FEDERAL REGISTER

VOLUME 7 NUMBER 58

Washington, Wednesday, March 25, 1942

The President

PROCLAMATION 2542

ARMY DAY—1942

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, in this crucial hour of history, we, the American people, are especially aware of the heroic service of the Army of the United States, whose Citizen Soldiers have always stood ready to make any sacrifice required for Freedom;

WHEREAS, aroused by Axis treachery and repudiation of all the ideals of honor and truth and decency which as a Free Nation under God we cherish, we have taken steps to mobilize a Citizens' Army from every corner of the Nation and all walks of life and are preparing to achieve that victory upon which may be built a firm structure of peace and freedom;

WHEREAS it is fitting that those of us who labor behind the lines to replenish the arsenal of democracy should firmly resolve to spare no effort which may contribute to the speedy creation of the arms and supplies indispensable to our Citizens' Army; and

WHEREAS Senate Concurrent Resolution 5, 75th Congress, 1st session, agreed to by the House of Representatives on March 16, 1937 (50 Stat. 1103), provides:

That April 6 of each year be recognized by the Senate and House of Representatives of the United States of America as Army Day, and that the President of the United States be requested, as Commander in Chief, to order military units throughout the United States to assist civic bodies in appropriate celebration to such extent as he may deem advisable; to issue a proclamation each year declaring April 6 as Army Day, and in such proclamations to invite the Governors of the various States to issue Army Day proclamations: *Provided*, That in the event April 6 falls on Sunday, the following Monday shall be recognized as Army Day;

NOW, THEREFORE, I, FRANKLIN D ROOSEVELT, President of the United States of America, do hereby proclaim Monday, April 6, 1942, as Army Day, and I invite the Governors of the forty-eight States to issue Army Day proclamations; as Commander in Chief, I hereby authorize officers of military units wherever feasible to aid civic bodies in the appropriate observance of Army Day; and I most strongly urge that the people of the United States can best observe Army Day by honoring our Citizen Soldiers and giving special thought to the great responsibility for contributing unstintedly of their effort and of their means in order that our armed forces may be adequately equipped for victory.

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 20th day of March 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:

SUMNER WELLES,
Acting Secretary of State.

[F. R. Doc. 42-2543; Filed, March 24, 1942; 11:20 a. m.]

EXECUTIVE ORDER 9109

REVOKING IN PART EXECUTIVE ORDER NO. 6583 OF FEBRUARY 3, 1934, AND WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT FOR MILITARY PURPOSES

NEW MEXICO

By virtue of the authority vested in me as President of the United States, it is ordered that, subject to valid existing rights, the following-described public lands be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department for military purposes:

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 S., R. 18 W., secs. 12 and 13, containing 1,280 acres.

CONTENTS

(Continued on next page)

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

CONTENTS—Continued

NOTICES

CONTENTS—Continued

Executive Order No. 6583 of February 3, 1934, withdrawing public lands to aid the State in making exchange selections, is hereby revoked so far as it affects said sec. 13.

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 withdrawn.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 21, 1942.

[F. R. Doc. 42-2515; Filed, March 23, 1942; 1:56 p. m.]

Rules, Regulations, Orders

TITLE 10—ARMY: WAR DEPARTMENT

Chapter V—Military Reservations and National Cemeteries

PART 55—MOTION PICTURE SERVICE[1]

UNITED STATES ARMY MOTION PICTURE SERVICE

§ 55.1 *Name and object.* The United States Army Motion Picture Service, a self-supporting organization operating directly under the Chief of the Special Services Branch, was organized and is operated for the purpose of furnishing amusement and recreation through the medium of motion pictures for the enlisted men and other Army personnel at posts, camps, and stations in the continental limits of the United States and Alaska. The theater facilities of this service have been designed and are intended primarily for the execution of this mission, and all other considerations are secondary and subordinate to this objective. (R.S. 161; 5 U.S.C. 22) [Par. 1*a*, AR 210-390, July 1, 1938, as amended by Cir. 78, W.D., March 16, 1942]

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

[F. R. Doc. 42-2518; Filed, March 23, 1942; 3:17 p. m.]

[1] § 55.1 is amended.

TITLE 15—COMMERCE

Chapter I—Bureau of the Census

[Order No. 230]

PART 30—FOREIGN TRADE STATISTICS

FOREIGN COMMERCE STATISTICAL DECISION 22

MARCH 23, 1942.

Section 30.4 is amended to read as follows:

§ 30.4 *Statistics furnished by collectors.* Except during a period in which the United States is at war, trade papers, trade organizations, commercial concerns, and individuals may be furnished with statistical information regarding imports by customs districts as shown in the monthly statistical reports supplied to collectors by the Section Customs Statistics at New York. In no case shall any information be furnished in such manner as to disclose individual transactions or names of importers or exporters. (R.S. 161, Sec. 4, 32 Stat. 826; 5 U.S.C. 22, 601)

[SEAL] JESSE H. JONES,
Secretary of Commerce.

[F. R. Doc. 42-2517; Filed, March 23, 1942; 2:54 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 3633]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF CORN PRODUCTS REFINING COMPANY, ET AL.

§ 3.45 (c) *Discriminating in price—Direct discrimination—Charges and prices:* § 3.45 (e) *Discriminating in price—Indirect discrimination—Charges and prices—Classifications generally.* In connection with offer, etc., in commerce, of products resulting from the grinding and refining of corn, and among other things, as in order set forth, (1) directly or indirectly discriminating in price between different purchasers of glucose or corn syrup unmixed of like grade and quality in the manner and degree set forth in paragraphs four and five of the findings as to the facts herein [i. e., as there in detail set forth, discriminating through systems of prices or pricing resulting in differentials which do not, as shown, make only due allowance for differences in the cost of manufacture, sale or delivery resulting from the differing methods or quantities in which such glucose is sold or delivered to purchasers thereof, to-wit, system of delivered prices based on respondents' Chicago price, plus freight to destination, irrespective of whether or not shipment is made from respondents' Chicago plant, or, as customary, from their Kansas City plant; and through a system of prices based

upon their tank car prices plus certain differentials, depending upon type of container used], or in any manner or degree substantially similar thereto, or from continuing or resuming any such discriminations in price; and (2) discriminating in price between purchasers of glucose or corn syrup unmixed by the methods set out in paragraph six of the findings as to the facts herein [i. e., as there in detail set forth, discriminating through the operation of its so-called booking system, under which customers are given, for certain period, and preceding increase in price, privilege of purchasing specified amounts for delivery within specified period at old prices, in such a way as to grant preferential treatment to favored customers, resulting in substantial discriminations in price among candy manufacturers purchasing from them, through extension of time or other variation of terms]; or otherwise discriminating in price between purchasers by means of the booking or entry of orders for glucose or corn syrup unmixed, where the price differences between purchasers resulting therefrom substantially approximate or exceed those set forth in paragraphs four or five of the findings as to the facts herein; prohibited, subject to provision that said prohibition immediately above set forth shall not prohibit actual sales of glucose or corn syrup unmixed for future delivery which do not involve such discriminations in price at the time of actual sale. (Sec. 2 (a), 49 Stat. 1526; 15 U.S.C., Sup. IV, sec. 13 (a)) [Cease and desist order, Corn Products Refining Company, et al., Docket 3633, March 16, 1942]

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Discounts and allowances.* In connection with offer, etc., in commerce, of products resulting from the grinding and refining of corn, and among other things, as in order set forth, directly or indirectly discriminating in price between different purchasers of starch or starch products of like grade and quality in the manner and degree set forth in paragraph nine of the findings as to the facts herein, i. e., as there in detail set forth, discriminating in price through allowance of discounts, rebates, commissions, or other allowances, from their regular market or list prices to two customers on their puchases of many millions of pounds of such products, while selling to competitors of said purchasers substantial quantities of such products of like grade and quality at said corporations' regular market or list prices, and without any such discounts, etc., not shown as making no more than due allowance for differences, if any, in the cost of manufacture, sale or delivery of such products, resulting from differing methods or quantities, if any, in which the products are sold or delivered, and sufficient, if reflected in whole or substantial part in resale prices, to attract business to said favored concerns away from their competitors, or to force latter to resell products in question at substantially reduced profit, or to refrain from reselling], or in any manner or degree substantially similar thereto, or from continuing or resuming any such discriminations in price; prohibited. (Sec. 2 (a), 49 Stat. 1526; 15 U.S.C., Sup. IV, sec. 13 (a)) [Cease and desist order, Corn Products Refining Company, et al., Docket 3633, March 16, 1942]

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Discounts and allowances.* In connection with offer, etc., in commerce, of products resulting from the grinding and refining of corn, and among other things, as in order set forth, directly or indirectly discriminating in price between different purchasers of corn gluten feed and corn gluten meal of like grade and quality in the manner and degree set forth in paragraph eight of the findings as to the facts herein, [i. e., as there in detail set forth, discriminating in price through according to at least six favored purchasers discounts of fifty cents a ton or more, as the case may be, from said respondents' regular market prices on sales and shipments of such feed and meal, while selling such products of like grade and quality to competitors of said favored concerns without according any such discounts, allowances, commissions, rebates or other compensation, sufficient, if reflected in whole or substantial part in resale prices, to attract business to said favored concerns away from their respective competitors, or to force latter to resell such products purchased from respondents at a substantially reduced profit, or to refrain from reselling, and sufficient substantially to increase the margins of profit of the favored customers over those otherwise obtainable, and which, as shown, do not make no more than due allowance for differences, if any, in the cost of manufacture, sale or delivery of said products resulting from the differing methods, or quantities, if any, in which sold and delivered], or in any manner or degree substantially similar thereto, or from continuing or resuming any such discriminations in price; prohibited. (Sec. 2 (a), 49 Stat. 1526; 15 U.S.C., Sup. IV, sec. 13 (a)) [Cease and desist order, Corn Products Refining Company, et al., Docket 3633, March 16, 1942]

§ 3.45 (c) *Discriminating in price—Direct discrimination—Services and facilities.* In connection with offer, etc., in commerce, of products resulting from the grinding and refining of corn, and among other things, as in order set forth, furnishing advertising services to The Curtiss Candy Company as set forth in paragraph ten of the findings as to the facts herein [i. e., as there in detail set forth, under an understanding with said company (which, for a period of years, advertised its products approximately as much as all of the other candy manufacturers in the United States combined, and had as wide a distribution of its candy as any candy manufacturer in the United States) to induce it to use respondents' dry dextrose in its candies, and to advertise them as containing the same, and in consideration of the addition of the "Dextrose Message" to said company's advertising, appropriating various large sums of money for advertising in newspapers, magazines and on the radio, depicting the candy products of said company as "being rich in dextrose", or "enriched with dextrose"; while failing and declining to enter into any similar arrangements with any other of those buying such product from respondents, and to appropriate, or to pay to any one, any money with which advertising services could be purchased for the advertising of products of any purchaser of dry dextrose except said candy company; and failing to furnish any advertising services or facilities of any kind to other customer-purchasers of dry dextrose who compete with said candy company, user of such dextrose in most of its products in substantial, and frequently, major proportions], or directly or indirectly furnishing services or facilities to The Curtiss Candy Company or to any purchaser of dextrose or other of respondents' products in connection with the processing, handling, sale, or offering for sale thereof, when such services or facilities are not accorded to all competing purchasers of any such product on proportionally equal terms; prohibited. (Sec. 2 (e), 49 Stat. 1527; 15 U.S.C., Sup. IV, sec. 13 (e) [Cease and desist order, Corn Products Refining Company, et al., Docket 3633, March 16, 1942]

§ 3.39 *Dealing on exclusive and tying basis.* In connection with offer, etc., in commerce, of products resulting from the grinding and refining of corn, and among other things, as in order set forth, contracting to sell to, or selling to, the Huron Milling Company, the Keever Starch Company, or any other customer buying in quantities approximating those of the purchasers named, corn starch or other starch products, or fixing a price therefor or discount or rebate therefrom, on the condition, agreement, or understanding that any such purchaser shall not use or deal in corn starch or other starch products of a competitor or competitors of respondents, or from performing, enforcing, or continuing in operation or effect any such condition, agreement or understanding; prohibited. (Sec. 3, 38 Stat. 731, 15 U.S.C., sec. 14) [Cease and desist order, Corn Products Refining Company, et al., Docket 3633, March 16, 1942]

In the Matter of Corn Products Refining Company, Corn Products Sales Company, Inc.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of March, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, the amended complaint of the Commission and respondents' answer thereto, testimony and other evidence, briefs in support of the complaint and in opposition thereto, and oral arguments by counsel, and the Commission having made its findings as to the facts and its conclusion that respondents have violated subsections (a) and (e) of Section 2 and Section 3 of "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914

(Clayton Act) as amended by Act of June 19, 1936 (Robinson-Patman Act):

It is ordered, That respondents Corn Products Refining Company, a corporation, and Corn Products Sales Company, Inc., a corporation, and their officers, directors, representatives, agents, and employees, in connection with the offering for sale, sale, and distribution of products resulting from the grinding and refining of corn in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

(1) Directly or indirectly discriminating in price between different purchasers of glucose or corn syrup unmixed of like grade and quality in the manner and degree set forth in Paragraphs 4 and 5 of the findings as to the facts herein, or in any manner or degree substantially similar thereto, or from continuing or resuming any such discriminations in price;

(2) Discriminating in price between purchasers of glucose or corn syrup unmixed by the methods set out in Paragraph 6 of the findings as to the facts herein, or otherwise discriminating in price between purchasers by means of the booking or entry of orders for glucose or corn syrup unmixed, where the price differences between purchasers resulting therefrom substantially approximate or exceed those set forth in Paragraphs 4 or 5 of the findings as to the facts herein, provided this shall not prohibit actual sales of glucose or corn syrup unmixed for future delivery which do not involve such discriminations in price at the time of actual sale;

(3) Directly or indirectly discriminating in price between different purchasers of starch or starch products of like grade and quality in the manner and degree set forth in Paragraph 9 of the findings as to the facts herein, or in any manner or degree substantially similar thereto, or from continuing or resuming any such discriminations in price;

(4) Directly or indirectly discriminating in price between different purchasers of corn gluten feed and corn gluten meal of like grade and quality in the manner and degree set forth in Paragraph 8 of the findings as to the facts herein, or in any manner or degree substantially similar thereto, or from continuing or resuming any such discriminations in price;

(5) Furnishing advertising services to The Curtiss Candy Company as set forth in Paragraph 10 of the findings as to the facts herein, or directly or indirectly furnishing services or facilities to The Curtiss Candy Company or to any purchaser of dextrose or other of respondents' products in connection with the processing, handling, sale, or offering for sale thereof, when such services or facilities are not accorded to all competing purchasers of any such product on proportionally equal terms;

(6) Contracting to sell to, or selling to, the Huron Milling Company, the Keever Starch Company, or any other customer buying in quantities approximating those of the purchasers named, corn starch or other starch products, or fixing a price therefor or discount or rebate therefrom, on the condition, agreement, or understanding that any such purchaser shall not use or deal in corn starch or other starch products of a competitor or competitors of respondents, or from performing, enforcing, or continuing in operation or effect any such condition, agreement, or understanding.

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

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-2513; Filed, March 23, 1942; 12:49 p. m.]

[Docket No. 3800]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF CLINTON COMPANY, ET AL.

§ 3.45 (c) *Discriminating in price—Direct discrimination — Charges and prices:* § 3.45 (e) *Discriminating in price—Indirect discrimination—Charges and prices—Classifications generally.* In connection with offer, etc., in commerce, of glucose or corn syrup unmixed, (1) directly or indirectly discriminating in price between different purchasers of glucose or corn syrup unmixed of like grade and quality in the manner and degree set forth in paragraphs four and six of the findings as to the facts herein, [i. e., as there in detail set forth, discriminating through system of prices or pricing resulting in differentials which do not reflect actual differences in delivery costs to respondents, and brought about through sales of glucose of like grade and quality, fulfilled by shipments from respondents' Iowa plant to purchasers in various cities, at differing delivered prices, based upon respondents' Chicago tank car price, with addition thereto of the amount of the railroad tariff from Chicago to purchasers' locations in particular cities concerned; and through system or plan of adding to their base railroad tank car lot price for glucose, certain "container differentials", depending upon particular type of container used], or in any manner or degree substantially similar thereto, or from continuing or resuming any such discriminations in price; (2) discriminating in price between different purchasers of glucose by the methods set out in paragraph five of the findings as to the facts herein [i. e., as there in detail set forth, discriminating through preferential operation or application of respondents' booking system under which purchasers, following announcement of new price increase, are granted option of purchase at current price provided shipment is made within thirty days after price increase date, through making shipments at times to various purchasers, after expiration of thirty-day period, at older and lower price, while concurrently charging and receiving from other and competing purchasers who order after expiration of the five-day period, the new increased and higher prices for similar products, and through accepting order for glucose at old and lower price and selling same at such price to favored purchaser, while concurrently selling same product of like grade and quality to other and competing purchasers at the new and higher price], or otherwise discriminating in price between purchasers by means of the booking or entry of orders for glucose or corn syrup unmixed, where the price differences between purchasers resulting therefrom substantially approximate or exceed those set out in paragraphs four or six of the findings as to the facts herein; and (3) otherwise discriminating in price as between purchasers of glucose or corn syrup unmixed of like grade and quality where the effect may be substantially to lessen competition or tend to create a monopoly in the lines of commerce in which customers of respondent are engaged, or to injure, destroy, or prevent competition with any recipient of the benefit of such discrimination; prohibited, subject to provision as respects said second prohibition above set forth that same shall not prohibit actual sales of glucose or corn syrup unmixed for future delivery which do not involve such discriminations in price at the time of actual sale; and subject to further provision, as respects said third and last prohibition above set forth, that it shall not prevent price differences which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which said glucose is to such purchasers sold or delivered, and to further provision that it shall not prevent respondents from showing that any lower price to any purchaser was made in good faith to meet an equally low price of a competitor of respondents. (Sec. 2 (a), 49 Stat. 1526; 15 U.S.C., Sup. IV, sec. 13 (a) [Cease and desist order, Clinton Company, et al., Docket 3800, March 17, 1942]

In the Matter of Clinton Company, Clinton Sales Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of March, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, respondents' answer thereto, certain stipulated facts read into the record and exhibits introduced, briefs filed herein, and oral arguments of counsel, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of subsection (a) of section 2 of "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, (Clayton Act) as amended by

the Act approved June 19, 1936, (Robinson-Patman Act):

It is ordered, That respondents Clinton Company, a corporation, and Clinton Sales Company, a corporation, and their officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of glucose or corn syrup unmixed in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

(1) Directly or indirectly discriminating in price between different purchasers of glucose or corn syrup unmixed of like grade and quality in the manner and degree set forth in Paragraphs 4 and 6 of the findings as to the facts herein, or in any manner or degree substantially similar thereto, or from continuing or resuming any such discriminations in price;

(2) Discriminating in price between different purchasers of glucose by the methods set out in Paragraph 5 of the findings as to the facts herein, or otherwise discriminating in price between purchasers by means of the booking or entry of orders for glucose or corn syrup unmixed, where the price differences between purchasers resulting therefrom substantially approximate or exceed those set out in Paragraphs 4 or 6 of the findings as to the facts herein, provided this shall not prohibit actual sales of glucose or corn syrup unmixed for future delivery which do not involve such discriminations in price at the time of actual sale;

(3) Otherwise discriminating in price as between purchasers of glucose or corn syrup unmixed of like grade and quality where the effect may be substantially to lessen competition or tend to create a monopoly in the lines of commerce in which customers of respondent are engaged, or to injure, destroy, or prevent competition with any recipient of the benefit of such discrimination, provided that this shall not prevent price differences which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods of quantities in which said glucose is to such purchasers sold or delivered, and provided further that this shall not prevent respondents from showing that any lower price to any purchaser was made in good faith to meet an equally low price of a competitor of respondents.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-2541; Filed, March 24, 1942; 11:09 a. m.]

TITLE 24—HOUSING CREDIT

Chapter II—Federal Savings and Loan System

[Bulletin No. 1]

PART 202—INCORPORATION, CONVERSION, AND ORGANIZATION

AMENDMENT RELATING TO CHARTER AND BYLAWS

MARCH 23, 1942.

Section 202.9 of the Rules and Regulations for the Federal Savings and Loan System is hereby amended, effective March 23, 1942, to read as follows:

§ 202.9 *Charter and bylaws*—(a) *Issuance of Charter K.* If the Petition for Charter is approved, the following charter (hereinafter referred to as a "Charter K") shall be issued:

CHARTER K

Pursuant to the provisions of section 5 of the Home Owners' Loan Act of 1933, the following charter is hereby issued:

1. *Name.* The name of the Federal savings and loan association hereby chartered (hereinafter referred to as the "association") is ---------- Federal Savings and Loan Association ----------.

2. *Office.* The home office of the association shall be located at ----------, in the County of ----------, State of ----------. No office of the association shall be moved from its immediate vicinity except as may be provided in regulations made by the Federal Home Loan Bank Administration.

3. *Objects and powers.* The objects of the association are to promote thrift by providing a convenient and safe method for people to save and invest money and to provide for the sound and economical financing of homes. The statute, this charter, and rules and regulations made thereunder provide for examination and supervision and at the same time for the protection of all private rights concerned, and shall be construed in keeping with the best practices of local mutual thrift and home-financing institutions in the United States.

The association shall act as fiscal agent of the Government when designated for that purpose by the Secretary of the Treasury, under such regulations as he may prescribe, and shall perform all such reasonable duties as fiscal agent of the Government as he may require. The association may act as agent for any other instrumentality of the United States when designated for that purpose by any such instrumentality.

The association shall have perpetual succession and power to sue and be sued, complain and defend in any court of law or equity; to have a corporate seal, affixed by imprint, facsimile or otherwise; to appoint officers and agents as its business shall require, and allow them suitable compensation; to have bylaws not inconsistent with the Constitution or laws of the United States, this charter, and rules and regulations of the Federal Home Loan Bank Administration, providing for the management of its property and regulation and government of its affairs; to wind up and dissolve, merge, consolidate, or reorganize in the manner provided by law and rules and regulations made thereunder; and to conduct business in the territory of the United States except as otherwise limited in this charter. The association may purchase, hold, and convey real and personal estate consistent with its objects, purposes, and powers; may mortgage or lease any real and personal estate; and may take such property by gift, devise, or bequest. Unless authorized by the Federal Home Loan Bank Administration, the association may not invest in an office building or buildings for the transaction of the business of the association an amount representing the cost of land and buildings in excess of the sum of its undivided profits and reserve accounts.

In addition to the foregoing powers expressly enumerated, the association shall have power to do all things reasonably incident to the accomplishment of its express objects and the performance of its express powers. The association shall have such powers as are conferred by law and shall exercise its powers in conformity with the Home Owners' Loan Act of 1933 and all laws of the United States as they now are, or as they may hereafter be amended, and with the rules and regulations made thereunder which are not in conflict with this charter.

4. *Members.* All holders of share accounts of the association and all borrowers therefrom shall be deemed and held to be members thereof. In the consideration of all questions requiring action by the members, each holder of a share account shall be permitted to cast one vote for each $100, or fraction thereof, of the participation value of his share account. A borrowing member shall be permitted, as a borrower, to cast one vote, and to cast the number of votes to which he may be entitled as the holder of a share account. No member, however, shall cast more than 50 votes. Voting may be by proxy. Any number of members present at a regular or special meeting of the members shall constitute a quorum. A majority of all votes cast at any meeting of members shall determine any question. The members who shall be entitled to vote at any meeting of the members shall be those owning share accounts and borrowing members of record on the books of the association at the end of the calendar month next preceding the date of the meeting of members.

5. *Directors and officers.* The association shall be under the direction of a board of directors of not less than 5 nor more than 15, as determined and elected by the members. Directors shall be elected by ballot from the membership of the association, and a director shall cease to be a director when he ceases to be a member. At the first meeting of members of the association, directors shall be elected to serve until the first annual meeting and until their successors are duly elected and qualified. Thereafter directors shall be elected for periods of 3 years and until their successors are elected and qualified, but provision shall be made for the election of approximately one-third of the board of directors each year. In the event of a vacancy, including vacancies created by an increase by vote of the members of the number of directors within the limits hereinabove specified, the board of directors may fill the vacancy, if the members fail so to do, by electing a director to serve until the next annual meeting of the members, at which time a director shall be elected to fill the vacancy for the unexpired term. At its meeting, which shall be held as soon as practicable after the annual meeting of members, the board of directors shall elect a president, one or more vice presidents, a secretary, and a treasurer. It may appoint such additional officers and employees as it may from time to time determine. The offices of secretary and treasurer may be held by the same person, and a vice president may also be either the

secretary or the treasurer. The term of office of all officers shall be one year or until their respective successors are elected and qualified; but any officer may be removed at any time by the board of directors. In the absence of designation from time to time of powers and duties by the board of directors, the officers shall have such powers and duties as generally pertain to their respective offices.

6. *Share capital.* The share capital of the association shall consist of the aggregate of payments upon share accounts and dividends credited thereto less redemption and repurchase payments. The participation value in the share capital of each share account held by a member shall be the aggregate of payments upon such share account and dividends credited thereto less redemption and repurchase payments. Share accounts of $100 or multiples thereof may be known as investment share accounts, consisting of full-paid income shares. All other share accounts shall be known as savings share accounts. Payments upon share accounts shall be called share payments. Outstanding share accounts, if any, created pursuant to a previous charter of the association issued by the Federal Home Loan Bank Board or the Federal Home Loan Bank Administration shall continue to be known and treated as provided in the Federal charter in effect at the time each such share account was created, until exchanged for investment or savings share accounts. Share accounts may be issued for cash, or property in which the association is authorized to invest, and, in the absence of actual fraud in the transaction, the value of property taken in payment therefor, as determined by the board of directors, shall be conclusive. All share accounts shall be nonassessable, and no holder thereof shall be responsible for any losses incurred by the association beyond the loss of the participation value of his share accounts at the time the loss is determined.

7. *Ownership of share accounts.* All share accounts shall be represented by share account books containing a certificate of membership and evidencing the participation value of the share account, except that investment share accounts may be represented by separate membership certificates. Share accounts may be purchased and held absolutely by, or in trust for, any person, including an individual, male, female, adult or minor, single or married, a partnership, association, and corporation. The receipt or acquittance of any member, including a minor person or a married woman, who holds a share account shall be a valid and sufficient release and discharge of the association for any payment to such person on any share account. Two or more persons may hold share accounts jointly in any manner permitted by law. Trustees and other fiduciaries, including, but not limited to, fiduciaries empowered to invest in first mortgages, may invest in share accounts. Share accounts shall be transferable only upon the books of the association and upon proper application by the transferee and the acceptance of the transferee as a member upon terms approved by the board of directors. The association may treat the holder of record of share accounts as the owner for all purposes without being affected by any notice to the contrary unless the association has acknowledged in writing notice of a pledge. The association shall not directly or indirectly charge any membership, admission, repurchase, withdrawal, or any other fee or sum of money, for the privilege of becoming, remaining, or ceasing to be a member of the association.

8. *Power to obtain advances.* The association shall have power to obtain advances of not more than an amount equal to one-half of its share capital on the date of the advance. A subsequent reduction of share capital shall not affect in any way outstanding obligations for advances. The association shall not have power to obtain advances from any source other than a Federal home loan bank of more than an amount equal to 10 percent of its share capital on the date of the advance. The association may pledge or otherwise encumber any of its assets to secure its debts. The association shall not accept deposits from the public or issue any evidence of indebtedness except for advances. It shall not represent itself as a deposit institution.

9. *Reserves, undivided profits, and dividends.* As of June 30 and December 31 of each year, after payment or provision for payment of all expenses and appropriate transfers to the reserve required below, and additional transfers to other reserve accounts, and provision for an undivided profits account, the board of directors shall declare as dividends the remainder of the net earnings of the association for the 6 months' period. All dividends shall be declared as of said dividend dates. The board of directors may declare dividends as of said dividend dates payable out of the amounts remaining from previous periods in the undivided profits account. Profits to holders of share accounts shall be termed dividends (except bonus payments) and shall not be referred to as interest. The association shall maintain the reserve required for insurance of accounts by sufficient credits on each dividend date. If and whenever the aggregate reserves of the association (less reserve for bonus) are not equal to 10 percent of the share capital, the association shall, at each dividend date, transfer to reserves (other than reserve for bonus) a credit equivalent to at least 5 percent of the net earnings of the association, until such aggregate reserves are equal to 10 percent of the share capital. Any losses may be charged against reserves. Dividends upon investment share accounts shall be promptly paid in cash as of the dividend date. Dividends on savings share accounts shall be credited to such share accounts on the books of the association as of the dividend date. All holders of share accounts shall participate equally in dividends pro rata to the participation value of their share accounts; provided that the association shall not be required to credit dividends on inactive share accounts of $5 or less. Except as provided above, dividends shall be declared on the participation value of each share account at the beginning of the dividend period, plus the share payments made during the dividend period (less amounts repurchased and noticed for repurchase and, for dividend purposes, deducted from the latest previous share payments), computed at the dividend rate for the time invested, determined as provided below. The date of investment shall be the date of actual receipt of such share payments by the association, unless the board of directors fix a date, not later than the tenth of the month, for determining the date of investment of payments on either investment or savings share accounts or on both types of share accounts. Share payments, affected by such determination date, received by the association on or before such determination date, shall receive dividends as if invested on the first of such month. Share payments, affected by such determination date, received subsequent to such determination date, shall receive dividends as if invested on the first of the next succeeding month. All holders of share accounts shall be entitled to equal distribution of net assets, pro rata to the value of their share accounts, in the event of voluntary or involuntary liquidaton, dissolution, or winding up of the association.

10. *Bonus and bonus reserve.* In order to stimulate systematic thrift and to provide regular funds for the financing of homes, the members, by bylaw provision, may obligate the association to pay a cash bonus as follows:

(a) *Short-term bonus.* If, after the adoption of the bonus plan, a member desiring a short-term bonus shall agree to make regular monthly share payments of any specified amount on a savings share account until the participation value thereof shall equal 100 times the agreed monthly payment, and if the agreed monthly payments shall be made each and every month thereafter until the participation value thereof shall equal 100 times the agreed monthly payment, without a delay of more than 60 days in the payment of any monthly payment and without any prepayment of more than 12 months, and if during such period no application has been made for repurchase of any part of such savings share account, the bonus shall be payable on the date on which the participation value of such savings share account shall equal or exceed 100 times the agreed monthly payment. The bonus rate on such short-term savings share account shall be one-half of 1 percent per annum and the amount of the bonus shall be determined as follows: Divide the dollar amount of each semiannual dividend declared on such savings share account by a figure equal to twice the annual rate of percent of such semiannual dividend declared. The amount of the bonus is the sum of the quotients obtained.

(b) *Long-term bonus.* If, after the adoption of the bonus plan a member desiring a long-term bonus shall agree to make regular monthly share payments of any specified amount on a savings share account until the participation value thereof shall equal 200 times the agreed monthly payment, and if the agreed monthly payments shall be made each and every month thereafter until the participation value thereof shall equal 200 times the agreed monthly payment, without a delay of more than 60 days in the payment of any monthly payment and without any prepayment of more than 12 months, and if during such period no application has been made for repurchase of any part of such savings share account, the bonus shall be payable on the date on which the participation value of such savings share account shall equal or exceed 200 times the agreed monthly payment. The bonus rate on such long-term savings share account shall be 1 percent per annum and the amount of the bonus shall be determined as follows: Divide the dollar amount of each semiannual dividend declared on such savings share account by a figure equal to the annual rate of percent of such semiannual dividend declared. The amount of the bonus is the sum of the quotients obtained.

The members, by amendment of the bylaws, may abolish the bonus plan as to savings share accounts opened after the date of such repeal of the bonus plan.

Simultaneously with the declaration of each semiannual dividend after the adoption of the bonus plan, the board of directors shall transfer out of net earnings to an account designated "reserve for bonus" an amount, which, together with existing credits to such reserve is sufficient to pay the bonus on all savings share accounts then entitled to participation in such reserve in accordance with the provisions of this section. The board of directors may transfer any excess in such reserve to the undivided profits account.

11. *Redemption.* At any time funds are on hand for the purpose, the association shall have the right to redeem by lot, or otherwise as the board of directors may determine, all or any part of any of its share accounts on a dividend date, by giving 30 days' notice by registered mail addressed to the holders at their last address recorded on the books of the association. The association shall not redeem any of its share accounts when there is an impairment of

share capital or when it has applications for repurchase which have been on file more than 30 days and not reached for payment. The redemption price of share accounts redeemed shall be the full value of the share account redeemed, as determined by the board of directors, but in no event shall the redemption price be less than the repurchase value. If a share account which is redeemed is entitled to participate in the reserve for bonus, the amount of such accrued participation shall be paid as part of the redemption price. If the aforesaid notice of redemption shall have been duly given, and if on or before the redemption date the funds necessary for such redemption shall have been set aside so as to be and continue to be available therefor, dividends upon the share accounts called for redemption shall cease to accrue from and after the dividend date specified as the redemption date, and all rights with respect to such share accounts shall forthwith, after such redemption date, terminate, except only the right of the holder of record to receive the redemption price without interest.

12. *Repurchase.* The association shall have the right to repurchase its share accounts at any time upon application therefor and to pay to the holders thereof the repurchase value thereof. Holders of share accounts shall have the right to file with the association their written applications to repurchase their share accounts, in part or in full, at any time. Upon the filing of such written applications to repurchase, the association shall number and file the same in the order received and shall either pay the holder the repurchase value of the share account, in part or in full as requested, or, after 30 days from the receipt of such application to repurchase, apply at least one-third of the receipts of the association from holders of share accounts and borrowers, to the repurchase of such share accounts in numerical order: *Provided*, That if any holder of a share account applies for the repurchase of more than $1,000 of his share account or accounts, he shall be paid $1,000 in order when reached, and his application shall be charged with such amount as paid and shall be renumbered and placed at the end of the list of applications to repurchase, and thereafter, upon again being reached, shall be paid a like amount, but not exceeding the value of his account, and until paid in full shall continue to be so paid, renumbered, and replaced at the end of the list. When an application to repurchase is reached for payment as above provided, a written notice shall be sent to the applicant by registered mail at his last address recorded on the books of the association, and, unless the applicant shall apply in person or in writing for such repurchase payment within 30 days from the date of mailing such notice, no payment on account of such application shall be made and such application shall be cancelled. The board of directors shall have the absolute right to repurchase not exceeding $100 of any one share account or accounts of any one holder in any one month in any order regardless of whether or not such holder has filed an application for repurchase. Holders of share accounts filing written application for repurchase shall remain holders of share accounts until paid and shall not become creditors. Dividends upon a share account, to the extent of the amount of the application to repurchase all or part thereof, shall be discontinued while such share account remains upon the repurchase list. The repurchase value of share accounts of the association shall be the participation value thereof.

13. *Loans and investments.* The association may make loans to holders of share accounts on the sole security of their share accounts. To secure such loans the association shall obtain a lien upon, or a pledge of, the share account. Upon any default on any such loan, the association may, without any notice to or consent of the share-account holder, cancel on its books share accounts pledged and apply such share accounts in payment on account of the loan. No such loan shall exceed 90 percent of the repurchase value of the share account securing such loan. No such loan shall be made when the association has applications for repurchase which have been on file more than 30 days and not reached for payment.

The association may also lend its funds on the security of first liens upon homes, or combination of homes and business property, within 50 miles of its home office: *Provided*, That not more than $20,000 shall be loaned on the security of a first lien upon any property; except that not exceeding 15 percent of the assets of the association may be loaned on other improved real estate without regard to said $20,000 limitation, and without regard to said 50-mile limit, but secured by first lien thereon; and, *Provided further*, That the association may lend, without the requirement of amortization of principal, not exceeding 50 percent of the appraised value of the security of a first lien upon improved real estate, but the aggregate amount of such loans and of all other loans made pursuant to this sentence, without regard to the $20,000 limitation and without regard to the 50-mile limit, shall not exceed 15 percent of the assets of the association, without the prior written approval of the Federal Home Loan Bank Administration. The association, if converted from a State-chartered institution, may continue to make loans in the territory in which it made loans while operating under State charter. The association shall not make any loans to an officer, director, or employee, except loans on the sole security of share accounts owned by such officer, director, or employee, and except loans on the security of a first lien upon the home or combination of home and business property owned and occupied by such borrowing officer, director, or employee. The association may lend an amount not exceeding 75 percent of the value of the security of a home or combination home and business property, and may lend an amount not exceeding 50 percent of the value of the security of other improved real estate: *Provided*, That the association may lend a higher percentage of the value of any such security when authorized by the members of the association and by regulations made by the Federal Home Loan Bank Administration.

The association may invest without limit in obligations of, or obligations guaranteed as to principal and interest by, the United States, in obligations of Federal home loan banks, and in other securities approved by the Federal Home Loan Bank Administration. The association may also invest in stock of a Federal home loan bank.

No loans shall be made upon the security of real estate until at least two qualified persons selected by the board of directors shall have submitted a signed appraisal of the real-estate security for such loan. No loan shall be made when the borrower is required to pay to the association or to another person in connection with the loan any unreasonable or unlawful charge or fee. The association shall ascertain the total amount paid by each borrower to it and to any other person in connection with the loan, and furnish to each borrower upon the closing of the loan a loan settlement statement, indicating in detail the charges or fees such borrower has paid or obligated himself to pay to the association or to any other person in connection with such loan, and a copy of such statement shall be retained in the records of the association.

14. *Loan plan.* Loans on real estate shall be made on one of the following bases:

(a) Repayable in monthly installments, equal or unequal, beginning not later than 30 days after the date of the advance of the loan, sufficient to retire the debt, interest and principal, within 20 years: *Provided, however*, That the loan contract shall not provide for any subsequent monthly installment of an amount larger than any previous monthly installment; *And provided further*, That in the case of construction loans the first payment shall not be later than 4 months after the date of the first advance.

(b) To the extent permitted by this charter, repayable within 5 years from the date with or without any amortization of principal but with interest payable at least semi-annually.

The monthly payments required shall be applied first to interest on the unpaid balance of the debt and the remainder to the reduction of the debt until the same is paid in full. The primary obligation shall be secured by a mortgage or other instrument constituting a first lien or the full equivalent thereof upon the real estate securing the loan according to any lawful and well recognized practice which is deemed best suited to the transaction. In keeping with the best loan practices in the territory, the instrument securing a loan on real estate shall provide for full protection to the association and shall be recorded. It shall provide specifically for full protection with respect to insurance, taxes, assessments, other governmental levies, maintenance, and repairs. It may provide for an assignment of rents and for such other protection as may be lawful or appropriate. The association may pay taxes, assessments, insurance premiums, and other similar charges for the protection of its interest in the property on which it has loans. All such payments may, when lawful, be added to the unpaid balance of the loan. The association may require life insurance to be assigned to the association by its borrowers as additional collateral for real-estate loans. The association may advance premiums on any life insurance held as additional collateral for real-estate loans if the association has a first lien on the policy. Such premium advances may, when lawful, be added to the unpaid balance of the loan. The association may require that the equivalent of one-twelfth of the estimated annual taxes, assessments, insurance premiums, and other charges upon real-estate security, or any of them, be paid in advance to the association in addition to interest and principal payments on its loans so as to enable the association to pay such charges as they become due from the funds so received. The association shall keep a record of the status of taxes, assessments, insurance premiums, and other charges on all real estate on which the association has made loans or which is owned by the association. The board of directors shall from time to time determine the rate of interest, premiums, fees, and other charges to be made in connection with loans by the association. In fixing such charges full consideration shall be given to sound and economical home financing in the territory in which the association operates. Borrowers shall have the right to prepay their loans without penalty; except that when the amount prepaid equals or exceeds 20 percent of the original principal amount of the loan, not more than 90 days' interest on the amount prepaid may be charged, provided the loan contract makes provision for such penalty. All loans on the security of real estate shall be made in accordance with this section unless the Federal Home Loan Bank Administration approves another loan plan upon application from the association for such approval.

15. *Evidence of corporate existence.* This charter, or a certified copy hereof under the seal of the Federal Home Loan Bank Administration, shall be evidence of the corporate existence of the association.

16. *Amendment of charter.* No amendment, addition, alteration, change, or repeal of this charter shall be made unless such proposal is made by the board of directors of the association, and submitted to and approved by the Federal Home Loan Bank Administration, and is thereafter submitted to and approved by the members at a legal meeting. Any amendment, addition, alteration, change, or repeal so acted upon and approved shall be effective, if filed with and approved by the Federal Home Loan Bank Administration, as of the date of the final approval by the members.

I, _____, Secretary of the Federal Home Loan Bank Administration, do hereby certify that the foregoing is a true and correct copy of the charter of the _____ _____ Federal Savings and Loan Association _____ issued by the Federal Home Loan Bank Administration on the _____ day of _____, 19__.

This, the _____ day of _____, 19__.

[SEAL] _____
Secretary.

Each such charter shall create the legal rights and duties intended by the parties; and after each such charter is issued, the Federal association shall be operated within the limits prescribed by section 5 of the Home Owners' Loan Act of 1933, and shall be subject to the provisions of its charter, its bylaws, and these rules and regulations, and any amendments thereof. Federal associations heretofore chartered (provided no preferred shares are outstanding) may amend their charter as an entirety by a majority vote cast at a regular or special meeting of members adopting a Charter K with the same name and office prescribed by their present charter and upon filing the following petition (hereinafter referred to as a "Petition for Amended Charter K"):

PETITION FOR AMENDED CHAPTER K

FEDERAL HOME LOAN BANK ADMINISTRATION

Washington, D. C.

The undersigned, pursuant to § 202.9 of the Rules and Regulations for Federal Savings and Loan Associations, respectfully petitions the Administration to issue an amended charter in the form of Charter K to the undersigned, fixing the name and home office of the undersigned which its present charter prescribes.

The undersigned, by its secretary, hereby certifies that the members at a regular (special) meeting duly adopted the following resolution:

"*Be It Resolved,* That the present charter of this association be amended to read in the form of Charter K, prescribing the present name and home office fixed by the present charter of this association."

In witness whereof, the Secretary of the undersigned has hereunto affixed his hand and the seal of the undersigned this _____ day of _____, 19__.

_____ FEDEPAL SAVINGS AND LOAN ASSOCIATION,

By _____

[CORPORATE SEAL]

The Administration will issue to any such Federal association a Charter K fixing the name and the home office of the association which the present charter prescribes, unless the Administration when petitioned approves a change of name or location.

(b) *Bylaws (1936) prescribed.* Each Federal association having a Charter K shall operate under the following bylaws (hereinafter referred to as "Bylaws (1936)") unless and until other bylaws have been adopted by the association and have been approved by the Administration:

BYLAWS (1936)

FEDERAL SAVINGS AND LOAN ASSOCIATION

1. *Annual meetings of members.* The annual meeting of the members of the association for the election of directors and for the transaction of any other business of the association shall be held at its home office at 2 o'clock in the afternoon on the third Wednesday in January of each year, if not a legal holiday, or if a legal holiday then on the next succeeding day not a legal holiday. The annual meeting may be held at such other time on such day or at such other place in the same community as the board of directors may determine. At each annual meeting, the officers shall make a full report of the financial condition of the association and of its progress for the preceding year, and shall outline a program for the succeeding year.

2. *Special meetings of members.* Special meetings of the members of the association may be called at any time by the president or the board of directors, and shall be called by the president, a vice president, or the secretary upon the written request of members holding of record in the aggregate at least one-tenth of the share capital of the association. Such written request shall state the purposes of the meeting and shall be delivered at the home office of the association addressed to the president.

3. *Notice of meetings of members.* (a) Notice of each annual meeting shall be either published once a week for the two successive calendar weeks (in each instance on any day of the week) prior to the date on which such annual meeting shall convene, in a newspaper printed in the English language and of general circulation in the city or county in which the home office of the association is located, or mailed postage prepaid at least 15 days and not more than 30 days prior to the date on which such annual meeting shall convene to each of its members of record at his last address appearing on the books of the association. Such notice shall state the name of the association, the place of the annual meeting and the time when it shall convene. A similar notice shall be posted in a conspicuous place in each of the offices of the association during the 14 days immediately preceding the date on which such annual meeting shall convene. If any member, in person or by attorney thereunto authorized, shall waive in writing notice of any annual meeting of members, notice thereof need not be given to such member.

(b) Notice of each special meeting shall be either published once a week for the two consecutive calendar weeks (in each instance on any day of the week) prior to the date on which such special meeting shall convene, in a newspaper printed in the English language and of general circulation in the city or county in which the home office of the association is located, or mailed postage prepaid at least 15 days and not more than 30 days prior to the date on which such special meeting shall convene to each of its members of record at his last address appearing on the books of the association. Such notice shall state the name of the association, the purpose or purposes for which the meeting is called, the place of the special meeting and the time when it shall convene. A similar notice shall be posted in a conspicuous place in each of the offices of the association during the 14 days immediately preceding the date on which such special meeting shall convene. If any member, in person or by attorney thereunto authorized, shall waive in writing notice of any special meeting of members, notice thereof need not be given to such member.

4. *Meetings of the board of directors.* The board of directors shall meet regularly without notice at the home office of the association at least once each month at the hour and date fixed by resolution of the board of directors, provided that the place of meeting may be changed by the directors. Special meetings of the board of directors may be held at any place in the territory in which the association may make loans specified in a notice of such meeting and shall be called by the secretary upon the written request of the president, or of three directors. All special meetings shall be held upon at least 3 days' written notice to each director unless notice be waived in writing before or after such meeting. Such notice shall state the place, time, and purposes of such meeting. A majority of the directors shall constitute a quorum for the transaction of business. The act of a majority of the directors present at any meeting at which there is a quorum shall be the act of the board of directors. All meetings of the members and of the board of directors shall be conducted in accordance with Robert's Rules of Order.

5. *Resignation of directors.* Any director may resign at any time by sending a written notice of such resignation to the office of the association delivered to the secretary. Unless otherwise specified therein, such resignation shall take effect upon receipt thereof by the secretary. More than three consecutive absences from regular meetings of the board of directors, unless excused by resolution of the board of directors, shall automatically constitute a resignation, effective when such resignation is accepted by the board of directors.

6. *Powers of the board.* The board of directors shall have power—

(a) To appoint and remove by resolution the members of an executive committee, the members of which shall be directors, which committee shall have and exercise the powers of the board of directors between the meetings of the board of directors;

(b) To appoint and remove by resolution the members of such other committees as may be deemed necessary and prescribe the duties thereof;

(c) To fix the compensation of directors, officers, and employees; and to remove any officer or employee at any time with or without cause;

(d) To extend leniency and indulgence to borrowing members who are in distress and generally to compromise and settle any debts and claims;

(e) To limit share payments which may be accepted;

(f) To reject any application for share accounts or membership; and

(g) To exercise any and all of the powers of the association not expressly reserved by the charter to the members.

7. *Execution of instruments, generally.* All documents and instruments or writings of any nature shall be signed, executed, verified, acknowledged, and delivered by such officers, agents, or employees of the association or any one of them and in such manner as from time to time may be determined by resolution of the board of directors. All notes, drafts, acceptances, checks, endorsements, and all evidences of indebtedness of the association whatsoever shall be signed by such officer or officers or such agent or agents of the association and in such manner as the board of directors may from time to time determine. Endorsements for deposit to the credit of the association in any of its duly authorized depositaries shall be made in such manner as the board of direc-

tors may from time to time determine. Proxies to vote with respect to shares or accounts of other associations or stock of other corporations owned by or standing in the name of the association may be executed and delivered from time to time on behalf of the association by the president or a vice president and the secretary or an assistant secretary of the association or by any other person or persons thereunto authorized by the board of directors.

8. *Membership certificates.* One of the officers or an employee designated by the board of directors shall manually sign and deliver a membership certificate to each person upon the initial payment on a share account of the association or upon the making of a real-estate loan by the association.

9. *Seal.* The seal shall be two concentric circles between which shall be the name of the association. The year of incorporation, the word "incorporated", or an emblem may appear in the center.

10. *Amendment.* These bylaws may be amended at any time by a two-thirds affirmative vote of the board of directors, or by a vote of the members of the association. Each and every amendment shall be subject to the approval of the Federal Home Loan Bank Administration, and shall be ineffective until such approval shall be given, except that, without the approval of the Federal Home Loan Bank Administration, section 1 of the bylaws may be amended so that the time of day for convening the annual meeting may be fixed at any hour not earlier than 10 a. m. or later than 9 p. m., and a new section providing for a bonus may be added as provided in the rules and regulations for Federal savings and loan associations.

We, the undersigned officers, respectively, of the ---------- Federal Savings and Loan Association ----------, do hereby certify that the foregoing is a true and correct copy of the bylaws of said association.

---------- (President)

[SEAL] ---------- (Secretary)

(c) *Availability and delivery of charter and bylaws to members.* Each Federal association shall cause a certified copy of its charter and bylaws to be made available to members at all times in each office of the association, and shall deliver to each member upon admission to membership a true copy of its charter and bylaws as amended. A copy of each subsequent amendment, if directed by the Administration, shall be furnished to all members. (Sec. 5 (a), (b), (c), of H. O. L. A. of 1933, 48 Stat. 132, sec. 18, 49 Stat. 297, sec. 5 (k) of H.O.L.A. of 1933, as added by sec. 5, 48 Stat. 646; 12 U.S.C. 1464 (a), (b), (c), (k), and Sup.; E.O. 9070, 7 F.R. 1529)

This amendment is deemed to be of a minor and procedural character within the provisions of § 201.2 (c) of the Rules and Regulations for the Federal Savings and Loan System.

[SEAL] FRED T. GREENE,
Acting Deputy Governor.
HAROLD LEE,
General Counsel.
ORMOND E. LOOMIS,
Executive Assistant to the Commissioner.

[F. R. Doc. 42-2516; Filed, March 23, 1942; 1:49 p. m.]

No. 58——2

TITLE 30—MINERAL RESOURCES

Chapter VI—Office of Solid Fuels Coordination

[Recommendation No. 1]

PART 601—ADMINISTRATIVE; GENERAL SOLID FUELS ADVISORY WAR COUNCIL

In order to aid in the accomplishment of the purposes and objectives of the sold fuels coordination policy defined by the President of the United States in his letter of November 5, 1941, 7 F.R. 781, directing the Secretary of the Interior to act as Solid Fuels Coordinator, the Secretary of the Interior has established a Solid Fuels Advisory War Council and appointed to its membership representatives of the industries primarily affected by the program as well as representatives of labor and of the public. The purpose of the Council is to mobilize more effectively the resources and abilites of the solid fuels industries to deal with the emergency war time conditions and to provide a competent, responsible and representative body equipped and authorized both to advise the Secretary of the Interior with respect to the solid fuels industries and to carry into effect immediately measures affecting those industries recommended by the Secretary of the Interior as essential to the effective prosecution of the war program as it relates to solid fuels. It is vital to the national welfare that the Solid Fuels Advisory War Council be enabled to act swiftly and effectively to advise the Secretary of the Interior with respect to matters affecting the solid fuels industries and to carry into effect recommendations of the Secretary of the Interior.

Therefore, pursuant to the President's letter of November 5, 1941 directing the Secretary of the Interior to serve as Solid Fuels Coordinator, I do hereby recommend that immediately, and until further notice:

Sec.

Bituminous Coal

§ 601.1 *Duties and functions.* The Solid Fuels Advisory War Council shall: (a) advise or inform the Secretary of the Interior and the Office of Solid Fuels Coordination with respect to any matter relating to the proper coordination of the solid fuels industries for war purposes submitted to it by the Secretary of the Interior or the Office of Solid Fuels Coordination for advice or information; (b) raise and consider on its own motion and, if deemed necessary or desirable, propose to the Secretary of the Interior or the Office of Solid Fuels Coordination any action relating to the proper coordination of the solid fuels industries for war purposes; (c) take any action or perform any duty or function specified in any formal recommendation of the Secretary of the Interior or the Office of Solid Fuels Coordination which has been duly submitted to the Attorney General and entered in the FEDERAL REGISTER, or in any approved plan effective under any such recommendation.*

*§§ 601.1 to 601.4, inclusive, issued under the authority contained in the President's letter of November 5, 1941, to the Secretary of the Interior, 7 F.R. 1781.

§ 601.2 *Surveys and consultations.* In accomplishing the purposes and objectives of the Solid Fuels Advisory War Council, defined in § 601.1, the Solid Fuels Advisory War Council is authorized to consult with any members of industries affected by the solid fuels coordination program, with any of committees or temporary or permanent subcommittees established by or under the authority of the Secretary of the Interior or the Office of Solid Fuels Coordination, and with any appropriate representative of the Office of Solid Fuels Coordination.*

§ 601.3 *Plans.* The Solid Fuels Advisory War Council shall, if the Council deems it necessary or desirable, formulate and reduce to writing such specific plan or proposal with respect to any matter which may be before it as shall seem necessary or appropriate and shall submit such plan or proposal, with a statement of facts and reasons, to the Secretary of the Interior or the Office of Solid Fuels Coordination, Washington, D. C.*

§ 601.4 *Organization of Council.* The Solid Fuels Advisory War Council may appoint such committees as it deems necessary for investigation and report on specific problems.

Minutes shall be kept of all meetings of the Council and two copies thereof shall be filed in the Office of Solid Fuels Coordination.*

Dated: March 20, 1942.

[SEAL] HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 42-2531; Filed, March 24, 1942; 9:34 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Division of Industry Operations

PART 965—IRON AND STEEL SCRAP

SUPPLEMENTARY ORDER M-24-a—RESTRICTIONS ON TINNED AND DETINNED SCRAP IN CERTAIN AREAS

§ 965.2 *Supplementary Order M-24-a.* Pursuant to the provisions of General Preference Order M-24[1] it is hereby ordered:

(a) *Additional definitions.* (1) "Tinned Scrap" means scrap consisting of tin plate, whether clippings, used tin cans, or in any other form.

(2) "Detinned Scrap" means tinned scrap from which all or any part of the tin has been removed by detinning, burning or any other process.

[1] 6 F.R. 5217.

(b) *Restrictions on sales of tinned scrap.* Except with the specific permission of the Director of Industry Operations, no person shall sell or ship tinned scrap in any of the counties listed in Schedule A hereto, except to a broker or dealer at his place of business in any such county, to a shredding or detinning plant located in any such county, or to a plant engaged in the precipitation of copper.

(c) *Restrictions on sales of detinned scrap.* Except with the specific permission of the Director of Industry Operations no person producing detinned scrap at a detinning plant located in any such county shall sell or ship detinned scrap produced at such plant except to a plant engaged in the precipitation of copper.

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

Issued this 24th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

SCHEDULE A

California: Alameda, Contra Costa, Fresno, Imperial, Kern, Los Angeles, Marin, Merced, Monterey, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Ventura, Yolo, and Yuba.

[F. R. Doc. 42-2545; Filed, March 24, 1942; 11:32 a. m.]

PART 1038—MADAGASCAR FLAKE GRAPHITE

INTERPRETATION NO. 1 OF CONSERVATION ORDER NO. M-61 [1] CURTAILING THE USE OF MADAGASCAR FLAKE GRAPHITE

In Order M-61 the phrases "Madagascar Flake Graphite which is of the grade that can be used for the manufacture of crucibles" and "Madagascar Flake Graphite of a grade which could have been used for the manufacture of crucibles" appear. These phrases are hereby officially interpreted to mean Madagascar Flake Graphite of a grade that will stand on a 35 mesh screen. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B., Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 23d day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2519, Filed, March 23, 1942; 4:53 p. m.]

[1] 7 F.R. 1064.

PART 1047—PETROLEUM

CONSERVATION ORDER M-68-C AS AMENDED

Section 1047.4 (*Conservation Order M-68-c*) is hereby amended to read as follows:

§ 1047.4 *Conservation Order M-68-c*—(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision of this Order may be inconsistent therewith, in which case such provision shall govern.

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

(2) "Marketing" means the operation of all facilities (other than petroleum terminal or terminal storage facilities or marine, rail, pipeline or truck facilities used to transport petroleum) for distributing or dispensing petroleum (excluding natural gas), including without limitation the operation of service stations, substations, bulk plants, warehouses, wholesale depots, or facilities operated by "consumer accounts".

(3) "Petroleum" means petroleum, petroleum products, and associated hydrocarbons including but not limited to natural gas.

(4) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind.

(5) "Structure" means any building, physical construction or portion thereof, used in marketing, but not including equipment used therein.

(6) "Equipment" means dispensing pumps and storage tanks having a capacity of more than 65 gallons used in marketing.

(7) "Advertising material" means any material (other than non-metallic material) used for such display or advertising purposes as are incident to marketing.

(8) Subject to subparagraph (10), "maintenance" means the upkeep of a structure or equipment in a sound working condition with a minimum expenditure of material.

(9) Subject to subparagraph (10), "repair" means the restoration of a structure or equipment to a sound working condition when such structure or equipment has been rendered unsafe or unfit for further service by wear and tear, damage, destruction or failure of parts or similar causes.

(10) The terms "maintenance" and "repair" do not include any of the following:

(i) The replacement of an item or part thereof where such replacement is carried on the books as a fixed asset;

(ii) The use of material for the improvement of a structure or equipment through the replacement of material in the existing installation, unless the item or part thereof which is replaced is beyond economic repair or has been rendered unusable by fire or other hazard or natural cause;

(iii) The use of material for additions to or expansion of a structure or equipment;

(iv) The use of material for a purpose which could not properly be charged on the books to "maintenance", "repair", or the equivalent in the established method of bookkeeping.

(c) *Conservation of material used in marketing.* Subject to the exceptions in paragraph (d) hereof, no person shall construct, reconstruct, expand, or remodel any Structure or install equipment or advertising material. Subject to the exceptions in paragraph (d) hereof, no person shall deliver or otherwise supply, or cause to be delivered or otherwise supplied, any Material which he knows, or has reason to believe, is intended for such uses.

(d) *Exceptions.* The provisions of paragraph (c) hereof shall not apply in the following instances:

(1) To any case where material is to be used by a person for the maintenance or repair of any structure or equipment.

(2) To any case where actual physical work of construction, reconstruction, expansion, or remodeling of any Structure or the installation of equipment or advertising material had commenced prior to January 14, 1942: *Provided*, That such work of construction, reconstruction, expansion, remodeling, or installation must then have been scheduled for completion and be actually completed on or before May 15, 1942.

(3) To any case where a structure or equipment is to be used exclusively for the official requirements of the armed forces of the United States.

(4) To any case where advertising material which was completely fabricated, but not necessarily assembled, on or before March 30, 1942 is to be installed at any structure.

(5) To any case where there occurs a transfer of title to or rights in any structure or equipment, which transfer does not involve the construction, reconstruction, expansion, or remodeling of such structure or the installation of equipment.

(6) To any case where equipment is to be installed as a replacement of equipment the repair of which cannot be effected on the premises: *Provided*, That:

(i) In the case of storage tanks having a capacity of more than 65 gallons, the capacity of the tank which is to be installed does not exceed the capacity of the tank which is to be replaced;

(ii) In the case of dispensing pumps, the pump which is to be installed is of the same type and design as the pump which is to be replaced.

(7) To any case where any dispensing pump is to be installed

(i) As a replacement of a dispensing pump manufactured not less than nine years prior to the date of such installation;

(ii) For use as a "drum" or "barrel" pump as these terms are known to the trade.

(8) To any case where equipment is to be installed to distribute petroleum to

persons carrying out physical construction work on any project having a project rating higher than A-2: *Provided,* That such equipment shall be withdrawn from the location of the project upon the completion thereof and shall thereafter be subject to the provisions of this Order.

(9) To any case where equipment is to be installed, (i) to contain, distribute or Dispense Fuel Oil classified as grade No. 1, 2, 3, 4, 5 or 6 (including Bunker "C" Fuel Oil, kerosene, range oil, or gas oils) to consuming facilities: *Provided,* That such Equipment is not installed at any structure for use in carrying out marketing functions regularly performed by a service station, substation, bulk plant, warehouse, or wholesale depot, or (ii) to contain, distribute or dispense butane, propane, propylene, butene, or any combination or dilution thereof commonly known as liquefied petroleum gas.

(10) To any case where the Director of Industry Operations, War Production Board, has determined that construction, reconstruction, expansion or remodeling of any structure or the installation of any equipment is necessary and appropriate in the public interest and to promote the war effort. Application for such a determination shall be made by letter and filed with the Petroleum Coordinator for National Defense, Department of the Interior, Washington, D. C. Information to be submitted in such application shall be in accordance with OPC Form PD-215 (Revised), issued by the Office of Petroleum Coordinator.

(e) *Required certification.* Any person, acquiring any material for use in the construction, reconstruction, expansion, or remodeling of any Structure or any Equipment or Advertising Material for installation purposes, shall endorse on all copies of each purchase order or contract for such material which are placed with any Person, a statement in the following form signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an official duly authorized for such purpose:

The material which is ordered in this purchase order (or contract) is to be used in conformity with the provisions of Conservation Order No. M-68-c, as amended, with the terms of which Order the undersigned is familiar.

Name of person

By ---

Signature of duly authorized official

Such endorsement shall constitute a representation to the War Production Board and the person with whom the purchase order or contract is placed that the Material obtained under such purchase order or contract will be used in accordance with the provisions of this Order. Such person shall be entitled to rely on such representation unless he knows or has reason to believe it to be false. No person shall, in the absence of such endorsement, deliver or otherwise supply, or cause to be delivered or otherwise supplied, any Material which he knows, or has reason to believe, is intended for uses restricted by paragraph (c) of this Order.

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

(g) *Revocation or amendment.* This section may be revoked or amended at any time as to any person. In the event of revocation, deliveries shall be made in accordance with the provisions of any applicable. Preference Rating Order without further restrictions, unless such deliveries have been specifically restricted.

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

Issued this 23d day of March 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-2522; Filed, March 23, 1942; 4:54 p. m.]

PART 1060—RAPESEED OIL

GENERAL PREFERENCE ORDER M-77—TO CONSERVE THE SUPPLY AND DIRECT THE DISTRIBUTION OF RAPESEED OIL

The national defense requirements for Rapeseed Oil and products made therefrom having created a shortage of the supply thereof for defense, for private account, and for export, and it being necessary in the public interest and to promote the national defense to conserve and allocate the supply thereof in the manner and to the extent hereinafter in this Order provided;

Now, therefore, it is hereby ordered, That:

§ 1060.1 *General Preference Order M-77*—(a) *Restrictions on use*—(1) *General restrictions effective April 1, 1942.* On and after April 1, 1942, except as specifically authorized by the Director of Industry Operations, no person shall use or consume Rapeseed Oil except in the manufacture of the following products:

(i) Marine engine oils, heavy machine engine lubricating oils and pneumatic tool oils.

(ii) Factice for compounding rubber.

(iii) Blown Rapeseed Oil, subject to paragraph (b) hereof.

(2) *Other restrictions.* No person shall in March, 1942, use or consume Rapeseed Oil in any manufacture or use other than the manufacture of the products specified in paragraphs (a) (1) (i), (ii), and (iii) hereof in an amount in excess of one hundred percent (100%) of one-twelfth of the oil used or consumed by him in such manufacture or use during the calendar year 1941.

(b) *Restrictions on processing.* No person shall hereafter blow any Rapeseed Oil except in preparation for the manufacture of the products specified in paragraph (a) (1) (i) hereof and except in preparation for any other manufacture or use permitted by paragraph (a) (2) hereof, and in either case only to the extent necessary to meet his normal production schedule, or if such oil is to be manufactured or used by another person, then the normal production schedule of such other person, insofar as either such schedule is not in violation of paragraph (a) (2) hereof.

(c) *Withholdings of rapeseed oil.* (1) Every person, other than a Producer of blown Rapeseed Oil, who on the inventory date has Rapeseed Oil in an amount in the aggregate in excess of 50,000 lbs. shall set aside an amount of such oil equal to his inventory quota. The quotas of all such persons shall provide the source of the allocation of such oil to all persons requiring such oil for use to the extent that the Director of Industry Operations on any appeal to him pursuant to paragraph (e) (6) hereof may determine such allocation to be appropriate or necessary in the avoidance of exceptional or unreasonable hardship or otherwise, and shall also constitute a reserve supply of such oils.

(2) The inventory quota so directed to be set aside shall be used, put in process, sold or delivered only upon express instruction of the Director of Industry Operations.

(3) On or before April 15, 1942, every person subject to the terms of paragraph (c) (1) hereof, and every person who on the inventory date had in his possession or under his control any Rapeseed Oil in the amount in the aggregate in excess of 50,000 lbs. by weight of oil but whether or not owned or under contract of purchase, shall report to the War Production Board, on Form PD-390, listing among other things such person's supply of such oil as of the inventory date, the degree, if any, to which the same has been processed, and in the case of supply which on such date was not owned by such person or was under contract of sale to another, the name of the owner thereof or of the person who has contracted to buy the same.

(d) *Restrictions on sales and deliveries.* No person shall on and after April 1, 1942, sell or deliver any Rapeseed Oil to any other person, except a dealer or a person using such oils for the manufacture of the products described in paragraph (a) (1) hereof, in the absence of specific authorization of the Director of Industry Operations, and no person shall prior to April 1, 1942, knowingly deliver any such oil to any other person for use in greater quantities or proportions than are specified in paragraph (a) (2) hereof.

(e) *Miscellaneous provisions*—(1) *Definitions.* For the purpose of this Order:

(i) "Rapeseed Oil" means that oil extracted by any means from the Rapeseed,

whether raw, filtered, or refined, and whether or not denatured.

(ii) "Dealer" means any person who imports, buys, sells, and/or distributes Rapeseed Oil.

(iii) "Producer of blown Rapeseed Oil" means a person who blows Rapeseed Oil for resale as blown Rapeseed Oil (whatever the trade name used) to other persons.

(iv) "Inventory" of a person at any time shall include all Rapeseed Oil to or in which he has any title or equity of redemption or which he has purchased for future delivery. The term includes the inventory of affiliates and subsidiaries of such person.

(v) "Inventory Quota" of a person means a percentage of such person's inventory of Rapeseed Oil as of the inventory date. Unless otherwise prescribed by the Director of Industry Operations, such percentage shall be thirty percent (30%).

(vi) "Inventory Date" means the close of business on the day prior to the date of issuance of this Order.

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

(3) *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.

(4) *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 the War Production Board, Washington, D. C., Ref: M-77.

(5) *Violations.* Any person affected by this Order, who violates any of its provisions, or a provision of any other Order, direction, or regulation issued by the Director of Industry Operations, may be prohibited by the Director from making or receiving further deliveries of Rapeseed Oil, or of any other material subject to allocation, or he may be subjected to any other or further action which the Director may deem appropriate.

(6) *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 Rapeseed Oil 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-77, 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.

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

Issued this 23d day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2521; Filed, March 23, 1942; 4:54 p. m.]

PART 1061—PORTABLE ELECTRIC LAMPS AND SHADES

GENERAL LIMITATION ORDER L-33

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

§ 1061.1 *General Limitation Order L-33*—(a) *Definitions.* For the purposes of this Order:

(1) "Portable Lamp" means any detachable device (excluding lamp shades, bulbs and tubes) the primary function of which is to furnish light for interior illuminating purposes by means of an incandescent or fluorescent electric lamp bulb or tube. This Order shall not be construed to cover flashlights or other battery-operated lighting devices, mechanics' lamps, or industrial lamps designed specifically to be part of an industrial machine or tool.

(2) "Socket" means any receptacle on a portable lamp designed to receive an incandescent or fluorescent lamp bulb or tube.

(3) "Lamp Cord" means any insulated cord used to conduct electricity to the socket on a portable lamp.

(4) "Plug" means any device attached to a lamp cord and fitting into a fixed receptacle for the purpose of transmitting electric current through the lamp cord.

(5) "Separate Switch" means any one- or two-circuit switch control which operates one or more sockets.

(6) "Floor Lamp" means any portable lamp designed to rest on the floor or ground.

(7) "Other Portable Lamps" means any portable lamps not included in subparagraph (6), including (but not limited to) table lamps, desk lamps, boudoir lamps, bed lamps, and "pin-up" lamps.

(8) "Lamp Shade" means any shade or metal reflector designed for use with a portable lamp.

(9) "Use" means the act of completing the manufacture of portable lamps or lamp shades. (Where a person is limited to a percentage of the number of parts or amount of material used in a base period, this limitation shall apply to the number of such parts or aggregate weight of such material contained in the finished portable lamps or lamp shades completed in the base period.)

(10) "First Restricted Period" means the period from the effective date of this Order to April 30, 1942, inclusive.

(11) "Average Daily Use" or "Average Daily Production" means the total use or production, respectively, in a specified period divided by the number of days (including Sundays and holidays) contained in such period.

(b) *General restrictions.* (1) During the first restricted period (i) no producer of portable lamps shall:

(*a*) Produce more portable lamps than 70% of his average daily production of portable lamps in the year 1940, multiplied by the number of days (including Sundays and holidays) in the first restricted period; or

(*b*) Use in the production of portable lamps more sockets, separate switches, plugs or lamp cords than 70% of his average daily use of sockets, separate switches, plugs or lamp cords, respectively, in the production of portable lamps in the year 1940, multiplied by the number of days (including Sundays and holidays) in the first restricted period; and

(ii) No producer of lamp shades shall:

(*a*) Produce more lamp shades than 70% of his average daily production of lamp shades in the year 1940, multiplied by the number of days (including Sundays and holidays) in the first restricted period, or

(*b*) Use in the production of lamp shades more iron and steel than 70% of his average daily use of all metals in the production of lamp shades in the year 1940, multiplied by the number of days (including Sundays and holidays) in the first restricted period.

(2) During the period from May 1, 1942, to June 30, 1942, inclusive, (i) No producer of portable lamps shall:

(*a*) Produce more portable lamps than two times 60% of the average monthly number produced by him in the year 1940; or

(*b*) Use in the production of portable lamps more than two times 60% of the average monthly number of sockets, separate switches, plugs or lamp cords, respectively, used by him in the production of portable lamps in the year 1940; and

(ii) No producer of lamp shades shall:

(*a*) Produce more lamp shades than two times 60% of the average monthly number of lamp shades produced by him in the year 1940, or

(*b*) Use in the production of lamp shades more iron and steel than two times 60% of his average monthly use

of all metals in the production of lamp shades in the year 1940.

(3) During each succeeding period of three months, beginning July 1, 1942, and until otherwise ordered, (i) No producer of portable lamps shall:

(*a*) Produce more portable lamps than three times 60% of the average monthly number produced by him in the year 1940; or

(*b*) Use in the production of portable lamps more than three times 60% of the average monthly number of sockets, separate switches, plugs or lamp cords, respectively, used by him in the production of portable lamps in the year 1940; and

(ii) No producer of lamp shades shall:

(*a*) Produce more lamp shades than three times 60% of the average monthly number of lamp shades produced by him in the year 1940; or

(*b*) Use in the production of lamp shades more iron and steel than three times 60% of his average monthly use of all metals in the production of lamp shades in the year 1940.

(4) From the effective date of this Order (i) No producer of portable lamps shall use in the production of such lamps:

(*a*) Any iron and steel except for center pipes, steel wire harps, socket covers and husks, outer tubing and casings, seating and checking rings, locknuts, washers, screws and bolts;

(*b*) Any other metal or parts containing any other metal except sockets, separate switches, plugs, and lamp cords; or

(*c*) Any lamp cords of a greater length than 8½ feet with floor lamps and 7 feet with all other lamps, or of a greater size or gauge thickness than No. 20 A. W. G. with 1/64th or 1/32nd insulation;

except that he may use metal, metal parts, or lamp cords not meeting the foregoing specifications, which were in his inventory on the effective date of this Order for a period of thirty days thereafter; and

(ii) No producer of lamp shades shall use any silk in the production of lamp shades, except that he may use silk which was in his inventory on the effective date of this Order for a period of thirty days thereafter.

(c) *Avoidance of excessive inventories.* From the effective date of this Order manufacturers of portable lamps and lamp shades shall not receive any metal or articles containing metal for use in the production of such lamps for any purposes other than those set forth in subparagraph (b) (4) (i), or accumulate for use in the manufacture of such portable lamps and lamp shades inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of portable lamps and lamp shades at the rates permitted by this Order.

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

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

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

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

(h) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(i) *Applicability of other orders.* Insofar as any other Order issued, or to be issued hereafter, limits the use of any material in the production of portable lamps and shades to a greater extent than the limits imposed by this Order, the restrictions in such other Order shall govern unless otherwise specified therein.

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

(k) *Communications.* All reports to be filed, appeals and other communications concerning this Order should be addressed to the War Production Board, Washington, D. C. Ref.: L–33.

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

Issued this 23d day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2524; Filed, March 23, 1942; 4:53 p. m.]

PART 1076—PLUMBING AND HEATING SIMPLIFICATION

SCHEDULE V—PLUMBING FIXTURE FITTINGS AND TRIM

§ 1076.6 *Schedule V to Limitation Order L–42*—(a) *Definitions.* For the purposes of this Schedule:

(1) "Producer" means any person who manufactures, processes, fabricates or assembles fittings or trim.

(2) "Fittings and Trim" means plumbing fixture fittings and plumbing fixture trim.

(3) "Copper Base Alloy" means any alloy which contains 50% or more copper by weight.

(b) *General limitations.* Pursuant to Limitation Order No. L–42 the following general limitations are established for the manufacture of fittings and trim:

(1) No metal other than ferrous, lead, die-cast zinc, copper base alloy or copper may be used as the base metal in the manufacture of fittings or trim.

(2) No metallic coating may be used as a finish on my fittings or trim.

(3) No metal may be used in the manufacture of escutcheons.

(4) No copper or copper base alloy may be used in the manufacture of handles for any fittings or trim or in the manufacture of goosenecks, sprays, or any bathroom accessories such as soap dishes, towel racks, shelf-brackets or legs.

(5) No copper or copper base alloy drawn tubing for fittings for the uses permitted by this Schedule may be heavier than 20 gauge.

(6) Traps shall be ferrous metal or lead.

(c) *Specific limitations.* Pursuant to Limitation Order No. L–42 the following specific limitations are established for the manufacture of fittings and trim:

No copper, copper base alloy or die-cast zinc may be used in the manufacture of any fittings or trim except the articles specified below and then only provided it is limited to the minimum amount practicable:

(1) *Bathtub fittings:*

Supply fittings over the rim of a tub, with or without transfer valve for shower, provided the valves do not exceed ½ inch size. Copper, copper base alloy or die-cast zinc may not be used for connecting pipes, shower arms, or shower heads.

Valve inlets to be tapped not exceeding ½ inch Iron Pipe Size, no copper, copper base alloy or die-cast zinc to be used in unions except for sweated adaptor.

Double bath faucet not exceeding ½ inch.

Outlet plug and strainer for waste and overflow. No mechanical waste assembly shall be permitted.

(2) *Shower stall fittings:*

Hot and cold shower valve assembly, provided the valves do not exceed ½ inch.

Copper, copper base alloy or die-cast zinc may not be used for connecting pipes, shower arms or shower heads.

Valve inlets to be tapped not exceeding ½ inch Iron Pipe Size, no copper, copper base alloy or die-cast zinc to be used in unions except for sweated adaptor.

Receptor strainer grid.

(3) *Lavatory fittings:*

½ inch compression faucets.

Combination lavatory fitting, to include through the back fitting. No pop-up waste assembly shall be permitted.

Outlet plug with tailpiece not exceeding 1¼ inches, not over 4 inches long.

(4) *Water closet fittings:*

Flush valve.

Overflow pipe to be other than nonferrous metal.

Ball cock.

Float or hush tube to be other than metallic.

Tubing flush ell—not exceeding 2 x 4 x 6 inches.

Seat hinges with either: (i) Bearing surfaces only, (ii) Not more than one pair of brass bolts, or studs and nuts, and one pair of hinges, but not crossbars or hinges for cover.

Closet tank balls and floats to be nonmetallic except for spuds.

(5) *Kitchen sink fittings:*

Combination swing spout faucet, either exposed or concealed for deck installation. No transfer valve shall be permitted. Spout to be not over 6 inches long.

Compression faucets, not exceeding ½ inch, solid flange, tapped female.

Strainer with metal grid and tailpiece. Tailpiece for tray not to be over 4 inches long.

(6) *Laundry tray fittings:*

Combination rough copper base alloy or diet-cast zinc swing spout tray faucet, brass limited to valve body assembly and spout.

Separate faucets, not exceeding ½ inch.

Outlet plug and tailpiece not over 4 inches long.

(7) *Flush-o-meters:*

Type SC (1 inch only). No more copper or copper base alloy than required by Federal Specifications WW–P–541a.

Type SU (¾ inch only with ½ inch supplies (ferrous)). No more copper or copper base alloy than required by Federal Specifications WW–P–541a.

Back blow preventor.

(8) *Drinking fountains:*

Bubbler head, guard, and self-closing stop and automatic volume regulator. To be made according to the minimum requirements of the U. S. Public Health Service.

(9) *Wash sinks (industrial type):*

Combination wash sink faucet, ½ inch Iron Pipe Size with male connections only.

(d) *General exception.* The prohibitions and restrictions contained in this Schedule shall not apply to the use of copper, copper base alloy or die-cast zinc in the manufacture of articles or parts thereof which are being produced:

(1) under a specific contract or subcontract for use in chemical plants, research laboratories or hospitals, where and to the extent that the physical and chemical properties make the use of any other material impractical. Such use is not deemed impractical for ordinary plumbing fixtures and trim and the exception covers only those cases where the technical operation of the plant makes the use of other material impractical.

(2) under a specific contract or subcontract for use as part of the equipment of vessels other than pleasure craft and of aircraft where corrosive action makes the use of other material impractical.

(e) *Effective date of simplified practices; exceptions.* On and after April 1, 1942, no plumbing fixture fittings or trim which do not conform to the sizes and standards established by this Schedule shall be produced or delivered by any producer or accepted by any person from any such producer, except with the express permission of the Director of Industry Operations: *Provided, however,* That the foregoing shall not prohibit the delivery by any producer of such plumbing fixture fittings or trim as were in his stock in finished form on April 1, 1942, or which had, on said date, been cast, machined or otherwise processed in such manner that their manufacture in conformity with this Schedule would be impractical, nor the receipt of such fittings or trim from such producer.

(f) *Records covering excepted plumbing fixture fittings and trim.* Each producer shall retain in his files records showing his inventory of excepted plumbing fixture fittings and trim (by types and sizes) as of April 1, 1942, and such record shall be kept readily available and open to audit and inspection by duly authorized representatives of the War Production Board. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B., Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., is amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 23d day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2523; Filed, March 23, 1942; 4:53 p. m.]

PART 1112—OFFICE MACHINERY

AMENDMENT NO. 1 TO GENERAL LIMITATION ORDER NO. L–54–b[1]

Section 1112.3 (*General Limitation Order L–54–b*) is hereby amended as follows:

Paragraph (b) of said section is hereby amended to read as follows:

§ 1112.3 *General Limitation Order L–54–b.*

* * * * *

(b) *General restrictions.* (1) On and after the date of issue of this order, regardless of the terms of any contract of sale, purchase, rental, or other commitment, or of any preference rating, no Manufacturer, wholesaler, distributor, retailer, or other dealer shall accept any purchase, rental or other order for new office machinery, or attachments thereto, as listed in List A, except a purchase, rental or other order rated A–9 or better on Preference Rating Certificate PD–1A, PD–3A, PD–1 or PD–3; no Manufacturer, wholesaler, distributor, retailer, or other dealer shall sell, lend, lease, rent, deliver, or otherwise transfer any such new office machinery except to fill a purchase, rental or other order rated A–9 or better on Preference Rating Certificate PD–1A, PD–3A, PD–1 or PD–3; and no person shall purchase, borrow, lease, rent, receive delivery of, or otherwise acquire any such new office machinery except pursuant to a purchase, rental or other order rated A–9 or better on Preference Rating Certificate PD–1A, PD–3A, PD–1, or PD–3 issued to him.

(2) Any such Preference Rating Certificates PD–1A, PD–3A, PD–1, or PD–3 may be used to secure new office machinery only by the person to whom it was directly issued and only when such office machinery is expressly specified on the face of the Certificate; and nothing in this paragraph shall be construed to authorize any person to extend a Preference Rating Certificate PD–1A, PD–3A, PD–1, or PD–3 to secure new office machinery. Persons entitled to new office machinery by virtue of a Preference Rating Certificate PD–1A, PD–3A, or PD–3 need not surrender such Preference Rating Certificate, but shall furnish the certification required to be furnished by Priorities Regulation No. 3, as amended or supplemented from time to time.

(3) Nothing in the foregoing shall be construed to prohibit a Manufacturer from legally extending any such Preference Rating Certificate to secure materials to be used in the manufacture of office machinery.

(4) Nothing in this paragraph shall be construed to limit the right of Manufacturers to deliver new office machinery to wholesalers, distributors, retailers, or other dealers (i) to fill orders actually received by such dealers, rated A–9 or better on Preference Rating Certificates PD–1A, PD–3A, PD–1, or PD–3 for new office machinery, or (ii) to replace new office machinery delivered by such dealers in accordance with the terms of this order.

List A is hereby amended to read as follows:

1. Accounting and bookkeeping machines.
2. Adding machines.
3. Addressing machines (including, but not limited to, embossing machinery for plates).
4. Billing and continuous forms handling typewriters.
5. Billing and other forms writing machines (except autographic registers and manifolders).

[1] 7 F.R. 2102.

6. Calculating and computing machines.

7. Dictating machines (including, but not limited to, transcribing and shaving machines).

8. Duplicating machines (including, but not limited to, ink ribbon, gelatin, off-set, spirit, stencil, reproducing typewriter principle, and photographic types; but not including photostating machines).

9. Interoffice communication systems and machines.

10. Punched card tabulating and accounting machines.

11. Time clock stamps and time recording machines.

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

Issued this 24th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2546; Filed, March 24, 1942; 11:32 a. m.]

PART 1139—CORRUGATED AND SOLID-FIBRE BOXES, WIRE-BOUND WOOD BOXES AND NAILED WOODEN BOXES FOR CAN MANUFACTURERS AND CANNERS

GENERAL INVENTORY ORDER NO. M-113

§ 1139.1 *General Inventory Order M-113*—(a) *Revocation of inventory restrictions as to corrugated and solid-fibre boxes, wire-bound wood boxes and nailed wooden boxes for can manufacturers and canners.* Notwithstanding the provisions of any regulation or order heretofore issued by the Director of Priorities of the Office of Production Management or by the Director of Industry Operations of the War Production Board, any person may make deliveries of corrugated and solid-fibre boxes, wire-bound wood boxes and nailed wooden boxes, and any can manufacturer or canner (both as defined in Conservation Order M-81) may accept deliveries thereof, although the inventory of such boxes in the hands of the can manufacturer or canner accepting such delivery is, or will by virtue of such acceptance become, in excess of a practicable working minimum: *Provided, however,* That the quantity of boxes so delivered shall not in any event exceed the reasonably anticipated requirements of any such can manufacturer or canner for the year 1942.

(b) *Applicability of Priorities Regulation No. 1.* Except to the extent that the provisions of paragraph (a) are inconsistent therewith, all transactions involving corrugated and solid-fibre boxes, wire-bound wood boxes and nailed wooden boxes shall be subject to the provisions of Priorities Regulation No. 1 as amended from time to time.

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

Issued this 23d day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2520; Filed, March 23, 1942; 4:54 p. m.]

Chapter XI—Office of Price Administration

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 7[1] COMBED COTTON YARNS AND THE PROCESSING THEREOF

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.[2]

Section 1307.11 (h), is added; § 1307.12 (b) (1) (ii), including footnote 1 thereto, is amended to read as follows; § 1307.12 (d) (4) (vi) is revoked; § 1307.12 (d) (4) (vii) is re-designated § 1307.12 (d) (4) (vi); and § 1307.12 (d) (4) (viii) is amended to read as follows and re-designated § 1307.12 (d) (4) (vii).

§ 1307.11 *Effective dates of amendments.*

* * * * *

(h) Amendment No. 1 (§§ 1307.11 (h), 1307.12 (b) (1) (ii), (d) (4) (vi), (d) (4) (vii), and (d) (4) (viii)) to Revised Price Schedule No. 7 shall become effective March 28, 1942.

§ 1307.12 *Appendix A: Maximum prices for mercerizing, bleaching, and/or gassing thereof.*

* * * * *

(b) *Terms of sale.*

(1) *Freight.*

* * * * *

(ii) *Sales and deliveries of stock yarn.*[1] As applied to sales and deliveries of stock yarn, the maximum prices established herein are prices f. o. b. the stock-yarn seller's shipping point.

[1] As used in Revised Price Schedule No. 7, the term "stock yarn" means combed yarn owned by a person independent of the producer thereof and stored in space (1) owned or leased by such person on February 1, 1942; (2) owned or leased by such person and located within 25 miles of his principal place of business; or (3) approved by the Administrator, upon a duly filed petition for adjustment or exception, as a stock-yarn warehouse established to carry out a legitimate distributive function and not for the purpose of evading Revised Price Schedule No. 7; the term "independent" means not controlling, controlled by, or under common control with.

* * * * *

(d) *Maximum prices for combed yarns not covered by contract prior to December 24, 1941 and for mercerizing, bleaching, and/or gassing.*

* * * * *

(4) *Premiums.*

* * * * *

(vi) *Mercerized, bleached, and/or gassed yarns.*

* * * * *

(vii) *Other premium yarns; records to be kept and reports to be made in connection with sales thereof.* (a) For plies or for put-ups other than, or for twist slacker than, those included in the definition of base-grade yarn, a premium not exceeding the additional cost, if any, over base-grade plies, put-ups, or twist, respectively, may be charged.

(b) For combed yarns which, in order to meet breaking-strength or other requirements reasonably related to the use to which they are to be put, are made with American cotton of staple lengths greater than those provided for in the definition of base-grade yarn or of Sea Island, SXP, Pima, or Egyptian cotton, a premium not in excess of 130 per cent of the additional cost (as hereinafter defined) may be charged.

As used herein, the term "additional cotton cost" means the difference in cents per pound, adjusted for waste,[10] between the seller's actual weighted average cost for his net inventory,[11] on hand and on order, as of the last business day of the preceding month [12] of the kind, grade, and staple of cotton actually used for the premium yarn, and the latest weekly quotation [13] published by the Department of Agriculture [13] for middling cotton of the staple length specified for the same yarn number in the definition of the base-grade yarn.

[10] In adjusting for waste, the following net waste factors are to be used:

Cotton	Net waste factor
American:	
1 1/32"	1.26
1 1/16" and 1 3/32"	1.28
1 1/8" and 1 5/32"	1.31
1 3/16" and 1 7/32"	1.33
1 1/4" to 1 11/32, incl	1.36
1 3/8" and over	1.38
Sea Island	1.43
SXP and Pima	1.35
Egyptian	1.33

[11] As used herein, the term "net inventory" means cotton on hand or on order, less such cotton as is required to manufacture yarn against firm sales commitments. Cotton not included in the seller's net inventory as of the last business day of the preceding month may be used in determining the actual weighted average cost to the extent that the cotton in the seller's net inventory is insufficient to cover the given contract of sale of premium yarn.

[12] The month and the quotation here referred to are those last preceding the date on which the contract for the sale of the premium yarn is made.

[13] Quotations are published by the Agricultural Marketing Service, Department of Agriculture, and issued weekly from Memphis. Since they do not cover staple lengths of 1 5/16" and 1 3/8", the prevailing market price for such staple lengths should be used in lieu of a Department of Agriculture quotation.

(c) In addition to the premium allowable under (b) above, a premium of not

---

[1] 7 F.R. 1221.

[2] Filed with the Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration.

more than six per cent of the maximum price exclusive of said premium may be charged for combed yarn sold to a manufacturer or converter of thread for use solely in the manufacture of thread: *Provided*, That no premium may be charged hereunder unless the seller receives a written statement from the buyer (which the seller shall preserve for not less than two years) that the yarn is to be used solely in the manufacture of thread.

(*d*) Every producer making sales of combed yarn after March 31, 1942, at a premium permissible under (*b*) above, shall keep for inspection by the Office of Price Administration for a period of not less than two years, complete and accurate records of his purchases and sales of raw cotton and a compilation of the actual weighted average cost of his net inventory, as of the last business day of each month, of each kind, grade, and staple of cotton on hand and on order.

(*e*) On or before April 10, 1942, and on or before the 10th day of each month thereafter, every producer who during the preceding calendar month has sold 5,000 pounds or more of combed yarn at a premium permissible under (*a*), (*b*), or (c) above, shall file with the Office of Price Administration a report of such sales on Form 107:3.

* * * * *

(Pub. No. 421, 77th Cong. 2d Sess.)

Issued this 23d day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2526; Filed, March 23, 1942; 5:08 p. m.]

PART 1355—LEAD

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 69 [1]—PRIMARY LEAD

A statement of the considerations involved in the issuance of this Amendment No. 1 to Revised Price Schedule No. 69—Primary Lead, has been prepared and is issued simultaneously herewith.[2]

The last paragraph of § 1355.9 (a) is amended to read as set forth below, and a new § 1355.8a is added as set forth below:

§ 1355.9 *Appendix A: Maximum prices for primary lead*—(a) *Sold or shipped, delivered, or carried away in carload lots.*

* * * * *

The minimum quantity making up a carload lot for the purposes of Revised Price Schedule No. 69 shall be the minimum weight, as set forth in the tariffs of railroad carriers, upon which the lowest railroad carload rate from the point of shipment to the point of destination is based; *Provided, however*, That where a smaller quantity is shipped which would move at any railroad carload rate rather than at a railroad less-than-carload rate between such points, because a lower transportation charge is produced thereby, such smaller quantity shall be considered a carload lot. The seller may, upon shipping such smaller quantity, add to the carload lot prices applicable an amount per pound not to exceed the difference between (1) the rail transportation charge, on a per pound basis, actually paid for the quantity shipped and (2) the lowest railroad carload rate, on a per pound basis, applicable to a shipment from such point of shipment to such point of destination. Any such amount added as a transportation charge must be shown in all records or reports required to be kept or submitted in accordance with any provision of this Schedule or any amendment thereto, and in all price quotations, bills, and invoices.

Whenever primary lead of two or more grades or forms is sold, shipped, delivered or transferred to the same purchaser, consignee, or transferee in carload lots, the carload lot maximum price shall apply to each grade or form although the amount of any such grade or form so sold, shipped, delivered or transferred may not alone constitute a carload lot.

§ 1355.8a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1355.8a and 1355.9 (a)) to Revised Price Schedule No. 69 shall become effective March 24, 1942.

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

Issued this 23d day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2525; Filed, March 23, 1942; 5:08 p. m.]

Chapter XIII—Office of Petroleum Coordinator for National Defense

[Recommendation No. 19, Amendment]

PART 1503—PRODUCTION

WELLS, PROHIBITION AGAINST ESTABLISHING ALLOWABLES

To the Production Committee of District Five and to each producer, owner, transporter, purchaser or other person who produces, handles, or has an interest in any petroleum or natural gas in District Five:

Conservation Order M-68,[1] as amended, issued by the Office of Production Management which has been succeeded by the War Production Board, prohibits all of those who are engaged in the production of petroleum from ordering, purchasing, accepting delivery of, withdrawing from inventory, or in any other manner, directly or indirectly, securing or using Material for construction, reconstruction, expansion, remodeling, replacement, or improvement, of any facilities used in production, except in certain specified instances.

In order to assist in the enforcement of the provisions of such Order, to prevent any Operator who has violated the provisions thereof from benefitting by such wrongdoing, and to afford those who comply therewith protection against the injuries which would be sustained if such wrongdoers were permitted to enjoy the fruits of their violations, it is necessary and advisable to prevent the production of crude petroleum or natural gas from any well located in the State of California upon or in which any Material has been installed, or otherwise utilized in violation of prohibitions contained in such Order.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, § 1503.8 [2] of this chapter (Recommendation No. 19, dated December 11, 1941) is hereby amended by adding thereto the following paragraph designated paragraph (h) thereof:

§ 1503.8 *Production.*

* * * * *

(h) *Wells, prohibitions against establishing allowables.* No plan shall establish any allowable or production quota for any well upon or in which Material, as defined by the provisions of Conservation Order M-68, issued December 23, 1941, by the Office of Production Management (War Production Board), is installed or utilized in violation of any of the provisions of such Order or of any amendment or supplement thereof. Material shall be deemed to be installed upon or utilized in any designated well in violation of the provisions of such Order whenever the District Counsel for District Five of the Office of Petroleum Coordinator for National Defense has notified the Production Committee for District Five in writing that he has determined that such a violation has occurred with respect to such well. (President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

R. K. DAVIES,
Deputy Petroleum Coordinator for National Defense.

MARCH 7, 1942.

[F. R. Doc. 42-2528; Filed, March 24, 1942; 9:38 a. m.]

[Recommendation No. 40]

PART 1504—PROCESSING AND REFINING

REFINING AND DISTRIBUTION OF AUTOMOTIVE LUBRICANTS CONTAINING ADDITIVES

To all manufacturers and compounders of petroleum lubricating oils and greases, and all marketers of automotive lubricating oils and greases:

The War Production Board has declared that there are inadequate supplies of chemicals to meet all necessary requirements. Chemicals used in the manufacture of additives for lubricants will not be available in the quantities heretofore required, and it is expected that a decreasing volume of supplies may be available in the future. As certain service requirements demand petroleum lubricating oils and greases containing quantities of scarce chemicals in the form of additives, it is necessary that the

---

[1] 7 F.R. 1339.

[2] Filed with the Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration.

[1] 6 F.R. 6687; 7 F.R. 281, 601, 903, 1088, 1089.

[2] 6 F.R. 6618.

use of such additives be restricted to minimum necessary requirements and in certain cases to use by the armed forces and "heavy duty" uses.

The War Production Board has requested the Petroleum Coordinator to advise the industry of this condition, and to affect the maximum conservation of those scarce chemicals and assure to the most essential uses their minimum necessary requirements.

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

§ 1504.40 *Definitions.* For the purposes of §§ 1504.40 to 1504.49, inclusive, of this chapter, the following terms shall have the following meanings:

(a) "Passenger car" means any motor vehicle designed and used for the carrying of passengers, including but not limited to station wagons, delivery trucks under ¾ ton rated capacity, taxicabs, limousines and business cars, but not to include police cars or police motorcycles, ambulances, busses, or motor vehicles in the official use of the armed forces of the United States.

(b) "Additive" means any material which is added to and made a part of a finished petroleum product for the purpose of altering any characteristic of that product.

(c) "Cresol" means the phenol derivative known as Cresol, including all types of Cresol from whatever source derived.

(d) "Chlorine" means the chemical element chlorine, having atomic number 17.

(e) "Manufacturer" means any person who processes, reprocesses, or in any manner alters (including compounding and blending) petroleum or petroleum products into finished petroleum lubricating oils and greases.

(f) "Distributor" means any person who receives petroleum products from a Manufacturer or another Distributor for delivery to another Distributor, to a Retailer or to a consumer.

(g) "Retailer" means any person who delivers petroleum products to a consumer or into a consuming facility.*

*§§ 1504.40 to 1504.49, inclusive, issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

§ 1504.41 *Limitation on use of cresol.* All automotive lubricating oils or greases manufactured subsequent to April 6, 1942, and containing any Additive requiring Cresol in its manufacture shall be designated as "Not for use in passenger cars," and the words quoted shall appear plainly and prominently on all containers containing such products. All Manufacturers using Cresol in any additive shall immediately seek a substitute for Cresol in such use.*

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

§ 1504.43 *Limitation on use of oxidation inhibitor type additive.* Manufacturers shall immediately reduce the use or amount of oxidation inhibitor type additives wherever and to whatever percentage possible and practicable.*

§ 1504.44 *Pour point depressants.* Manufacturers shall immediately reduce the use of pour point depressants to whatever extent possible and practicable by the following means:

(a) Lubricating oils shall be dewaxed to lower pour point specifications by utilizing dewaxing facilities to maximum capacity.

(b) Pour point specifications shall be revised to the highest allowable specifications to meet safely the temperature requirements of each locality.*

§ 1504.45 *Extreme pressure lubricants.* Manufacturers and Distributors of lubricating oils and greases shall reduce the use of additives required for extreme pressure lubricants in the following manner:

(a) All extreme pressure lubricants manufactured subsequent to April 6, 1942, shall be designated as "Not for use in passenger car transmissions," and the words quoted shall appear plainly and prominently on all containers containing such products. Manufacturers shall immediately provide as a substitute a straight mineral oil type lubricant for use in passenger car transmissions.

(b) Eliminate the manufacture of any chassis lubricant containing an additive requiring chlorine in its manufacture.

(c) Eliminate where possible, and where permissible by automotive manufacturer's specifications, the use of universal (all-purpose) type or any other type extreme pressure lubricants in the transmissions of equipment other than Passenger Cars. Where such products are required to be used, specifications for use shall be given on lubricating oil charts and on the containers containing such products.

(d) Eliminate to whatever extent possible and practicable the use of chlorine in the manufacture of extreme pressure lubricants, and replace wherever possible and practicable chlorinated extreme pressure lubricants with other types of mild extreme pressure or hypoid gear lubricants.*

§ 1504.46 *Distribution or dispensing of petroleum lubricating oils and greases.* No Distributor or Retailer shall receive any products designated and marked pursuant to §§ 1504.41, 1504.42, or 1504.45 of this chapter for uses restricted by such designation and marking, and no Distributor or Retailer shall place any such product in any Passenger Car or part thereof coming within such restrictions.

§ 1504.47 *Protective measures.* Manufacturers and Distributors of lubricating oils and greases shall make all necessary provisions for the proper designation and marking of products and containers to assure the distribution of all products affected by §§ 1504.40 to 1504.46, inclusive, of this chapter to their proper uses, and shall caution all employees and Retailers against the improper uses of such products. The manufacturers of automotive vehicles shall cooperate with the Manufacturers of lubricating oils and greases by specifying for use in Passenger Cars those products which conform to the restrictions effected by §§ 1504.40 to 1504.46, inclusive, of this chapter, and shall caution the public in the more careful use of Passenger Cars where such care becomes necessary because of the altered characteristics of such products.*

§ 1504.48 *Reports.* Within forty-five days after the effective date of §§ 1504.40 to 1504.49, inclusive, of this chapter all Manufacturers of lubricating oils and greases shall forward to the Office of Petroleum Coordinator for National Defense, Washington, D. C., reports showing the results which they have obtained through the application of said sections. Such reports shall show the former use of additives (total volume used and percentage of mix), and the change in quality or specifications of products brought about by substitution or reduction in the use of additives. Such reports shall classify such information as to all types of uses, classes of deliveries, and localities (where specifications vary as between localities).*

§ 1504.49 *Exception.* Any Manufacturer who has reason to believe that the use of materials restricted by §§ 1504.40 to 1504.48, inclusive, of this chapter, in any additive which he manufactures or employs for use in any lubricating oils or greases will not interfere with the war effort or seriously affect essential civilian needs, or any Manufacturer who believes that compliance with said sections will work an unnecessary and unreasonable hardship upon him, may apply to the Petroleum Coordinator for National Defense for an exception to any such section or provision thereof.*

R. K. DAVIES,
Deputy Petroleum Coordinator for National Defense.

MARCH 16, 1942.

[F. R. Doc. 42-2529; Filed, March 24, 1942; 9:34 a. m.]

[Recommendation No. 42]

PART 1504—PROCESSING AND REFINING

NEGOTIATION OF CONTRACTS WITH MACHINOIMPORT

To Interna ional Catalytic Oil Processes Corporation, Standard Oil Development Company, Standard Catalytic Company, Shell Development Company, Texaco Development Company, Standard Oil Company (Indiana), Universal Oil

Products Company, and The M. W. Kellogg Company and their respective affiliated companies and any and all others having any interest in any of the processes hereinafter mentioned:

Amtorg Trading Corporation on behalf of Machinoimport (a department of the Russian Government) has addressed inquiries to a number of American corporations concerning certain oil refining processes and the construction in Russia of plants for the practice of such processes, including particularly the following processes: thermal cracking and reforming, sulfuric acid alkylation, polymerization, catalytic cracking, hydroforming and dehydrocyclization.

International Catalytic Oil Processes Corporation (hereinafter called International Catalytic) has advised the Petroleum Coordinator for National Defense in substance as follows: In order to furnish to Machinoimport the most advanced catalytic processes involved in their said inquiries, it is necessary to place at their disposal the results of the research and development work of several companies. In each case the process involved belongs to the particular companies contributing to its development, and various of the above-named companies have different interests in different processes. As to some of such processes licensing arrangements have been completed whereby such processes are available through licensing agents, and as to others such arrangements have not as yet been completed, but as to the latter a general structure of an arrangement for the purposes of dealing with Machinoimport has been agreed upon in principle whereby International Catalytic shall acquire licensing rights outside the United States. In order to make available to Machinoimport promptly and effectively the processes for which a licensing structure has not been completed, as well as the other processes, through one source, thereby permitting the necessary coordination of engineering work, International Catalytic proposes to acquire from the respective owners their rights and technical data necessary for the construction and operation of the plants contemplated by Machinoimport's said inquiries. Thereupon, International Catalytic will offer to Machinoimport, for a consideration to be agreed upon, the rights of said companies in said processes and will furnish to Machinoimport the designs, specifications and other data for the construction and operation of the plants. For the purpose of preparing designs, specifications, and other data, the facilities of the various companies will be made available to International Catalytic. On the basis of such designs, specifications, and other data, contracts can then be let by Machinoimport for materials and actual construction. Machinoimport and its contractors will be required to keep confidential and use only for the purpose of the proposed plants the data furnished to them pursuant to these arrangements. In addition, International Catalytic will furnish to Machinoimport data necessary for the operation of the plants, including information as to developments during a reasonable period.

In the interest of furthering its program of national defense by aiding countries engaged in resisting aggression, it is the policy of the United States Government that Russia should be furnished promptly complete information concerning the design, construction, and operation of such oil refining plants as the United States Government shall find necessary in the present emergency.

The Office for Emergency Management has requested the above-named companies to proceed without delay with the negotiations involved in the furnishing to Machinoimport of the rights and technical data of said companies with respect to the processes covered by said inquiries.

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

§ 1504.56 *Contracts to be negotiated with Machinoimport.* International Catalytic Oil Processes Corporation (hereinafter referred to as International Catalytic), on behalf and for the account of itself and Standard Oil Development Company, Standard Catalytic Company, Shell Development Company, Texaco Development Company, Standard Oil Company (Indiana), Universal Oil Products Company, and The M. W. Kellogg Company and the affiliated companies of the aforementioned, shall negotiate with Machinoimport for the sale to Machinoimport of the rights in certain oil refining processes, including particularly the following processes, thermal cracking and reforming, sulfuric acid alkylation, polymerization catalytic cracking, hydroforming and dehydrocyclization, belonging to the aforementioned companies, and for the furnishing to Machinoimport of the designs, specifications, and other data necessary for the construction and operation of plants for the practice of such processes; any contract to be entered into with Machinoimport pursuant to such negotiations and the processes to be covered thereby first to be approved by the Petroleum Coordinator for National Defense.*

*§ 1504.56 and 1504.57, issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of Interior (6 F.R. 2760).

§ 1504.57 *Action by companies to aid negotiations.* The several companies referred to above shall proceed with all steps and action necessary or appropriate in order to carry on said negotiations and fully to carry out any such contract so entered into, including, but without limitation; arrangements for preparation of designs and specifications and for doing other engineering work involved so that contractors or others selected by Machinoimport may construct such plants; arrangements whereby International Catalytic will acquire from the respective owners their rights and technical data necessary for the construction and operation of said plants; and arrangements pursuant to which cooperative development of said processes may be continued by the respective companies concerned so that the developments and improvements thereby perfected may be made available to Machinoimport.*

R. K. DAVIES,
Deputy Petroleum Coordinator for National Defense.

MARCH 17, 1942.

[F. R. Doc. 42-2530; Filed, March 24, 1942; 9:34 a. m.]

[Recommendation No. 12, Amendment]

PART 1505—TRANSPORTATION

DISTRIBUTION OF EXCESS COSTS AND COMPENSATING REVENUES

Pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, §§ 1505.19 to 1505.21, inclusive, of this chapter (Recommendation No. 12, dated September 30, 1941, as amended October 18, 1941) are hereby amended to read as follows:

§ 1505.19 *Plan for distribution of excess costs and compensating revenues.* The Transportation Committee for District One shall obtain and analyze all pertinent and available facts, figures, and other data with respect to the use of tank cars and other alternative means of transportation in and to District One, and shall prepare therefrom a plan for submission to the Chief Counsel of the Office of Petroleum Coordinator for National Defense, for the equitable sharing and distribution, among suppliers of petroleum or petroleum products in said District, of the following:

(a) Extra expenses incurred in the transportation of petroleum and petroleum products to or in District One by railroad tank car or other alternative means of transportation, or any combinations thereof, over transportation by tanker under the Maritime Commission charter rate ceilings or other applicable rates established by the Maritime Commission.

(b) Revenues equivalent to the increases in maximum prices allowed for petroleum and petroleum products, by the Office of Price Administration, for the expressed purpose of compensating for extra expenses incurred in transportation by alternative means.

Such plan shall permit participation by any and all suppliers who import into District One crude petroleum for processing there or petroleum products for resale, and producers or manufacturers of petroleum products in said District, but shall not be conditioned upon participation by all such suppliers.*

*§§ 1505.19 to 1505.21, inclusive, issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

§ 1505.20 *Approval and execution of plan.* Upon the approval by the Chief Counsel of the Office of Petroleum Coordinator for National Defense of a plan prepared pursuant to § 1505.19 of this chapter, and pursuant to the direction

of the Petroleum Coordinator for National Defense or the Deputy Petroleum Coordinator, the Transportation Committee for District One, any subcommittee designed pursuant to § 1505.21 of this chapter, and all participants in said plan shall carry into effect said plan according to its terms, conditions and intent.*

§ 1505.21 *Subcommittee; Meetings.* Subcommittee shall be designated by the Transportation Committee for District One, the membership of which shall be subject to the approval of the Petroleum Coordinator for National Defense or the Deputy Petroleum Coordinator, to assist in the effectuation of any approved plan prepared pursuant to the provisions of § 1505.20 of this chapter. In carrying out the duties, responsibilities, and functions under §§ 1505.19 to 1505.21, inclusive, of this chapter, and any approved plan thereunder, the subcommittee shall maintain such staff and appoint such persons as it finds necessary to carry out its duties, responsibilities and functions under this Recommendation. The Transportation Committee or the said Subcommittee may propose from time to time to the Petroleum Coordinator for National Defense or to the Deputy Petroleum Coordinator changes in the membership of the said Subcommittee and may submit nominations for new members.

Meetings of the Transportation Committee, of the said subcommittee, and of representatives of suppliers in District One may be held from time to time for the purpose of preparing any such plan, and after receipt of approval by the Chief Counsel of the Office of Petroleum Coordinator for National Defense and of the direction of the Petroleum Coordinator or Deputy Petroleum Coordinator to carry such plan into effect, for the purpose of carrying into effect such plan in accordance with such approval and direction.*

R. K. DAVIES,
Deputy Petroleum Coordinator for National Defense.

MARCH 12, 1942.

[F. R. Doc. 42-2527; Filed, March 24, 1942; 9:33 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 204—DANGER ZONE REGULATIONS[1]

Pursuant to the provisions of Chapter XIX of the Army Act, approved July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), and Section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), the following regulations are hereby prescribed to govern the use and navigation of the waters of the Pacific Ocean, comprising the firing range of the U. S. Military Reservation of the Coast Artillery Replacement Training Center, Camp Callan, San Diego, California.

§ 204.99a *Pacific Ocean, La Jolla-Solana Beach, Calif.; Firing range U. S. Military Res., Camp Callan, San Diego, California*—(a) *The danger zone.* The area in the Pacific Ocean, located between an east-west line through Solana Beach, latitude 33°00′ N. on the north and an east-west line through Scripp's Pier, latitude 32°52′ N., on the south, and extending from shore to longitude 117° 26′ (approximately 9 nautical miles), is designated as a danger zone. All bearings are referred to true meridian. (See U.S.C. and G.S. Chart No. 5101A.[2])

(b) *The regulations.* (1) Any vessel propelled by mechanical power at a speed greater than 5 miles per hour may proceed through the above area to and from points beyond (but not from one point in the above danger zone to another) without restriction, except when notified to the contrary.

(2) Fishermen desiring to fish in the above danger zone will be required to have written permits which will be issued by the Commanding General, Coast Artillery Replacement Training Center, Camp Callan, San Diego, California, upon application thereto.

(3) On days and nights when firing is in progress, no boat or vessel shall enter or remain in the danger zone, except vessels of the United States, or vessels proceeding across the zone as provided in regulation 1 above.

(4) Except under unusual circumstances, announcement of which will be communicated to the surrounding communities, the restricted area is open throughout the year to the public for fishing and traffic without restriction from 12:00 noon, Saturdays, to 8:00 a. m., Mondays, and national holidays from 5:00 p. m. of the preceding day to 8:00 a. m. on the day following the holiday. The area is also open to the public for fishing and traffic without restriction on other days when firing is not to be conducted.

(5) Notice of target practice within the firing range will be given by the Commanding General by one or more of the following methods:

(i) On days when firing, is to be held in all or part of the restricted area, large red flags will be displayed from elevated masts in the immediate vicinity of each firing point (near S. W. Range Tower, U. S. Navy) from which fire is to be conducted. These flags will be hoisted not later than 8:00 a. m. of the day on which firing is to be held and will be lowered when firing ceases for the day.

(ii) Notice published in San Diego daily papers.

(iii) Telephone advice to such fishermen's organizations as may request, in writing, that such direct advice be given.

(iv) Telephone advice to civil aircraft communication stations and naval air bases as may request, in writing, that such direct advice be given.

(v) Notice to individual craft by a visit of a United States vessel.

(6) During periods when antiaircraft firing is in progress, safety observers will be maintained for the protection of civil and naval aircraft.

(7) The regulations in this section shall be enforced by the Commanding General, Coast Artillery Replacement Training Center, Camp Callan, California. (Chapter XIX 40 Stat. 892; 33 U.S.C. 3, and Sec. 7, 40 Stat. 266; 33 U.S.C. 1) [Regs. March 2, 1942 (E.D. 7195 (Pacific Ocean—California)—1/7)]

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

[F. R. Doc. 42-2544; Filed, March 24, 1942; 11:30 a. m.]

[1] § 204.99a is added.

[2] Filed as part of the original document.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-229]

IN THE MATTER OF JAMES W. GRINDLE, CODE MEMBER

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 11, 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 February 14, 1942 by the Bituminous Coal Producers Board for District No. 10, a District Board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by James W. Grindle, (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 April 25, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Peoria County Court House, Peoria, Illinois.

It is further ordered, That Joseph D. Dermody 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 Practice 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 said Code member, whose address is R. F. D. No. 1, Cuba, Illinois, and whose code membership became effective as of October 13, 1939, operator of mine designated as Mine Index No. 688, located in Putnam Township, Fulton County, Illinois, wilfully violated the Act, the Code and rules and regulations thereunder;

1. By failing during October, November, and December, 1940, to maintain and file at the field office in Chicago, Illinois, copies of the truck tickets, sales slips, invoices, and other memoranda or records relating to sales and shipments of coal by truck or wagon, as required by Order No. 296 dated September 23, 1940, and Order No. 297 dated October 22, 1940;

2. By failing to maintain copies of the truck tickets, sales slips, invoices, and other memoranda or records relating to sales and shipments of coal by truck or wagon, during January, February and March, 1941, as required by Order No. 307 dated December 11, 1940;

3. By failing to maintain copies of the truck tickets, sales slips, invoices and other memoranda and records relating to sales and shipments of coal by truck or wagon during the period from April 1, 1941 to December 1, 1941, both dates inclusive, as required by Order No. 312, dated February 24, 1941.

Dated: March 23, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2532; Filed, March 24, 1942; 10:23 a. m.]

[Docket No. B-218]

IN THE MATTER OF FORKS COAL MINING COMPANY, A CORPORATION, CODE MEMBER, DEFENDANT

ORDER GRANTING MOTION TO AMEND COMPLAINT, AMENDING NOTICE OF AND ORDER FOR HEARING, POSTPONING HEARING AND EXTENDING TIME WITHIN WHICH TO FILE ANSWER

A complaint dated February 3, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 10, 1942, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder; and said matter having been scheduled for hearing on March 24, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 203, Post Office Building, Altoona, Pennsylvania, pursuant to Notice of and Order for Hearing entered herein on February 18, 1942, and the place of said hearing having been changed to the Community Room of the City Hall, Altoona, Pennsylvania, by Order of the Acting Director, entered herein on March 5, 1942; and

Said complainant, by motion dated March 14, 1942, and filed with the Division on March 17, 1942, having moved that its said complaint filed herein be amended by deleting therefrom Subparagraph 2 of Paragraph III, relating to sales by Forks Coal Mining Company to Emerson Manufacturing Company, Suncook, New Hampshire, and inserting in lieu thereof the following, as Subparagraph 7 of Paragraph I:

7. DOWLING COAL COMPANY

[424 Bell Building, Manchester, N. H., Registered Distributor No. 2472]

Date of shipment	P. R. R. car No.	Size	Billed price per ton	Effective minimum price	Discount per ton allowed	Weight in tons
Jan. 20, 1941..	738615	M/M/R	$1.95	$2.20	$0.25	48.95
Mar. 5, 1941..	726735	M/M/R	1.95	2.20	.25	49.60
Mar. 17, 1941..	715201	M/R	1.95	2.20	.25	52.40
Mar. 24, 1941..	106196	M/R	1.95	2.20	.25	50.90
Mar. 28, 1941..	178232	M/R	1.95	2.20	.25	72.75

And said defendant having requested that the hearing in this matter be postponed for thirty (30) days, and that the time within which to file answer be extended for thirty (30) days; and

The Acting Director deeming it advisable that said complaint should be amended as hereinabove set forth, and that the defendant's said requests should be granted in part and denied in part, as hereinafter set forth;

Now, therefore, it is ordered, That the aforesaid motion filed herein by Bituminous Coal Producers Board for District No. 1, complainant herein, be and the same hereby is granted; and

It is further ordered, That the Notice of and Order for Hearing dated February 18, 1942, be and the same hereby is amended by deleting therefrom the tenth paragraph thereof, relating to sales of coal by Forks Coal Mining Company to Emerson Manufacturing Company, and inserting in lieu thereof the following:

"That said defendant also wilfully violated section 4 II (e) and (h) of the Act and Part II (e) and (h) of the Code and Rule 1 of section III of the Marketing Rules and Regulations, by allowing, during the period January 1, 1941, to March 31, 1941, both dates inclusive, a discount of 25 cents per net ton from the applicable minimum f. o. b. mine prices on the sales of approximately 274.6 net tons of modified mine run and mine run coal produced by said defendant at its said mine and sold to Dowling Coal Company, Registered Distributor, Registration No. 2472, whose address is 424 Bell Building, Manchester, New Hampshire, whereas the maximum discount prescribed by the Division on such sales is 12 cents per net ton, thereby selling and delivering said coal at $1.95 per net ton f. o. b. said mine, whereas this coal is classified as Size Group 3 and is priced at $2.20 per net ton f. o. b. the mine in the Schedule of Effective Minimum Prices for District No. 1 For All Shipments Except Truck"; and

It is further ordered, That the said hearing in the above-entitled matter be and the same hereby is postponed from March 24, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division, at the Community Room of the City Hall, Altoona, Pennsylvania, to April 13, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 118, Fifth Floor, Colonial Hotel, Altoona, Pennsylvania, before the officer or officers previously designated to preside at said hearing, and that the time within which said defendant must file its answer herein be and the same hereby is extended to and including March 31, 1942; and

It is further ordered, That the said Notice of and Order for Hearing entered in the above-entitled matter on February 18, 1942, shall, in all other respects, remain in full force and effect.

Dated: March 23, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2533; Filed, March 24, 1942; 10:23 a. m.]

DEPARTMENT OF LABOR.

Children's Bureau.

NOTICE OF HEARING ON A PROPOSED FINDING AND ORDER RELATING TO THE EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE IN OCCUPATIONS IN THE BUILDING AND REPAIRING OF SHIPS

MARCH 23, 1942.

Notice is hereby given of a public hearing to be held on April 15, 1942, at 10 a. m. in room 7129, U. S. Department of Labor Building, 14th Street and Constitution Avenue, Washington, D. C., on a proposed Finding and Order, under section 3 (l) of the Fair Labor Standards Act of 1938, relating to the employment of minors between 16 and 18 years of age in certain occupations in the building and repairing of ships.

This proposed Finding and Order declares such occupations to be hazardous for the employment of minors between 16 and 18 years of age, and its effect, if issued, will be to raise the minimum age for employment from 16 to 18 years in occupations subject to it.

The proposed Finding and Order is based upon a report of an investigation of the shipbuilding and ship-repairing industry entitled "Occupational Hazards to Young Workers: Report No. 7—The Shipbuilding and Ship-Repairing Industry" which is available for inspection at the Office of the Children's Bureau, United States Department of Labor, Washington, D. C., and at other offices of the Children's Bureau and offices of the Wage and Hour Division. A list of these offices and their addresses is attached. Copies of the Report may be obtained upon request from any of these offices.

All parties desiring to appear at the hearing are requested to notify the Children's Bureau at least 5 days prior to the date fixed for the hearing. Any interested party who is unable to appear in person or by representative may submit a written statement to the Children's Bureau not later than the day prior to the date fixed for the hearing and the same will be made part of the record of the hearing.

The Finding and Order, as proposed, is as follows:

PROPOSED FINDING AND ORDER

Part 422—Occupations Particularly Hazardous for the Employment of Minors Between 16 and 18 years of Age or Detrimental to Their Health or Well-Being

§ 422.7 *Occupations in the building and repairing of ships*—(a) *Finding and declaration of fact.* By virtue of and pursuant to the authority conferred by section 3 (*l*) of the Fair Labor Standards Act of 1938[1] and pursuant to the regulation prescribing the procedure governing determinations of hazardous occupations;[2] an investigation having been conducted with respect to the hazards for minors between 16 and 18 years of age in employment in occupations involved in the building and repairing of ships; and a report of the investigation having been submitted to the Chief of the Children's Bureau;

Now, therefore, I, Katharine F. Lenroot, Chief of the Children's Bureau of the United States Department of Labor, hereby find and declare that the following occupations involved in the building and repairing of ships are particularly hazardous for minors between 16 and 18 years of age:

(1) Any work in the construction of the hull or superstructure of steel or wooden ships, including carpentering or shipwright work, crane operation, rigging, erecting, ship fitting, drilling, bolting, riveting, chipping, caulking, welding, burning, and unskilled labor. This shall include work in the building or preparation of the ways. It shall not include work in the subassembly of sections of the ships in the shops or yard, nor in the taking of measurements or the making of templates on board ship in connection with such subassembly work or with work in the mold loft.

(2) Any work in the fitting-out of ships performed on board ship either before or after launching, including crane operation, rigging, pipe fitting, plumbing, coppersmithing, sheet-metal work, joinery, electrical work, machinist work, painting, and unskilled labor. This shall not include the taking of measurements or the making of templates on board ship in connection with the making of equipment in the shops.

(3) Any work in the reconditioning, repair, or reconstruction of ships performed in drydocks, on marine railways, or at wharves (including the operation of drydocks or marine railways or the berthing of ships), except for the taking of measurements or the making of templates on board ship in connection with work in the mold loft or in other shops, and except for pipe fitting, plumbing, asbestos work, coopersmithing, sheet-metal work, joinery, electrical work, canvas work, and interior painting where such work is not carried on in connection with major overhaul, conversion, rigging, or the handling of heavy material.

(4) Any work in the plate and shape shop (other than subassembly work) or in the boiler shop, including any work of types regularly performed in such shops whether done in the specific shops or elsewhere in the yard. This shall not include the work of shop offices.

(5) Any work in the grinding or dry mixing of paints or in workrooms where these processes are carried on.

(6) Any work in the transportation or storage of steel plates or shapes or of heavy lumber.

(7) Any work in the powerhouse.

(b) *Definitions.* As used in this section, the term "building and repairing of ships" shall mean the construction or repair of ships or flat-bottomed craft of steel-plate construction or of wooden construction of heavy commercial type, when done in or about yards equipped with launching ways, marine railway, or drydock. It shall not include work in establishments not equipped with launching ways, marine railway, or drydock, nor shall it include the building or repairing of sheet-metal boats or wooden boats of light yacht-type construction.

(c) *Higher standards.* This order shall not justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established herein.

(d) *Effective date.* This order shall become effective on June 1, 1942 and shall be in force and effect until amended or repealed by order hereafter made and published by the Chief of the Children's Bureau.

[SEAL] KATHARINE F. LENROOT,
Chief of the Children's Bureau.

Offices of the Children's Bureau

Washington, District of Columbia, Department of Labor Building.
Austin, Texas, 404 Old Post Office Building.
San Francisco, California, 819 Pacific Building.
Jackson, Mississippi, 307 Medical Building.

Offices of the Wage and Hour Division

Boston, Massachusetts, Old South Building, 294 Washington Street.
New York, New York, 341 Ninth Avenue.
Newark, New Jersey, Essex Building, 31 Clinton Street.
Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut and Juniper Streets.
Pittsburgh, Pennsylvania, 219 Old Post Office Building, Fourth and Smithfield Streets.
Richmond, Virginia, 215 Richmond Trust Building, 627 East Main Street.
Baltimore, Maryland, 201 N. Calvert Street.
Nashville, Tennessee, 509 Medical Arts Building, 119 Seventh Avenue North.
Cleveland, Ohio, Main Post Office, West Third and Prospect Avenue.
Detroit, Michigan, 346 Federal Building.
Columbus, Ohio, 320 Old Federal Building.
Chicago, Illinois, 1200 Merchandise Mart, 222 West North Bank Drive.
Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.
Seattle, Washington, 305 Post Office Building.
San Juan, Puerto Rico, Box 112, Post Office.
Raleigh, North Carolina, North Carolina Department of Labor, Salisbury and Edenton Streets.
Atlanta, Georgia, Fifth Floor, Witt Building, 249 Peachtree Street, NE.
Columbia, South Carolina, Federal Land Bank Building.
Jacksonville, Florida, 456 New Post Office Building.
Birmingham, Alabama, 1007 Comer Building, Second Avenue and Twenty-first Street.
New Orleans, Louisiana, 916 Union Building.
Jackson, Mississippi, 402 Deposit Guaranty Bank Building, 102 Lamar Street.
Kansas City, Missouri, 504 Title and Trust Building, Tenth and Walnut Streets.
St. Louis, Missouri, 100 Old Federal Building.
Denver, Colorado, 300 Chamber of Commerce Building.
Dallas, Texas, Rio Grande National Building, 1100 Main Street.
San Francisco, California, Room 500, Humboldt Bank Building, 785 Market Street.
Los Angeles, California, 417 H. W. Hellman Building.
Washington, District of Columbia, Department of Labor Building.

[F. R. Doc. 42-2547; Filed, March 24, 1942; 11:49 a. m.]

[1] Act of June 25, 1938, c 676, 52 Stat. 1060; U.S. Code, ti. 29, sec. 201.

[2] Issued November 3, 1938, pursuant to authority conferred by section 3 (*l*) of the Fair Labor Standards Act of 1938, and published in 3 F.R. 2640, November 5, 1938, Procedure Governing Determinations of Hazardous Occupations.

Wage and Hour Division.

MUSCATINE PEARL WORKS

NOTICE OF GRANTING OF EXCEPTION FROM 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 the Muscatine Pearl Works, Muscatine, Iowa, relief from the necessity of preserving its customers' invoices for two years as required by § 516.15, paragraph (b) of the Record Keeping Regulations, Part 516.

This authority is granted on the representations of the petitioner and is subject to revocation for cause.

Signed at New York, New York, this 23d day of March 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-2537; Filed, March 24, 1942; 10:38 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6109]

APPLICATION OF A. M. BURTON (NEW), NASHVILLE, TENNESSEE, FOR CONSTRUCTION PERMIT

ORDER SUPPLEMENTING NOTICE OF HEARING

It is ordered, On the Commission's own motion this 19th day of March, 1942, that the notice of issues heretofore released on the application in Docket No. 6109, be, and it is hereby, supplemented, as follows:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine the areas and populations which would receive primary service from the proposed station and what broadcast service is available to such areas and populations.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

By the Commission, Norman S. Case, Commissioner.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-2514; Filed, March 23, 1942; 12:41 p. m.]

[Docket No. 6210]

APPLICATION OF CAPITOL BROADCASTING CO., INC., (WRAL)

NOTICE OF HEARING

Application dated April 28, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Raleigh, North Carolina; Operating assignment specified: Frequency, 850 kc.; power, 1 kw. night; 5 kw. day (DA—night), hours of operation, unlimited.

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 proposed construction involves the use of any critical materials.

2. To determine what new areas and populations would receive service as a result of the proposed change in facilities and what broadcast service is already available to such areas and populations.

3. To determine what, if any, areas and populations would lose primary service from Station WRAL as a result of the proposed change in facilities and what broadcast service is already available to such areas and populations.

4. To determine whether the granting of this application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials. (See Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

5. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of the proposed station.

6. To determine the extent of any interference which would result from the simultaneous operation of Station WRAL as proposed and the operation of Station WRUF as proposed in Docket No, 6281, as well as the areas and populations affected thereby, and what other broadcast service is available to these areas and populations.

7. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by Section 307 (b) of the Communications Act of 1934, as amended.

8. To determine whether in view of the facts adduced under the foregoing issues and the issues relating to the application of the University of Florida (WRUF), Docket No. 6281, public interest, convenience and necessity would be served through the granting of this application.

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:

Capitol Broadcasting Co., Inc., Radio Station WRAL, 130 S. Salisbury St., Raleigh, North Carolina.

Dated at Washington, D. C., March 20, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-2538; Filed, March 24, 1942; 11:03 a. m.]

[Docket No. 6279]

APPLICATION OF DYKE CULLUM AND HARRY R. ENGLAND AS COPARTNERS, D/B AS RADIO COMPANY OF ANNAPOLIS (NEW)

NOTICE OF HEARING

Application dated November 28, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Annapolis, Maryland; operating assignment specified: Frequency, 1,040 kc.; power, 250 watts; hours of operation, limited time.

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 the qualifications of the applicant partnership to conduct and operate the proposed station.

2. To determine the character of the proposed program service.

3. To determine whether the proposed construction involves the use of any critical materials.

4. To determine the areas and populations which would receive primary service from the operation of the station proposed herein and what broadcast service is already available to such areas and populations.

5. To determine whether the granting of this application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials. (See Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

6. To determine whether there are other assignments available which would permit operation during daytime hours only, in accordance with the Standards of Good Engineering Practice.

7. To determine the areas and populations now receiving primary service from Station WWDC, which would receive primary service from the proposed station.

8. To obtain full information respecting the plan of operation for the proposed station, particularly in view of the connection of Dyke Cullum (a member of the applicant partnership) with the licensee of Station WWDC.

The application involved herein will not be granted by the Commission unless the issues listed above are deter-

mined 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:

Dyke Cullum & Harry R. England, as copartners, d/b as Radio Company of Annapolis, 66 Maryland Avenue, Annapolis, Maryland.

Dated at Washington, D. C., March 20, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2539; Filed, March 24, 1942; 11:03 a. m.]

[Docket No. 6280]

APPLICATION OF W. W. MCALLISTER AND HOWARD W. DAVIS, D/B AS THE WALMAC COMPANY, (NEW)

NOTICE OF HEARING

Application dated August 29, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Alice, Texas; operating assignment specified: Frequency, 1,230 kc.; power, 250 watts; hours of operation, unlimited.

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 the character of the proposed program service.

2. To determine whether the proposed construction involves the use of any critical materials.

3. To determine the areas and populations which would receive primary service from the operation of the station proposed herein and what broadcast service is already available to these areas and populations.

4. To determine whether the granting of this application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials. (See Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

5. To determine the areas and populations which would be deprived of primary service, particularly from Station WOAL, as a result of the operation of the station as proposed herein and what other broadcast service is available to these areas and populations.

6. To determine the availability of a transmitter site in the Alice, Texas area which would comply with the Standards of Good Engineering Practice.

7. To determine whether the proposed antenna would constitute a hazard to air navigation.

8. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

9. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience and necessity would be served through the granting of this application.

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:

W. W. McAllister and Howard W. Davis, d/b as The Walmac Company, Attention: Howard W. Davis, 2700 Smith Young Tower, San Antonio, Texas.

Dated at Washington, D. C., March 21, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2540; Filed, March 24, 1942; 11:03 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4708]

IN THE MATTER OF JOSEPH G. BRANCH, INDIVIDUALLY AND TRADING AS JOSEPH G. BRANCH INSTITUTE OF ENGINEERING AND SCIENCE

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

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of March, A. D. 1942.

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

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

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, April 7, 1942, at ten o'clock in the forenoon of that day (Central Standard Time), in Room 1123, New Post Office Building, Chicago, Illinois.

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

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-2542, Filed, March 24, 1942; 11:09 a. m.]