	A	A
1738	Osborne Coal Co., c/o C. J. Osborne.	Osborne	Horse Creek	6	Corbin, Ky.[2]	L&N	111	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)
5547	Rose, G. W	No. 3 (G. W. Rose C. Co.).	Widow Kennedy.	7	Russell Creek, Va.	N&W	30	K	K	E	E	E	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)	K	K	E	C	B	B	E	M	K	(†)	(†)	(†)	(†)	(†)
5494	Sexton Brothers (Harry Sexton).	Sexton Bros	Paint Rock	6	Stanley Jct., Tenn.	Tenn	71	O	O	M	L	H	F	H	F	E	K	(†)	(†)	(†)	(†)	(†)	(†)	O	O	M	H	F	F	H	N	K	(†)	(†)	(†)	(†)	(†)
5562	Snyder, Fred (Snyder Coal Co.).	Snyder Coal Co	Hazard No. 4.	3	Lothair, Ky	L&N	100	K	K	J	H	G	E	G	D	D	K	N	(†)	(†)	(†)	(†)	(†)	K	K	J	F	D	D	G	L	K	N	(†)	(†)	(†)	(†)
5566	Stollings, Opie	Stollings Cash No. 2.	Alma	4	Greenview, W. Va.	C&O	123	Q	Q	L	K	H	F	H	D	E	J	(†)	(†)	(†)	(†)	(†)	(†)	Q	P	N	J	G	G	H	O	J	(†)	(†)	(†)	(†)	(†)
5530	Willis, O. E	Willis No. 3	No. 5-Darby	2	Maness, Ky	L&N and Sou.	204	E	E	E	D	D	C	C	B	C	G	K	(†)	(†)	(†)	(†)	B	E	E	E	D	C	C	C	H	G	K	(†)	(†)	(†)	B

[1] Indicates change in seam designation.
[2] Denotes new shipping point. Shipping Point at Lily, Ky., on the L&N Railroad in Freight Origin Group 111 shall no longer be applicable.

*Indicates previously classified these size groups.
†Indicates no classification effective for these size groups.

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

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 5"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under slack	¾" and under slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 1—BIG SANDY-ELKHORN											
CARTER COUNTY, KY.											
Hereford, Byron	Swanson Creek Coal Co.	5569	No. 7	265	245	210	220	205	200	150	145
FLOYD COUNTY, KY.											
Eastern Kentucky Elkhorn Coal Company (M. H. Conley).	Middle Creek	5523	Elkhorn No. 1	285	265	225	230	215	215	165	160
Goose Creek Mining Company	Goose Creek	222	Elkhorn No. 1 & 3	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
GREENUP COUNTY, KY.											
Danners, John	John Taylor Adams #1.	5520	Clod	265	245	210	220	205	200	150	145
Keaton, Ott	John Taylor Adams #2.	5521	Clod	265	245	210	220	205	200	150	145
Kirk, Roy	J. T. Adams	5519	Clod	265	245	210	220	205	200	150	145
JOHNSON COUNTY, KY.											
Jennies Creek Coal Company (J. N. Meek).	Jennies Creek Coal Co	5585	Millers Creek	305	285	235	240	215	225	170	169
PIKE COUNTY, KY.											
Dalton, A. J. (Low Ash Mines)	Low Ash No. 4	5568	Elkhorn No. 3	275	255	220	230	215	210	170	165
SUBDISTRICT NO. 2—HARLAN											
HARLAN COUNTY, KY.											
B. & B. Coal Company (C. E. Barton).	Barton-Blair	5518	Harlan	270	250	225	230	210	215	175	170
Blue Diamond Coal Company	Crown	143	Harlan & Creech [1]	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
Garrett, Clabe	Garrett No. 2	5538	No. 5-Darby	295	275	225	245	215	215	170	165
Willis, O. E	Willis No. 3	5530	No. 5-Darby	295	275	225	245	215	215	170	165
SUBDISTRICT NO. 3—HAZARD											
PERRY COUNTY, KY.											
Snyder, Fred (Snyder Coal Co.).	Snyder Coal Co	5562	Hazard No. 4	275	255	220	225	205	210	160	155
SUBDISTRICT NO. 4—KANAWHA											
BOONE COUNTY, W. VA.											
Stollings, Opie	Stollings Cash No. 2	5566	Alma	245	225	220	215	195	210	155	150
NICHOLAS COUNTY, W. VA.											
Barker, L. M	Groves	5586	Clarion	265	245	230	230	205	220	165	160

[1] Indicates change in seam designation.
*Indicates previously classified these size groups.

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

Code member index	Mine	Mind index No.	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 5"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under slack	¾" and under slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN											
BELL COUNTY, KY.											
Brock, Walter A	Brock	5492	Straight Creek	295	275	225	245	215	215	165	160
KNOX COUNTY, KY.											
Widener, James W	Widener	5478	Blue Gem	335	315	235	260	225	225	145	140
PULASKI COUNTY, KY.											
Burdine, Oma	Chimney Rock	5495	No. 3	265	245	220	220	205	210	155	150
WHITLEY COUNTY, KY.											
Greene, A. M	Wilton-Jellico No. 41	5539	Jellico	255	235	225	225	205	215	155	150
Greene, A. M	Wilton-Jellico No. 43	5540	Jellico	255	235	225	225	205	215	155	150
Greene, A. M	Wilton-Jellico No. 44	5541	Jellico	255	235	225	225	205	215	155	150
Greene, A. M	Wilton-Jellico No. 45	5542	Jellico	255	235	225	225	205	215	155	150
Greene, A. M	Wilton-Jellico No. 46	5543	Jellico	255	235	225	225	205	215	155	150
Greene, A. M	Wilton-Jellico No. 47	5544	Jellico	225	235	225	225	205	215	155	150
Greene, A. M	Wilton-Jellico No. 48	5545	Jellico	255	235	225	225	205	215	155	150
Greene, A. M	Wilton-Jellico No. 49	5546	Jellico	255	235	225	225	205	215	155	150
Thaler, Andrew	Thaler-Jellico No. 2	5535	Jellico	285	265	225	240	215	215	170	165
ANDERSON COUNTY, TENN.											
Black, W. W. & Wesley Allen (W. W. Black).	Black & Allen	5479	Coal Creek	255	235	225	230	205	215	145	140
CUMBERLAND COUNTY, TENN.											
Conley, Eston	Eston Conley No. 1	5587	Isoline	250	230	205	210	185	195	135	130
Tollett, Homer & Dave (Homer Clyde Tollett).	#2	5531	Sewanee	250	230	205	210	185	195	135	130
MORGAN COUNTY, TENN.											
Jackson, W. O	Jackson	5557	Coal Creek	255	235	225	230	205	215	145	140
SCOTT COUNTY, TENN.											
Sexton Brothers (Harry Sexton).	Sexton Bros	5494	Paint Rock	255	235	215	210	200	205	155	150
SUBDISTRICT NO. 7—VIRGINIA											
WISE COUNTY, VA.											
Rose, G. W	#3 (G. W. Rose C. Co.)	5547	Widow Kennedy	275	255	220	240	225	210	155	150
SUBDISTRICT NO. 8—WILLIAMSON											
MINGO COUNTY, W. VA.											
Cline, Quintin & Silbert Cline	Gilbert Coal Co	5571	Big Eagle	275	255	235	245	215	225	180	175
Hampton, Geo. D. (Hampton Coal Co.)	Hampton Coal Co	5548	Williamson-Thacker	245	225	210	200	185	200	155	150

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

Code member index	Mine	Mine index No.	Seam	Base sizes							
				Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", 2" x 6"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under slack	¾" and under slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 8—WILLIAMSON—Continued											
WAYNE COUNTY, W. VA.											
Clark, J. P. (Camp Branch Coal Co.).	Clark #4 Brush Creek	5534	No. 5 Block	245	225	205	210	185	195	145	140
Fry, Andrew J. (Andrew J. Fry Coal Co.).	#2	5525	No. 5 Block	245	225	205	210	185	195	145	140
Fry, Andrew J. (Andrew J. Fry Coal Co.)	#3	5526	No. 5 Block	245	225	205	210	185	195	145	140
Fry, Andrew J. (Andrew J. Fry Coal Co.)	#4	5527	No. 5 Block	245	225	205	210	185	195	145	140
Fry, Andrew J. (Andrew J. Fry Coal Co.)	#5	5528	No. 5 Block	245	225	205	210	185	195	145	140

[F. R. Doc. 42-5988; Filed, June 26, 1942; 11:00 a. m.]

PARTS 339 AND 340—MINIMUM PRICE SCHEDULES, DISTRICTS NOS. 19 AND 20

[Dockets Nos. A-1345 and A-1365]

FISCHER, IDAHO, INCLUSION AMONG LIST OF DESTINATIONS

Order approving and adopting proposed findings of fact, proposed conclusions of law and recommendation of the Examiner in the matter of the petitions of District Board No. 20 for the inclusion of Fischer, Idaho, among the destinations set forth in Price Instruction and Exception (k) in the Schedule of Effective Minimum Prices for District No. 20 for all shipments except truck; and of District Board No. 19 for the inclusion of Fischer, Idaho, among the destinations set forth in Price Instruction and Exception (l) in the Schedule of Effective Minimum Prices for District No. 19 for All Shipments Except Truck.

This proceeding was instituted upon petitions[1] filed pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 by District Boards Nos. 19 and 20, wherein petitioners proposed and sought certain amendments to Price Instruction and Exception (l) as set forth in the Schedule of Effective Minimum Prices for District No. 19 for All Shipments Except Truck, as amended by temporary order of the Director dated October 24, 1940, 5 F.R. 4269, Docket No. A-13,[2] and to Price Instruction and Exception (k), as set forth in the Schedule of Effective Minimum Prices for District No. 20 for All Shipments Except Truck.

Pursuant to an order of the Acting Director dated March 25, 1942, and after due notice to all interested parties, a hearing in this matter was held on April 8, 1942, before Scott A. Dahlquist, a duly designated Examiner of the Division, at a hearing room thereof at Salt Lake City, Utah.

All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise participate fully in the hearing. Appearances were entered in behalf of District Board 19 and District Board 20.

The Examiner on June 4, 1942, submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation. He found that in General Docket No. 15 District Boards 19 and 20 sought certain price instructions and exceptions, the purpose of which were to provide for the uniform flow of coal to certain sugar factories shipped from Districts Nos. 19 and 20. In order for sugar factories to be assured of an adequate supply of coal during operational seasons, it became necessary for them either to put in a supply of coal during their off season or to place a great strain upon the producer during the time sugar factories were in actual operation. Therefore, in an effort to encourage sugar factories to install coal silos and store coal during the off season, certain price instructions and exceptions were granted Districts Nos. 19 and 20, wherein certain reductions were granted upon coal shipped to such sugar factories.

The petitioners herein proposed certain changes in price instructions and exceptions. The Examiner found that the proposals of District Boards Nos. 19 and 20 were well-founded and recommended that they be granted. An opportunity was afforded all parties to file exceptions to the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation of the Examiner. No exceptions thereto have been filed.

It is therefore ordered, That effective forthwith, Price Instruction and Exception (l) as set forth in § 339.1 (*Price instructions and exceptions*) in the Schedule of Effective Minimum Prices for District No. 19 for All Shipments Except Truck, be amended to read as follows:

(l) Prices listed in this schedule for sizes included in Size Groups Nos. 15, 16, and 17 shall be reduced 20 cents per net ton when such coal is shipped from Subdistrict No. 1, Kemmerer, or Subdistrict No. 2, Rock Springs, to a consumer at Blackfoot, Burley, Fischer, Whitney Spur, Idaho Falls, McMillan, Paul, Shelley or Sugar City, Idaho; or Brigham City, Garland, Layton, Lewiston (Sugarton), Ogden Sugar Works, Spanish Fork, Spearmint (Gunnison), Springville, or West Jordan, Utah; or Nyssa, Oregon, for consumption at any of the above-named destinations; and

* * * * *

It is further ordered, That effective forthwith, the first paragraph of Price Instruction and Exception (k), as set forth in § 340.1 (*Price instructions and exceptions*) in the Schedule of Effective Minimum Prices for District No. 20 for All Shipments Except Truck, be amended to read as follows:

(k) Prices listed in this schedule for sizes included in Size Groups Nos. 10 and 11 shall be reduced 20 cents per net ton when such coal is shipped to a consumer at Blackfoot, Burley, Fischer, Whitney Spur, Idaho Falls, McMillan, Paul, Shelley, or Sugar City, Idaho; or Brigham City, Garland, Layton, Lewiston (Sugarton), Ogden Sugar Works, Spanish Fork, Spearmint (Gunnison), Springville or West Jordan, Utah; or Nyssa, Oregon, for consumption at any of the above-named destinations.

Dated: June 29, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-6077; Filed, June 29, 1942; 11:09 a. m.]

[1] Petitions were filed by District Boards Nos. 19 and 20 and, inasmuch as analogous issues were presented, the Acting Director in an order dated March 25, 1942, consolidated Dockets Nos. A-1345 and A-1365 for the purpose of hearing and for such other purposes as the Examiner designated to preside at such hearing might deem appropriate.

[2] Relief granted in Docket No. A-13, was an amendment to the second paragraph of this exception. Relief as prayed for herein pertains only to the first paragraph thereof.

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

PART 608—EXPENDITURES OTHER THAN FOR PERSONAL SERVICES[1]

[Amendment No. 66, 2d Ed.]

REQUESTS FOR TRANSPORTATION, MEALS, LODGING

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:

Amend § 608.44 to read as follows:

§ 608.44 *Government requests for transportation (Standard Form No.*

[1] 6 F.R. 6836.

1030): *Use and preparation.* Government requests for transportation (Standard Form No. 1030) may be issued for both land and water transportation, including ocean travel, and for sleeping-car service. Books of such requests will be made available by the Director of Selective Service and shall be issued only by a local board or a duly authorized representative of the Director of Selective Service or the State Director of Selective Service as follows:

(a) When it is necessary to transport selected registrants from local boards to induction stations of the armed forces.

(b) When it is necessary to transport a registrant from the office of a local board to the office of a medical advisory board and return.

(c) Whenever practicable, when travel is performed by officers or employees incident to the provisions of the selective service law.

(d) To such other persons and for such purposes as may be authorized by the Director of Selective Service.

Amend § 608.45 to read as follows:

§ 608.45 *Government request for meals or lodgings for civilian registrants (Form 256).* Books containing Government requests for meals or lodgings for civilian registrants (Form 256) will be made available by the Director of Selective Service and shall be issued only by a local board or a duly authorized representative of the Director of Selective Service or the State Director of Selective Service to provide necessary meals or lodgings as follows:

(a) For registrants ordered to report to an induction station of the armed forces.

(b) For a registrant ordered to report to a medical advisory board.

(c) To such other persons and for such other purposes as may be authorized by the Director of Selective Service.

(d) The value of such lodgings shall not exceed $1.50 per day per individual.

(e) The value of such meals shall not exceed $0.75 per meal per individual except for meals furnished on railway dining cars for which there may be authorized and paid not in excess of $1 per meal per individual.

The foregoing amendments to the Selective Service Regulations shall be effective July 1, 1942.

LEWIS B. HERSHEY,
Director.

JUNE 25, 1942.

[F. R. Doc. 42-6025; Filed, June 27, 1942; 9:52 a. m.]

Chapter IX—War Production Board

Subchapter B—Division of Industry Operations

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

[Amendment 3 to Priorities Regulation 1]

Part 944, Priorities Regulation No. 1,[1] is hereby amended in the following respects:

1. The term "Director of Priorities" wherever it appears is changed to "Director of Industry Operations," and the term "Office of Production Management" wherever it appears is changed to "War Production Board."

2. Section 944.1(b)(1) is amended to read as follows:

(1) Any contract or purchase order for material or equipment to be delivered to, or for the account of:

(i) The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Selective Service System, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, Defense Supplies Corporation, Metals Reserve Company;

(ii) The Government of any of the following countries:

Belgium, China, Czechoslavakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom, including its Dominions, Crown Colonies and Protectorates, and Yugoslavia.

3. Section 944.2 (b) (2) is amended to read as follows:

(2) If delivery on schedule thereunder can be made only by use of material which is already completed when such order is received or which is scheduled to be completed within fifteen days thereafter, and which was specifically produced for delivery under an order bearing any rating higher than A–2 previously accepted, unless the proffered order bears a rating of AAA or acceptance thereof is specifically directed by the Director of Industry Operations;

4. Section 944.2 (b) (4) is amended as follows:

(4) If the material ordered is of a kind which has not been usually sold by the person to whom such order is offered, and which either is not capable of being produced by such person without substantial alteration of or addition to such person's facilities or is readily obtainable from another person by whom it is usually sold;

5. Section 944.2 (b) (5) is amended to read as follows:

(5) If delivery on schedule thereunder would require interruption or change of a production schedule in a manner inconsistent with the provisions of § 944.7 (d) of this regulation.

6. Section 944.4a is amended by deleting the third sentence thereof and by inserting in lieu thereof the following:

After such revocation or expiration, said rating shall not be applied by any person to whom such order directly assigned the rating, but may still be extended (notwithstanding the provisions of any order heretofore issued) by suppliers and subsuppliers of such person whose deliveries are rated by such order to the extent that they could do so if such order were still in full effect.

7. Section 944.5 is amended to read as follows:

§ 944.5 *Sequence of preference ratings.* Preference ratings in order of precedence are: AAA, AA–1, AA–2, etc.; A–1–a, A–1–b, etc.; B–1, B–2, etc. All preference ratings of AA heretofore assigned and in effect are hereby amended to AA–2, unless and until the deliveries bearing such ratings are otherwise specifically rerated.

8. Section 944.7 (b) and (c) are amended to read as follows:

(b) The sequence of deliveries bearing the same preference rating shall be determined by the respective dates on which the preference ratings are applied or extended to the deliveries, the delivery to which the preference rating was first applied or extended in point of time having precedence over other deliveries. If the same preference rating is applied or extended on the same day to two or more deliveries, and it is impossible to make all deliveries on schedule, the sequence of deliveries shall be determined by the delivery dates specified in the respective preference rating certificates by which such preference ratings were assigned, or if the ratings were assigned by rule, regulation or order but no certificates were issued, then by the date specified in the contracts or purchase orders.

(c) Notwithstanding the foregoing provisions of this § 944.7, material specifically produced for an order bearing a rating higher than A–2 may not be diverted and delivered under a higher rated order subsequently accepted if such material is completed at the time of the acceptance of the higher rated order or is scheduled for completion within fifteen days thereafter, unless such diversion is specifically directed by the Director of Industry Operations, or unless the subsequently accepted order bears a rating of AAA.

9. Section 944.7 is further amended by adding at the end thereof an additional paragraph (d) as follows:

(d) Notwithstanding the foregoing provisions of this § 944.7, no person who receives any rated order shall be required by reason of such order to terminate or interrupt a production schedule within fifteen days after receiving such order; and, if such person is operating on a monthly or longer fixed production schedule and it is impracticable for him to terminate or interrupt such schedule before its completion, he may postpone any change therein which may be required by the rated order he has received until the commencement of his next production period, but not in any event for more than forty days after the receipt of the rated order unless otherwise permitted by the Director of Industry Operations.

10. Section 944.13 is amended by deleting the second sentence thereof and by inserting in lieu thereof the following:

No person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with any rule, regulation or order of the War Production Board, notwithstanding that any such rule, regulation or order

[1] 6 F.R. 4489, 6680; 7 F.R. 1493, 1835, 2235, 3311, 3428.

shall thereafter be declared by judicial or other competent authority to be invalid.

11. Section 944.15 is amended by adding thereto a third sentence to read as follows:

Records kept by any person pursuant to this section shall be kept either separately from the other records of such person and chronologically according to daily deliveries by such person, or in such form that such a separate chronological record can be promptly complied therefrom.

(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; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6017; Filed, June 26, 1942; 4:32 p. m.]

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

[Priorities Regulation 3 as Amended June 26, 1942]

§ 944.23 *Priorities Regulation 3,* as amended June 10, 1942, is hereby further amended in the following respects:

1. Paragraph (c) (1) (ii) is amended to read as follows:

(ii) Material which is required to replace in inventory material so delivered or incorporated. Material shall not be deemed to be required if the delivery can be made and a practicable working minimum inventory of such material still retained; and if, in making delivery, the inventory is reduced below such minimum, the rating may be extended to replace such material only to the extent necessary to restore the inventory to such minimum: *Provided, however,* That the material ordered for replacement must be substantially the same as the material delivered or incorporated in the material delivered, subject only to minor variations in size, shape or design or substitutions of less scarce materials, which, in any case, do not substantially alter the purpose for which the same is to be used.

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

(2) In addition, any person may extend a rating to deliveries of operating supplies (including lubricants, catalysts, abrasives and small perishable tools) which are actually required and will be consumed by him in physically processing other material to the delivery of which he has extended the same rating, except that:

(i) The cost of the operating supplies to which he extends the rating shall not exceed ten percent of the cost of the particular materials to be processed therewith, and to which he extends the same rating;

(ii) Not more than 25 percent by value of the operating supplies so rated in any calendar month shall be metals in any of the forms listed on the Metals List attached to Priorities Regulation No. 11 (§ 944.32); and

(iii) No person may extend such a rating to obtain operating supplies if his receipts or withdrawals from inventory during the most recent calendar quarter, or his anticipated receipts or withdrawals from inventory during the current or the next succeeding calendar quarter, of metals in the forms listed on said Metals List aggregate $5,000 or more in value.

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

(i) Ratings of the same grade assigned by different preference rating certificates or orders may be combined and extended to a single delivery; ratings of different grades, whether assigned by the same or different preference rating certificates or orders, may be extended to deliveries under a single purchase order, but the amount of each material to which a particular grade of rating is extended must be shown as a separate item and not merely indicated as a percentage figure: *Provided, however,* That to the extent necessary to avoid production or delivery in quantities smaller than the minimum commercially practicable, items to which ratings of different grades might be extended may be combined and the rating of the lowest grade extended to the total delivery; and

* * * * *

(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; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6018; Filed, June 26, 1942; 4:32 p. m.]

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

[Amendment 1 to Priorities Regulation 10]

Section 944.31, *Priorities Regulation No. 10,*[1] paragraph (b), is hereby amended to read as follows:

(b) *Exceptions as to certain purchases.* The provisions of paragraph (a) hereof shall not require any person to indicate the appropriate Allocation Classification Symbol or Purchaser's Symbol on any single purchase order or contract covering items sold at an aggregate price of Fifteen Dollars or less, nor on any purchase orders or contracts covering sales to or by retailers. Industrial and mill suppliers, warehouses and other businesses performing similar functions for industry shall not be deemed retailers for the purposes of this paragraph.

[1] 7 F.R. 4198.

(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; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6019; Filed, June 26, 1942; 4:32 p. m.]

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

[Priorities Regulation 12]

ESTABLISHING RERATING PROCEDURES

§ 944.33 *Priorities Regulation 12*—(a) *General.* Deliveries bearing preference ratings may be rerated and, subject to the limitations hereinafter provided, such reratings may be applied or extended in the manner provided in this Regulation. Such reratings shall change only the grade of the preference rating, and shall not increase the amount of material to which the rating may be applied or extended.

(b) *Methods of initiating rerating.* Reratings may be effected in the first instance through the issuance, by or under the authority of the Director of Industry Operations, of either (1) a new preference rating order or certificate, (2) an amendment of an existing order or certificate, or (3) a Rerating Direction on Form PD-4X, attached hereto (or such other form as may be prescribed), specifying the change of rating and the items to which it applies. A single Rerating Direction may be used to rerate deliveries to be made under different contracts with the same contractor, and may specify different new ratings for separate deliveries to be made under a single contract. The Rerating Direction shall also include the appropriate Allocation Classification and Purchasers' Symbols required by Priorities Regulation No. 10 (§ 944.31) and such other identification as may be required by the government agency issuing the Rerating Direction.

(c) *Extent to which rerating may be applied or extended.* (1) In any case where a delivery to be made by a person has been rerated, such person may rerate deliveries to be made to him of the following material only:

(i) Material which will itself be delivered by such person on a rerated delivery, or which will be physically incorporated into material to be so delivered, or

(ii) Material which is required to replace in inventory material so delivered or incorporated. Material shall not be deemed to be required if the delivery can be made and a practicable working minimum inventory of such material still retained; and if, in making delivery, the inventory is reduced below such minimum, the new rating may be applied or extended to replace such material only to the extent necessary to restore the inventory to such minimum: *Provided, however,* That the material ordered for replacement must be substantially the

same as the material delivered or incorporated in the material delivered, subject only to minor variations in size, shape or design, or substitution of less scarce materials, which, in any case, do not substantially alter the purpose for which the same is to be used.

(2) In addition, any person may extend the new rating to deliveries of operating supplies (including lubricants, catalysts, abrasives and small perishable tools) which are actually required and will be consumed by him in physically processing other material to the delivery of which he has extended the same new rating, except that:

(i) The cost of the operating supplies to which he extends the rating shall not exceed ten percent of the cost of the particular materials to be processed therewith, and to which he extends the new rating;

(ii) Not more than 25 percent by value of the operating supplies so rated in any calendar month shall be metals in any of the forms listed on the Metals List attached to Priorities Regulation No. 11 (§ 944.32); and

(iii) No person may extend such a rating to obtain operating supplies if his receipts or withdrawals from inventory during the most recent calendar quarter, or his anticipated receipts or withdrawals from inventory during the current or the next succeeding calendar quarter, of metals in the forms listed on said Metals List aggregate $5,000 or more in value.

(3) A PRP Unit, when deliveries to be made by it have been rerated, may, despite the provisions of Priorities Regulation No. 11 (§ 944.32) or of Preference Rating Order P–90, rerate deliveries to be made to it, by applying or extending the new rating in accordance with this Regulation: *Provided, however,* That nothing in this Regulation, or in any Rerating Direction or Certificate issued hereunder, shall authorize a PRP Unit (or any person required by said Priorities Regulation No. 11 to become a PRP Unit) to receive any delivery, or apply or extend a rating to any delivery, of any material in an amount greater than permitted by said regulation.

(4) In each case, the new rating applied or extended by any person shall be the same as the new rating which he has received for the related delivery to be made by him, even though this may require him to apply or extend separate new ratings to items previously covered by a single rating; except that, to the extent necessary to avoid production or delivery in quantities smaller than the minimum commercially practicable, items which might be rerated with new ratings of different grades may be combined, and the total delivery rerated with the new rating of the lowest grade.

(d) *Method of application or extension.* (1) A person entitled under paragraph (c) of this regulation to rerate a delivery to be made to him, and to which he has already applied or extended a rating may do so by furnishing to his supplier a Rerating Certificate in the form of Form PD–4Y attached hereto, containing the information therein specified and signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an official duly authorized for such purpose. The person receiving such certificate shall be entitled to rely on the statements therein unless he knows or has reason to believe them to be false.

(2) Each person rerating any delivery to be made to him must maintain at his regular place of business for not less than two years, copies of all Rerating Certificates issued by him, and all Rerating Directions or Certificates received by him upon which he relies as entitling him to rerate such deliveries, segregated and available for inspection by representatives of the War Production Board, or filed in such manner that they can be readily segregated and made available for such inspection.

(e) *Use of new rating where rating has not yet been used.* If a person who is entitled to rerate a delivery to be made to him has not yet applied or extended a rating to such delivery, he may apply or extend the new rating in the same manner in which he could have applied or extended the earlier rating subject to the provisions of Priorities Regulation No. 3, as amended (§ 944.23) and to the provisions of paragraph (c) of this regulation.

(f) *Effective date of rerating.* The sequence of rated and rerated deliveries shall be determined as if the rerated item had carried the new rating at the time the original rating was received, and the person whose delivery is rerated shall make any necessary change in his production or delivery schedule promptly on receipt of the rerating: *Provided, however,* That:

(1) Any person who, prior to July 15, 1942, receives a rerating for a delivery to be made by him, shall make the necessary changes in his production and delivery schedules on July 15, 1942, and shall put such changes into effect immediately thereafter except as otherwise provided in subparagraphs (2), (3) and (4) of this paragraph (f);

(2) If such person has received reratings for all deliveries which are to be completed in 1942 on any one production schedule, he may proceed to make the necessary changes in such schedule before July 15, 1942, subject to the provisions of subparagraph (3) and (4) of this paragraph (f);

(3) No person shall, by reason of a rerating, divert material specifically produced for an order bearing a rating higher than A–2 and deliver the same under the higher rerated order if such material is completed at the time the rerating is received or is scheduled for completion within fifteen days thereafter, unless such diversion is specifically directed by the Director of Industry Operations, or unless the new rating is AAA;

(4) No person shall be required by reason of a rerating to terminate or interrupt a production schedule within fifteen days after the receipt of such rerating, and, if such person is operating on a monthly or longer fixed production schedule and it is impracticable for him to make a change in such schedule before the end of such period, he may postpone such change until the commencement of his next production period, but not in any event for more than forty days after the receipt of the rerating, unless otherwise permitted 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; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

PD–4X

WAR PRODUCTION BOARD

BUREAU OF PRIORITIES

Washington, D. C.

RERATING DIRECTION

(To be Used by Government Officials Only)

Issued to:----------
(Name of Prime Contractor)

Address: ----------

Pursuant to Priorities Regulation No. 12, deliveries indicated below are rerated as follows:

Contract No.	Description	Quantity rerated	New preference rating	Allocation classification and purchasers' symbols under priorities Reg. No. 10	Other identification required

This form may be issued only by Government officials to rerate deliveries, under prime contracts, directly to the Army, Navy, and other Government war agencies as listed in Priorities Regulation No. 1. Reratings of deliveries to be made to the above-named contractor must be made on Form PD–4Y and in compliance with Priorities Regulation No. 12 of the War Production Board.

By authority of—

J. S. KNOWLSON,
Director of Industry Operations.

Signature of Government Issuing Officer

Address

Date

Initiating Agency

Instructions to issuing officer. This form must be issued in quadruplicate. One copy is to be retained by the Issuing Officer. One copy is to be delivered to the Prime Contractor. The remaining copies are to be sent to the proper supply service or bureau and to the Army and Navy Munitions Board, Washington, D. C.

PD-4Y

(This form may be reproduced)

WAR PRODUCTION BOARD

BUREAU OF PRIORITIES

Washington, D. C.

RERATING CERTIFICATE

Issued to_____
(Name of Supplier)

Address_____

Pursuant to Priorities Regulation No. 12, deliveries to be made by you are rerated as follows:

Government contract No.	Our order No. or other identification of items rerated	Quantity	New preference rating	Allocation classification and purchasers' symbol under priorities Reg. No. 10	Other identification required on Govt. orders

The undersigned represents to the above-named Supplier and to the War Production Board that the above rerating is made in accordance with Priorities Regulation No. 12, with the terms of which he is familiar, and that the new ratings and quantities specified are correct.

_____
Name of Purchasing Company

By _____
Signature and Title of Duly Authorized Official

_____
Date

Note to supplier. Deliveries required by you in connection with making the above-specified deliveries to us may, in turn be rerated by you to the extent and in the manner provided in Priorities Regulation No. 12, by filling out and furnishing to each of your suppliers a certificate in the same form as this Form PD-4Y. Printed copies are not required. You may type the entire form or have blank copies of it printed or otherwise duplicated.

Before furnishing such a certificate, you must become familiar with Priorities Regulation No. 12. Misuse of this certificate is a crime, punishable by fine or imprisonment.

This certificate must be retained in your files for examination by the War Production Board and you must likewise retain copies of certificates furnished by you to your suppliers.

[F. R. Doc. 42-6020; Filed, June 26, 1942; 4:33 p. m.]

PART 1010—SUSPENSION ORDERS

[Amendment 1 to Suspension Order S-51]

CAPITAL IRON AND METAL CO. AND CAPITAL COMPRESSED STEEL CO.[1]

Section 1010.51 *Suspension Order No. S-51* is hereby amended by adding thereto the following new paragraph:

(f) The provisions of this order shall not be applicable to the scrap yards located at Topeka, Kansas and Springfield, Missouri, owned and operated by Reuben Finkelstein and Ralph Finkelstein, individually or trading as Capital Iron and Steel Company or Capital Compressed Steel Company, their successors or assigns.

This amendment shall take effect immediately.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6021; Filed, June 26, 1942; 4:33 p. m.]

[1] 7 F.R. 3389.

PART 949—CHROMIUM

[Supplementary Order M-18-b, as Amended June 27, 1942]

Section 949.3 *Supplementary Order M-18-b* is hereby amended to read as follows:

§ 949.3 *Supplementary Order M-18-b*—(a) *Restrictions on use*—(1) *Use of chromium.* No person shall use or consume chromium in or for the following processes or purposes in excess, in terms of chromium oxide content, of the following quantities:

(i) In the manufacture of chromium pigment in any one calendar month commencing with June, 1942, one-twelfth of the chromium used or consumed by him in such manufacture during the base period.

(ii) In the manufacture of chromic acid in any one calendar month commencing with June, 1942, eighty percent (80%) of one-twelfth of the chromium used or consumed by him in such manufacture during the base period.

(iii) In leather tanning in any one calendar month commencing with June, 1942, the quantity of chromium used or consumed by him for such purpose during May, 1942.

(iv) In the manufacture of roofing materials in any one calendar month commencing with June, 1942, fifty percent (50%) of one-twelfth of the chromium used by him in such manufacture during the base period.

(2) *Use of primary chromium chemicals.* Except as provided in paragraph (a) (3) hereof, no person shall use or consume primary chromium chemicals in any one calendar month commencing with June, 1942, in or for any process or purpose other than those specified in paragraph (a) (1) hereof in excess, in terms of chromium oxide content, of one-twelfth of his use or consumption of primary chromium chemicals in or for such process or purpose during the base period.

(3) *Unrestricted use.* Nothing herein shall restrict in any way the use of primary chromium chemicals in textiles; metallurgy; the processing of copper, brass or magnesium; the processing of drafting papers; the manufacture of pharmaceuticals, dyes, coal tar intermediates and laboratory chemicals; the production of saccharin; water treatment; electrical insulating porcelains, and anodizing aluminum.

(b) *Restrictions on inventories.* No consumer of primary chromium chemicals shall accept delivery of primary chromium chemicals if the inventory of such material 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.

(c) *Reports by consumers of primary chromium chemicals.* Except as specifically authorized by the Director of Industry Operations, no processor or dealer shall make, and no person shall accept delivery of primary chromium chemicals in any month unless the person seeking delivery shall on or before the 8th day of such month have filed with the processor a report on Form PD-54 and have sent a copy thereof to the War Production Board, or, if the delivery is made or accepted prior to the 8th day of a month, have filed such report and sent such copy on or before the 8th day of the preceding month. The filing of such form shall, in so far as concerns primary chromium chemicals, be in lieu of the filing of any form pursuant to paragraph (e) of General Preference Order M-18-a. Any person affected by this order shall file such additional reports as may, from time to time, be directed by the Director of Industry Operations.

(d) *Additional restrictions on sales and deliveries.* No person shall knowingly sell or deliver any chromium for any one or more of the uses specified in paragraph (a) hereof in greater quantities than are thereby permitted, and no person shall accept deliveries of chromium for any one or more of the uses specified in paragraph (a) in greater quantities than for permitted consumption and inventory.

(e) *Definitions.* (1) "Chromium" means and includes:

(i) Chromium ores or concentrates;

(ii) The element chromium in pure form, ferrochromium, chrom-x, chrome briquettes, and other combinations of the element chromium with other elements in semi-manufactured or manufactured form, commercially suitable for use in the manufacture of steel or for other metallurgical purposes;

(iii) Primary chromium chemicals and all other chemical combinations having chromium as an essential and recognizable component;

(iv) Those products containing chromium known commercially as refractories or refractory materials;

(v) All scrap or secondary material containing chromium as defined in (i), (ii), and (iii) of this paragraph.

(2) "Primary chromium chemicals" means those chemicals processed directly from chrome ore, including bichromate of soda, bichromate of potash and sodium chromate, and in addition all chromium tanning compounds.

(3) "Processor" means any person who uses ores or concentrates for the manufacture of, or which he converts into, chromium chemicals, chromium refractories or metallurgical forms of chromium.

(4) "Dealer" means any person who procures chromium either by importing or from domestic sources for sale without change in form, whether or not such person receives title to or physical delivery of the material, and includes selling agents, warehousemen, and brokers.

(5) "Base period" means the period July 1, 1940 to June 30, 1941.

(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) *Intra-company transactions.* The prohibitions or restrictions contained in this order with respect to deliveries shall, in the absence of a contrary direction, apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise owned or controlled by the same person.

(3) *Violations or false statements.* Any person who wilfully violates any provisions 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.

(4) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of chromium conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board, Washington, D. C., Ref: M–18–b, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate. (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; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–6043; Filed, June 27, 1942; 11:30 a. m.]

PART 1068—CANS MADE OF TINPLATE OR TERNEPLATE

[Conservation Order M–81, as Amended June 27, 1942]

The designation of Part 1068 (formerly "Tinplate and Terneplate") is hereby amended to read "Cans Made of Tinplate or Terneplate".

Section 1068.1 *Conservation Order M–81* is hereby amended to read as follows:

§ 1068.1 *Conservation Order M–81*—(a) *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) "Tinplate" means blackplate coated on one or both sides with tin, and includes "primes", "seconds", and "waste-waste", but does not include any waste.

(3) "Terneplate" means blackplate coated on one or both sides with a lead-tin alloy, and includes "primes", "seconds", and "waste-waste", but does not include any waste.

(4) "Waste" means any waste or scrap tinplate or terneplate produced in the ordinary course of manufacturing cans out of tinplate or terneplate and includes strips and circles.

(5) "Blackplate" means any sheet steel, other than tinplate or terneplate, suitable for manufacture into cans.

(6) "Can" means any container which is intended for packing, packaging, or putting up products of any kind and which is made, in whole or in part, of tinplate, terneplate, or any combination thereof, and includes closures, crowns, and caps for cans, but does not include any closure, crown, or cap to be used on, or as a part of, a glass container.

(7) A "primary products can" means a can used to pack any product listed in Table I, annexed hereto.

(8) A "secondary products can" means a can used to pack any product listed in Table II, annexed hereto.

(9) A "special products can" means a can used to pack any product listed in Table III, annexed hereto.

(10) A "non-essential can" means any can, other than those cans specified in subparagraphs (7), (8), and (9) of this paragraph (a).

(11) A "canner" means any person engaged in the business of packing in cans products of any kind for sale to others, whether such person buys some or all of his cans from third parties or whether he manufactures some or all of his cans himself. The term does not include a person who packs products which are not to be sold, or a person who packs products for the individual home consumption of another person furnishing the products to be packed.

(12) A "can manufacturer" means any person engaged in the business of producing cans for sale to others or for his own use in packing products of any kind.

(13) "Pack" means the quantity, by area measurement, of tinplate and terneplate required for the manufacture of all sized cans used by a canner for packing a particular product during the period specified.

(b) *Restrictions upon the manufacture, sale, and delivery of cans.* (1) Until further order of the Director of Industry Operations, no can manufacturer shall manufacture, sell, or deliver to any canner, jobber, or distributor, any non-essential cans, except to the extent expressly permitted by this order; or any primary products cans, secondary products cans, or special products cans, except under purchase orders or contracts validated by delivery to such can manufacturer of a canner's certificate, manually signed by an authorized official, in substantially the form attached hereto as Exhibit "A". No certificate shall be required for the purchase of cans for packing products which are not to be sold, either from retail stores purchasing such cans for resale, or from persons purchasing such cans from retail stores. A new canner's certificate shall not be required of any canner who has already filed a certificate under Order M–81, as issued February 11, 1942.

(2) Except as otherwise expressly permitted by this order, and until further order of the Director of Industry Operations, no can manufacturer shall purchase, accept delivery of, or use for making cans any hot dipped tinplate with a tin coating of a pot-yield thickness in excess of 1.25 lbs. per base box (i. e. 31,360 square inches) or any electrolytic tinplate with a tin coating in excess of 0.50 lbs. per base box: *Provided,* That this prohibition shall not apply (i) to tinplate already manufactured on or before February 11, 1942, or (ii) to tinplate for the manufacture of cans to be used for packing any product which is listed in Exhibit "B", annexed hereto, and for which no tinplate with a tin coating in excess of 1.50 lbs. per base box shall be used. All can manufacturers and canners shall observe any further restrictions pertaining to cans made in whole or in part of tinplate and terneplate, which may be imposed from time to time by any order supplementary hereto or amendatory hereof.

(3) No cans for packing any product shall be manufactured with ears, bails, or handles, when such cans are smaller than a 10-lb. syrup or honey can, or an 8-lb. lard pail.

(c) *Restrictions upon the purchase, acceptance of delivery, and use of cans.* (1) Until further order of the Director of Industry Operations, no canner shall buy, accept delivery of, or use any non-essential cans, except to the extent ex-

pressly permitted by this order; or any secondary products cans or special products cans, except to the extent respectively permitted for packing the products listed in Table II or Table III, annexed hereto. Where no quota restriction is expressed for packing a product listed in Table II or Table III, a canner may use during the calendar year 1942, for packing that product, cans requiring for their manufacture 100 percent, by area measurement, of the tinplate or terneplate required for the manufacture of all sized cans used by him during the calendar year 1940, for packing, packaging, or putting up that product. The calendar year basis shall obtain except for products for which a seasonal base period is specified. Until further order of the Director of Industry Operations, there shall be no quota restrictions upon the primary products cans which a canner may purchase and use for packing the products listed in Table I, annexed hereto.

(2) Except as otherwise provided in this subparagraph (2), all canners shall observe the restrictions imposed by Tables I, II, and III, relating to permitted can sizes, can material, and the extent and form of packing the particular products therein listed. Subject to the other provisions of this order, a canner may use for packing the products listed in Tables I, II, or III, only cans of sizes specified in said tables for packing a particular product, or cans of sizes larger than the largest size indicated for packing that product. In addition, a canner who lacks adequate equipment, machinery, or plant facilities for the efficient packing of a particular product listed in Table I or Table II, in cans of sizes specified for that product, may, to the extent that he is unable to pack in cans of specified sizes, pack such product in cans of sizes intermediate between the largest and the smallest sizes specified for that product: *Provided*, Said canner is currently equipped to pack such product in such intermediate sized can, and did so in 1941, and, *Provided further*, In the case of a product listed as a fruit, vegetable, or juice, in Table I or Table II, that such intermediate sized can is of a size recommended for such product by the National Bureau of Standards Recommendation R155–40. If any general provision or restriction of this order conflicts or appears to conflict with any specific provision or restriction of Table I, II, or III, then such specific provision or restriction shall control.

(3) No product which has been packed in a can made of tinplate or terneplate shall be repacked by the same or a different canner in the same or different form, with or without other products, in another can made of tinplate or terneplate, except to the extent specifically permitted by Table I or Table II. If cans are opened for repacking the contents thereof, every can larger than No. 12 (603 x 812) shall be thoroughly cleaned and reused as long as the tin coating permits, and then sent to a detinning plant for salvage of the tin and scrap steel; and every can sized No. 12 (603 x 812) or smaller shall be reused or sent to a detinning plant for salvage of the tin and scrap steel. Such cans shall be sent to a detinning plant in carload lots, or in less than carload lots whenever shipping costs render shipment practical.

(d) *Exceptions.* (1) Notwithstanding the restrictions imposed by this order, pertaining to the sizes of cans, a can manufacturer may use for the manufacture of primary and secondary products cans of sizes for which the material was designed: (i) any component parts of such cans which were lithographed, cut, or otherwise prepared for assembly on or before February 11, 1942, and (ii) any sheets of tinplate which were in the possession of the can manufacturer or produced for his account on or before February 11, 1942. However, for manufacturing cans for packing products listed as "fish and shellfish" in Table I or Table II, the date to which this subparagraph (1) relates shall be July 1, 1942.

(2) Notwithstanding the restrictions imposed by this order, pertaining to the manufacture of special products cans or non-essential cans, a can manufacturer may use for the manufacture of such cans, any component parts of such cans which were lithographed, cut, or otherwise prepared for assembly on or before February 11, 1942: *Provided*, That this subparagraph (2) shall not be construed to permit the cutting of any unprocessed sheets of tinplate or terneplate, or to permit the cutting of any sheets of tinplate lithographed for making cans for beer or products which are processed or sterilized by heating within a sealed can.

(3) Notwithstanding the restrictions pertaining to sizes of cans, but subject to quota restrictions imposed by this order, a canner may use, or obtain from any can manufacturer and use, for packing products listed in Table I or Table II, cans which were manufactured and in the possession of the canner or the can manufacturer on or before February 11, 1942, or which may be manufactured pursuant to subparagraph (1) of this paragraph (d). However, for obtaining and using cans for packing products listed as "fish and shellfish" in Table I or Table II, the date to which this subparagraph (3) relates, shall be July 1, 1942.

(4) Notwithstanding the restrictions imposed by this order, pertaining to the purchase, acceptance of delivery, and use of special products cans, a canner may use, or obtain from any can manufacturer and use, for packing products listed in Table III, cans which were manufactured and in the possession of the canner or the can manufacturer on or before February 11, 1942, or which may be manufactured pursuant to subparagraph (2) of this paragraph (d). All such cans which may be delivered to or used by a canner pursuant to this subparagraph (4) shall be charged to any unused portion of the quotas specified by this order, for the purpose of determining whether a canner may purchase, accept delivery of, or use special products cans manufactured from unprocessed tinplate after February 11, 1942.

(5) Notwithstanding the restrictions imposed by this order, pertaining to non-essential cans, a canner may use, or obtain from any can manufacturer and use, for packing products other than those listed in Tables I, II, or III, excepting products which are processed or sterilized by heating within a sealed can, cans which were manufactured and in the possession of the canner or the can manufacturer on or before February 11, 1942, or cans which may be manufactured pursuant to subparagraph (2) of this paragraph (d).

(e) *Miscellaneous provisions*—(1) *Applicability of order.* The restrictions imposed by this order shall not apply in the following cases only: (i) when cans are to be delivered pursuant to a letter of intent, purchase order, or contract, supported by a preference rating of higher than A–2, to any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), to the Army, Navy, or Maritime Commission of the United States or to such other governmental agency as the Director of Industry Operations may designate; and (ii) when secondary products cans are to be set aside pursuant to Order M–86 and orders supplemental thereto, whether or not purchase orders or contracts for such canned goods have been placed by any governmental agency.

(2) *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.

(3) *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 tinplate and terneplate conserved, or that compliance with this order would disrupt or impair a program of conversion from nondefense work to defense work, may appeal to the War Production Board on Form PD–269, Ref.: M–81, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(4) *Communications.* 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–81.

(5) *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 accepting further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(6) Orders supplementary to Order M–81 and specific permissions granted under said order are hereby confirmed.

(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; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

EXHIBIT "A"

WAR PRODUCTION BOARD

WASHINGTON, D. C.

Ref: M–81

Canner's Certificate

Certificate required by Conservation Order M–81. One copy of this certificate is to be delivered to each can manufacturer from whom the canner purchases cans and is to cover all purchases present and future, so long as such order, in its present form or as it may be amended from time to time, remains in effect. When executed by a jobber or distributor, this certificate shall constitute a representation to the can manufacturer and to the War Production Board that such jobber or distributor will not resell such cans except upon a receipt of a similar certificate from his purchaser, if required by Conservation Order M–81, as amended.

In accordance with Conservation Order M–81, as amended (cans made of tinplate and terneplate), the undersigned hereby certifies to the can manufacturer and to the War Production Board that the undersigned applicant is familiar with the terms of said order, as amended, and that said applicant will not use any cans purchased from

---
(Name of Can Manufacturer)

(Address of Can Manufacturer)

in violation of the terms of said order.

(Legal Name of Applicant)

By ---
(Authorized Official)

(Title of Official Reporting)

Date ---

(Address of Applicant)

Section 35A of the U. S. Criminal Code (18 U. S. C. A. 80) makes it a criminal offense to make a false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

EXHIBIT "B"

1. Apples, including crabapples, and apple sauce.
2. Blackberries, black raspberries, blueberries or huckleberries, boysenberries, cranberries, dewberries, elderberries, gooseberries, loganberries, red raspberries, strawberries, and youngberries.
3. Cherries, except white cherries.
4. Copper bottom and anti-fouling paints.
5. Grape juice and grape pulp.
6. Jams, jellies, and preserves.
7. Lemon and orange concentrates.
8. Lemon and lime juice.
9. Nicotine sulphate.
10. Pectin.
11. Pickles.
12. Plums and prunes.
13. Pureed or chopped vegetables and fruits.
14. Rhubarb.
15. Sauerkraut.

TABLE I—PRIMARY PRODUCTS CANS

Fruits

1. *Fruit cocktail* and *fruits for salad*, only which consist of any combination of fruits otherwise included in Table I or Table II and grapes; provided that the combination, by drained weight, shall consist of not less than 50 percent fruits listed in Table I, and may consist of not to exceed 10 percent grapes. No. 1 Tall, No. 2, No. 2½, or No. 10 cans. Said fruit cocktail and fruits for salad may be packed from the contents of other tinplate cans to the extent of 10 percent of said fruit cocktail or fruits for salad, but only when such 10 percent consists of pineapple or maraschino type cherries from No. 10 or larger cans.

2. *Pears*, halves, segments, and slices. Whole pears not to be packed. No. 2, No. 2½, or No. 10 cans.

3. *Peaches* (*Clingstone*), halves, segments and slices. Whole peaches not to be packed. No. 2, No. 2½, or No. 10 cans.

4. *Peaches* (*Freestone*), halves, segments, and slices, except in California, for which see Table II. Whole peaches not to be packed. No. 2, No. 2½, or No. 10 cans.

5. *Lemon concentrate*, in dry form with or without drying promoters; or in liquid form, when made from pure lemon juice containing no added sugar or other saccharine ingredient, and concentrated to a density of not less than 40° Brix, measured at 20° Centigrade. No. 1 picnic cans.

6. *Orange concentrate*, in dry form with or without drying promoters; or in liquid form, when made from pure orange juice containing no added sugar or other saccharine ingredient, and concentrated to a density of not less than 65° Brix, measured at 20° Centigrade. No. 1 picnic cans.

7. *Pectin*, liquid only. 5-gal. cans.

Vegetables

1. *Asparagus*, No. 2, No. 2½, No. 10, No. 1 square, or No. 2½ square cans.

2. *Beans*, only fresh beans, including but not limited to green, wax, lima, green soybeans, and fresh shelled beans. Dried beans not to be packed. No. 2, No. 2½, or No. 10 cans.

3. *Corn*, only fresh, sweet, cut corn. No. 2 or No. 10 cans; or No. 2 vacuum (307 x 306) cans, "vacuum pack" only.

4. *Peas*, only fresh green, and fresh shelled peas. Dried peas not to be packed. No. 2 or No. 10 cans; or No. 2 vacuum (307 x 306) cans, "vacuum pack" only.

5. *Tomatoes*, No. 2, No. 2½, or No. 10 cans.

6. *Tomato paste*, only which contains not less than 25 percent, by weight, dry tomato solids. No. 10 cans, see Table II. For packing products other than tomato paste, in the form and to the extent permitted by this order, tomato paste may be repacked from 5-gal. or larger cans.

7. *Tomato pulp or puree*, only which contains not less than 10.7 percent (specific gravity 1.045) or more than 25 percent, by weight, dry tomato solids. No. 10 cans, see Table II. For packing products other than tomato pulp or puree, in the form and to the extent permitted by this order, tomato pulp or puree may be repacked from 5-gal. or larger cans.

8. *Tomato sauce*, including but not limited to spaghetti sauce, only which contains not less than 10.7 percent (specific gravity 1.045) or more than 25 percent by weight, dry tomato solids. In addition to salt, the contents may contain pepper, spice oils, and other flavoring ingredients. No. 10 cans, see Table II. For packing products other than tomato sauce, in the form and to the extent permitted by this order, tomato sauce may be repacked from 5-gal. or larger cans.

9. *Tomato catsup* and *Chili sauce*, only which contains not less than 10.7 percent (specific gravity 1.045) or more than 25 percent, by weight, dry tomato solids. No. 10 cans.

Any canner who lacks adequate machinery, equipment, or plant facilities for packing his entire 1942 pack of beans, peas, corn, or tomatoes, listed under the heading of "Vegetables" of this Table I, may apply to the War Production Board for permission to pack the excess of his 1942 pack of such products in No. 303 cans, if said canner is currently equipped to pack such products in No. 303 cans, and did so in 1941.

Juices

Tomato juice, which may contain not more than 30 percent of other vegetable juices. No. 2, No. 2 Cyl., No. 3 Cyl., or No. 10 cans. For packing products other than tomato juice, in the form and to the extent permitted by this order, tomato juice may be repacked from 5-gal. or larger cans.

Any canner who lacks adequate machinery equipment or plant facilities for packing his entire 1942 pack of tomato juice, listed under the heading of "Juices" of this Table I, may apply to the War Production Board for permission to pack the excess of his 1942 pack of such product in No. 211 Cyl. or No. 300 cans, if said canner is currently equipped to pack such product in No. 211 Cyl. or No. 300 cans, respectively, and did so in 1941.

Fish and Shellfish

1. *Salmon*. No. 300 (300 x 407) or No. 1 tall (301 x 411) cans.

2. *Pilchards*, by whatever name known, including sardines. 8Z short (211 x 300), No. 300 (300 x 407), or No. 1, oval (607 x 406 x 108) cans.

3. *Atlantic sea herring*, by whatever name known, including sardines. ¼ drawn (300.5 x 404 x 014.5), ¾ three piece (308 x 412 x 112), or No. 300 (300 x 407) cans.

4. *Pacific herring*. No. 1 tall (301 x 411) cans.

5. *Alewives* (*river herring*). No. 300 (300 x 407) or No. 2 (307 x 409) cans.

6. *Tuna, Bonito*, and *yellowtail*. ½ tuna (307 x 113), No. 1 tuna (401 x 205.5), or 4 lb. tuna (603 x 408) cans.

7. *Mackerel*. No. 300 (300 x 407) cans.

8. *Menhaden*. No. 300 (300 x 407) cans.

9. *Mullet*. No. 300 (300 x 407) cans.

10. *Shad.* No. 300 (300 x 407) cans.

11. *Fish flakes.* No. 300 (300 x 407) cans. Dried fish flakes not to be packed.

12. *Crabmeat.* ½ flat (307 x 201.25) cans.

13. *Alewife roe, codfish roe, haddock roe, pollack roe,* and *shad roe.* No. 300 (300 x 407) cans.

Miscellaneous foods

1. *Cold packed or frozen foods,* including only fruits, vegetables, fruit or vegetable juices, and fruit or vegetable pulp. 30-lb. cans.

2. *Baby foods,* only strained, chopped, homogenous, or liquid foods for feeding infants or children under 12 years of age, including but not limited to pureed or chopped fruits and vegetables, pureed cereals and meat products, puddings, and dry or liquid milk products, providing the canner packed the product in substantially the same form in 1941. No. 202 B. F. (202 x 214), No. 211 B. F. (211 x 210), No. 2, or No. 10 cans. Pineapple, from No. 10 or larger cans may be repacked, with or without other products, in the form of baby foods. For packing dry milk products tinplate shall be used for one end of the can only.

3. *Evaporated milk,* as defined by the Federal Security Administrator, paragraph 18.520, FEDERAL REGISTER, July 2, 1940, page 2444. 14½-oz. cans, see Table II.

4. *Dry or powdered whole milk.* 1-lb., 2½-lb., 5-lb., or 25-lb. cans. Tinplate shall be used for one end of the can only.

5. *Honey.* No. 5 or 5-lb. cans.

6. *Dehydrated vegetables,* excepting dried legumes. No. 10 cans.

TABLE II—SECONDARY PRODUCTS CANS

Fruits

1. *Apples,* including crabapples. No. 10 cans. Whole apples and apple butter not to be packed. 75 percent 1940–41 pack.

2. *Apple sauce,* including sauce from crabapples. No. 2 or No. 10 cans. 75 percent of 1940–41 pack.

3. *Apricots.* No. 2½ or No. 10 cans. Whole apricots not to be packed. 65 percent of 1940 pack.

4. *Blackberries, black raspberries, blueberries,* or *huckleberries, boysenberries, dewberries, elderberries, gooseberries, loganberries, red raspberries, strawberries,* and *youngberries,* only when packed as berries. No. 2, No. 2½, or No. 10 cans. Quota applicable to each kind of berries respectively.

5. *Cranberries,* including cranberry sauce. No. 300, No. 2, or No. 10 cans. 70 percent of 1940 pack.

6. *Red sour pitted cherries* and *sweet cherries,* only when packed as cherries. No. 1 tall, No. 2, No. 2½, No. 10 cans. Quota applicable to each item respectively.

7. *Grape juice, grape pulp, citrus pulp,* and *citrus peel.* 5-gal. cans. Quota applicable to each item respectively.

8. *Grapefruit,* including only segments, sections, and slices. No. 2, No. 2½, or No. 3 cyl. cans. 100 percent 1940–41 pack.

9. *Combinations of oranges and grapefruit,* including only segments, sections, and slices. No. 2, No. 2½, or No. 3 cyl. cans. 100 percent of 1940–41 pack.

10. *Peaches (freestone),* halves, segments, and slices. Whole peaches not to be packed. No. 2, No. 2½, or No. 10 cans. 75 percent of 1940 pack in California.

11. *Pineapple,* including only slices, chunks, crushed, and tidbits. Spears not to be packed. No. 2, No. 2½, No. 3 cyl., or No. 10 cans.

12. *Plums.* No. 2½ or No. 10 cans. 50 percent of 1940 pack.

13. *Fresh prunes.* No. 2½ or No. 10 cans. 50 percent of 1940 pack.

Vegetables

1. *Beets,* only fresh beets. No. 2, No. 2½, or No. 10 cans. 75 percent of 1940 pack.

2. *Carrots,* only fresh carrots. Whole carrots not to be packed. No. 2, No. 2½, or No. 10 cans. 75 percent of 1940 pack.

3. *Carrots and peas,* only fresh carrots and fresh peas. No. 2, No. 2½, or No. 10 cans. 75 percent of 1940 pack.

4. *Peppers* and *pimentos,* including but not limited to chili and sweet peppers. No. 2, No. 2½, or No. 10 cans. 50 percent of 1940 pack. Quota applicable to each item respectively.

5. *Pumpkin* and *squash.* No. 2½ or No. 10 cans. 50 percent of 1940 pack.

6. *Sauerkraut.* No. 2, No. 2½, or No. 10 cans. 50 percent of bulk kraut holding of canner on February 11, 1942.

7. *Spinach.* No. 2, No. 2½, or No. 10 cans.

8. *Green leafy vegetables,* other than spinach, including only beet, collard, dandelion, kale, mustard, poke, and turnip greens. No. 2, No. 2½, or No. 10 cans.

9. *Okra.* No. 2, No. 2½, or No. 10 cans.

10. *Tomato paste,* only which contains not less than 25 percent, by weight, dry tomato solids. 6Z cans. 100 percent of 1940 pack of tomato paste packed in cans smaller than No. 10. See Table I.

11. *Tomato pulp or puree,* only which contains not less than 10.7 percent (specific gravity 1.045) or more than 25 percent, by weight, dry tomato solids. No. 1 picnic cans. 100 percent of 1940 pack of tomato pulp or puree packed in cans smaller than No. 10. See Table I.

12. *Tomato sauce,* including but not limited to spaghetti sauce, only which contains not less than 10.7 percent (specific gravity 1.045) or more than 25 percent, by weight, dry tomato solids. In addition to salt, contents may contain pepper, spice oils, and other flavoring ingredients. 8Z short cans. 100 percent of 1940 pack of tomato sauce packed in cans smaller than No. 10. See Table I.

13. *Succotash,* only when made from fresh vegetables. No. 2 or No. 10 cans. 100 percent of 1941 pack.

14. *Mixtures of vegetables,* other than carrots and peas, and succotash, only which consist of not less than 90 percent of any combination of vegetables listed in Table I or Table II, and packed in substantially the same form as in 1940, except no potatoes or dried vegetables to be included. No. 2, No. 2½, or No. 10 cans. 75 percent of 1940 pack.

Juices

1. *Lemon juice.* 8Z tall, No. 2, or No. 10 cans. 50 percent of 1940–41 pack.

2. *Lime juice.* 8Z tall, No. 2, or No. 10 cans. 50 percent of 1940–41 pack.

3. *Grapefruit juice.* No. 2, No. 3 cyl., or No. 10 cans. 125 percent of 1940–41 pack.

4. *Orange juice.* No. 2, No. 3 cyl., or No. 10 cans. 125 percent of 1940–41 pack.

5. *Combinations of grapefruit and orange juice.* No. 2, No. 3 cyl., or No. 10 cans. 125 percent of 1940–41 pack.

6. *Pineapple juice.* No. 2, No. 3 cyl., or No. 10 cans.

7. *Fruit nectars.* 211 cyl., No. 2, No. 3 cyl., or No. 10 cans. 70 percent of 1940 pack.

Fish and Shellfish

1. *Soft clams* and *mussels.* No. 1 picnic (211 x 400), No. 2 (307 x 409), No. 10 (603 x 700) cans. Quota applicable to each item respectively.

2. *Hard clams* and *razor clams.* ½ flat (307 x 201.25), No. 1 picnic (211 x 400), No. 2 (307 x 409), No. 10 (603 x 700) cans. Quota applicable to each item respectively.

3. *Oysters.* No. 1 picnic (211 x 400), No. 1 tall (301 x 411), No. 2 (307 x 409) cans.

4. *Shrimp.* No. 1 picnic (211 x 400) or No. 5 (502 x 510) cans.

5. *Squid.* No. 300 (300 x 407) or No. 1 tall (301 x 411) cans.

Fish and Shellfish

(For Refrigerated Shipment, Fresh)

1. *Fish fillets.* 15-lb. cans. 100 percent of 1941 pack. Not to be packed after October 31, 1942.

2. *Clams, oysters,* and *scallops,* only when shucked. 1-pt. or 1-gal. cans. 100 percent of 1941 pack. Quota applicable to each item respectively.

3. *Crabmeat.* 1-lb. or 5-lb. cans. 100 percent of 1941 pack. Not to be packed after October 31, 1942.

4. *Shrimp,* only when cooked and peeled. 1-lb. or 5-lb. cans. 100 percent of 1941 pack. Not to be packed after October 31, 1942.

Meats

(To be packed in hermetically sealed cans only)

1. *Beef, veal, mutton,* and *pork,* corned, roast, or boiled, and containing not less than 85 percent meat, by cooked weight. For human consumption only. The quota for packing the foregoing items is 100 percent of 1940 pack, plus 35 percent of the area of tinplate which was used for packing corned beef hash in 1940.

2. *Brains.* 10½-oz. cans. 75 percent of 1940 pack.

3. *Chile con carne,* only when packed without beans and containing not less than 75 percent meat, by uncooked weight. No. 300 cans. The quota for packing chili con carne without beans is 100 percent of 1940 pack plus 25 percent of the area of tinplate which was used for packing chili con carne with beans in 1940.

4. *Meat loaf,* only which contains not less than 90 percent meat, by uncooked weight, and no added water. When packed as a chopped product, meat loaf may contain not more than 10 percent of the following ingredients: cereal, whole milk, eggs, and seasoning. 75 percent of 1940 pack.

5. *Meat spreads,* including ham, tongue, liver, beef, and sandwich spreads. When packed as a spread, the chapped product shall contain not less than 65 percent meat, by cooked weight, with added packed as a spread, the chopped product cereal or other products. When packed as deviled ham or deviled tongue, the product shall consist of chopped meat without added cereal or other products. 50 percent of 1940 pack.

6. *Sausage in casings,* containing no cereal or similar substance, and not to exceed 10 percent added water, by weight, except pork sausage, which may be prepared with not to exceed 3 percent added water, by weight.

(a) *Vienna sausage.* 4-oz. cans. 75 percent of 1940 pack.

(b) *Sausage in oil, lard, or rendered pork fat.* No. 5 cans. 75 percent of 1940 pack.

(c) *Other sausage in casings.* 12-oz. cans. 25 percent of 1940 pack.

7. *Bulk sausage meat,* containing no cereal or similar substance, and not to exceed 3 percent added water, by weight; only when packed without casings and cooked entirely in the can. 125 percent of 1940 pack.

8. *Tongue,* whole only. 75 percent of 1940 pack.

9. *Boned chicken and boned turkey.* 1-lb. cans.

10. *Chopped luncheon meats,* only which consist of chopped seasoned meat with not to exceed 3 added percent water, by weight, 12-oz. cans. 125 percent of 1940 pack.

11. *Potted meat,* including chopped meat and by-products of meat without added cereal or other products, and only when labeled as a potted meat food product or a deviled meat food product. 3-oz. cans. 125 percent of 1940 pack. Not to exceed 40 percent of permitted pack may be in cans smaller than 5 oz.

Miscellaneous Foods

1. *Soups,* meaning only the following kinds of soup, which after June 30, 1942, shall contain not less than the specified percentage, by weight, of dry solids from the products listed in table I or table II:

Class A. Chicken, chicken gumbo, chicken noodle, gumbo creole, consomme, and bouillon—6 percent.

Class B. Tomato, asparagus, spinach, and fresh green pea—7 percent.

Class C. Clam or fish chowders—8 percent.

Class D. Scotch broth, vegetable, vegetable-vegetarian, pepper pot, ox tail, mock turtle, country style chicken, and corn chowder—10 percent.

Class E. Beef and vegetable beef—12 percent.

The foregoing kinds of soup may be packed only in No. 1 picnic or larger cans. For packing during the calendar year 1942 all the foregoing kinds of soups having the percentage of solids above specified, a canner may use 100 percent of the tinplate which he used during the calendar year 1941 for packing such kinds of soup in a form which required, for serving at the table, the addition of not less than an equal part of water or other liquid; and 70 percent of the tinplate which he used during the calendar year 1941 for packing such kinds of soup in a ready-to-serve form. All tinplate used by a canner for packing soups, broths, and chowders, pursuant to the succeeding item shall be deducted from the tinplate quota provided by this paragraph.

2. *Soups, broths,* and *chowders,* other than those of the kinds or consistency specified in the foregoing items. 25 percent of 1940 pack. Not to be packed after June 30, 1942.

3. *Condensed milk,* as defined by the Federal Security Administrator, paragraph 18.525, FEDERAL REGISTER, July 2, 1940, page 2444, 14 oz. or 15 oz. cans.

4. *Goat's milk,* 14 oz. or 15 oz. cans.

5. *Evaporated milk,* as defined by the Federal Security Administrator, § 18.520, 6-oz. cans, see Table I, 100 percent of 1940 pack of evaporated milk packed in 6-oz. cans.

6. *Half skimmed dry milk and dry cream,* 1-lb., 2½-lb., 4.6-lb., 5-lb., 10-lb., or 25-lb. cans. Tinplate shall be used for one end of the can only.

7. *Liquid modifications of milk,* for human consumption only, including only milk treated or mixed with other edible substances. No modified milk products shall be packed unless the canner packed the product in substantially the same form in 1941. 14½-oz. cans.

8. *Frozen and storage cream.* Only in reusable 45–50-lb. cans.

9. *Hardened edible oils, unhardened or hardened lard, rendered pork fat,* and *edible tallow,* including animal, vegetable, and marine blends thereof. 3-lb. cans. Until June 30, 1942, 100 percent of pack during first 6 months of 1940; after June 30, 1942, 60 percent of 1940 pack during corresponding period of 1940. Not to be packed after October 31, 1942.

10. *Edible liquid oils,* including only animal, vegetable, olive, fish and other marine animal, and edible blends of such oils. 1-qt. cans. Not to be packed after October 31, 1942.

11. *Sweet syrups,* including only cane, maple, malt, molasses, corn and sorghum syrup, which may contain not to exceed 12 percent, by volume, added flavoring ingredients. No. 5 or 5-lb. cans.

12. *Special food products,* for human consumption only, including foods other than usual table foods, which are expressly purported for use by vegetarians. No special food product shall be packed unless the canner packed product in substantially the same form in 1941, and unless the canner first obtains permission by application to the War Production Board.

TABLE III—SPECIAL PRODUCTS CANS

In respect of cans listed in this Table III, tinplate may be used for the manufacture of the top, bottom, or body of the can, only to the extent specific authority is given. The use of terneplate is similarly restricted.

The word "throughout" means all parts of a can and includes fittings and trimmings. Where it is necessary to solder a fitting or trimming to the top of a can listed in this Table III, and neither tinplate nor terneplate is specified for such top, then such top, together with the fittings, trimmings, and closures may be made of tinplate if tinplate is specified for the body of the can, or terneplate if terneplate is specified for the body of the can.

No can manufacturer or canner shall use, for sealing special products cans, any compound containing crude rubber or latex, which was not prepared for this purpose on or before July 1, 1942.

1. *Carbon bisulfide.* 1-lb. cans. Terneplate throughout.

2. *Fire extinguisher fluid.* 1-qt. cans. Terneplate throughout.

3. *Nicotine sulphate.* 5-lb. cans. Tinplate throughout.

4. *Lacquers, varnish removers, lacquer thinners* and *lacquer stains.* 1-gal. cans. Terneplate throughout.

5. *Shellac.* 1-gal. cans. Terneplate throughout, with a lead-tin alloy coating of not to exceed 15 lbs. per double base box.

6. *Copper bottom* and *anti-fouling paints.* 1-gal. cans. Tinplate throughout.

7. *Insecticides,* including only pyrethrum and rotenone base. 1-qt. cans. Tinplate bodies.

8. *Transformer oil.* 5-gal. cans. Tinplate throughout.

9. *Fish livers* and *fish liver oils.* 5-gal. cans. Tinplate throughout.

10. *Essential oils,* distilled or cold pressed, including but not restricted to oil of peppermint, citrus, cassia, and worm-wood. 1-qt. cans. Tinplate throughout.

11. *Chloroform* and *ether.* Tinplate throughout.

12. *Blood plasma,* for armored services of the United States and American Red Cross only. Tinplate throughout.

[F. R. Doc. 42–6047; Filed, June 27, 1942; 11:32 a. m.]

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

[Amendment 2 to Preference Rating Order P–118]

Section 1108.1 *Preference Rating Order No. P–118* [1] is hereby amended in the following respects:

Paragraph (b) is amended to read as follows:

(b) *Assignment of preference ratings.* Preference ratings are hereby assigned as follows, subject to the restrictions and conditions of paragraphs (d) and (e) hereof:

(1) A–1–j to deliveries, to a processor, of material required for maintenance or repair, or which will be physically incorporated into material which will be delivered for such use.

(2) A–3 to deliveries, to a processor, of material required for operation or replacement, or which will be physically incorporated into material which will be delivered for such use, excluding, how-

[1] 7 F.R. 2937, 3078.

ever, any material for addition or expansion.

(3) For the purposes set forth in paragraphs (1) and (2) herein, the ratings therein assigned are also assigned to deliveries to any supplier of material which will be delivered by him or another supplier to the processor under the ratings assigned above, or which will be physically incorporated into material which will be so delivered, or which will be used, within the limitation of paragraph (d) hereof, to replace in such supplier's inventory material which is delivered by him under either of the ratings assigned above: *Provided, however,* That no supplier engaged in the business of manufacturing machinery may apply or extend a rating hereunder in order to obtain delivery of material to be used by him in the manufacture of machinery or parts whether or not to be physically incorporated in such machinery.

Paragraph (d), as previously amended, is further amended to read as follows:

(d) *Restrictions on use of ratings*—(1) *Restrictions on processor.* (i) Every contract and purchase order for material, to which a preference rating is to be applied hereunder, must specify the date or dates by which delivery is required, and the preference rating may be applied only to such material, or portion thereof, which, under the contract or purchase order, is to be delivered to the processor for his operations during the period from April 18, 1942 to the date of the expiration of this order. The processor may apply the ratings only to those quantities and kinds of material essential to enable him to maintain his production schedules for that period.

(ii) The processor shall not apply any preference rating assigned by paragraph (b) above if, in view of the current rate of consumption of his inventory or stores for repair and maintenance or operation, the delivery of the material to be rated would increase such inventory or stores above the minimum permitted or provided in paragraph (f) below.

(iii) The processor shall not apply any preference rating hereunder unless the material to be delivered cannot be secured when required without such rating.

Paragraph (e) (1) is amended by deleting therefrom paragraph (e) (1) (ii) and renumbering paragraph (e) (1) (iii) as (e) (1) (ii).

Paragraph (h) is amended by deleting therefrom the words "for emergency maintenance or repair, or".

Paragraph (m) is amended by deleting therefrom the date "June 30" and substituting therefor the date "September 30".

(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; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6037; Filed, June 27, 1942; 11:29 a. m.]

PART 1134—TEA

[Amendment 1 to Conservation Order M-111, as amended May 1, 1942]

Section 1134.1 *Conservation Order M-111*[1] is hereby amended in the following respects:

Paragraph (b) is amended by adding a new paragraph numbered (b) (6) and reading as follows:

(6) "Net deliveries" means the total deliveries of tea made by a packer or accepted by a wholesale receiver during a corresponding quarter of 1941 *minus* the total of any deliveries of tea made by him during that period to persons specified in paragraph (d) (4).

Paragraph (d) (3) is amended by deleting therefrom the word "deliveries" and substituting therefor the words "Net deliveries".

Paragraph (d) (4) is amended in the following respects:

1. By deleting, from paragraph (d) (4) (i), the words "Veterans Administration hospitals and homes".

2. By adding a new paragraph numbered (d) (4) (v) and reading as follows:

(v) Any hospital, asylum, orphanage, prison, or other similar institution, which is operated by any United States federal, state, or local governmental agency, and which received tea during 1941 under contracts awarded upon the basis of competitive bids: *Provided,* That no such institution may, during any month, accept delivery of more tea than a percentage of its average monthly use of tea during the corresponding quarter of 1941, such percentage to be the same as the percentage determined for wholesale receivers under paragraph (d) (2) by the Director of Industry Operations from time to time.

Paragraph (l) (1) is amended to read as follows:

(1) The provisions of this order shall not apply outside the continental United States (which, for purposes of this order, means the 48 States of the United States and the District of Columbia).

This amendment shall become effective at the opening of business on July 1, 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; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6041; Filed, June 27, 1942; 11:30 a. m.]

PART 1134—TEA

[Supplementary Order M-111-c]

Section 1134.4 *Supplementary Order M-111-c.* Pursuant to Order M-111,[1] as Amended May 1, 1942, which this order supplements:

(a) The Director of Industry Operations hereby determines that the quota of tea for any packer or any wholesale receiver under paragraphs (d) (1) or (d) (2), respectively, of Order M-111, as amended May 1, 1942, shall be, for the month of July 1942 and for each subsequent month until otherwise ordered, 50% of the average monthly net deliveries made by him (if he was a packer) or accepted by him (if he was a wholesale receiver) during the corresponding quarter of 1941.

(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; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6042; Filed, June 27, 1942; 11:30 a. m.]

PART 1191—COFFEE

[Amendment 3 to Conservation Order M-135]

Section 1191.1 (*Conservation Order M-135*[1]) is hereby amended in the following respects:

Paragraph (b) is amended by adding a new paragraph numbered (b) (6) and reading as follows:

(6) "Net deliveries" means the total deliveries of coffee made by a roaster or accepted by a wholesale receiver during a corresponding quarter of 1941 *minus* the total of any deliveries of coffee made by him during that period to persons specified in paragraph (d) (4) below.

Paragraphs (d) (1), (d) (2), and (d) (3) are amended by deleting the word "deliveries" from each paragraph and substituting therefor the words "net deliveries".

Paragraph (d) (4) is amended in the following respects:

1. By deleting, from paragraph (d) (4) (i), the words "Veterans Administration hospitals and homes".

2. By adding a new paragraph numbered (d) (4) (v) and reading as follows:

(v) Any hospital, asylum, orphanage, prison, or other similar institution, which is operated by any United States federal, state, or local governmental agency, and which received coffee during 1941 under contracts awarded upon the basis of competitive bids, provided that no such institution may, during any month, accept delivery of more coffee than a percentage of its average monthly use of coffee during the corresponding quarter of 1941, such percentage to be the same as the percentage determined for wholesale receivers under paragraph (d) (2) by the Director of Industry Operations from time to time.

This amendment shall become effective at the opening of business on July 1, 1942.

[1] 7 F.R. 3265.

[1] 7 F.R. 3114, 3445, 4451.

(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; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6039; Filed, June 27, 1942; 11:29 a. m.]

PART 1191—COFFEE

[Supplementary Order M-135-b]

§ 1191.3 *Supplementary Order M-135-b.* Pursuant to Order M-135, as amended,[1] which this order supplements:

(a) The Director of Industry Operations hereby determines that the quota of coffee for any roaster or any wholesale receiver under paragraphs (d) (1) or (d) (2), respectively, of Order M-135, as amended, shall be, for the month of July 1942 and for each month thereafter until otherwise ordered, 75% of the average monthly net deliveries made by him (if he was a roaster) or accepted by him (if he was a wholesale receiver) during the corresponding quarter of 1941.

(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; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6038; Filed, June 27, 1942; 11:29 a. m.]

PART 1233—THERMOPLASTICS

[General Preference Order M-154]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of thermoplastics, as hereinafter defined, 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:

§ 1233.1 *General Preference Order M-154*—(a) *Definitions.* For the purposes of this order:

(1) "Thermoplastics" means the synthetic resins and cellulose derivatives listed below, whether plasticized or unplasticized, and in all their various forms such as sheets, rods, tubes, shapes, slabs, pellets, powder, solutions, emulsions and flake, but not including yarn or textiles:

(i) Polymers of styrene.
(ii) Polymers of the esters of acrylic and methacrylic acid.
(iii) Polymers of vinyl acetate which have been partially or wholly hydrolized and reacted with aldehydes such as formaldehyde, acetaldehyde or butyraldehyde.
(iv) Polymers of vinylidene chloride.
(v) Cellulose acetate-butyrate.
(vi) Cellulose acetate.
(vii) Cellulose nitrate, except that used in explosives and protective coatings.
(viii) Ethyl cellulose (plasticized).
(ix) Monomer and polymers of vinyl acetate.
(x) Nylon.
(xi) Polymers of vinyl alcohol—polymers of vinyl acetate which have been partially or wholly hydrolyzed.

(2) "Producer" means any person engaged in the production of thermoplastics and includes any person who has thermoplastics produced for him pursuant to toll agreement, but does not include injection, compression or extrusion molders.

(3) "Class I uses" means those uses set forth in exhibit A annexed hereto and made a part hereof.

(4) "Class II uses" means those uses set forth in exhibit B annexed hereto and made a part hereof.

(5) "Class III uses" means those uses set forth in exhibit C annexed hereto and made a part hereof, except as hereinafter in subparagraph (a) (6) otherwise provided.

(6) "Class IV uses" means those uses set forth in exhibit D annexed hereto and made a part hereof, except that until September 1, 1942, such uses shall be considered as class III uses.

(7) "Orders for class I, II, and III uses" mean orders for the uses set forth in subparagraph (a) (3), (4) and (5) hereof exclusive of defense orders as defined in priorities regulation No. 1, as amended from time to time.

(8) Application should be made to the War Production Board, attention Chemicals Branch, with respect to the classification of uses not mentioned in paragraph (a) (3), (4), (5) and (6) hereof.

(9) "15-day production period" shall refer to those periods of the month commencing with the first and fifteenth days thereof and ending with the fourteenth and last days thereof (all days inclusive), respectively.

(b) *Placing of orders.* No producer shall accept and no person shall tender an order for delivery of thermoplastics unless such order is accompanied by a certificate manually signed by the person (or his duly authorized agent) tendering such order containing representations by the person seeking delivery of thermoplastics:

(1) That delivery of the quantity of thermoplastics which he seeks will not be in violation of § 944.8 (*Delivery schedules*) or § 944.14 (*Inventory restrictions*) of Priorities Regulation No. 1, as amended from time to time.

(2) That delivery, during the month in which delivery is sought, of the quantity of thermoplastics which he seeks will not, together with all quantities received from and on order with other persons for delivery during such month, exceed one-twelfth of the quantity of thermoplastics consumed by him during the twelve month period ended December 31, 1941.

(3) As to the use (classification to be set forth) to which the thermoplastics which he seeks will be put, and that the thermoplastics delivered will be used (except as otherwise provided in paragraph (b) (4)) only for such use.

(4) That scrap resulting from his processing of the thermoplastics delivered will be used only in accordance with the provisions of paragraph (e) (2) hereof.

(c) *Compulsory acceptance of certain orders.* In addition to the orders, acceptance of which is compulsory under Priorities Regulation No. 1, as amended from time to time, and subject to the same terms and conditions applicable thereto, and subject to the provisions of paragraph (b) hereof, orders for delivery of thermoplastics for class I, II, and III uses must be accepted by a producer.

(d) *Scheduling of production.* Anything in Priorities Regulation No. 1 to the contrary notwithstanding, on the first and fifteenth days of each month commencing with the 15th of July, 1942, each producer shall schedule production (and make delivery) under orders on hand which must be put in process during the then current 15-day production period to meet the delivery dates specified in such orders on such days, respectively, in accordance with the following directions.

(1) Provision shall be made for filling, insofar as possible, defense orders in accordance with the applicable provisions of Priorities Regulation No. 1, as amended from time to time.

(2) After provision has been made for filling defense orders, provision shall be made for filling, insofar as possible, orders for class I uses. Whenever a producer will be unable to fill orders for class I uses, all orders for such uses shall be filled on an equal basis percentage-wise, regardless of preference ratings.

(3) After provision has been made for filling defense orders and orders for Class I uses, provision shall be made for filling, insofar as possible, orders for class II uses to the extent of 50%, and no more, of each order. Whenever a producer will be unable to fill orders for class II uses to the extent of 50%, and no more, of each such order, all orders for such uses shall be filled on an equal basis percentage-wise regardless of preference ratings.

(4) After provision has been made for filling defense orders, orders for class I uses and orders for class II uses (to the extent of 50%, and no more), provision shall be made for filling, insofar as possible, the unfilled portion of orders for class II uses and orders for class III uses, the unfilled portion of orders for class II uses and orders for class III uses receiving equal quantities of thermoplastics, by weight, regardless of preference ratings, until orders for class II uses have been filled in toto. Whenever a producer will be unable to fill the unfilled portion of orders for class II uses or orders for class III uses, the unfilled portion of orders for class II uses shall, as a class, be filled on an equal basis percentage-wise, regardless of preference

[1] 7 F.R. 3114, 3445, 4451.

ratings, and orders for class III uses shall likewise, as a class, be filled on an equal basis percentage-wise, regardless of preference ratings. Provision shall not be made for the filling under this subparagraph (d) (4) of those orders for class III uses which will be filled by the use of scrap as provided in paragraph (e) hereof.

(5) Except as may be otherwise directed by the Director of Industry Operations, no orders shall be put in process except in accordance with the provisions of paragraph (d) (1), (2), (3) and (4) hereof.

(e) *Use of scrap.* (1) Producers may use 100% scrap (built up with the amount of solvent and plasticizer necessary for reprocessing) resulting from the production of thermoplastics to fill orders for class III uses without regard to the provisions of paragraph (d) hereof: *Provided,* That:

(i) Such scrap is not of a quality (excluding considerations of color) to permit it to be used to fill defense orders or orders for class I or class II uses, and

(ii) The quantity of such scrap does not exceed 15% of the producer's production (estimated for the month in which the scrap is to be used) of the type of thermoplastic material involved.

(2) Persons obtaining scrap from the processing of thermoplastics delivered to them may use such scrap for a use other than that for which the thermoplastics were delivered (as set forth in the certificate furnished pursuant to the provisions of paragraph (b) (3): *Provided,* That:

(i) Such scrap is not of a quality (excluding considerations of color) to permit it to be used for the use for which the thermoplastics from which it was obtained were delivered, and

(ii) The quantity of such scrap does not exceed 15% of the quantity of thermoplastics from which it was obtained.

(f) *Prohibited uses.* (1) On and after September 1, 1942, no producer shall deliver thermoplastics for uses set forth in exhibit D annexed hereto (regardless of preference ratings): *Provided, however,* That deliveries of thermoplastics for such uses may be made if the order therefor was received and put in process prior to the effective date of this order.

(2) On and after September 1, 1942, no person shall use thermoplastics for uses set forth in exhibit D annexed hereto other than the quantities in his inventory prior to the effective date of this order or the thermoplastics that may be delivered pursuant to the provisions of paragraph (f) (1) hereof (regardless of preference ratings).

(g) *Exceptions.* (1) Nothing in paragraph (b) contained shall apply to deliveries to or for the account of:

(i) The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, 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;

(ii) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom including its Dominions, Crown Colonies and Protectorates, and Yugoslavia; and

(iii) The government of any 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).

(2) Nothing in paragraph (f) contained shall apply to deliveries to or for the account of, or use by, the Army or Navy of the United States or the United States Maritime Commission.

(h) *Effect on other orders.* Nothing in this order contained shall be construed to permit the manufacture of any item or of more units of any item listed under class I, II or III uses if the manufacture of said item has been prohibited or curtailed by the terms of another order of the Director of Industry Operations whether heretofore or hereafter issued.

(i) *Reports.* Reports shall be made at such times and on such forms as shall be prescribed therefor by the Chemicals Branch of the War Production Board.

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

(k) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of thermoplastics 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 by addressing a letter to the War Production Board, Chemicals Branch, reference M-154, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(l) *Notification of customers.* Producers of thermoplastics shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but the failure to give such notice shall not excuse any such person from complying with the terms thereof.

(m) *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.

(n) *Communications.* Acceptances of this order, all reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to War Production Board, attention Chemicals Branch, Washington, D. C., reference M-154. (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; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

EXHIBIT A

(Class I Uses)

Class I comprises such uses as are essential to the productive effort of the country, such as industrial equipment, transportation, and health. Only functional uses, not readily substituted by more available materials, are included in class I, and such uses must employ the minimum amount of plastic material required for the functioning of the part. If these requirements are not met, the item shall fall in class III, even though the end use of the product would normally place it in class I.

Public Transportation

Commercial aircraft parts and accessories.
Railway equipment.
Trucks and buses:
- (1) Safety glass.
- (2) Control knobs.
- (3) Lighting equipment.
- (4) Electrical parts.
- (5) Other functional parts.

Merchant marine applications.

Communications

Telephone equipment.
Telegraph equipment.
Radio parts, except as defined in class III:
- Dials.
- Functional parts.

Electrical transcription records and direct cutting records for radio use.
Motion picture equipment, professional, including film.
Photographic equipment and supplies, professional, including portrait, commercial, and graphic arts, cut films.

Industrial Productive Equipment

Battery cases.
Belting, transmission.
Industrial instruments—crystals, lenses, and other parts.
Electrical equipment, e. g., coils and condensers.
Refrigerator parts.
Industrial tools:
- Handles for screw drivers and chisels, but not other carpenter tools.
- Handles for heavy duty factory tools.
- Oil cans and oil cups.
- Hammer heads.

Sewing machine parts.

Identification, supplied by factories to employees:
- Passes.
- Buttons.
- Tags.
- Pass cases.

Functional parts of production machinery:
- Inspection windows and covers.
- Sight glasses.
- Control knobs.

Laminated plastic instruction charts for machinery, repair and maintenance, and factory operation.
Transparent holders for factory instructions and blue prints.
Transparent inventory boxes.
Weighing machines.
Battery charging equipment.
Printing plates.

Accessory Equipment for Industrial Plants, Offices, and Commercial Establishments

Lighting fixtures, switches, and parts for electrical distribution.
Control panels and parts.
Heating equipment parts, e. g., oil burners and thermostats.
Insulation.
Fan parts (electric).
Air filter and air conditioning equipment.
Functional parts for soap dispensers and disinfectant devices.
Parts for business machines:
- Adding machines.
- Billings and continuous forms handling typewriters.
- Calculating and computing machines.
- Dictating machines and collateral equipment, but not including machines embodying amplifiers and other facilities for recording telephone conversations, conferences and wireless messages with near and far voice control.
- Duplicating machines, including, but not limited to ink ribbon, gelatin, off set, spirit, stencil and reproducing typewriter principle.
- Microfilm machines.
- Shorthand writing machines.
- Time stamp machines.
- Portable and Non Portable typewriters.
- Accounting and Bookkeeping machines.
- Addressing machines, including, but not limited to embossing machines for plates and stencil cutting machines for fibre stencils.
- Billing and other forms writing machines, manifolders and collateral equipment, (autographic registers not included).
- Office composing machines (changeable type, changeable horizontal and vertical spacing, uniform impression).
- Pay roll denominating machines and collateral equipment.
- Punched card tabulating and accounting machines and collateral equipment.
- Time recording machines, except watchman's clocks.
- Autographic registers.
- Cash registers and cash recording machines.
- Check handling machines.
- Change making machines.
- Coin handling machines.
- Envelope handling machines.

Photographic microfilms.
Guide cards and visible indexes.
Counter scales.

Health Supplies for Medical, Surgical, Dental, or Veterinarian Use

Hearing aids (individual type).
Anaesthesia, oxygen, and respiratory equipment supplies.
Atomizers.
Clinical thermometers and cases.
Diagnostic equipment and supplies.
Hypodermic syringes and needles.
Infant incubators.
Instruments.
Invalid chairs (hand operated), walkers, and crutches.
Laboratory equipment and supplies.
Operating room supplies and equipment.
Optical frames for corrective use only.
Physio-therapy equipment and supplies for institutional or professional use.
Splints and fracture equipment.
Sterilizers.
Surgical dressings.
Surgical and orthopaedic appliances (including artificial limbs).
Ligatures, sutures, and suture needles.
X-ray equipment and supplies, except film.
Tooth brushes.
Hospital beds, mattresses, and essential bedside equipment.
Pessaries.
Plastic pipe, connections, and accessories (medical, surgical, dental, and veterinary).
Containers and closures, minimum functional weight, for:
- Biologicals, anti-toxine, serums, sterile ampoules and intravenous solutions.
- Medical chemicals (limited to medical use).
- Antiseptics and germicides.
- Botanical drugs.
- Hormones and glandular products.
- Vitamins, including human nutritional use.
- Preparations for medicinal use, as recommended by the Health Supplies Branch of the War Production Board.

Embalming instruments.

Food Production and Distribution

Farm implement equipment.
Food containers and closures, minimum functional weight.
Harness rings, functional.
Poultry bands.
Identification markers for tubercular cattle.

Technical Equipment

Technical instruments:
- Drawing instruments.
- Slide rules.
- Meter wheels.
- Gauge glasses.
- Protective covers for instruments.

Working models.
Materials for scientific research.

Safety Equipment.

Chemical protective uses.
Fire fighting equipment.
Industrial safety appliances:
- Machine and mechanical guards.
- Gas mask parts.
- Goggles and shields.
- Hazard measuring devices.
- Helmets.
- Respirators.

Flashlights and their parts for industrial use, all types.
Flashlight parts, civilian, except all-plastic cases or those with plastic tubes.

Housing

Builder's hardware, except as defined in Class III:
- Counter trim.

Domestic heating equipment parts:
- Blower parts.
- Thermostat parts and housings.
- Control buttons.

Weather strippings.
Plumbing fixtures:
- Faucet handles.
- Valve handles.
- Essential escutcheons.
- Shower heads.
- Waste pipes.

Electric switches, outlets, and escutcheon plates.
Lighting fixtures, for permanent installation only.

EXHIBIT B

(Class II Uses)

Class II comprises such uses as have been considered essential for the convenience and welfare of the civilian population, such as commercial equipment, household appliances, and essential personal items. Only functional uses, not readily substituted by more available materials, are included in class II, and such uses must employ the minimum amount of plastic material required for the functioning of the part. If these requirements are not met, the item shall fall in class III, even though the end use of the product would normally place it in class II.

Commercial Equipment

Printing, commercial, and protective covering, except as covered in class III.
Price tags, sanitary, for meat and dairy products only.
Counter tops and molding.
Cold frames.

School and Educational Supplies

Phonograph records, educational only, including direct cutting records for school use.
Stereoscopes.
Musical instruments and their functional parts, except as defined in Class III.
Models.

Private Transportation

Passenger automobiles:
- Safety glass.
- Functional parts and accessories, e. g., control knobs and escutcheons.

Bicycle parts:
- Lamp housings.
- Reflector buttons.
- Pedals.

Household Appliances and Fixtures

Refrigerator parts.
Sewing machine parts.

Vacuum cleaner parts.
Carpet sweeper parts.
Washing machine parts.
Stove parts.
Garden sprinklers.
Hose couplings and nozzles.

Essential Personal Items

Combs, essential utility, minimum functional weight:
- Dressing combs.
- Pocket combs.
- Barber and professional combs.
- Plain tuck, back, or side combs.

Hair pins.
Barrettes.
Straight razor handles.
Electric razor housings.
Brushes, minimum functional weight:
- Hair.
- Shaving.

Buttons and buckles, minimum functional weight, utilitarian, non-decorative.
Corset steel covering.
Clothing accessories, essential.
Garter, belt, and suspender parts, except the belting material.
Shoe parts:
- Eyelets.
- Lace tips.
- Box toe.

Umbrella ferrules.
Zippers.
Pipe bits.
Fountain pens.
Ferrules for wood-cased pencils.
Knitting needles.
Crochet hooks.
Watch crystals.
Baby rattles, teething rings, and pacifiers.
Lipstick holders.
Service vanity cases for rouge and powder, not to exceed 1½" diameter or 1½" square.
Religious articles.
Containers for tooth paste, shaving cream, and other personal sanitary use.
Closures, minimum functional weight.

EXHIBIT C

(Class III Uses)

Items which are useful, but are either not essential or do not meet the minimum functional weight requirements of classes I and II.

Commercial Items

Price tags, other than for meat and dairy products.
Protective envelopes for documents and permanent records.
Vending machines and parts.
Restaurant supplies.
Serving trays.
Stationery supplies:
- Desk sets.
- Pen bases and holders.
- Ink stands.
- Rulers.
- Pocket pencil sharpeners.
- Book and catalog binders and covers.
- Stapling machines.

Beauty parlor equipment.
Barber shop lather dispensers.
Pistol grips.
Containers and closures, not otherwise specified.
Housing items not defined in class I:
- Door knobs.
- Window lifts.
- Storm sash.

Reflectors, roadside or directional.
Restaurant trays.

Household Items

Clock cases and crystals.
Furniture and furniture parts.
Medical instruments, non-professional:
- Throat lights.
- Tongue depressors.

Chime shields.
Tableware:
- Cups, saucers, plates, and tumblers.

Pocket knives.
Kitchen canister.
Kitchen utensils:
- Measuring cups and spoons.
- Strainers.
- Cooking accessories.

Coin banks.
Window shades.
Chair seats.
Air conditioning unit parts.
Lighting equipment, portable or temporary lampshades and bases, and light diffusers.
Civilian flashlights, all plastic or those with plastic tubes.
Home, portable, or auto radio receivers:
- Control knobs, dial lenses, and louvres.

Phonograph records, popular and home recording.
Fruit juicers.
Spray closures for disinfectants and insecticides.

Personal Items

Games and toys, dice, and playing cards.
Sporting goods.
Phonographic equipment and supplies, amateur, including roll films, film packs, and 8 and 16 mm. reversal films.
Sun goggles, other than those for corrective use.
Visors.
Brushes, novelty, or not otherwise specified.
Mechanical pencils.
Billfolds and pass cases.
Hair curlers.
Buttons and buckles, decorative.
Shoe heels, plastic covered.
Handbag frames and handles.
Collar and cuff, including dope for same.

EXHIBIT D

(Class IV Uses)

Items which are primarily novelty or ornamental, or definitely non-essential.

Commercial Items

Soda fountain accessories.
Beverage dispensing accessories.
Displays:
- Containers and packages.
- Fixtures, mannequins, and hosiery forms, etc.
- Advertising printing.
- Signs.

Restaurant and coin-operated phonograph parts.
- Amusement machines and parts.

Artificial flowers, florists' supplies, and flower pots.
Caskets, decorative parts.
Thermometer and hygrometer bases and stands.
Massaging machine parts.
Name plates.
Jewelry and watch boxes.
Handles for carpenter tools, other than those defined in Class I.

Household Items

Christmas tree ornaments and Christmas lighting fixtures.
Baby carriage parts.
Musical instruments—decorative parts.
Sculptured pieces.
Table mats, coasters, and table ornaments.
Cutlery boxes.
Closet accessories—shoe horns, shoe trees, clothes hangers:
- Hat boxes.
- Hat stands.

Traveling bags, baggage, and handles therefor.
Curtain fixtures and window shade pulls.
Book ends.
Candle sticks.
Broom fittings and dust pans.
Picture and mirror frames.
Table decorations.
Salt and pepper shakers.
Syphon for carbonated water.
Jigger cups.
Napkin rings.
Bathroom fixtures:
- Towel bars.
- Soap dishes.
- Toilet seats.
- Laundry hampers.
- Accessories.

Cutlery handles, table and kitchen.

Personal Items

Binoculars and their parts and opera glasses.
Combs:
- Fancy side, back or tuck combs, using more material than functionally necessary.
- Combs with plastic cases.
- Handle combs.
- Combination combs.
- Combs with attachments.

Glove fasteners.
Cosmetic accessories.
Artificial finger nails.
Smokers supplies:
- Cigarette and cigar holders and cases.
- Pipe cases.
- Ash trays.
- Cigarette boxes.

Razor boxes.
Toilet sets.
Jewelry.

Clothing Items

Shoe heels, all plastic.
Shoe uppers, woven.
Belts, except buckles as otherwise specified.
Gems.
Millinery.

Costume jewelry.
Umbrella handles and tips.

Novelties

Advertising and miscellaneous novelties.
Premium items.
Gadgets.

[F. R. Doc. 42-6045; Filed, June 27, 1942; 11:31 a. m.]

PART 1249—DRUM EXTERIOR COATING

[Amendment 1 to Conservation Order M-158]

Section 1249.1 (*Conservation Order No. M-158*)[1] is hereby amended as follows:

Subparagraph (1) of paragraph (a) is hereby amended to read as follows:

(1) "Drum" means any 29 gauge or heavier sheet steel cylindrical or bilged shipping container with or without bails, including kits and pails, which has a capacity of two gallons or more and is provided with a fixed or removable head or cover.

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

(b) *Restrictions on drum exterior coatings.* (1) On and after June 20, 1942, no person shall apply a class A coating to the exterior surfaces of any drum, whether used, completed or in process of manufacture, except:

(i) Where the drum is required for offshore or export shipment by such person or where the person coating the drum is furnished with a written statement by the person on whose order the drum is coated that the drum is required for offshore or export shipment, provided that the exception contained in this paragraph (b) (1) (i) shall not apply to class A coatings containing tung or oiticica oil; or

(ii) Where a class A coating is required to be applied to the drum by any contract or subcontract for the United States Army, Navy, Coast Guard or Maritime Commission; or

(iii) Where such class A coating shall have been manufactured on or before June 5, 1942.

(2) On and after June 20, 1942, no person shall apply other than a black or clear coating to the exterior surfaces of any drum, whether used, completed or in process of manufacture, except:

(i) Upon either or both heads of any drum.

(ii) Where a colored coating upon the body or side of any drum is required by any domestic or foreign governmental or underwriters regulation, specification or requirement, including requirements of governmental agencies.

(iii) Where the colored coating shall have been manufactured on or before June 5, 1941.

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

(c) *Restriction on deliveries of coatings.* On and after June 7, 1942, no person shall accept delivery of class A exterior drum coatings or of colored (other than black, white or gray) exterior drum coatings unless such delivery is accepted by such person for the purpose of applying a class A or colored coating to a drum within the conditions set forth in paragraphs (b) (1) (i), (ii), or (iii), or (b) (2) (i), (ii), or (iii) hereof.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6040; Filed, June 27, 1942; 11:29 a. m.]

PART 1267—COTTON TEXTILE FABRICS AND RAYON TEXTILE FABRICS ENTERING INTO THE MANUFACTURE OF FLAGS

[General Preference Order M-166]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of fabrics entering into the manufacture of flags 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:

§ 1267.1 *General Preference Order M-166*—(a) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern:

(b) *Additional definitions.* (1) "Flags", unless the context otherwise requires, shall mean any new flag as follows:

(i) United States flags.
(ii) Marine signal flags, and other flags for boats as required by law, or administrative regulations having the force of law.
(iii) Flags of the 26 United Nations and all other nations with which the United States maintains friendly diplomatic relations.
(iv) Religious flags.
(v) Service flags with stars designating number of individuals in the military services.
(vi) Federal Government department flags.
(vii) State, city and municipality flags.
(viii) Office of Civilian Defense flags.
(ix) Railroad and danger signal flags.

(2) "Cotton textile fabrics suitable for flags" shall mean fabrics of the types listed below:

(i) Cotton mercerized bunting manufactured in accordance with Federal Specification CCC-B-791a, amendment 4, July 7, 1941.

(ii) Cotton scrim (greige goods): 40" wide—2.70 yards per pound, 32 x 32 construction, 18's 2-ply carded yarn—warp and filling.

(iii) Cotton sheeting (greige goods): 40" wide—3.25 yards per pound, 48 x 44 construction.

(iv) Cotton print cloth (greige goods): 38½" wide—5.35 yards per pound, 64 x 60 construction.

(3) "Cotton textile fabrics suitable for white stars for flags" shall mean fabrics of the following type: Cotton print cloth (greige goods): 39" wide—4.75 yards per pound, 68 x 72 construction.

(4) "Rayon textile fabrics suitable for flags" shall mean fabrics of the types listed below:

(i) Rayon taffeta, 39" wide, 110 x 60 construction made with 150 denier viscose or cuprammonium bright rayon yarn.

(ii) Rayon taffeta, 40" wide, 120 x 68 construction made with 120 denier acetate rayon yarn.

(5) "Cotton sewing thread" means thread, used for sewing flags, of the following types: 40/3 cord, 50/3 cord, 60/3 cord.

(6) "Heading fabric" means a cotton fabric, used for heading at the end of flags, of the following type: Flat duck—30" wide, 7 ounce weight made for single yarn.

(7) "Flag manufacturer" means any person purchasing cotton or rayon cloth for manufacturing, or for resale for manufacturing, into flags for sale.

(c) *Assignment of preference rating.* Purchase orders by flag manufacturers for cotton textile fabrics suitable for flags, cotton textile fabrics suitable for white stars for flags, rayon textile fabrics suitable for flags, cotton sewing thread, and heading fabric, as defined in paragraph (b) above, for use in the manufacture of flags, are hereby assigned a preference rating of A-2.

(d) *Restrictions on supplies.* No flag manufacturer shall hereafter hold in any mill, warehouse, place of storage, or flag manufacturing plant any of the materials, the orders for which are assigned a preference rating in paragraph (c), in excess of a practical minimum working inventory and, in no event, in excess of the amount which will be used by him within 90 days after the receipt of such materials in such mill, warehouse, place of storage, or flag manufacturing plant.

(e) *Restrictions on manufacture of flags.* No person shall manufacture any flag as defined in paragraph (b) (1) except from cotton textile fabrics suitable for flags, cotton textile fabrics suitable for white stars for flags, rayon textile fabrics suitable for flags, cotton sewing thread for flags or heading fabrics for flags: *Provided, however,* That:

(1) Any flag manufacturer may continue to manufacture flags from any materials owned by him on June 27, 1942, or subsequently acquired by him pursuant to contracts in existence on the said date, and

(2) The prohibitions and restrictions of this order shall not apply to flags:

[1] 7 F.R. 4159.

(i) To be delivered 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 and the Office of Scientific Research and Development.

(ii) To be delivered to or for the account of any department of the Federal Government purchasing national flags or union jacks in accordance with the applicable Federal specifications.

(iii) To be delivered to or for the account of the government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom, including its Dominions, Crown Colonies and Protectorates, and Yugoslavia.

(f) *Application of preference rating.* Any flag manufacturer, in order to apply the preference rating assigned by paragraph (c) to deliveries of material to him, must endorse on or attach to each contract or purchase order placed by him to which the rating is to be applied, a certification in the following form, signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an official duly authorized for such purpose:

CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply or extend the preference ratings indicated opposite the items shown on this purchase order, and that such application is in accordance with Priorities Regulation No. 3 as amended, with the terms of which the undersigned is familiar. Furthermore, the undersigned certifies that the fabrics hereby purchased will be placed in process solely for the manufacture of flags, as defined in paragraph (b) (1) of General Preference Order M–166 with the terms of which the undersigned is also familiar, and that any additions to his holdings at any mill, warehouse, place of storage or flag manufacturing plant, of the fabrics hereby purchased, will not increase his total holdings at said locations to an amount in excess of the amount which he will put into process within ninety days.

(address)

(date)

(Name of Purchaser)

By ---
(Signature and Title of Duly Authorized Officer)

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

The person receiving the certification and rating shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false. Each person applying ratings must maintain at his regular place of business all documents, including purchase orders and preference rating orders and certificates, upon which he relies as entitling him to apply or extend such ratings, segregated and available for inspection by representatives of the War Production Board, or filed in such manner that they can be readily segregated and made available for such inspection.

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

(h) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of fabrics conserved or made available, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may appeal in writing to the War Production Board, Reference M–166, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(i) *Communications to the War Production Board.* All communications concerning this order, or any reports required to be filed hereunder, shall, unless otherwise directed, be addressed to "War Production Board, Textile, Clothing and Leather Branch, Washington, D. C., Reference M–166".

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, 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. (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; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6044; Filed, June 27, 1942; 11:30 a. m.]

PART 1279—ELASTIC FABRICS, KNITTED, WOVEN OR BRAIDED

[Amendment 1 to Conservation Order M–174]

Section 1279 (d) (4)[1] is hereby amended by repealing the proviso therein so that the paragraph reads as follows:

(4) Any person who has, in good faith, filed application pursuant to paragraph (3) hereof, may, pending action on such application, use an amount of each elastic fabric held by him not in excess of 10 per cent of his inventory thereof on June 20, 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; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6046; Filed, June 27, 1942; 11:31 a. m.]

[1] 7 F.R. 4648.

PART 1285—BUTADIENE

[General Preference Order M–178]

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

§ 1285.1 *General Preference Order M–178*—(a) *Definitions.* For the purposes of this order:

(1) "Producer" means any person engaged in the production of butadiene and includes any person who has butadiene produced for him pursuant to toll agreement, but does not include any person producing less than five (5) tons of butadiene a month.

(b) *Restrictions on use and delivery of butadiene.* On and after July 1, 1942, no producer shall use or deliver butadiene except as specifically authorized or directed by the Director of Industry Operations; and no person shall accept delivery of butadiene if said delivery would be made in violation hereof.

(c) *Applications for use or delivery of butadiene.* Producers seeking to use or deliver and persons seeking delivery of butadiene (the use, delivery or acceptance of delivery of which is forbidden by the provisions of paragraph (b) hereof) shall make application therefor to the Director of Industry Operations, War Production Board, Attention Chemicals Branch, Reference M–178.

(d) *Reports.* Reports shall be made at such times and on such forms as shall be prescribed therefor by the Chemicals Branch, War Production Board.

(e) *Notification of customers.* Producers of butadiene shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but the failure to give such notice shall not excuse any such person from complying with the terms thereof.

(f) *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.

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

nishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance. (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; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6036; Filed, June 27, 1942; 11:29 a. m.]

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

[Interpretation 1 to Priorities Regulation 11]

PRODUCTION REQUIREMENTS PLAN

REFINING OR SMELTING OF METALS

The question has arisen as to whether persons whose primary business is the refining or smelting of metals are required to qualify under the Production Requirements Plan.

Paragraph (b) (6) (ii) (*h*) of Priorities Regulation No. 11 (§ 944.32) excepts from the definition of persons required to qualify under the Plan, any person to the extent that he is engaged in the business of "extracting, smelting, refining, alloying, or similarly processing metal ores or scrap into raw metal."

However, under paragraph (h) of the regulation, added by Amendment No. 1 in effect June 19, 1942, a special rule applicable to all metal mills was promulgated. A metal mill is defined as any person who produces metals in any of the forms included on the Metals List attached to Regulation No. 11. Therefore, any person who produces metals in any of the forms listed (including such forms as billets, blooms, ingots and pigs), whether by refining, smelting or otherwise, is a metal mill and subject to the specific provisions of paragraph (h) of Regulation No. 11 as amended.

Under paragraph (h) and the other provisions of Regulation No. 11, a metal mill is required to file a PRP Application if it uses or anticipates using more than $5,000 worth of metals in the forms listed, in the past, current, or next quarter. However, in determining whether it is required to file, the mill may exclude from consideration any such metal which it uses in the production of other forms included on the list. Thus, for example, a metal mill in determining whether it must file a PRP Application need not include pig iron which it receives to be further melted for the production of steel ingots. On the other hand, in making such determination a metal mill must include such listed metal forms as bars or wire which it uses for its own maintenance and repair, and all listed forms which it further processes into forms more highly fabricated than those included on the Metals List.

Similarly, after a particular metal mill has determined that it is required to file a PRP Application, it need not include in its PRP Application any metals which it will further process to make other forms of metals included on the Metals List, but it must include the forms listed which it will use for maintenance, repair or operating supplies, or which it will further process beyond the forms included on the Metals List.

Summarizing the foregoing, refiners, smelters and mills who produce metal in the forms included on the Metals List unless specifically exempted by the Director of Industry Operations must qualify under the Production Requirements Plan for their maintenance, repair and operating supplies and for production material to be processed beyond the forms included on the List, provided that their metal requirements for such purposes exceed $5,000 for the last, current or next succeeding quarter. (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; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 29th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6094; Filed, June 29, 1942; 11:59 a. m.]

PART 989—DOMESTIC MECHANICAL REFRIGERATORS

[Interpretation 1 to Supplementary General Limitation Order L-5-d]

"BOUGHT AND FULLY PAID FOR" CLARIFIED

The following interpretation is hereby issued by the Director of Industry Operations with respect to § 989.5, Supplementary General Limitation Order L-5-d,[1] dated May 26, 1942:

Supplementary General Limitation Order L-5-d, restricting the transfer of new domestic mechanical refrigerators, exempts from some of its restrictions a refrigerator which was in the hands of the seller at 10 A. M. Eastern War Time, February 14, 1942, and which "had been bought and fully paid for" prior to that time. The test to be employed in determining whether or not a refrigerator "had been bought and fully paid for" is whether the seller had received full payment at the specified time. If the full price of the refrigerator had been paid to the seller in cash, or by any other means, the refrigerator should be considered as "bought and fully paid for" regardless of the source of payment. It is not necessary that the full price be paid by the purchaser provided the seller had been fully paid. Thus if the purchaser had made a down payment of part of the purchase price and a finance company or bank had paid or credited the account of the seller with the balance of the price pursuant to a financing agreement with the purchaser, the refrigerator should be considered to have been "bought and fully paid for." In addition, in the absence of exceptional circumstances the receipt by the seller of a check prior to 10 A. M., Eastern War Time, February 14, 1942, for the full purchase price should be considered as payment in full before that time even though the check had not been cashed, deposited or otherwise collected.

(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; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 29th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6084; Filed, June 29, 1942; 11:31 a. m.]

PART 1084—CANNED FOODS

[Supplementary Order M-86-a, as Amended June 27, 1942]

Section 1084.2 *Supplementary Order M-86-a*[1] is hereby amended to read as follows:

§ 1084.2 *Supplementary Order M-86-a,* as amended June 27, 1942. (a) Pursuant to Order M-86, which this order supplements, it is hereby ordered that each canner shall set aside to be delivered for the requirements of Government Agencies, pursuant to Order M-86, a quota of fruits and vegetables packed by him at any time in the calendar year 1942 or, when specified in Table II, attached hereto, in the crop year 1942-3. Such quota of fruits and vegetables shall be of the kinds and in the percentages set forth in Columns A and B of Tables I and II, attached hereto.

If the type, style, or variety of any such fruit or vegetable is described in Column C, such quota shall be in the type, style, and variety described, but other types, styles or varieties shall be substituted to the extent that those specified in Column C are not packed. To the extent that the canner's production of the first preference grade of such fruit or vegetable specified in Column E is sufficient, at least two-thirds of the quota, but preferably the entire quota, shall be set aside from such grade. To the extent that the quantity so set aside does not fill his quota, the canner shall set aside sufficient of his production of the second preference grade, if any, specified in Column F to complete his quota. To the extent that the quantities so set aside out of both first and second preference grades do not fill his quota, the canner shall set aside sufficient of his production of the third preference grade, if any, specified in Column G to complete his quota.

To the extent possible and insofar as compliance with the above grade require-

[1] 7 F.R. 3927, 4480.

[1] 7 F.R. 1999, 2788, 3683.

ments permits, at least two-thirds of the quota, but preferably the entire quota, shall be set aside in the largest can size specified in Column D. The balance shall be reserved in the next largest can sizes available in the order of preference specified in Column D.

Any canner who is required to set aside canned goods pursuant to this order shall provide himself with the necessary materials to pack such canned goods in export boxes, which may be nailed wooden boxes, weatherproof solid fiber boxes, or wirebound wood boxes, at his option, according to specifications attached hereto, except that nailed wooden boxes and weatherproof solid fiber boxes shall not be wired or strapped except as specifically directed by the purchaser.

(b) The report prescribed by paragraph (c) (2) of Order M–86 shall be given on Form PD–343, Seasonal Pack Report for 1942.

(c) The notice permitted by paragraph (c) (3) of Order M–86 may be given if any goods set aside in compliance with this order have not been purchased within sixty days after the mailing or filing of the report with respect to such goods prescribed by paragraph (c) (2) of said Order M–86.

(d) This order, as amended, shall, unless modified, further amended or revoked, continue in effect until June 30, 1943. (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; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

TABLE I—PRIMARY PRODUCTS

The quota of any product listed in Column A to be set aside by any Canner for the Government shall be equal to the percentage shown in Column B applied to his total 1942 pack of that product.

A	B	C	D	E	F	G
Canned fruits and vegetables	Percentage of 1942 pack	Description	Can sizes preferred in order listed	Grade: First preference	Grade: Second preference	Grade: Third preference
Fruit cocktail	40		10—2½—2	Choice	Fancy	
Peaches [2]	38	Clings, freestone; halves, sliced.	10—2½—2	Choice	Top std. clings only.[1]	Fancy.
Pears	40	Bartlett halves	10—2½—2	Choice	Top std.[1]	Standard.
Asparagus	30	Culturally bleached, all green.	10—2	Fancy cut	Fancy spear	
Beans, Lima	35	Fresh	10—2	Ext. std	Fancy green	Std. fresh white.
Beans, string	35	Cut-green, wax; round, flat.	10—2	Ext. std	Top std.[1]	Fancy.
Corn, sweet	35	Yellow-white; cream style. Whole kernel.	#2—full inside enamel—Cream style and whole kernel; #10—full inside enamel—Whole kernel only.	Ext. std	Fancy	Standard.
Peas	35	Alaska's, 3, 4 sieve, sweets, 3 sieve and larger, ungraded.	10—2	Ext. std	Top std.[1]	Fancy.
Tomatoes	35		10—2½—2	Ext. Std	Top std.[1]	Fancy.
Tomato catsup	38		10—14 oz. glass and larger.	Fancy 25% solids.	Standard	
Tomato juice	17		10—3 cyl. (404 x 700)	Fancy		

[1] Top Standard means 70–74 inclusive as defined in terms of U. S. Grades.
[2] Except Freestone Peaches packed in California. (See Table II).

TABLE II—SECONDARY PRODUCTS

The use of tinplate in packing these products is restricted by Conservation Order No. M–81 as it may be amended from time to time. The quota to be set aside for the Government will be equal to the percentage shown in Column B. below applied to the maximum production permitted by Order M–81. Such quota may be packed in addition to the pack permitted by Order M–81. If actual production is less than the quota, the entire pack of the particular product shall be set aside.

A	B	C	D	E	F	G
Canned fruits and vegetables	Percentage as defined above	Description	Can sizes preferred in order listed	Grade: First preference	Grade: Second preference	Grade: Third preference
Apples [3]	100	Heavy pack	10	Standard		
Applesauce [3]	60	Fresh	10—2	Fancy	Standard	
Apricots	75	Halves unpealed	10—2½	Choice	Top Std.[1]	Fancy.
Cherries RSP	44	Red pitted (water pack).	10—2	Standard		
Cherries, sweet	50	Light, dark pitted, unpitted.	10—2½—2	Choice	Top Std.[1]	Fancy.
Peaches	26	Freestone (cal. only) halves—sliced	10—2½—2	Choice	Fancy	
Pineapple	34	Sliced, crushed, tidbits (except salad and cocktail tidbits), chunks	10—2½—2	Fancy	Standard	
Pineapple juice	14		10—3 cyl. (404 x 700) 2½—2.	Fancy		
Prunes, fresh	50	Italian	10—2½	Choice	Fancy	
Beets	100	Cut-quartered sliced-diced.	10—2½—2	Fancy	Top Std.[2]	
Carrots	100	Diced	10—2½—2	Fancy	Top Std.[2]	
Pumpkin	72		2½	Fancy	Top Std.[2]	
Spinach	58		10—2½—2	Fancy	Top Std.[2]	

[1] Top standard means 70–74 inclusive as defined in terms of U. S. Grades.
[2] Top standard means 80–84 inclusive as defined in terms of U. S. Grades.
[3] 1942–1943 seasonal pack.

SPECIFICATIONS FOR BOXES

1. *Weatherproof solid fiber boxes.* Weatherproof solid fiber boxes must be of one piece regular slotted construction, metal stitched body joint; construction in accordance with the following table:

Total weight (exclusive of box)	Minimum thickness of board (inch)	Minimum bursting strength (pounds)
Not exceeding 42 lbs	0.090	325
Over 42 lbs., but not exceeding 65 lbs	.100	375

Boards shall further comply with the following waterproofing tests: Specimens 6" x 10", cut from unscored sections of boxes, shall be completely immersed in water for one hour, after which the component plies must not separate beyond 2" from the edges of the piece; after total immersion for 2½ hours similar samples must test not less than 50% of the originally specified bursting strength, and must weigh not more than 150% of the weight before immersion.

Bottom flaps shall be metal stitched, to the extent the canner's facilities permit, otherwise bottom flaps shall be securely sealed by gluing over all areas in contact; top flaps shall be sealed by gluing over all areas in contact. The sealed boxes shall be reinforced by two flat or round steel straps each having a joint or knot breaking strength of not less than 290 lbs., applied at right angles (over

sides, top, and bottom, and over ends, top, and bottom), toward centers of respective panels, but over joints of contact of cans with wall of box. Boxmaker shall print or clearly mark by knurled impressions which do not impair the strength of the board, approximately 3/8" wide, to indicate the position of the strapping, and shall print a guarantee of compliance with this specification.

2. *Wirebound wood boxes.* Shall comply with Federal Specification NN–B–631a, except as follows: Styles 1, 2 or 3 boxes, or boxes with twisted loop closures, may be used. Veneer or sawed boards, of the following thicknesses, shall be used:

Total weight (exclusive of box)	Minimum thickness of sides, top, bottom, ends, and liners		
	Group I woods (see note 1) (inch)	Group II and group III woods (inch)	Group IV woods (inch)
Not exceeding 55 lbs	3/16	1/7	1/8
Over 55 lbs. but not exceeding 85 lbs	1/4	1/6	1/7
Over 85 lbs., but not exceeding 125 lbs	5/16	3/16	1/6

NOTE 1: The following species of Group I may be of the same thickness permitted for Group II or III woods for sides, top, bottom, end and liners only: Cottonwood, Cypress, Magnolia, Noble Fir and Spruce.

Cleats shall not be less than 13/16" x 13/16" and shall be made of Group II, III or IV woods.

Binding wires shall be not less than No. 15 gauge (.072" diameter). Girth wires shall be spaced not more than 6" apart. End wires on Style No. 3 boxes shall be spaced not more than 6" from cleats or from each other.

Style No. 3 boxes shall have 2 edge liners not less than 1⅛" wide attached to each end perpendicular to (across) the grain of the end boards.

Boxes shall be printed with the name and address of the manufacturer and a guarantee of compliance with this Specification.

3. *Nailed wooden boxes.* Boxes shall be made of new materials and of good commercial quality. All boxes shall be made of seasoned lumber having a moisture content not to exceed 18%. The pieces shall show no defects that materially weaken them, expose the contents of the box to damage or interfere with nailing. No knot or knot hole shall have a diameter exceeding one-third the width of the piece. Surfaces of box parts shall be sufficiently smooth to permit legible stenciling and shall not be splintery. Boxes for weights not exceeding 75 lbs. shall be Style 1, Federal Specification NN–B–621a. Boxes for weights exceeding 75 lbs. shall be Style 5 with triangular cleats for round or oval cans and Style 4 for square and oblong cans.

Total weight (exclusive of box)	Minimum finished thickness of ends		Minimum finished thickness of sides, tops, and bottoms	
	Group I or II woods (inch)	Group III or IV woods (inch)	Group I or II woods (inch)	Group III or IV woods (inch)
Not exceeding 55 lbs.	5/8	9/16	9/32	1/4
Over 55 lbs., but not exceeding 75 lbs.	3/4	11/16	11/32	5/16
Over 75 lbs. but not exceeding 100 lbs.	3/4	11/16	11/32	5/16

Each side, top and bottom shall be nailed to each end piece with not less than four six-penny cement coated box nails for Groups I and II woods, or four five-penny cement coated box nails for Groups III and IV woods, spaced not more than three inches apart.

Boxes shall be sized to allow approximately one-eighth inch over exact length, width and height of contents.

The nailed boxes shall be reinforced by two flat or round steel straps, each having a joint or knot breaking strength of not less than 290 lbs., applied over sides, top, and bottom, approximately 1/6 the distance from each end of box.

[F. R. Doc. 42–6090; Filed, June 29, 1942; 11:32 a. m.]

PART 1132—PRINTING INK

[Conservation Order M–53, as Amended June 29, 1942]

Section 1132.1 *Conservation Order M–53*[1] is hereby amended to read as follows:

§ 1132.1 *Conservation Order M–53*—(a) *Definitions.* (1) "Producer" means any person engaged in the manufacture of printing inks for sale to others or for his own consumption, but does not include the Government Printing Office or the Bureau of Engraving and Printing of the United States.

(2) "Supplier" means any person with whom a contract or purchase order has been placed for delivery of material to a Producer or to another Supplier.

(3) "Printing ink" includes any fluid or viscous material or composition of materials used in printing, impressing, stamping or transferring upon paper or paper-like substances, wood, fabrics or metals by the recognized mechanical reproductive processes employed in printing, publishing and related service industries.

(4) "News ink" means any black ink made from mineral oil and carbon black, with or without rosin, used in the production of newspapers and newspaper supplements.

(5) "Non-scratch ink" means an ink containing resins for the purpose of increasing hardness and reducing abrasion.

(b) *Restrictions on use.* In the manufacture of printing ink, no producer shall:

(1) Use in any calendar quarter, beginning with the quarter commencing July 1, 1942, any one of the following materials in excess of the indicated percentage of one quarter of his use and consumption of such one material in 1941:

	Percent
Chrome yellows and oranges (interchangeably)	100
Molybdate orange	100
Chrome green	100
Orange mineral	70
Organic pigments—red	70
Organic pigments—blue and purple (interchangeably)	70
Organic pigments—yellow	70
Organic pigments—orange	70
Organic pigments—green	70
Organic pigments—all others (interchangeably)	70
Iron blues	100

The foregoing pigments may be used in the form of dry color or of dry or wet dispersions.

(2) Use any oil soluble toner in any black ink, nor a toner of any form in news ink.

(3) Use any alkali blue or other organic toner as a toner for black ink in excess of eight percent (8%), by weight, of such black ink where such alkali blue or other organic toner is in paste form or, where in the form of dry color, then in excess of four percent (4%), by weight, of such black ink.

(4) Use any glycerol phthalate resins or phenolic resins for the production of any gloss ink, non-scratch ink or gloss overprint varnish.

(c) *Additional provisions for use.* (1) A producer may, at his option, use benzidine yellow or benzidine orange as a substitute for chrome yellow, chrome orange or molybdate orange. This substitution may be made in a ratio of 1 lb. benzidine yellow or benzidine orange to each 11 lbs. of chrome yellow, chrome orange or molybdate orange which he is permitted to use hereunder. A producer may also substitute benzidine yellow for chrome green in a ratio of 1 lb. benzidine yellow to each 14 lbs. of chrome green which he is permitted to use hereunder.

(2) The Director of Industry Operations, on the application of any person who develops a new color material subject to the provisions of this order, may grant exemption with respect to the use of such color by producers, if the nature of the materials involved in the opinion of such Director justifies such action.

(d) *Prohibitions against sales or deliveries of materials.* No person shall hereafter sell or deliver any of the materials named in paragraph (b) hereof to any other person if he knows or has reason to believe such material is to be used in violation of the terms of this order.

(e) *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

[1] 7 F.R. 2467.

case the provisions of this order shall govern.

(2) *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 nondefense to defense work, may appeal to the Director of Industry Operations on Form PD-344. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(3) *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-53.

(4) *Violations or false statements.* Any person who wilfully violates any provisions 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.

(5) *Effective date.* This order shall take effect July 1, 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; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 29th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6083; Filed, June 29, 1942; 11:31 a. m.]

PART 1143—RAZORS AND RAZOR BLADES

REVOCATION OF SUPPLEMENTARY LIMITATION ORDER L-72-A

Section 1143.2 *Supplementary General Limitation Order L-72-a*[1] is 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; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 29th day of June, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6089; Filed, June 29, 1942; 11:32 a. m.]

[1] 7 F.R. 3879.
[2] 7 F.R. 3475.

PART 1215—FEMININE LINGERIE AND CERTAIN OTHER GARMENTS

[Amendment 1 to General Limitation Order L-116]

Section 1215.1 *General Limitation Order L-116*[1] is hereby amended in the following respects:

1. Paragraph (b) is amended by adding thereto the following:

(15) "Ruffle" means any separate length or strip of fabric, lace, net, eyelet, or other material, that has been reduced in length or width by tucking, shirring, pleating, gathering, or other methods, before being attached to a garment.

(16) "Double material yoke" means an added piece of material, wider or deeper than 2 inches, which goes from shoulder to shoulder or which is attached to the back neckband of a gown or pajama.

2. Paragraph (d) is amended by adding thereto the following:

(4) Adjustable lingerie for maternity wear.

3. Paragraph (e) (1) (ii) is amended to read as follows:

(ii) Double material yokes, except on flannelette gowns and pajamas.

4. Paragraph (e) (1) (vii) is amended to read as follows:

(vii) With a ruffle bottom or with a ruffle attached or applied anywhere below the waistline of a garment of feminine lingerie except that a ruffle may be used in children's sizes 3 to 6x and girls' sizes 7 to 14 on a two seam garment.

5. Paragraph (f) (2) (ii) is amended to read as follows:

(ii) Exceeding the measurements of Schedule B, attached hereto, for daytime slips, or Schedule A, attached hereto, for evening slips.

6. Schedule A is amended by adding to the words "maximum measurements for nightgowns", therein, the words "and evening slips"; by adding to the words "girls' sizes", therein, the words "and girls' chubby sizes"; by adding to the words "teen age sizes", therein, the words "and teen age chubby sizes".

7. Schedule B is amended by adding to the words "girls' sizes", therein, the words "and girls' chubby sizes"; by adding to the words "teen age sizes", therein, the words "and teen age chubby sizes".

8. Schedule C is amended by striking out the portion thereof referring to girls' sizes and inserting in lieu thereof the following:

Girls' regular sizes and girls' chubby sizes	7½, 7	8½, 8	10½, 10	12½, 12	14½, 14	16½, 16
Length all trousers	33	34	35	36	37	38
Length all tops	18	19	20	21	22	23
All hems	1	1	1	1	1	1
Circumference for each trouser leg for girls' regular sizes	18	19	20	21	22	23
Circumference for each trouser leg for girls' chubby sizes	21	22	23	24	25	26

(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; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 29th day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6088; Filed, June 29, 1942; 11:32 a. m.]

PART 1257—CUTLERY

[Interpretation 1 to General Limitation Order L-140]

"STERLING SILVER FLATWARE" CLARIFIED

The following interpretation is hereby issued by the Director of Industry Operations with respect to § 1257.1, General Limitation Order L-140,[1] dated May 30, 1942:

Paragraph (b) (9) of General Limitation Order No. L-140 provides that "Nothing in this order shall limit the production of sterling silver flatware." This exemption covers sterling silver knives (including those with steel blades), forks and spoons designed or intended for serving or eating food, other than carving sets. Carving knives, forks and steels are not considered sterling silver flatware even though they may have sterling silver handles, but are all under Class IV Cutlery and are subject to the restrictions imposed on that Class.

(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; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 29th day of June, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6082; Filed June 29, 1942; 11:31 a. m.]

Chapter XI—Office of Price Administration

PART 1334—SUGAR

[Amendment 2 to Order 1 Under Revised Price Schedule 60[1]]

DIRECT-CONSUMPTION SUGAR

DEFENSE SUPPLIES CORPORATION

Paragraphs (b) (6) and (c) (6) are added to § 1334.151,[2] and Paragraphs (b) (5) and (c) (5) of said section are amended to read as set forth below:

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

[1] 7 F.R. 4161.
[1] 7 F.R. 1320, 2510.
[2] 7 F.R. 2793, 3087.

(b) (5) Fine granulated sugar processed by cane sugar refineries in California, $5.60 per one hundred pounds f. o. b. United States seaboard cane sugar refinery nearest freightwise to point of delivery.

(6) The maximum delivered prices for these sugars shall not exceed the maximum delivered prices as calculated and determined under § 1334.51, paragraph (a) (7), Revised Price Schedule No. 60, except that the basis prices specified in this section shall be the applicable maximum basis prices instead of the basis prices designated for these sugars in said § 1334.51, paragraph (a) (7), Revised Price Schedule No. 60.

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

* * * * *

(5) With respect to the sugars specified in paragraph (b) (5) of this section, for each one hundred pounds of such sugars sold by each designee of Defense Supplies Corporation under the permission granted in this section, each such designee shall pay to Defense Supplies Corporation an amount of money equal to the difference between the applicable maximum basis price for such sugars specified in § 1334.51, paragraph (a) (2), of Revised Price Schedule No. 60, and the maximum basis price for such sugars specified in paragraph (b) (5) of this section: *Provided,* That such payment may be reduced for cash sales by an amount equal to not more than two percent of the difference between the maximum basis prices as above determined.

(6) The sugars specified in paragraphs (b) (1), (b) (2), (b) (3), (b) (4), and (b) (5) of this section may be sold for delivery only in the following states: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and Delaware.

* * * * *

This Amendment No. 2 shall become effective June 27, 1942.

(Public Law 421, 77th Cong.)

Issued this 26th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6022; Filed, June 26, 1942; 5:13 p. m.]

PART 1377—WOODEN CONTAINERS

[Amendment No. 1 to Maximum Price Regulation No. 160 [1]]

SEASONAL WOODEN AGRICULTURAL CONTAINERS

CERTAIN WIRE-BOUND DRESSED POULTRY BOXES

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register. A new sentence is added to subparagraph (2) in § 1377.58 (a) and a new § 1377.60 is added as set forth below:

§ 1377.58 *Definitions.* * * *

(a) * * *

(2) * * * The term also includes wire-bound dressed poultry boxes sold by the Northern Package Corporation, 175 Colfax Avenue North, Minneapolis, Minn.

§ 1377.60 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1377.58 (a) (2) and 1377.60) to Maximum Price Regulation No. 160 shall become effective June 26, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 26th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6023; Filed, June 26, 1942; 5:12 p. m.]

PART 1382—HARDWOOD LUMBER

[Amendment No. 2 to Maximum Price Regulation No. 146 [1]]

APPALACHIAN HARDWOOD LUMBER

CHANGE OF DATE IN CERTAIN PROVISION

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

The date "June 15, 1942" in § 1382.12 (b) is amended to read "July 15, 1942".

§ 1382.10a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1382.12 (b)) to Maximum Price Regulation No. 146 shall become effective June 26, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 26th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6024; Filed, June 26, 1942; 5:12 p. m.]

PART 1305—ADMINISTRATION

[Administrative Order 1 [2]]

ORDER DEFINING AND DELIMITING CERTAIN FUNCTIONS AND POWERS OF OFFICERS AND EMPLOYEES

Section 1305.2 is amended to read as set forth below:

§ 1305.2 *Order defining and delimiting certain of the functions and powers of officers and employees*—(a) *Institution of civil proceedings.* The General Counsel or the Acting General Counsel, the Associate General Counsel or the Acting Associate General Counsel, and the Assistant General Counsel in charge of the Enforcement Branch or the Acting Assistant General Counsel in charge of the Enforcement Branch are each authorized to institute, in the name of the Administrator, appropriate civil actions or proceedings; and any of them may authorize any other attorney employed by the Office of Price Administration to institute any designated civil action or proceeding. Except as herein provided, no other officer or employee of the Office of Price Administration, whether employed in the principal office in Washington, D. C., or in any regional or field office, has authority to institute proceedings on behalf of the Administrator.

(b) *Service of process upon the Administrator.* Service of process upon the Administrator may be made by serving him personally, or by leaving a copy thereof at the Office of the Secretary, Office of Price Administration, Washington, D. C. No other officer or employee of the Office of Price Administration, whether employed in the principal office in Washington, D. C., or in any regional or field office, is authorized to accept service of process on behalf of the Administrator or enter his appearance in any action or proceeding, except as hereinafter provided.

(c) *Appearance for the Administrator.* The General Counsel or the Acting General Counsel, the Associate General Counsel or the Acting Associate General Counsel, and the Assistant General Counsel in charge of the Court Review, Research, and Opinion Branch or the Acting Assistant General Counsel in charge of the Court Review, Research, and Opinion Branch are each authorized to appear for and represent the Administrator or the Office of Price Administration in any action or proceeding instituted against the Administrator or the Office of Price Administration in the Emergency Court of Appeals; and any of them may specifically authorize any attorney employed by the Office of Price Administration to appear for and represent the Administrator or the Office of Price Administration in any such action or proceeding. The General Counsel or the Acting General Counsel, the Associate General Counsel or the Acting Associate General Counsel, and the Assistant General Counsel in charge of the Enforcement Branch, or the Acting Assistant General Counsel in charge of the Enforcement Branch, are each authorized to appear for and represent the Administrator or the Office of Price Administration in any other action or proceeding; and any of them may specifically authorize any attorney employed by the Office of Price Administration to appear for and represent the Administrator or the Office of Price Administration in any other action or proceeding.

(d) *Effective date.* This Order, No. 1 (§ 1305.2), shall take effect on June 27, 1942. (Pub. Law 421, 77th Cong., 7 F.R. 562, 698, 925, 1493, 1669, 1792, 2229, 2729, 2965, 3362)

Issued this 27th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6051; Filed, June 27, 1942; 12:40 p. m.]

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[1] 7 F.R. 4337.

[1] 7 F.R. 3776, 4179.

[2] 7 F.R. 2238.

PART 1335—CHEMICALS

[Amendment 2 to Revised Price Schedule 42 [1]]

PARAFFIN WAX

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

A new paragraph (d) is added to § 1335.458 and two new paragraphs (g) and (h) are added to § 1335.460 as set forth below:

§ 1335.458 *Definitions.* When used in Price Schedule No. 42 the term:

(d) "Process" means to cause an alteration in physical or chemical properties.

§ 1335.460 *Appendix A: Maximum prices for paraffin wax.* * * *

(g) Notwithstanding anything to the contrary in the foregoing paragraphs, Paragon Products Corporation, a corporation having its principal place of business in Oshkosh, Wisconsin, may sell, deliver, and transfer to any consumers, and such consumers may buy, paraffin wax processed by such corporation at prices not higher than $.005 per pound over the prices listed under paragraph (a) of this section, in the following quantities: (1) during the calendar year 1942, a quantity not greater than the quantity of paraffin wax sold by it during the period from April 21, 1941, to December 31, 1941; (2) during succeeding calendar years a quantity not greater than the quantity of paraffin wax sold by it during the calendar year 1941. This amendment shall not operate retroactively from the effective date hereof, except with respect to sales made by Paragon Products Corporation upon a price adjustable basis subsequent to April 21, 1942. In January, 1943, and at six month intervals thereafter, Paragon Products Corporation shall file with the Office of Price Administration at Washington, D. C., a detailed Profit and Loss Statement covering the preceding six months, which Statement shall contain a breakdown of cost of operations. This paragraph may be revoked or amended at any time by the Office of Price Administration.

(h) Notwithstanding anything to the contrary in the foregoing paragraphs, Paragon Wax Refining, Inc., a California corporation having its place of business in San Francisco, California, may sell, deliver, and transfer to any consumers, and such consumers may buy, paraffin wax processed by such corporation at prices not higher than $.010 per pound over the prices listed under paragraph (a) of this section, in the following quantities: (1) during the calendar year 1942, a quantity not greater than the quantity of paraffin wax sold by it during the period from April 21, 1941, to December 31, 1941; (2) during succeeding calendar years a quantity not greater than the quantity of paraffin wax sold by it during the calendar year 1941. This amendment shall not operate retroactively from the effective date hereof, except with respect to sales made by Paragon Wax Refining, Inc. upon a price adjustable basis subsequent to April 21, 1942. In January, 1943, and at six month intervals thereafter, Paragon Wax Refining, Inc. shall file with the Office of Price Administration at Washington, D. C., a detailed Profit and Loss Statement covering the preceding six months, which Statement shall contain a breakdown of cost of operations. This paragraph may be revoked or amended at any time by the Office of Price Administration.

§ 1335.460a *Effective date of amendments.* * * *

(b) Amendment No. 2 (§§ 1335.458 (d), 1335.460 (g) and (h) to Revised Price Schedule No. 42 shall become effective July 2, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of June, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6056; Filed, June 27, 1942; 12:43 p. m.]

[1] 7 F.R. 1285, 1836, 2000, 2132, 3203.

PART 1340—FUEL

[Amendment 4 to Maximum Price Regulation 137 [1]]

MOTOR FUEL SOLD AT SERVICE STATIONS

MISCELLANEOUS AMENDMENTS

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

The title of Maximum Price Regulation No. 137 is amended to read "Maximum Price Regulation No. 137—Petroleum Products Sold at Retail."

In §§ 1340.81, 1340.82, 1340.84, 1340.85, 1340.86, 1340.87, 1340.89, 1340.90 (4), (7) and (8), the words "motor fuel" are amended to read "petroleum products". In §§ 1340.81, 1340.82, 1340.84, the words "service station" are amended to read "retail establishment." Sections 1340.85 (a) and (b), 1340.86 (a) and 1340.91 (a) and (b) are amended to read as set forth below, three new subparagraphs (12), (13) and (14) are added to § 1340.90 (a) and two new §§ 1340.94 and 1340.95 are added:

§ 1340.85 *Records and reports*—(a) *Base period records.* Every person selling petroleum products at service stations subject to this Maximum Price Regulation No. 137 shall: * * *

(b) *Current records.* Every person selling petroleum products at service stations subject to this Maximum Price Regulation No. 137 shall keep, and make available for examination by the Office of Price Administration records of the same kind as he customarily kept, relating to the prices which he charged for such motor fuel as he sold at service stations after May 18, 1942, and, in addition, records showing as precisely as possible, the basis upon which he determined maximum prices for such motor fuel.

§ 1340.86 *Statement and posting of petroleum products sold at service stations.* (a) Every person selling petroleum products at service stations subject to this Maximum Price Regulation No. 137 shall post the maximum price for each grade of petroleum products in a manner plainly visible to and understandable by, each purchaser. Such posting shall be marked "Maximum Prices", or "Ceiling Prices" or "Our Ceiling", beneath which shall be marked each grade of the petroleum products offered for sale and opposite each grade shall be stated the maximum price for that grade. Notwithstanding anything to the contrary contained in the General Maximum Price Regulation [2] or in § 1340.86 (c) of Maximum Price Regulation No. 137 every person whose maximum prices are increased pursuant to authorization by the Office of Price Administration shall indicate separately for at least 60 days after such authorization the amount by which the maximum prices were increased and the fact that such increase was authorized by the Office of Price Administration. In making this representation, such persons shall use the following language: "Amount of Increase _____ cents per gallon. Approved by OPA" or any other statement supplying the same information.

§ 1340.90 *Definitions.* (a) When used in this Maximum Price Regulation No. 137, the term: * * *

(12) *"Petroleum products"* means motor fuel as defined in § 1340.90 (a) (2), kerosene, range oil, No. 1 fuel oil, cleaner's or other naphthas and motor lubricating oil.

(13) *"Eastern seaboard"* means the states of Connecticut, Delaware, Florida, east of the Apalachicola River, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia.

(14) *"Retail establishment"* means the physical location of the store, shop, garage, service station, or other place of business in which petroleum products are sold at retail other than by delivery in tank wagon or larger lots.

§ 1340.91 *Appendix A: Maximum prices for petroleum products sold at retail establishments.* (a) The seller's maximum price for each grade of a petroleum product shall be:

(1) The highest price charged to a purchaser of the same class by a seller during March 1942 for each grade of a petroleum product.

(2) If seller did not sell a particular grade of a petroleum product at a retail establishment during March 1942, the highest price charged to a purchaser of the same class during March 1942 by the most closely competitive seller of the same class for a petroleum product of the same grade.

(b) *Eastern seaboard:* In the Eastern seaboard, and within the corporate limits of the City of Bristol, Tennessee, the

[1] 7 F.R. 3165, 3749, 4273.

[2] 7 F.R. 3522, 3654.

maximum price of gasoline sold at service stations determined under § 1340.91 (a) (1) and (2) may be increased by not more than 2.9 cents a gallon. In the Eastern seaboard the maximum price determined under § 1340.91 (a) (1) and (2) of kerosene, No. 1 fuel oil and range oil sold at retail establishments may be increased by not more than 2 cents a gallon and of Diesel fuel sold at retail establishments by not more than 2.2 cents a gallon.

§ 1340.94 *Applicability of the General Maximum Price Regulation.* Except as otherwise specifically provided in Maximum Price Regulation No. 137, all of the provisions of the General Maximum Price Regulation other than §§ 1499.2 and 1499.3 thereof, govern the sale of petroleum products at retail establishments other than service stations.

§ 1340.95 *Transfer or changes in operators of service stations.* If the service station or service station lease is sold or transferred, or if the operator of the service station is changed after April 1, 1942 and the transferee or new operator continues to sell petroleum products at the service station not previously owned or operated by him, the maximum prices of the transferee or new operator shall be the maximum prices which the transferor or previous operator would have been subject to if no such change had taken place, and his obligations to keep records sufficient to verify such prices shall be the same insofar as possible. The transferor in the case of a transfer taking place after June 28, 1942 shall either preserve and make available or turn over to the transferee all records of sale prior to the transfer which are necessary to enable the transferee to comply with the record and statement provisions of this Regulation.

§ 1340.93a *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§§ 1340.81, 1340.82, 1340.84, 1340.85, 1340.86, 1340.87, 1340.89, 1340.90, 1340.91, 1340.94 and 1340.95) to Maximum Price Regulation No. 137 shall become effective June 29, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6055; Filed, June 27, 1942; 12:42 p. m.]

PART 1340—FUEL

[Amendment 20 to Revised Price Schedule 88 [1]]

PETROLEUM AND PETROLEUM PRODUCTS

LOUISIANA CRUDE PETROLEUM

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.

[1] 7 F.R. 1107, 1371, 1798, 1799, 1836, 2132, 2304, 2352, 2634, 2945, 3116, 3482, 3524, 3552, 3576, 3895, 3963.

A new inferior subdivision (c) is added to § 1340.159 (c) (1) (iii) as set forth below:

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

(c) *Specific prices*—(1) *Crude petroleum.* * * *

(iii) *Louisiana* * * *

(c) The maximum prices at the well for crude petroleum of 40° gravity and above, determined by the American Petroleum Institute method, produced in any pool in University Field, East Baton Rouge Parish, Louisiana, shall be $1.48 per barrel with the customary differentials for lower gravity crudes.

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

(a) Amendment No. 20 (§ 1340.159 (c) (1) (iii) (c)) to Revised Price Schedule No. 88 shall become effective July 2, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6054; Filed, June 27, 1942; 12:41 p. m.]

PART 1369—METAL ORES

[Amendment 1 to Maximum Price Regulation 113 [1]]

IRON ORE PRODUCED IN MINNESOTA, WISCONSIN AND MICHIGAN

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

Sections 1369.1, 1369.2 (b), 1369.3, 1369.4, 1369.6 and 1369.11 (a) (2) are amended, and three new sections, 1369.13, 1369.14 and 1369.15, are added, as set forth below:

§ 1369.1 *Maximum prices for iron ore produced in Minnesota, Wisconsin and Michigan.* On and after April 10, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell, offer to sell, deliver, or transfer iron ore, except as hereinafter provided, at a price higher than the weighted average spot price, based on Lower Lake ports delivery, at which such person made spot sales of the same classification of standard ore or spot sales of the same grade of special ore during the shipping season of 1941: *Provided,* That unexpired contracts for the sale of iron ore made before the close of the shipping season of 1941, and on which deliveries were made during the shipping season of 1941, shall remain in full force and effect, except that the maximum price under any such contract shall be the highest price received thereunder during the shipping season of 1941, calculated to a Lower Lake base, as herein provided in the case of spot sales. When ore is sold for delivery at the mine, Upper Lake rail freight and lake freight at the established rates for the mode of transportation employed are to be deducted from the weighted average spot price for Lower Lake delivery; when ore is sold for delivery at Upper Lake ports, lake freight at established rates is to be deducted from the weighted average spot price for Lower Lake delivery; in addition, there shall be deducted in each such case the customary allowance for shrinkage, insurance and analysis if the seller made such allowance in 1941.

[1] 7 F.R. 2680, 2760.

§ 1369.2 *Maximum prices for tonnage from mines not operated in 1940 and 1941.* * * *

(b) When ore is sold for delivery at the mine, Upper Lake rail freight and lake freight at the established rates for the mode of transportation employed are to be deducted from the Lower Lake price; when ore is sold for delivery at Upper Lake ports, lake freight at the established rates is to be deducted from the Lower Lake price; in addition there shall be deducted in each such case the customary allowance for shrinkage, insurance and analysis. * * *

§ 1369.3 *Maximum prices for new sellers.* Any person who did not sell a particular classification of standard ore or particular grade of special ore in 1941 may, after the effective date of Maximum Price Regulation No. 113, sell iron ore of such classification or grade at a price not higher than the weighted average spot price for comparable ore of a seller situated in substantially similar circumstances. Such price may be obtained on application to the Office of Price Administration.

§ 1369.4 *Filing of data for computation of weighted average spot price.* Except as provided in § 1369.14, every seller of iron ore during the shipping season of 1941 shall file with the Office of Price Administration a statement of the number of gross tons of each classification of standard ore and grade of special ore he sold spot during the shipping season of 1941, the prices received therefor, the places of delivery, the equivalent Lower Lake prices for 51.50% Mesabi non-Bessemer ore and the weighted average spot price of each. Where iron ore was sold for delivery at the mine, the Lower Lake delivered prices shall be deemed the f. o. b. mine prices, plus lake freight at 1941 established rates for the mode of transportation employed and Upper Lake rail freight at 1941 published rates, and also the customary allowance for shrinkage, insurance and analysis if the seller made such allowance in 1941. Where ore was sold for delivery at Upper Lake ports, the Lower Lake delivered prices shall be deemed the Upper Lake prices, plus lake freight at 1941 established rates and the customary allowance for shrinkage, insurance and analysis if the seller made such allowance in 1941.

§ 1369.6 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 113 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, exchange, delivery or transfer of iron ore, alone or in conjunction with any other

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

§ 1369.11 *Definitions.*
(a) * * *
(1) * * *

(2) "Iron ore" means all classifications, grades, groups, blends, mixes and other categories of market, merchant and non-captive iron ore, whether sold under a trade name or otherwise, produced in the State of Minnesota north of Minneapolis, or in the States of Wisconsin or Michigan, and used in the manufacture of iron or steel:

* * * * *

§ 1369.13 *Exchanges.* Exchanges of iron ore shall not be considered as sales under this Maximum Price Regulation No. 113. Producers making exchanges with consumers of ore shall submit statements to the Office of Price Administration within fifteen days (a) after the date of the contract or agreement covering such exchange, which statement shall include the names and addresses of the persons making the exchange, the tonnages, names and classifications or grades, and full analyses and guarantees (if any), of the ores exchanged, the period within which the exchange is to be completed, the places and terms of delivery, and if the exchange is on a basis of dollar values the prices of the ores exchanged, calculated to a Lower Lake base; and (b) after the date of completion of deliveries under the contract or agreement, which statement shall include a report of the actual amounts and analyses of the ores exchanged, the final delivery date, and the amount of cash settlement involved.

§ 1369.14 *Sales for shipment to Granite City, Illinois.* Sales made during the shipping season of 1941 for delivery at the mine of ore for shipment to Granite City, Illinois, need not be included in the calculation of weighted average spot prices under § 1369.4. On and after April 10, 1942, any person who does not so include such sales shall not sell, offer to sell, or transfer iron ore for delivery at the mine and for shipment to Granite City, Illinois, at a price higher than the price at which such person made such sales of the same classification of standard ore or of the same grade of special ore during the shipping season of 1941.

§ 1369.15 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1369.1, 1369.2 (b), 1369.3, 1369.4, 1369.6, 1369.11 (a) (2), 1369.13, 1369.14 and 1369.15) to Maximum Price Regulation No. 113 shall become effective July 2, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27 day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6057; Filed, June 27, 1942; 12:44 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulations 3, 5, 8, and 20]

CORRECTION OF CERTAIN REFERENCES

In the eighth line of §§ 1388.115 (c) (1), 1388.215 (c) (1), 1388.365 (c) (1), and 1388.965 (c) (1) of Maximum Rent Regulations Nos. 3, 5, 8, and 20, appearing on pages 4046, 4053, 4064, and 4105 of the issue of the FEDERAL REGISTER for Saturday, May 30, 1942, the references to "(c)" are corrected to read "(e)".

(Pub. Law 421, 77th Cong.)

Issued and effective this 26 day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6052; Filed, June 27, 1942; 12:40 p. m.]

PART 1392—PLASTICS

[Maximum Price Regulation 171]

NITROCELLULOSE FILM SCRAP

In the judgment of the Price Administrator the prices of unwashed, washed, and dissolved nitrocellulose film scrap have risen to an extent and in a manner inconsistent with the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of unwashed, washed, and dissolved nitrocellulose film scrap prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the Considerations involved in the issuance of this Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1 [1] issued by the Office of Price Administration, Maximum Price Regulation No. 171 is hereby issued.

AUTHORITY: §§ 1392.1 to 1392.12, inclusive, issued under Pub. Law, 421, 77th Congress.

§ 1392.1 *Maximum prices for unwashed, washed, and dissolved film scrap.* On and after June 30, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver unwashed, or washed film scrap in quantities of 50 pounds or more, or dissolved film scrap in quantities of 5 gallons or more, and no person shall buy or receive unwashed or washed film scrap in quantities of 50 pounds or more, or dissolved film scrap in quantities of 5 gallons or more, in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1392.11; and no person shall agree, offer, solicit, or attempt to do any of the foregoing.

§ 1392.2 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1392.11) may be charged, demanded, paid or offered.

§ 1392.3 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 171 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to unwashed, washed, or dissolved film scrap, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying agreement or other trade understanding or otherwise.

§ 1392.4 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation where a petition for amendment or for adjustment or exception requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1392.5 *Records and reports.* (a) Every person making purchases or sales of unwashed, washed, or dissolved film scrap in the course of trade or business on and after June 30, 1942, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of every such purchase or sale, showing the date thereof, the name and address of the buyer and of the seller, the price contracted for or received, and the quantity of such unwashed, washed, or dissolved film scrap purchased or sold.

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

§ 1392.6 *Enforcement.* (a) Persons violating any provision of this Maximum Price No. 171 are subject to criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 171 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a viola-

[1] 7 F.R. 971, 3668.

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

§ 1392.7 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 171 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1392.8 *Licensing*—(a) *License required:* A license as a condition of selling, is hereby required of every person subject to this Regulation now or hereafter selling unwashed, washed, or dissolved film scrap for which maximum prices are established by this Maximum Price Regulation No. 171.

(b) *License granted:* Every person subject to this Regulation now or hereafter selling unwashed, washed, or dissolved film scrap for which maximum prices are established by this Maximum Price Regulation No. 171 is hereby granted a license as a condition of selling unwashed, washed or dissolved film scrap. Such license shall be effective on the effective date of this Regulation, or when any person becomes subject to the maximum price provisions thereof, and shall, unless suspended as provided by the Act, continue in force so long as and to the extent that this Regulation or any amendment or supplement thereto remains in force.

(c) *Licensing section of General Maximum Price Regulation*[2] *superseded.* This § 1392.8 of Maximum Price Regulation No. 171 supersedes the provisions of § 1499.16 of the General Maximum Price Regulation insofar as such section of the General Maximum Price Regulation may be applicable to persons selling any unwashed, washed or dissolved film scrap.

(d) *Registration of licensees.* Every person hereby licensed may be required to register with the Office of Price Administration at such time and in such manner as the Administrator may hereafter by regulation prescribe.

§ 1392.9 *Applicability of General Maximum Price Regulation.*[2] The provisions of this Maximum Price Regulation No. 171 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this Regulation.

§ 1392.10 *Definitions.* (a) When used in this Maximum Price Regulation No. 171, the term:

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

(2) "Unwashed film scrap" means discarded or rejected motion picture film of nitrocellulose base before removal of photographic emulsion.

(3) "Washed film scrap" means discarded or rejected motion picture film of nitrocellulose base after removal of photographic emulsion.

(4) "Dissolved film scrap" means any solution containing any quantity of washed film scrap or still film in any solvent or solvent mixtures, but does not include finished lacquer suitable for use as such in a consuming industry, and intended by buyer to be used as a lacquer without any further processing other than thinning.

(5) "Raw material costs" mean costs to dissolver of materials used by dissolver in the production of dissolved film scrap, and includes only the following items:

(i) Washed film scrap;

(ii) Solvents in which such washed film scrap has been dissolved;

(iii) Any other materials which have been combined with such washed film scrap and solvents in the production of such dissolved film scrap.

(6) "Cost to dissolver" of film scrap washed by him and used by him in the production of dissolved film scrap shall be the maximum prices established by this Maximum Price Regulation No. 171 for sales of washed film scrap less $.010 per pound.

(7) "Seller's shipping point" means the point of distribution maintained by the seller from which actual shipment is made.

(b) Unless the context otherwise requires the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Price Regulation No. 171.

§ 1392.11 *Appendix A: Maximum prices for film scrap*—(a) *Uwwashed and washed film scrap.* Maximum prices for sales of unwashed and washed film scrap in quantities of 50 pounds or more, shall be the following:

[Prices per pound]

	Uncolored	Colored
Unwashed, delivered	$0.0950	$0.0950
Washed, f. o. b. seller's shipping point:		
Uncut	.1450	.1350
Half-reel lengths	.1475	.1375
Quarter-reel lengths or less	.1500	.1400

(b) *Dissolved film scrap.* Maximum prices for sales of dissolved film scrap in quantities of 5 gallons or more shall be the sum of raw material costs and the following mark-up, f. o. b. seller's shipping point.

Quantity:	*Mark-up (cents per gallon)*
4,000 gallons or more	$ .23
2,000 to 3,999 gallons	.25
Less than 2,000 gallons	.27

(c) *Transportation charges.* In the case of a shipment of dissolved film scrap from a seller's shipping point other than the point of manufacture, the maximum prices are the prices listed above plus the actual transportation charges from the point of manufacture to such seller's shipping point, f. o. b. such seller's shipping point. Such transportation charges shall be shown as separate items on all records and invoices.

(d) *Containers*—(1) *Unwashed film scrap.* Seller may require buyer to furnish containers for collection or shipment of unwashed film scrap. Where seller furnishes containers no additional charge may be made therefor, but a reasonable container deposit may be required, providing it is refunded upon the return of containers in good condition within 60 days. Transportation costs with respect to the return of empty containers to seller shall in all cases be borne by buyer.

(2) *Washed or dissolved film scrap.* Containers for shipment of washed or dissolved film scrap shall be furnished by seller without additional charge. Seller may require a reasonable deposit for the return of such containers, but such deposit must be refunded to the buyer upon the return of container in good condition within 60 days. Transportation costs with respect to the return of empty containers to seller shall in all cases be borne by buyer.

§ 1392.12 *Effective date.* This Maximum Price Regulation No. 171 (§§ 1392.1 to 1392.12) shall become effective June 30, 1942.

Issued this 26th day of June, 1942.

LEON HENDERSON,
Administrator,

[F. R. Doc. 42-6053; Filed, June 27, 1942; 12:41 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIAL OF WHICH RUBBER IS A COMPONENT

[Amendment 17 to Revised Tire Rationing Regulations[1]]

TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES, AND CAMELBACK

ELGIBILITY CLASSIFICATIONS

Section 1315.405 (a)[2] and (b) are amended to read as follows; and a new subparagraph (9) is added to § 1315.504 (a),[3] as set forth below:

Tires and Tubes for Vehicles Eligible Under List A

§ 1315.405 *Eligibility classifications—List A.* * * *

(a) (1) A vehicle operated by a physician, surgeon, osteopath, chiropractor, farm veterinary or public health nurse, which is necessary for the performance of professional duties and is used exclusively for such purpose.

(i) The Board may issue certificates under this paragraph only to physicians, surgeons, osteopaths, chiropractors, or farm veterinaries who are licensed by the appropriate governmental agency, or to public health nurses, if the use of a motor vehicle is necessary for the performance

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339.

[1] 7 F.R. 1027, 1089, 2106, 2107, 2541, 2633.
[2] 7 F.R. 2948, 3237, 4336, 4544.
[3] 7 F.R. 2948, 4544, 4617.

of their professional duties because of the nature of such duties and the absence of other practicable means of transportation.

(ii) No certificate shall be issued under this paragraph unless the applicant shows that the motor vehicle on which the tire or tube is to be mounted is used exclusively for his professional duties. If the applicant's professional practice requires his answering emergency calls, the Board may issue certificates to enable the applicant to use his vehicle for transportation between his home and his office or a hospital, even though other practicable means of transportation are available.

(iii) For the purposes of this paragraph, "public health nurse" shall mean a nurse who is employed by a clinic, hospital, government agency or similar organization, or by an industrial concern, to make nursing or inspection calls for such agencies. The term "public health nurse" does not include private nurses.

(b) (1) A vehicle operated by a regularly practicing minister of any religious faith who serves a congregation or any religious practitioner qualified to administer to the religious needs of the members of a congregation, if such vehicle is necessary for the performance of his religious duties because of the absence of other practicable means of transportation and is exclusively used for such purpose.

(i) No certificate shall be issued under this sub-paragraph unless a motor vehicle is necessary to enable the applicant to perform the religious duties required under the beliefs of his church because of the absence of other practicable means of transportation and is used exclusively for such purpose.

Retreaded and Recapped Tires and New Passenger Tires of an Obsolete Type for Vehicles Eligible Under List B

* * * * *

§ 1315.504 *Eligibility classification List B.* (a) On a passenger car used principally to provide one or more of the following transportation services:

* * * * *

(9) By public school officials and teachers to enable them to perform their official duties if such duties regularly require travel from one school to another where no other transportation is available.

(i) Certificates may be issued under this paragraph (a) (9) to public school officials and teachers who require passenger automobiles for transportation from one school to another in order to discharge their official duties. Certificates may not be issued unless the applicant shows that he cannot use other means of transportation and that his automobile will be operated as economically as possible.

(ii) No certificate shall be issued under this paragraph (a) (9) to any public school official or teacher whose duties are performed wholly at one school.

§ 1315.1199a *Effective dates of amendments.* * * *

(q) Amendment No. 17, (§§ 1315.405 and 1315.504) shall become effective July 1, 1942.

(Pub. Law 421, 77th Cong., O.P.M. Supp. Order No. M–15c, W.P.B. Directive No. 1, Supp. Directive No. 1B, 6 F.R. 6792; 7 F.R. 562, 925)

Issued this 29th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–6063; Filed, June 29, 1942; 11:01 a. m.]

PART 1340—FUEL

[Amendment 21 to Revised Price Schedule 88.]

PETROLEUM AND PETROLEUM PRODUCTS

EASTERN SEABOARD PRICES

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.

In § 1340.159, (c) (2) (ii) and (c) (3) are amended to read as follows, and a new § 1340.162 is added as set forth below:

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

(c) *Specific prices* * * *

(2) *Gasoline* * * *

(ii) *Maximum prices for gasoline on the Eastern Seaboard—Eastern seaboard.* Maximum prices for gasoline in the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, the District of Columbia and the corporate limits of Bristol, Tennessee shall not be in excess of 3.7 cents per gallon above the maximum prices in the above States and the District of Columbia as determined under (b) (1) to (b) (3) inclusive of this section. Such maximum increase of 3.7 cents per gallon shall apply to the communities in Maryland and Virginia adjacent to the District of Columbia in addition to the increase of .5 of a cent per gallon allowed for these communities below. Maximum prices for gasoline sold in the State of Florida, east of the Apalachicola River and in the State of Georgia shall not be in excess of 3.4 cents per gallon above the maximum prices as determined under paragraphs (b) (1) to (b) (3) inclusive, of this section.

(3) *Distillate fuel oils:* (i) The maximum prices in the States of Connecticut, Delaware, Florida east of the Apalachicola River, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia and in the District of Columbia for the petroleum products listed below shall not be more than the respective amounts per gallon indicated below in excess of the maximum price that would otherwise govern under paragraph (b) (1) to (b) (3) inclusive, of this section:

Product	*Cents per gallon*
Tractor fuel, gas house oils, distillate Diesel fuel oils, Nos. 2, 3 and 4 fuel oils	2.6
Kerosene, range oil, No. 1 fuel oil	2.4

(ii) *Maximum tank wagon prices for No. 2 fuel oil:*

Tank Wagon area:	*Cents per gallon*
Washington, D. C.	10.2

* * * * *

§ 1340.162 *Notice to purchasers.* All sellers of kerosene, No. 1 fuel oil, gasoline, distillate Diesel fuel oil or range oil in the States of Connecticut, Delaware, Florida east of the Apalachicola River, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia and the District of Columbia and in the corporate limits of Bristol, Tennessee shall inform all persons purchasing such products from them for resale at service stations or other retail establishments in those areas that such purchasers may increase their maximum prices for those products in the amounts, if any, by which the Office of Price Administration permitted the prices of such products to them to be increased effective as of June 29, 1942, and that such purchasers are required to state in connection with the posting of their maximum prices that such increases are approved by the Office of Price Administration.

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

(u) Amendment No. 21 (§§ 1340.159 (c) (2) (ii), (c) (3) and 1340.162) to Revised Price Schedule No. 88 shall become effective June 29, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–6062; Filed, June 27, 1942; 12:49 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 15—Maximum Prices Authorized Under § 1499.3 (b) of the General Maximum Price Regulation [1]]

KISCO COMPANY, INC., ELECTRIC FAN PRICE APPROVED

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.3 (b) of the General Maximum Price Regulation, it is hereby ordered:

[1] 7 F.R. 1107, 1371, 1798, 1799, 1836, 2132, 2304, 2352, 2634, 2945, 3116, 3482, 3524, 3576, 3895, 3963, 4653.

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991.

§ 1499.52 *Approval of maximum price for sale of "Victory" circulair model electric fan by Kisco Company, Inc.* (a) The maximum price for the sale by Kisco Company, Inc., 39th Street and Chouteau Avenue, St. Louis, Missouri, of the "Victory" circulair model electric fan mnaufactured by that company shall be $9.48 per unit, exclusive of excise tax.

(b) This Order No. 15 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 15 (§ 1499.52) shall become effective June 30, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 29th day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6064; Filed, June 29, 1942; 11:01 a. m.]

Chapter XVII—Office of Civilian Defense

PART 1900—UNITED STATES CITIZENS DEFENSE CORPS, UNITED STATES CITIZENS SERVICE CORPS, CIVIL AIR PATROL, AND CIVILIAN DEFENSE AUXILIARY GROUP

[Administrative Order 23—Amendment 1]

UNITED STATES CITIZENS DEFENSE CORPS

INSIGNIA, ETC.

Pursuant to authority granted by Executive Order No. 8757, dated May 20, 1941, as amended, creating the Office of Civilian Defense, the Director of Civilian Defense hereby orders that § 1900.2 (b) (2) and § 1900.3 (b) (2),[1] of this chapter, be amended as follows:

AUTHORITY: 42 Stat. 1286 as amended by 45 Stat. 4537, Pub. Law 415, 77th Congress, E.O. 8757, 6 F.R. 2517, E.O. 9134, 7 F.R. 2887.

§ 1900.2 (b) (2) is amended to read:

§ 1900.2 *United States Citizens Defense Corps.* * * *

(b) *Insignia.*

(2) The prescribed insigne for the Staff Corps of the Defense Corps shall be a blue five-pointed star above the letters "CDC" in red, centered in a white equilateral triangle embossed on a circular field of blue.

§ 1900.3 is amended by deleting therefrom paragraph (b) (2) and renumbering sub-paragraphs (3) and (4) as (2) and (3) respectively.

[SEAL] JAMES M. LANDIS,
Director of Civilian Defense.

JUNE 16, 1942.

[F. R. Doc. 42-6032; Filed, June 27, 1942; 11:04 a. m.]

PART 1900—UNITED STATES CITIZENS DEFENSE CORPS, UNITED STATES CITIZENS SERVICE CORPS, CIVIL AIR PATROL, AND CIVILIAN DEFENSE AUXILIARY GROUP

[Administrative Order 23—Amendment 2]

UNITED STATES CITIZENS DEFENSE CORPS

INSIGNIA

Pursuant to authority granted by Executive Order No. 8757, dated May 20, 1941, as amended, creating the Office of Civilian Defense, the Director of Civilian Defense hereby orders that Part 1900[1] of this chapter (Administrative Order No. 23 of April 29, 1942, Office of Civilian Defense), be amended by adding a new sub-paragraph, designated 1900.2 (b) (8), as follows:

AUTHORITY: 42 Stat. 1286 as amended by 45 Stat. 4537, Pub. Law 415, 77th Congress, E.O. 8757, 6 F.R. 2517, E.O. 9134, 7 F.R. 2887.

§ 1900.2 *United States Citizens Defense Corps.* * * *

(b) *Insignia.* * * *

(8) The prescribed insigne for Bomb Reconnaissance Agents, who shall be members of the Staff Unit of the United States Citizens Defense Corps, shall be a diving bomber, in red, centered in a white equilateral triangle embossed on a circular field of blue.

[SEAL] JAMES M. LANDIS,
Director of Civilian Defense.

JUNE 17, 1942.

[F. R. Doc. 42-6033; Filed, June 27, 1942; 11:04 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Order O.D.T. 12]

PART 502—DIRECTION OF TRAFFIC MOVEMENT

SUBPART D—DOMESTIC TRAFFIC MOVEMENT OF EXPORT, COASTWISE AND INTERCOASTAL FREIGHT

By virtue of the authority vested in me by Executive Order No. 8989, dated December 18, 1941, and in order to coordinate movements by railroad and ocean shipping, of troops and materials and supplies of war, and prevent terminal congestion in such traffic at port areas; to assure maximum utilization of the facilities, services, and equipment of common carriers by railroad for the preferential transportation of troops and materials of war, and to prevent shortages of equipment necessary for such transportation, as contemplated by section 6 (8) of the Interstate Commerce Act, as amended; to expedite the movement and provide for the maximum flow of such traffic; and to conserve and providently utilize the transportation facilities and services of railroads and oceangoing watercraft, the attainment of which purposes is essential to the successful prosecution of the war:

It is hereby ordered, That:

Sec.
500.20 Definitions.
500.21 Export, coastwise, and intercoastal freight to be removed from ports at direction of the Director of Railway Transport.

AUTHORITY: §§ 500.20 and 500.21 issued under E. O. 8989, 6 F. R. 6725.

§ 500.20 *Definitions.* As used in this subpart:

(a) The term "person" means any individual, firm, copartnership, corporation, company, association, joint stock association, or other form of legal entity, and includes any trustee, receiver, assignee, or personal representative thereof.

(b) The term "rail carrier" means any person engaged in transportation as a common carrier by railroad.

(c) The term "port" means any location on a harbor or water area equipped and in use for the loading of export shipments of freight in and the unloading of import shipments of freight from oceangoing watercraft, and includes all warehouses, wharves, piers, docks, yards, grounds, depots, switches, spur, and other railroad tracks, terminals and facilities, used in or in connection with the transfer in transit or interchange between oceangoing watercraft and any other transportation agency, or with the handling, preservation, or storage in transit of any such export or import shipments of freight.

§ 500.21 *Export, coastwise, and intercoastal freight to be removed from ports at direction of the Director of Railway Transport.* Every rail carrier shall, upon direction of the Director of the Division of Railway Transport of the Office of Defense Transportation, transport or cause to be transported, from any port in any State of the United States, to any destination designated by said Director, any export, coastwise, or intercoastal shipment of freight which it may have in its possession in such port, notwithstanding the provisions of any General Order heretofore issued by the Office of Defense Transportation, or of any instruction contained or routing specified in the bill of lading of any such shipment.

This subpart shall become effective on June 27, 1942, and remain in full force and effect until further order of this Office.

Issued at Washington, D. C. this 27th day of June 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-6026; Filed, June 27, 1942; 10:03 a. m.]

[General Permit O. D. T. 3-2]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—PERMITS

COMMON CARRIERS OF PROPERTY[2]

SPECIAL OPERATING AUTHORITY

In accordance with the provisions of General Order O.D.T. No. 3,[1] Title 49, Chapter II, Part 501, Subpart B, § 501.9,

It is hereby ordered, That:

§ 521.501 *Special operating authority for common carriers.* Common carriers, as defined in General Order O.D.T. No. 3, Title 49, Chapter II, Part 501, Subpart B, § 501.4, paragraph (c), are hereby relieved from compliance with the return trip provisions of paragraph (b), § 501.6, General Order O.D.T. No. 3, Subpart B, Part 501, Chapter II, Title 49, for a pe-

[1] 7 F.R. 3785.

[1] 7 F.R. 3785.

[1] 7 F.R. 3004.
[2] Subpart B.

riod of fifteen (15) days commencing July 1, 1942 and ending July 15, 1942. (E.O. 8989, 6 F.R. 6725, Gen. Order O.D.T. No. 3, 7 F.R. 3004)

Issued at Washington, D. C. this 29th day of June 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-6095; Filed, June 29, 1942; 12:00 m.]

[General Permit O.D.T. 4-2]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—PERMITS

CONTRACT CARRIERS OF PROPERTY [3]

SPECIAL OPERATING AUTHORITY

In accordance with the provisions of General Order O.D.T. No. 4,[1] Title 49, Chapter II, Part 501, Subpart C, § 501.21, *It is hereby ordered*, That:

§ 521.1001 *Special operating authority for contract carriers.* Contract carriers, as defined in General Order O.D.T. No. 4, Title 49, Chapter II, Part 501, Subpart C, § 501.16, paragraph (c), are hereby relieved from compliance with the return trip provisions of paragraph (b), § 501.18, General Order O.D.T. No. 4, Subpart C, Part 501, Chapter II, Title 49, for a period of fifteen (15) days commencing July 1, 1942 and ending July 15, 1942. (E.O. 8989, 6 F.R. 6725, Gen. Order O.D.T. No. 4, 7 F.R. 3005)

Issued at Washington, D. C. this 29th day of June 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-6096; Filed, June 29, 1942; 12:00 m.]

[General Permit O.D.T. 5-2]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—PERMITS

PRIVATE CARRIERS OF PROPERTY [4]

SPECIAL OPERATING AUTHORITY

In accordance with the provisions of General Order O.D.T. No. 5,[2] Title 49, Chapter II, Part 501, Subpart D, § 501.29, *It is hereby ordered*, That:

§ 521.1501 *Special operating authority for private carriers.* Private carriers, as defined in General Order O.D.T. No. 5, Title 49, Chapter II, Part 501, Subpart D, § 501.24, paragraph (c), are hereby relieved from compliance with the return trip provisions of paragraph (b), § 501.26, General Order O.D.T. No. 5, Subpart D, Part 501, Chapter II, Title 49, for a period of fifteen (15) days commencing July 1, 1942 and ending July 15, 1942. (E.O. 8989, 6 F.R. 6725, Gen. Order O.D.T. No. 5, 7 F.R. 3007)

[1] 7 F.R. 3005.
[2] 7 F.R. 3007.
[3] Subpart C.
[4] Subpart D.

Issued at Washington, D. C. this 29th day of June 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-6097; Filed, June 29, 1942; 12.01 p. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 27—SOUTHEASTERN REGION NATIONAL WILDLIFE REFUGES

CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE, SOUTH CAROLINA

FISHING REGULATIONS

Pursuant to the provisions of section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222; 16 U. S. C. 715i), as amended, the administration of which was transferred to the Secretary of the Interior on July 1, 1939, in accordance with Reorganization Plan No. II [1] (53 Stat. 1431), and in furtherance of § 12.3 of the Regulations for the Administration of National Wildlife Refuges, dated December 19, 1940 [2] the following is hereby ordered:

§ 27.142 *Carolina Sandhills National Wildlife Refuge, South Carolina; fishing.* Noncommercial fishing is permitted in all waters of the Carolina Sandhills National Wildlife Refuge, South Carolina, during the open season prescribed therefor by the State of South Carolina, in accordance with the provisions of the regulations dated December 19, 1940, for the administration of national wildlife refuges under the jurisdiction of the Fish and Wildlife Service, and subject to the following conditions, restrictions, and requirements:

(a) *State fishing laws.* Any person who fishes within the refuge must comply with the applicable fishing laws and regulations of the State of South Carolina. Fishing shall be by hook and line only, as defined by State law.

(b) *Fishing licenses and permits.* Any person who fishes within the refuge shall be in possession of a valid fishing license issued by the South Carolina State Game and Fish Department, if such license is required. This license shall serve as a Federal permit for fishing in the waters of the refuge and must be carried on the person of the licensee while so fishing. The license must be exhibited upon the request of any representative of the South Carolina State Game and Fish Department or of the Fish and Wildlife Service.

(c) *Routes of travel.* Persons entering the refuge for the purpose of fishing shall follow such routes of travel as may be designated by suitable posting by the officer in charge of the refuge.

(d) *Use of motorboats.* The use of motorboats, either inboard or outboard, is prohibited on all waters of the refuge except for official purposes.

(e) *State cooperation in the management of fishing.* State cooperation may be enlisted in the regulation, management, and operation of public fishing as herein or hereafter authorized, in which event the provisions of this order shall be incorporated in any cooperative agreement entered into by the Director of the Fish and Wildlife Service and the appropriate State official for such purposes. Such an agreement may provide for further restricting the period of fishing, the lakes that may be fished, and the number of persons that may fish on any lake during a given period.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

JUNE 11, 1942.

[1] 4 F.R. 2731.
[2] 5 F.R. 5284.

[F. R. Doc. 42-6027; Filed, June 27, 1942; 10:30 a. m.]

Notices

WAR DEPARTMENT.

[Public Proclamation No. 1]

TERRITORY OF ALASKA

EXCLUSION OF CERTAIN JAPANESE; RESTRICTION ON TRAVEL OF OTHER ENEMY ALIENS

Headquarters Alaska Defense Command,
Office of the Commanding General,
Fort Richardson, Alaska

APRIL 7, 1942.

To: The people within the Territory of Alaska, and the public generally:

Whereas, by Executive Order No. 9066,[1] dated February 19, 1942, the President of the United States authorized and directed the Secretary of War and the Military Commanders whom the Secretary of War may from time to time designate, whenever he or any such designated commander deems such action necessary or desirable, to prescribe military areas in such places and of such extent as he or the appropriate military commander may determine, from which all persons may be excluded, and with respect to which the right of any person to enter, remain in, or leave shall be subject to whatever restrictions the Secretary of War or the appropriate military commander may impose in his discretion; and

Whereas, the Secretary of War on March 6, 1942 designated the Commanding General of the Alaska Defense Command, as a military commander to carry out the duties and responsibilities imposed by said Executive Order for the Territory of Alaska; and

Whereas, by virtue of orders issued by the War Department on December 11, 1941, the Territory of Alaska has been designated as a Theater of Operations

[1] 7 F.R 1407.

under my command; and by virtue of orders issued by the Commanding General, Western Defense Command on December 14, 1941, has been declared a Combat Zone, and by its geographical location is particularly subject to attack, to attempt invasion by the armed forces of nations with which the United States is now at war, and, in connection therewith, is subject to espionage and acts of sabotage, thereby requiring the adoption of military measures necessary to establish safeguards against such enemy operations;

Now, Therefore, I, Simon B. Buckner, Jr., Major General, Army of the United States, by virtue of the authority vested in me by the President of the United States and by the Secretary of War and my powers and prerogatives as Commanding General of the Alaska Defense Command, do hereby declare the Territory of Alaska to be a military area from which any or all persons may be excluded and with respect to which the right of any person to enter, remain in, or leave are subject to whatever restrictions may be imposed.

And pursuant to the above authority and by reason of such military necessity, I do order and direct that:

1. All persons being of Japanese race of greater than half blood and all males of the Japanese race over sixteen years of age of half blood shall be excluded from such military area and that all persons of Japanese blood as aforesaid within the Territory of Alaska, whether American citizens or otherwise, do, on or before April 20, 1942, report to the Commanding Officer of the Army post or station most convenient to them, in order that they may be transported to the continental limits of the United States.

2. Any German or Italian alien, or any person of Japanese ancestry, now a resident in this military area is hereby restricted in travel to their community of present residence unless a travel permit is obtained from this headquarters or from the office of the Governor of Alaska.

It is requested that all Executive Departments, independent establishments and other Federal agencies and other civil authorities and private parties give aid and assistance to said persons and the military authorities designated to the end that this order may be carried out effectively and with a minimum of hardship to persons affected hereby.

[SEAL] S. B. BUCKNER, Jr.,
Major General, U. S. Army,
Commanding.

Confirmed:

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

[F. R. Doc. 42-6015; Filed, June 26, 1942; 2:55 p. m.]

[Public Proclamation No. 2]

TERRITORY OF ALASKA

INSTRUCTIONS PRELIMINARY TO EXCLUSION OF CERTAIN ALIENS

Headquarters Alaska Defense Command,
Office of the Commanding General,
Fort Richardson, Alaska

To: The people within the Territory of Alaska, and the public generally:

Whereas, by Executive Order No. 9066,[1] dated February 19, 1942, the President of the United States authorized and directed the Secretary of War and the Military Commanders whom he may from time to time designate, whenever he or any such designated commander deems such action necessary or desirable, to prescribe military areas in such places and of such extent as he or the appropriate military commander may determine, from which any or all persons may be excluded, and with respect to which the right of any person to enter, remain in, or leave shall be subject to whatever restrictions the Secretary of War or the appropriate military commander may impose in his discretion; and

Whereas, the Secretary of War on March 6, 1942, designated the Commanding General of the Alaska Defense Command, as a military commander, to carry out the duties and responsibilities imposed by said Executive Order for the Territory of Alaska; and

Whereas, by virtue of orders issued by the War Department on December 11, 1941, the Territory of Alaska has been designated as a Theater of Operations under my command, and by virtue of orders issued by the Commanding General, Western Defense Command on December 14, 1941, has been declared a Combat Zone, and by reason of its geographical location is particularly subject to attack, to attempted invasion by the armed forces of nations with which the United States is now at war, and is subject to espionage and acts of sabotage, thereby requiring the adoption of military measures necessary to establish safeguards against such enemy operations; and

Whereas, I Simon Boliver Buckner, Jr., Major General, Army of the United States, by virtue of the authority vested in me by the President of the United States and by the Secretary of War and my powers and prerogatives as Commanding General of the Alaska Defense Command, have declared the Territory of Alaska to be a military area from which any or all persons may be excluded and with respect to which right of any person to enter, remain in, or leave are subject to whatever restrictions may be imposed.

[1] 7 F.R. 1407.

Now, therefore, pursuant to the above authority and by reason of such military necessity, it is ordered and directed that whenever any post or station commander considers the activities of any person in the Territory of Alaska such as to imperil or impede military defense or other military operations, by the unauthorized use of airplanes, the taking of unauthorized photographs, the publication or dissemination of military information, or otherwise, a full statement as to such activities will be transmitted to this headquarters with the request that such person be excluded from the Territory of Alaska.

[SEAL] S. B. BUCKNER, Jr.,
Major General, U. S. Army,
Commanding.

Confirmed:

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

[F. R. Doc. 42-6016; Filed, June 26, 1942; 2:55 p. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1492]

CHARMCO MINE—DISTRICT BOARD 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF

In the matter of the petition of District Board No. 7 for a change in the shipping point for the Charmco #2 mine.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting a change in the shipping point of the Charmco #2 Mine, (Mine Index No. 271), of Charmco Smokeless Coal Company, Inc., from McRoss to Evelyn, West Virginia; and

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

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

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

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices established for the coals of Mine Index No. 271 of Charmco Smokeless Coal Company, Inc., shall be applicable only for shipments on the Chesapeake & Ohio or New York Central Railroads from Evelyn, West Vir-

ginia, and shall no longer be applicable for shipments on the said railroads from McRoss, West Virginia. All allowances or adjustments required or permitted mines in Freight Origin Group No. 19 shall be applicable for such shipments of the coal of Mine Index No. 271 on the Chesapeake & Ohio or New York Central Railroads from Evelyn, West Virginia.

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

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

Dated: June 26, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-6065; Filed, June 29, 1942; 11:08 a. m.]

[Docket No. A-1093]

KELLOGG AIRPORT—DISTRICT BOARD 11

MEMORANDUM OPINION AND ORDER DENYING PETITION FOR RECONSIDERATION

In the matter of the petition of District Board 11, requesting revision of the effective minimum prices established for District 11 coals produced for rail shipment to Kellogg Airport, Battle Creek, Michigan, Market Area No. 21, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division ("Division") by District Board 11, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 (the "Act"), requesting a modification and revision of the effective minimum prices to provide for deductions in the minimum f. o. b. mine prices for certain coals produced in District 11 when sold for shipment to Kellogg Airport, Battle Creek, Michigan, in Market Area No. 21.

Petitions of intervention were filed by District Board 8; Island Creek Coal Company, a code member in District 8; and, by West Virginia Coal & Coke Corporation, a code member in Districts 3 and 8. Bituminous Coal Consumers' Counsel filed a Notice of Appearance.

A hearing was duly held on such matters 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 were waived by the parties and the record in the proceeding was thereupon submitted to the Acting Director. On May 8, 1942, the Acting Director made and entered Findings of Fact and Conclusions of Law and entered his order herein granting final relief.

On June 8, 1942, West Virginia Coal & Coke Corporation, intervener, filed a petition for reconsideration of the order granting final relief, contending that it was error to grant relief on the basis of the record. On June 15, 1942, District Board 11 filed a reply to this petition for reconsideration in which it is requested that the petition for reconsideration be denied.

It was urged by the intervenor in its petition for reconsideration that the Examiners in General Docket No. 15 and the Director had found against District Board 11 on a somewhat similar issue; and, also the Director, in Docket No. A-195, again found against District Board 11 in a somewhat related proceeding, and that it was, therefore, error in this proceeding to grant relief, the granting of such relief being in direct opposition to the findings in General Docket No. 15 and in Docket No. A-195. This contention wholly overlooks the differentiation between the present proceeding and the proceedings in the former dockets. Thus, in the present proceeding it was specifically pointed out that a distinction between the former dockets and this proceeding is present in that relief is requested for shipment to a purchaser and at a destination not existing at the time of the former adjudications. A further point of wide difference, pointed out in the Findings of Fact in this proceeding, is that this proceeding is influenced to a marked degree by the existence of war and the requirements of governmental agencies and factors, of which the Kellogg Airport is an apt illustration.

It was also urged that granting of relief in this proceeding is in violation of section 4 II (a) and (b) of the Act for the alleged reason that the relief granted will permit District 11 coals to move to destinations where they have not gone before. It is more proper to say, as appears in my Findings of Fact, that this proceeding is one merely of intradistrict coordination of the prices for District 11 coals from which premises, the relief granted is clearly within the requirements and standards of the Act.

The intervenor contends and expresses great fear that permitting intradistrict price adjustments to a plant simply because that plant has come into existence since the findings in General Docket No. 15, would establish a most dangerous precedent. It is sufficient to say that the petitioner's fears are unfounded. The Act provides that the coordination of minimum prices "shall preserve, as nearly as may be, existing fair competitive opportunities." The contention of the intervenor would, by virtue of its interpretation of the word "existing," freeze such opportunities as of a limited period of time. Proper interpretation of the word "existing," carries no limitation with respect to time.

On the basis of the foregoing and the record, I find that the petition for reconsideration should be denied.

It is, therefore, ordered, That the petition of West Virginia Coal & Coke Corporation for a reconsideration or modification of the order entered herein on May 8, 1942, granting final relief, be and the same hereby is denied.

Dated: June 26, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-6074; Filed, June 29, 1942; 11:11 a. m.]

[Docket No. A-36, Part III]

DITNEY HILL MINE—DISTRICT BOARD 11

MEMORANDUM OPINION AND ORDER DENYING MOTION TO VACATE ORDER OF THE ACTING DIRECTOR

In the matter of the petition of District Board No. 11 for the establishment of price classifications and minimum prices for the coals of the Ditney Hill Mine (Mine Index No. 115) of the Ingle Coal Co., pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

This proceeding was instituted upon a petition, as amended, filed with the Bituminous Coal Division on October 11, 1940, by District Board 11, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The Board in its petition requested the establishment of price classifications and minimum prices for the coals of the Ditney Hill Mine (Mine Index No. 115) of the Ingle Coal Company, a code member in District 11.

In an Order of the Director, dated October 28, 1940, temporary relief was granted as requested. Later, after due notice, hearings were held on January 29, 1941, July 2, 1941, and September 18, 1941, before duly designated Examiners of the Division. On October 17, 1941, the Director issued Findings of Fact, Conclusions of Law, and rendered an Opinion in this matter and entered an Order, whereby permanent price classifications were established for the coals of the Ditney Hill Mine in all size groups similar to those established for Standard Fifth Vein mines in Price Group 10, with the exception that its coals in Size Groups 26 and 27 were given a price 10 cents lower for a period of ninety days.

On the basis of motions by District Board 11, the Acting Director, in an Order dated January 14, 1942, extended the temporary price for Size Groups 26 and 27 for a period of 60 days and on March 14, 1942, extended it for an additional 60 day period. On March 30, 1942, District Board 11 filed a Motion to further amend its original petition, as amended, stating that "the District Board, at its regular meeting held on March 25, 1942, considered all pertinent data with respect to quality and relative market value of the coal produced from Ditney Hill Mine in Size Groups 26 and 27; that based upon consideration of such data, the District Board resolved that the temporary prices heretofore established for said sizes of coal be made permanent." On April 23, 1942, the Acting Director issued a Findings of Fact and Conclusions of Law, Memorandum Opinion and Order, whereby the prices established for

Size Groups 26 and 27 were to become final within 60 days, unless otherwise ordered.

On June 8, 1942, a Motion to Vacate this Order was filed by the Office of the Bituminous Coal Consumers Counsel, in which it is claimed that the provision of the Order of October 17, 1941, limiting the minimum prices established in Size Groups 26 and 27 to 90 days was based upon a finding that it would be necessary or desirable to secure further information before permanent prices could be established for these sizes and that no such information has ever been obtained. It was further asserted that the "unsupported conclusions" of the District Board 11 in its Motion of March 30, 1942, provided no evidence upon which a finding could be made and an order entered. Accordingly, Consumers' Counsel moved that the Order of April 23, 1942, be set aside and that District Board 11 be required to submit in evidence at a reopened hearing or by affidavit (with opportunity for other parties to submit answering affidavits) the data upon which it predicated its proposal of prices for Size Groups 26 and 27.

In light of these objections to the Order of April 23, 1942, I have reconsidered the record of the proceedings in this matter with a view to determining whether minimum prices have been established for Size Groups 26 and 27 in accordance with the standards of the Act. I find that the prices that have been established were originally accorded these coals by the Order of the Director of October 17, 1941, on the basis of data submitted by District Board 11 in its petition and of evidence submitted at the hearings thereon; that these prices were limited to a 90 day period in view of the fact that the Ingle Coal Co. was attempting to improve the inferior quality of these coals; that the purpose of this limitation was to allow District Board 11 "sufficient time to determine the effect of the use of dry dedusting screens and determine whether it cares to propose new prices for these coals". Since the date of this Order a period of approximately eight months has elapsed during which time no person has ever before objected to or questioned the prices temporarily in effect. Furthermore, the District Board 11 has expressed itself satisfied with these prices and urged that they be made permanent. Thus, in the absence of a more specific showing that the particular prices established are improper, I am of the opinion that the evidence in the record amply sustains the conditionally final prices that were established in the Order of April 23, 1942.

Now, therefore, it is ordered, That the Motion to Vacate the Order of April 23, 1942, filed by the Office of the Bituminous Coal Consumers' Counsel on June 8, 1942, be and it hereby is denied.

Dated: June 27, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-6066; Filed, June 29, 1942; 11:08 a. m.]

[Docket No. A-1510]

J-Z COAL COMPANY

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of the J-Z Coal Company, a code member producer in District No. 4, for the revision of the minimum prices of the coals of Mine Index No. 2950 in size group Nos. 5, 6 and 8 for truck shipments.

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 July 7, 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 Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit to the undersigned 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 July 2, 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 the J-Z Coal Company, a code-member producer in District No. 4 for a revision in the minimum prices f. o. b. mine applicable to the coals of Mine Index No. 2950 in Size Group Nos. 5, 6 and 8 for truck shipments so as to permit the petitioner to sell approximately 1200 tons of its crop coals as follows:

Size Group No. 5 from $2.45 to $2.00 per ton.

Size Group No. 6 from $2.35 to $1.50 per ton.

Size Group No. 8 from $1.85 to $1.25 per ton.

Dated: June 26, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-6067; Filed, June 29, 1942; 11:09 a. m.]

[Docket No. 1790-FD]

SOUTH PITTSBURG COAL COMPANY, CODE MEMBER

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on July 15, 1942, at 10 a. m., at a Hearing Room of the Bituminous Coal Division at the Chancery Court Room, County Court House, Chattanooga, Tennessee; and

The Acting Director deeming it advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is, postponed from July 15, 1942, at 10 a. m. to July 31, 1942, at 10 a. m., at the place heretofore designated and before the officer or officers previously designated to preside at said hearing.

Dated: June 26, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-6068; Filed, June 29, 1942; 11:09 a. m.]

[Docket No. D-21]

WALTER BLEDSOE & COMPANY

NOTICE OF AND ORDER FOR HEARING

In the matter of the application of Walter Bledsoe & Company for permission to receive sales agents' commissions and distributors' discounts on coal sold to City Fuels, Incorporated, and Indianapolis Coal Company, Incorporated.

Walter Bledsoe & Company, a corporation organized under the laws of Indiana, with its principal place of business in Terre Haute, Indiana, being registered with the Division as a distributor, Registration No. 834, and acting as a sales agent for certain producers, filed its petition, praying that it be determined by the Division that the relationship between applicant and City Fuels, Incorporated and Indianapolis Coal Company, Incorporated, retail dealers, is bona fide, was not established primarily to secure indirect price reductions, and is not within the prohibition of paragraphs 11 and 12 of section 4, Part II (i) of the Bituminous Coal Act of 1937, as amended.

It is, therefore, ordered, That a hearing on such matter be held on July 28, 1942, at 10 a. m. in the forenoon of that day,

at a hearing room of the Bituminous Coal Division, 734 15th 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 Travis Williams or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioner and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before July 18, 1942, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

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

Dated: June 26, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-6069; Filed, June 29, 1942; 11:10 a. m.]

[Docket No. B-283]

SURE FIRE COAL COMPANY

NOTICE OF AND ORDER FOR HEARING

In the Matter of William Dishon, Benjamin Dishon and Stanley Dishon, individually and as co-partners doing business under the name and style of Sure Fire Coal Company, Code Member.

A complaint dated June 16, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on June 17, 1942, by Bituminous Coal Producers Board for District No. 4, a district board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by William Dishon, Benjamin Dishon and Stanley Dishon, individually and as co-partners doing business under the name and style of Sure Fire Coal Company (the "Code member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on July 31, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Court House Building, Zanesville, Ohio.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, 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 said Code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practices and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code member in the Code or directing the Code member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violations by the above named Code member as follows:

That the said William Dishon, Benjamin Dishon and Stanley Dishon, individually and as co-partners doing business under the name and style of Sure Fire Coal Company, New Straitsville, Ohio, whose code membership became effective as of September 1, 1939, and who operate the Dishon Mine, Mine Index No. 2076, located in Perry County, Ohio, District No. 4,

1. Wilfully violated section 4 II (e) of the Act and Part II (e) of the Code, during the period February 1, 1941 to May 31, 1941, both dates inclusive,

(a) by selling to the Straitsville Brick Company, New Straitsville, Ohio, approximately 185 tons of 2" x 0 coal produced at the aforesaid mine at a price of 75 cents per net ton f. o. b. the mine for truck shipment, and

(b) by delivering to the purchaser mentioned above, approximately five tons of 2" x 0 coal f. o. b. the mine for truck shipment for which coal no charge was made,

Whereas the effective minimum price applicable to said coal was $1.65 per net ton f. o. b. the mine for truck shipment as set forth in Supplement No. 2 of the Schedule of Effective Minimum Prices for District No. 4 for Truck Shipment, dated October 7, 1940; and

2. Wilfully violated section 4 II (a) of the Act, Part II (a) of the Code and Order No. 312 of the Division dated February 24, 1941, by filing with the Statistical Bureau for District No. 4, false information on Form 225-S, regarding the sale price of 185 tons of 2" x 0 coal sold to the Straitsville Brick Company referred to in paragraph 1 (a) above.

Dated: June 26, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-6070; Filed, June 29, 1942; 11:10 a. m.]

[Docket No. B-276]

J. R. JAMISON

NOTICE OF AND ORDER FOR HEARING

A complaint dated March 10, 1942, and an amended complaint dated June 5, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on March 11, 1942, and June 9, 1942, respectively, by Bituminous Coal Producers Board for District No. 1, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by J. R. Jamison (the "Code member") of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such amended complaint be held on July 31, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 323, Post Office Building, Altoona, Pennsylvania.

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 officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to ad-

minister oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, 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 said Code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to section 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the amended complaint.

Notice is hereby given that answer to the amended complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the amended complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code member has wilfully committed any one or more of the violations alleged in the amended complaint, an order may be entered either revoking the membership of the Code member in the Code or directing the Code member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the amended complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the amended complaint filed by said complainant, alleging wilful violations by the above named Code member as follows:

That the said J. R. Jamison, code member, Spring Church, Pennsylvania, whose code membership became effective as of January 7, 1938, and who operates the Jamison Mine, Mine Index No. 1556, located in Armstrong County, Pennsylvania, in Subdistrict No. 22 in District No. 1 wilfully violated section 4 II (e) of the Act and Part II (e) of the Code, by selling to various purchasers for truck shipment during the period October 1, 1940 to April 27, 1942, both dates inclusive, an indeterminate amount of run of mine, Size Group No. 3, coal produced at the aforesaid mine at f. o. b. mine prices ranging from 15 cents to $1.15 below the effective minimum f. o. b. mine price of $2.15 per net ton established for such coal as set forth in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments; or

That said code member wilfully violated Order of the Division in General Docket No. 19, dated October 9, 1940, by offering for sale and by selling to various purchasers during the period from October 14, 1940 to April 27, 1942, both dates inclusive, an indeterminate amount of slack coal mixed with 3" lump coal and an indeterminate amount of forked coal, produced at the aforesaid mine at prices of 4 cents per bushel or $1.00 per ton f. o. b. the mine for said slack coal and 8 cents per bushel or $2.00 per ton f. o. b. the mine for said forked coal. No minimum prices, either temporary or final, had been established by the Division for said coal. Said code member has a classification for run of mine coal only, the effective minimum price being $2.15 per ton f. o. b. the mine in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments, and

That said code member also wilfully violated Orders of the Division No. 14 dated July 15, 1937, No. 156 dated December 18, 1937, No. 296 dated September 23, 1940, No. 297 dated October 22, 1940, No. 288 dated Decembe 8, 1939, No. 307 dated December 11, 1940 and No. 308 dated January 14, 1941, by failing to file with the Statistical Bureau copies of contracts, spot orders, invoices, sales slips, truck tickets, and other memoranda and records required pursuant to these orders; and failing to report a change in the method of preparation of the coal or of the sizes produced by said code member.

Dated: June 25, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-6071; Filed, June 29, 1942; 11:10 a. m.]

[Docket No. B-216]

LUTZ AND CONDON

CEASE AND DESIST ORDER

In the matter of R. H. Lutz and Walter Condon, a partnership, doing business as Lutz and Condon, Code member.

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

This proceeding was instituted upon a complaint filed with the Bituminous Coal Division on February 10, 1942, by the Bituminous Coal Producers Board for District No. 1, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937. The complaint alleges that Lutz and Condon, a partnership, doing business as Lutz and Condon, a code member in District No. 1, wilfully violated the Bituminous Coal Code and the rules and regulations thereunder, and prays that the Division either cancel and revoke the code membership of Lutz and Condon, or, in its discretion, direct it to cease and desist from violations of the Code and rules and regulations thereunder.

After due notice to interested persons, a hearing in this matter was held on March 30, 1942, before Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room thereof in Altoona, Pennsylvania. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Appearances were entered by complainant and by code member.

Examiner Huston submitted on May 27, 1942, his Report, Proposed Findings of Fact, Proposed Conclusions of Law and a Recommendation. The Examiner found that acceptance of the Bituminous Coal Code by the partnership of Lutz and Condon, consisting of R. H. Lutz and Walter Condon, became effective on November 29, 1940. The Examiner found that mine run coal (Size Group 3) produced at the Lutz and Condon Mine, Mine Index No. 2885, operated by the partnership, was given, by Order of the Director in Docket No. A-515, dated January 11, 1941, a price of $2.20 per ton f. o. b. the mine for truck shipment. The Examiner found that during the period from April 29, 1941, through May 1941 the partnership of Lutz and Condon sold about 288 tons of mine run coal produced at Mine Index No. 2885 to R. S. Walker, doing business as the Bradford Coal Company, Bigler, Pennsylvania, and trucked by one Kyler from the Lutz and Condon Mine three miles to the Bradford No. 4 siding at Surveyor, Pennsylvania. At the Bradford ramp the coal was dumped into railroad cars and shipped with coal from other sources to customers of Walker.

Examiner Huston found that Condon admitted on behalf of the partnership that he knew that the coal ordered by Walker was destined for rail shipment. It was claimed by the partners, however, that they did not know that it was illegal for them to sell coal for rail shipment when they began to sell to Walker. It was further claimed that about May 15, 1941, Halpin, a compliance agent, gave Condon reason to understand that the partnership could continue to sell its mine run coal for rail shipment, even though such coal had a truck price only, if application were made to the Division for a rail price. On May 19, 1941, such application was made; and by Order of the Director, dated June 21, 1941, in Docket No. A-903, a rail price for run of mine coal produced at Mine No. 2885 was established.

Examiner Huston found that the statements of Halpin had been misconstrued by the partners. The Examiner pointed out that the subsequent establishment of rail prices could not retroactively justify the sale for rail shipment of coal which had no rail price at the time it was sold. The Examiner further stated that the violation could not be justified on the ground that the producer misconstrued the advice of the compliance officer. The Examiner concluded that Lutz and Condon had wilfully violated the provisions of the Act and the Code, and in particular, the Order in General Docket No. 19

by selling during the period involved 88 tons[1] of mine run coal for rail shipment produced at a mine for which rail prices had not yet been established. It was recommended that an order be entered requiring code member to cease and desist from further violations of the Code and rules and regulations thereunder.

An opportunity was afforded to all parties to file exceptions to the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation of the Examiner, and supporting briefs. No exceptions or supporting briefs have been filed.

The undersigned has determined that the proposed findings of fact and proposed conclusions of law of the Examiner in this matter should be approved and adopted as the findings of fact and conclusions of law of the undersigned.

Now, therefore, it is ordered, That the said proposed findings of fact and proposed conclusions of law of the Examiner be, and they hereby are, approved and adopted as the findings of fact and conclusions of law of the undersigned.

It is further ordered, That Lutz and Condon, a partnership composed of R. H. Lutz and Walter Condon, code member, its representatives, agents, servants, employees, attorneys, successors, or assigns, and all other persons acting or claiming to act in its behalf, cease and desist and they are hereby enjoined and restrained from violations of the Bituminous Coal Act of 1937, the Bituminous Coal Code and rules and regulations made thereunder and, in particular, the Order in General Docket No. 19.

It is further ordered, That upon failure or neglect of the code member to comply with this Order, the Division may forthwith apply to the Circuit Court of Appeals of the United States where such code member carries on business for the enforcement thereof, or may take any other appropriate action.

Dated: June 26, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-6072; Filed, June 29, 1942; 11:10 a. m.]

MAUMEE COLLIERIES COMPANY

ORDER REVOKING REGISTRATION

In the matter of the revocation of registration as a distributor of E. E. Carson (The Maumee Collieries Company of Wisconsin).

E. E. Carson, doing business as The Maumee Collieries Company of Wisconsin, Registered Distributor (Registration No. 1452), having advised the Division that he discontinued business as of April 11, 1942, having requested cancellation of his distributor registration, and having surrendered his certificate of registration as a registered distributor, No. 1452, for cancellation, and it appearing that said registration as a distributor should be revoked;

It is, therefore, ordered, That the registration of E. E. Carson (The Maumee Collieries Company of Wisconsin) as a distributor be, and the same is hereby revoked.

It is further ordered, That in the event the said E. E. Carson, at any time subsequent hereto, makes application for reregistration as a distributor, the Division may, in considering any such new application, determine to what extent, if any, the said E. E. Carson, prior to the date of this Order, may have violated any provisions of the Bituminous Coal Act of 1937, as amended, or any rules or regulations issued thereunder, and take into account any such determination made by it.

Dated: June 26, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-6075; Filed, June 29, 1942; 11:11 a. m.]

[Docket No. 1508-FD]

INDIANA COALS CORPORATION

ORDER OF THE ACTING DIRECTOR

In the matter of the application of Indiana Coals Corporation for provisional approval as a marketing agency.

By Order of May 27, 1941, the Director, pursuant to Section 12 of the Bituminous Coal Act of 1937, having provisionally approved Indiana Coals Corporation, the applicant, as a "marketing agency," subject to specified conditions designed to insure that the operations of applicant would not circumvent the standards of section 12 and the over-all objectives of the Act;

On December 17, 1941, applicant having filed a motion to suspend for six months the operation of Conditions 2 and 4 of the Order of Provisional Approval, which are concerned with subagents' commissions and discounts allowed to registered distributors or registered farmers' cooperatives, in order that applicant might effect contracts covering sufficient tonnage to permit the functioning of the marketing agency;

The Acting Director in a Memorandum Opinion and Order dated December 24, 1941, having granted the motion for suspension of the operation of said Conditions 2 and 4 for a period of 90 days, having reserved jurisdiction to order applicant to show cause at the end of the 90-day period from the start of applicant's operating and functioning as a marketing agency why the operation of Conditions 2 and 4 should be further suspended, and having further concluded that unless applicant was organized and functioning as a marketing agency within 90 days from December 24, 1941, the provisional approval granted applicant should be withdrawn and revoked 90 days from said date;

Applicant, on March 6, 1942, having filed a supplemental motion reciting, *inter alia,* that the applicant had proceeded with its organization, but that it would be unable to be in full operation by March 24, 1942, and praying that the operations of Conditions 2 and 4 of the Order of Provisional Approval be suspended for a period of six months from March 24, 1942, and that thereafter the Director order applicant to show cause why the operation of said Conditions 2 and 4 should be further suspended, and that the Order of Provisional Approval, dated May 27, 1941, be not withdrawn and that the revocation of said Order be extended for a period of 90 days from March 24, 1942, and under the conditions set forth in the Memorandum Opinion and Order dated December 24, 1941;

The Acting Director by Order of March 17, 1942, having granted the prayer of applicant to the extent that said Conditions 2 and 4 were suspended for a period of 90 days from March 24, 1942, and having held that thereafter the Director might order applicant to show cause why the operation of said Conditions 2 and 4 should be further suspended and that the provisional approval granted to applicant by Order of the Director dated May 27, 1941, not be withdrawn and that the revocation of said Order be extended for a period of 90 days from March 24, 1942, subject to the conditions contained in earlier orders;

Applicant, on June 19, 1942, having filed a supplemental motion reciting that, during the suspension of said Conditions 2 and 4, Applicant has been unable to complete its organization for various reasons including the inability to comply with letters from the Director with respect to price schedules, due to intervening circumstances, and the involvement of the members of applicant in matters concerning maximum prices established by the Office of Price Administration;

The supplemental motion praying that the operations of said Conditions 2 and 4 be suspended for a period of six months from June 22, 1942, and that thereafter the Director order applicant to show cause why the operation of said Conditions 2 and 4 should be further suspended, and that the Order of Provisional Approval, dated May 27, 1941, be not withdrawn and that the revocation of said Order be extended for a period of six months from June 22, 1942, and under the conditions set forth in the Memorandum Opinion and Order dated December 24, 1941;

It appearing to the Acting Director that no harm will result from a further suspension of the operations of said Conditions 2 and 4;

It is concluded that the prayer of applicant should be granted to the extent that the operation of Conditions 2 and 4 set forth in the Order granting provisional approval dated May 27, 1941, be suspended for a period of six months from June 22, 1942, unless such suspension is sooner withdrawn by subsequent order;

It is further concluded that jurisdiction should be reserved by the undersigned to order applicant thereafter to show cause why the operation of said Conditions 2 and 4 should be further suspended, if in the opinion of the undersigned such action should be deemed advisable, and to impose any further conditions that might be found necessary;

[1] The Examiner limited his conclusion to the tonnage alleged in the complaint to have been illegally sold.

It is further concluded that the provisional approval of applicant as a marketing agency, heretofore granted by Order of the Director, dated May 27, 1941, not be withdrawn and that the revocation of said Order be extended for a period of six months from June 22, 1942, subject to all the applicable conditions set forth in the earlier orders issued in this proceeding.

It is further concluded that the Supplemental Motion of Applicant should be granted to the extent set forth above and in all other respects should be denied.

And it is so ordered.

Dated: June 26, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-6076; Filed, June 29, 1942; 11:11 a. m.]

[Docket No. B-37]

J. BRUNER

CEASE AND DESIST ORDER

Order approving and adopting the 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 September 6, 1941, by the Bituminous Coal Producers Board for District No. 9 alleging that J. Bruner, a code member in District No. 9 has violated the provisions of the Bituminous Coal Code or rules and regulations thereunder and praying that the Division cancel or revoke the code membership of said J. Bruner;

A hearing having been held before Charles S. Mitchell, a duly designated Examiner of the Division at a hearing room thereof in Owensboro, Kentucky, on November 26, 1941;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in the matter, dated May 6, 1942, in which it was found that code member wilfully violated the effective minimum prices with respect to two tons of 1½" screenings sold to Bob Allgood and Paul Barker and that said sales constituted a violation of section 4 II (e) of the Bituminous Coal Act which in part provides that "no coal . . . shall be sold or delivered or offered for sale at a price below the minimum" established by the Division and that while certain extenuating circumstances did not discharge code member from the obligation to observe the requirements of the Code and rules and regulations promulgated by the Division, he believed under the circumstances that a cease and desist order was appropriate; and

The Examiner having recommended that an order be entered directing the code member to cease and desist from violating the Act, the schedule of effective minimum prices and from otherwise violating the rules and regulations of the Division;

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 the 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 the code member, J. Bruner, his representatives, agents, employees, attorneys and successors or assigns and all persons acting or claiming to act in his behalf or interest cease and desist and they are hereby permanently enjoined and restrained from selling coal below the prescribed minimum price therefor and from violating the Bituminous Coal Act, the Schedule of Effective Minimum Prices for District No. 9 for Truck Shipment, the Bituminous Coal Code and the rules and regulations thereunder.

It is further ordered, That the Division may upon failure of the code member herein to comply with this order forthwith apply to the Circuit Court of Appeals of the United States within any circuit where the code member carries on business for the enforcement thereof or take any other appropriate action.

Dated June 26, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-6073; Filed, June 29, 1942; 11:11 a. m.]

General Land Office.

[Public Land Order 1]

CALIFORNIA

ORDER WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT

FOR CAMP SITE AND MANEUVER PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146[1] of April 24, 1942, it is ordered as follows:

The public lands in the following-described areas are hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department for camp sites and maneuver purposes:

SAN BERNARDINO MERIDIAN

T. 6 S., R. 10 E.,
Secs. 8, 14, 18, 20, 22, 24;
T. 6 S., R. 11 E.,
Sec. 14;
Sec. 18, Lots 1 to 12, inclusive, SE¼;
Secs. 20, 22, 24;
T. 6 S., R. 12 E.,
Secs. 18, 20, 22, 28, 30;
T. 5 S., R. 15 E.,
Sec. 2, Lots 1 and 2 of NW¼, SW¼;
Secs. 3 to 10, inclusive;
Sec. 11, N½, SW¼;
Sec. 15, N½;
Secs. 17 and 18;
Sec. 19, Lots 1 and 2 of NW¼, E½;
Secs. 20, 21, 28, 29, 30, 32, 34, 35, partly unsurveyed;
T. 1 S., R. 17 E.,
Secs. 6, 7, 13, 14, 18, 19, 20, partly unsurveyed;
Sec. 29, N½, SW¼;
Secs. 30, 31;
Sec. 32, W½NW¼;
T. 2 S., R. 18 E.,
Secs. 1 to 12, inclusive, partly unsurveyed;
T. 1 N., R. 18 E.,
Secs. 1 to 18, inclusive, 21 to 28, inclusive, 33 to 36, inclusive, unsurveyed;
T. 7 N., R. 22 E., All;
T. 8 N., R. 22 E.,
Secs. 3, 4, 7 to 10, inclusive, 13 to 36, inclusive;
T. 7 N., R. 23 E.,
Secs. 5 to 8, inclusive, 17 to 20, inclusive, 30, 31;
T. 9 N., R. 23 E.,
Sec. 31;
Sec. 32, S½.

The areas described, including both public and nonpublic lands, aggregate 105,901.27 acres.

This order shall be subject to (1) the Executive Order of May 17, 1927 withdrawing certain lands for a proposed water conduit, and (2) Power Site Classification No. 55 approved by the Secretary of the Interior June 22, 1923, so far as such orders affect any of the lands described herein.

This order shall take precedence over, but shall not rescind or revoke (1) the Executive Order of April 17, 1926 creating Public Water Reserve No. 107, (2) Executive Order No. 5902 of August 18, 1932 creating Public Water Reserve No. 145, (3) Executive Order No. 6361 of October 25, 1933 withdrawing certain lands for classification and pending determination of the advisability of reserving lands for national monument purposes, and (4) Executive Order No. 6910 of November 26, 1934, as amended, withdrawing public lands in California and other states for classification and other purposes, so far as such orders affect any of the lands described herein.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed for the purposes for which they are reserved.

[SEAL] E. K. BURLEW,
Acting Secretary of the Interior.

JUNE 20, 1942.

[F. R. Doc. 42-6029; Filed, June 27, 1942; 10:30 a. m.]

[Public Land Order 3]

CALIFORNIA

ORDER WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT

FOR USE AS SOURCES OF SAND, WATER, ETC., SUPPLY FOR SIERRA ORDNANCE DEPOT

By virtue of the authority vested in the President and pursuant to Executive Or-

[1] 7 F.R. 3067.

der No. 9146[1] of April 24, 1942, and the act of June 28, 1934, as amended, c. 865, 48 Stat. 1269 (U.S.C., title 43, secs. 315–315p), it is ordered as follows:

The following-described public lands are hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department as sources of supply of sand, gravel, and water for the Sierra Ordnance Depot:

MOUNT DIABLO MERIDIAN

T. 28 N., R. 17 E.,
sec. 8, SE¼;
sec. 9, S½;
sec. 17, NE¼, NE¼SE¼;
sec. 20, N½NE¼;
sec. 21, NW¼;
containing 920 acres.

The order of the Secretary of the Interior of April 8, 1935 establishing California Grazing District No. 2 is hereby modified to the extent necessary to permit the use of the lands as herein provided.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

[SEAL] HAROLD L. ICKES,
Secretary of the Interior.

JUNE 23, 1942.

[F. R. Doc. 42–6030; Filed, June 27, 1942; 10:31 a. m.]

DEPARTMENT OF AGRICULTURE.

Office of the Secretary.

FRUITS, VEGETABLES AND CERTAIN OTHER COMMODITIES

BASE PERIOD TO BE USED IN DETERMINING PARITY PRICES

Proclamation of the Secretary of Agriculture made with respect to the base period to be used for the purpose of determining parity prices of certain fruits and vegetables and other specified commodities.

It is hereby found and proclaimed that the purchasing power during the pre-war period August 1909–July 1914 of the fruits and vegetables and other commodities hereinafter named cannot be satisfactorily determined from available statistics of the Department of Agriculutre, but the purchasing power of such fruits and vegetables and other commodities can be satisfactorily determined from available statistics of the Department of Agriculture for the post-war period August 1919–July 1929, or a portion thereof. The applicable periods (or appropriate portions thereof) which are hereinafter set forth are, therefore, hereby declared and proclaimed to be the base period to be used in determining the purchasing power of the following fruits and vegetables and other commodities:

[1] 7 F.R. 3067.

Vegetables for Fresh Market

Commodity and Base Period

Artichokes, Aug. 1925–July 1929; asparagus, Aug. 1919–July 1929; beans, lima, Aug. 1923–July 1929; beans, snap, Aug. 1919–July 1929; beets, Aug. 1922–July 1929; cabbage, Aug. 1919–July 1929; cantaloupes, Aug. 1919–July 1929; carrots, Aug. 1922–July 1929; cauliflower, Aug. 1919–July 1929; celery, Aug. 1919–July 1929; corn, sweet, New Jersey, Aug. 1924–July 1929; cucumbers, Aug. 1919–July 1929; eggplant, Aug. 1920–July 1929; Virginia kale, Aug. 1927–July 1929; lettuce, Aug. 1919–July 1929; onions, Aug. 1919–July 1929; peas, green, Aug. 1919–July 1929; peppers, green, Aug. 1920–July 1929; shallots, Aug. 1923–July 1929; spinach, Aug. 1919–July 1929; tomatoes, Aug. 1919–July 1929; and watermelons, Aug. 1919–July 1929.

Vegetables for Processing

Asparagus, Aug. 1919–July 1929; beans, snap, Aug. 1919–July 1929; cabbage, Aug. 1919–July 1929; corn, sweet, Aug. 1919–July 1929; cucumbers, Aug. 1919–July 1929; peas, green, Aug. 1919–July 1929; pimientos, Aug. 1926–July 1929; spinach, Aug. 1919–July 1929; and tomatoes, Aug. 1919–July 1929.

Fruits and Nuts

Apples, for canning, Aug. 1919–July 1929; avocados, California, Aug. 1924–July 1929; cherries, sour, Aug. 1924–July 1929; cherries, sweet, Aug. 1924–July 1929. Citrus: oranges, for fresh consumption, Aug. 1919–July 1929; oranges, for processing, Aug. 1919–July 1929; grapefruit, for fresh consumption, Aug. 1919–July 1929; grapefruit, for processing, Aug. 1924–July 1929; limes, Aug. 1919–July 1929; lemons, for fresh consumption, Aug. 1919–July 1929; lemons, for processing, Aug. 1919–July 1929. Dates, Aug. 1924–July 1929; figs, for canning and fresh use, Aug. 1924–July 1929; figs, dried, Aug. 1919–July 1929; grapes, except raisins, Aug. 1924–July 1929; raisins, dried, Aug. 1919–July 1929; olives, canned, ripe, Aug. 1919–July 1929; olives, crushed for oil, Aug. 1919–July 1929; pears, fresh, Aug. 1919–July 1929; pears, for canning, Aug. 1919–July 1929; pears, dried, Aug. 1919–July 1929; pineapples, Florida, Aug. 1924–July 1929; plums, fresh, Aug. 1919–July 1929; prunes, fresh, Aug. 1919–July 1929; prunes, for canning, Aug. 1919–July 1929; prunes, dried, Aug. 1919–July 1929; red raspberries, Aug. 1919–July 1929; black raspberries, Aug. 1919–July 1929; loganberries, Aug. 1919–July 1929; gooseberries, Aug. 1919–July 1929; blackberries, Aug. 1919–July 1929; strawberries, for fresh consumption, Aug. 1919–July 1929; strawberries, for processing, Aug. 1923–July 1929; almonds, Aug. 1919–July 1929; pecans, seedlings, Aug. 1922–July 1929; pecans, improved, Aug. 1922–July 1929; and walnuts, Aug. 1919–July 1929.

Seeds

Alfalfa, Aug. 1919–July 1929; red clover, Aug. 1919–July 1929; alsike clover, Aug. 1919–July 1929; sweet clover, Aug. 1924–July 1929; timothy, Aug. 1919–July 1929; crimson clover, Aug. 1919–July 1929; Sudan grass, Aug. 1919–July 1929; orchard grass, Aug. 1919–July 1929; redtop, Aug. 1919–July 1929; white clover, Aug. 1919–July 1929; hairy vetch, Aug. 1920–July 1929; and common ryegrass, Aug. 1924–July 1929.

Other Commodities

Broomcorn, Aug. 1919–July 1929; popcorn, Aug. 1919–July 1929; sweet sorghum forage, Aug. 1919–July 1929; cowpeas, Aug. 1919–July 1929; velvet beans, Aug. 1924–July 1929; sorghum syrup, Aug. 1919–July 1929; maple syrup, Aug. 1919–July 1929; maple sugar, Aug. 1919–July 1929; beeswax, Aug. 1919–July 1929; honey, comb, Aug. 1919–July 1929; and honey, extracted, Aug. 1919–July 1929.

Done at Washington, D. C., this 26th day of June 1942. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 42–6035; Filed, June 27, 1942; 11:25 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

INTERNATIONAL BUSINESS MACHINES CORPORATION

EXCEPTION TO RECORD KEEPING REGULATIONS

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, Part 516, the Administrator of the Wage and Hour Division has granted to the International Business Machines Corporation, New York, New York relief from § 516.16 (a) insofar as it requires the records to be maintained at the place or places of employment or at one or more established central record keeping offices where such records are customarily maintained. Authority has been granted to the company to maintain its records partly at its general offices in New York City and partly in the place or places of employment. Within seventy-two hours after notice by the Administrator or his duly authorized and designated representative all records must be placed in the mails or deposited with a carrier for shipment to a point where they will be available to the Wage and Hour Division.

This authority is granted on the representations of the petitioners and is subject to revocation for cause.

Signed at New York, New York, this 27th day of June, 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42–6085; Filed, June 29, 1942; 11:41 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 8753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective June 29, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

American Sheep Lined Coat Co., Inc., Bayway Terminal, Building #12, Elizabeth, New Jersey; Leather jackets, wool mackinaws; 5 learners (T); June 29, 1943.

L. Fields, Limited, 51 Essex St., Carteret, New Jersey; Men's underwear, headnets, U. S. Marine Corps; 4 learners (T); June 29, 1943.

Hickey-Freeman Co., 1155 Clinton Ave. North, Rochester, New York; Men's clothing; 5 percent (T); June 29, 1943.

Single Pants, Shirts and Allied Garments and Women's Apparel

Bobby Dress Co., 94 Main St., Dickson City, Pennsylvania; Ladies' dresses; 10 learners (E); December 29, 1942.

L. Brod & Co., 315 North 12th St., Philadelphia, Pennsylvania; Ladies' & children's blouses; 10 learners (T); June 29, 1943.

Dauphin Mfg. Co., Inc., Elizabethville, Pennsylvania; Men's & boys' shirts; 10 percent (T); June 29, 1943.

Diehl Sewing Co., 135 South George St., York, Pennsylvania; Boys' wash suits; 7 learners (T); June 29, 1943.

Charles Edelman, Broad & Lehigh Ave., Philadelphia, Pennsylvania; Children's dresses; 10 percent (T); June 29, 1943.

Elizabethville Dress Co., Elizabethville, Pennsylvania; Children's cotton dresses; 2 learners (T); June 29, 1943.

Frances Gee Garment Co., Richmond, Missouri; Uniforms, dresses; 10 learners (T); June 29, 1943.

Golden Garment Co., Inc., 356 Farnsworth Ave., Bordentown, New Jersey; dresses; 10 percent (T); June 29, 1943.

Gottsegen and Kaufman Inc., 76 Franklin St., New Haven, Connecticut; Men's trousers; 10 percent (T); June 29, 1943.

Grade A Shirt Co., 7103 20th Ave., Brooklyn, New York; Shirts; 10 learners (T); December 29, 1942.

The Greenwich Co., Mill Hollow, Greenwich, New York; Cotton wash dresses; 10 learners (T); December 29, 1942.

George Hirsch, Lakewood, New Jersey; Ladies rayon underwear; 4 learners (T); June 29, 1943.

George Hirsch, Main & Oakford St., New Egypt, New Jersey; Ladies rayon underwear; 2 learners (T); June 29, 1943.

Jeuda Mfg. Co., 106 West 11th St., Berwick, Pennsylvania; Ladies & children's aprons, slips, gowns and pajamas; 10 learners (T); June 25, 1943. (This certificate effective June 25, 1942.)

K. & M. Mfg. Co., 148 Middle St., Portland, Maine; Men's trousers; 10 learners (T); June 29, 1943.

Klein Dress Co., 210 N. Valley Ave., Olyphant, Pennsylvania; Ladies & children's cotton dresses; 10 percent (T); June 29, 1943.

Lackawanna Pants Mfg. Co., Brook & Cedar Streets, Scranton, Pennsylvania; Trousers, cotton shirts; 10 percent (T); June 29, 1943.

Lansdale Clothing Co., Green & Blaine Sts., Landsdale, Pennsylvania; Men's pants; 10 percent (T); June 29, 1943.

Fefeber Dress Factory, 2nd & Walnut Sts., North Wales, Pennsylvania; children's dresses; 2 learners (T); June 29, 1943.

The Manhattan Shirt Co., Ann St., South Norwalk, Connecticut; Men's dress shirts; 10 percent (T); June 29, 1943.

The Millen Shirt Co., Inc., 21 Academy Ave., Middletown, New York; Shirts, sportswear; 10 percent (T); June 25, 1943. (This certificate effective June 25, 1942.)

Okolona Garment Co., Main & Center Sts., Okolona, Mississippi; Pants; 10 percent (T); June 29, 1943.

Quality Hill Dress Co., 905 Broadway, Kansas City, Missouri; Rayon crepe dresses; 5 learners (T); June 29, 1943.

Jos. Rogon & Sons, Inc., 4701 Liberty Ave., Pittsburgh, Pennsylvania; Washable coats, trousers, aprons, dresses; 5 learners (T); June 29, 1943.

Selinsgrove Dress Co., North High St., Selinsgrove, Pennsylvania; Ladies dresses; 4 learners (T); June 29, 1943.

Sheppton Sportswear Co., Sheppton, Pennsylvania; Ladies blouses, sportswear; 17 learners (E); December 29, 1942.

Styleset Sportwear, 842 6th Ave., New York, New York; Juvenile basque shirts; 5 learners (T); October 29, 1942.

West Plains Mfg. Co., 5½ East Main St., West Plains, Missouri; Overalls, pants; 25 learners (E); December 29, 1942.

Gloves

Alexette Glove Corp., 9 Blood St., Amsterdam, New York; Leather dress gloves; 5 learners (T); June 29, 1943.

Boreal Mfg. Co., 1523 Main St., Marinette, Wisconsin; Leather dress, knit fabric and work gloves; 100 learners (E); December 29, 1942.

Canvas Glove Mfg. Works, Inc., 294–300 Graham Ave., Brooklyn, New York; Work gloves; 10 percent (T); June 29, 1943. (This certificate replaces the one bearing the expiration date of November 17, 1942.)

C. Dillenbeck & Sons, 140 East State St., Johnstown, New York; Knit wool gloves; 2 learners (T); June 29, 1943.

Fownes Brothers & Co., Inc., 29–31 Grove St., Amsterdam, New York; Work gloves, knit fabric gloves; 15 learners (E); December 29, 1942.

The Glove Corp., 301 N. Harrison St., Alexandria, Indiana; Work gloves; 5 learners (T); June 29, 1943.

Jasper Glove Co., Inc., 611 Main St., Jasper, Indiana; Work gloves; 10 percent (T); June 29, 1943.

Monarch Glove Co., 104 West Kilbourn Ave., Milwaukee, Wisconsin; Work gloves; 15 learners (E); December 29, 1942.

William E. Seal & Co., Millersburg, Pennsylvania; Work gloves; 2 learners (T); December 29, 1942.

Serfis Glove Corp., South Main St., Northville, New York; Leather dress gloves; 5 learners (T); June 29, 1943.

Star Mfg. Co., Inc., 147–149 West 25th St., New York, New York; Knit wool gloves; 10 percent (T); June 29, 1943.

Templeton Glove Co., Midway Place, Fonda, New York; Knit fabric gloves; 5 learners (T); June 29, 1943.

Universal Mfg. Co., 710 Pierce St., Berlin, Wisconsin; Work gloves; 1 learner (T); December 29, 1942.

Hosiery

J. Z. Erwin Hosiery, Inc., South Main St., Graham, North Carolina; Full-fashioned hosiery; 5 learners (T); June 29, 1943.

Lynchburg Hosiery Mills, Inc., Lynchburg, Virginia; Full-fashioned and seamless hosiery; 10 percent (T); June 29, 1943. (This certificate replaces the one you now have for 5 percent bearing the expiration date of November 20, 1942.)

May Hosiery Mills, 436 Houston St., Nashville, Tennessee; Seamless hosiery; 5 percent (T); June 29, 1943.

Morristown Knitting Mills, Inc., Dandridge, Tennessee; Seamless hosiery; 10 percent (T); June 29, 1943.

Princeton Hosiery Mills, Inc., Washington St., Princeton, Kentucky; Full-fashioned hosiery; 50 learners (E); February 29, 1943.

Sheertex Hosiery, Inc., 231 Everett Ave., Woodbury, New Jersey; Full-fashioned hosiery; 1 learner (T); December 29, 1942.

Knitted Wear

Bamberger-Reinthal Co., Cleveland, Ohio; Knitted outerwear; 5 percent (T); June 29, 1943.

Julius Berger, Orange, New Jersey; Infants & children's wear; 2 learners (T); June 29, 1943.

Carbon Knitwear Co., East Mauch Chunk, Pennsylvania; Knitted outerwear; 5 learners (T); June 29, 1943.

Cardinal Sportswear Inc., Wind Gap, Pennsylvania; Knitted outerwear; 10 learners (T); October 29, 1942.

H. H. Fessler Knitting Co., 224 E. Tammany St., Orwigsburg, Pennsylvania; Knitted underwear; 5 learners (T); June 25, 1943. (This certificate effective June 25, 1942.)

Fort Schuyler Knitting Co., 1607 Kemble St., Utica, New York; Underwear & commercial knitting; 9 learners (T); June 29, 1943.

Franklin Sweater Mills, 33rd & Arch Sts., Philadelphia, Pennsylvania; Sweaters and bathing suits; 2 learners (T); December 29, 1942.

Gepner Knitting Mills, Birmingham, Alabama; Knitted outerwear; 2 learners (T); June 29, 1943.

Maurice Holman Inc., Los Angeles, California; Knitted outerwear; 5 percent (T); June 29, 1943.

International Knitting Mills, Wallingford, Connecticut; Knitted outerwear; 5 learners (T); June 29. 1943.

Mechanicsburg Silk Co., Mechanicsburg, Pennsylvania; Knitted outerwear; 5 learners (T); June 25, 1943. (This certificate effective June 25, 1942.)

Phoenix Hosiery Co., Milwaukee, Wisconsin; Knitted outerwear; 5 learners (T); June 29, 1943.

Rite Mfg. Co., Allentown, Pennsylvania; Boys' knitted polo shirts; 5 learners (T); June 29, 1943.

Southern Silk Mills, Spring City, Tennessee; Knitted underwear; 5 learners (T); June 29, 1943.

Southland Knitting Mills, Holt Ave., Macon, Georgia; Commercial and knitted outerwear; 40 learners (E); December 29, 1942.

Tru-Fit Undergarment Co., Inc., 210 Taaffe Place, Brooklyn, New York; Knitted polo shirts & cotton knit underwear; 3 learners (T); June 25, 1943. (This certificate effective June 25, 1942.)

Utica Knitting Co., Mill No. 2, Schuyler & Columbia Sts., Utica, New York; Knitted underwear; 15 learners (E); December 29, 1942.

Textile

Tynan Throwing Co., Van Houten St., Paterson, New Jersey; Silk and rayon fabric; 5 learners (T); June 29, 1943.

Wintuft Corporation, Ringgold, Georgia; Cotton; 10 percent (T); June 29, 1943.

Signed at New York, N. Y., this 27th day of June 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-6086; Filed, June 29, 1942; 11:41 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under Section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective June 29, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Allen, Doane and Company, 15 Wharf St., Boston, Massachusetts; Hand cut steel letters and figures, stamps and dies; 2 learners; 4 weeks for any one learner; 25 cents per hour; Letter Cutter; September 7, 1942.

J. H. Cownie Co., 2323 60th St., Kenosha, Wisconsin; Pants, jackets, gloves; 5 learners; 320 hours for any one learner; 30 cents per hour; Machine operators, hand sewers, pressers; December 29, 1942.

Engel Art Corners Mfg. Co., 4711-17 North Clark St., Chicago, Illinois; Converted paper products; 1 learner; 4 weeks for any one learner; 32 cents per hour; Punch press operator; September 7, 1942.

S. W. Shetter Paper Box Mfg. Howard & Perry Streets, York, Pennsylvania; Set-up paper boxes; 2 learners; 6 weeks (240 hours) for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; December 26, 1942.

Signed at New York, N. Y., this 27th day of June 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-6087; Filed, June 29, 1942; 11:42 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6326]

PULITZER PUBLISHING COMPANY (W9XZY)

NOTICE OF HEARING

In re application of The Pulitzer Publishing Company (W9XZY); dated December 12, 1941; for renewal of license; class of service, facsimile broadcast; class of station, broadcast; location, St. Louis, Missouri; operating assignment specified: frequency, 25,100 kc; power, 100 w; hours of operation, unlimited; emission, A-4.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine whether the applicant has a program of research and experimentation which indicates a reasonable promise of substantial contribution to the development of the facsimile broadcast service (see § 4.92, Federal Communications Commission Rules).

2. To determine whether the applicant has substantially adhered to the program of research and experimentation proposed by it in its application for construction permit or license (see § 5.17 of Federal Communications Commission Rules).

3. To determine whether the applicant has actively conducted a program of research and experimentation (see § 5.18 of Federal Communications Commission Rules).

4. To determine whether in view of the foregoing, the granting of this application will serve public interest, convenience or necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such

issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: The Pulitzer Publishing Company, Twelfth and Olive Streets, St. Louis, Missouri.

Dated at Washington, D. C., June 26, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-6061; Filed, June 29, 1942; 10:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-527]

POTOMAC ELECTRIC POWER COMPANY AND WASHINGTON RAILWAY AND ELECTRIC COMPANY

ORDER GRANTING APPLICATION OR DECLARATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 25th day of June, A. D. 1942

Washington Railway and Electric Company, a registered holding company, and Potomac Electric Power Company, its subsidiary, having filed a joint application or declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b) and 10 and Rule U-44 promulgated thereunder regarding: The proposal of Washington Railway and Electric Company (a) to acquire for cash at the par value of $100 per share 30,000 shares of common stock of its subsidiary, Potomac Electric Power Company; and (b) to pledge under its Consolidated Mortgage or Deed of Trust dated March 1, 1902 the 30,000 shares of the common stock of its said subsidiary, so to be acquired by it; and the proposal of Potomac Electric Power Company to issue and sell to Washington Railway and Electric Company for cash at the par value of $100 per share 30,000 shares of its common stock and to use the proceeds therefrom to finance its construction program.

A public hearing having been held after appropriate notice, and the Commission having made and filed its Memorandum Findings and Opinion herein; and

The Commission deeming it appropriate in the public interest and for the interest of investors and consumers to grant said application and to permit said declaration to become effective pursuant to the applicable sections of the Act and rules thereunder; and the Commission having found that the statutory requirements have been satisfied.

It is hereby ordered, Pursuant to the applicable provisions of said Act and the rules thereunder, subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application or declaration, as amended, be, and the same is hereby granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-6028; Filed, June 27, 1942; 10:30 a. m.]

[File No. 70-567]

MILWAUKEE LIGHT, HEAT & TRACTION COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 27th day of June, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than July 13, 1942 at 5:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pa.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Milwaukee Light, Heat & Traction Company, a non-utility subsidiary of The North American Company, a registered holding company, proposes to acquire 555 shares of common capital stock, no par value, of Hevi Duty Electric Company, a non-utility subsidiary of Milwaukee Light, Heat & Traction Company, from three individuals who are officers and directors of Hevi Duty Electric Company at a price of ten cents per share. Milwaukee Light, Heat & Traction Company presently owns 1,845 shares of the 2,500 shares of issued and outstanding common capital stock of Hevi Duty Electric Company.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-6058; Filed, June 29, 1942; 10:06 a. m.]