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Washington, Friday, July 10, 1942

The President

EXECUTIVE ORDER 9194

TRANSFERRING DUTIES AND FUNCTIONS WITH RESPECT TO ACQUISITION AND DISPOSITION OF REAL ESTATE FROM THE OFFICE OF THE JUDGE ADVOCATE GENERAL OF THE NAVY TO THE CHIEF OF THE BUREAU OF YARDS AND DOCKS

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941 (Public Law 354, 77th Congress), I, do hereby direct and order, as follows:

1. The duties and functions exercised by the Office of the Judge Advocate General of the Navy with respect to the acquisition and disposition for the Navy Department of real estate, including all interests therein and temporary uses thereof, and of all property acquired under the provisions of Title II of the Second War Powers Act, 1942, approved March 27, 1942 (Public Law 507, 77th Congress), or any amendments thereof, are hereby transferred to the cognizance and jurisdiction of the Chief of the Bureau of Yards and Docks under the direction of the Secretary of the Navy, together with such appropriated funds as are necessary to carry out the purposes and intent of this order.

2. The Secretary of the Navy shall take all steps necessary and desirable to carry out this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
July 7, 1942.

[F. R. Doc. 42-6503; Filed, July 8, 1942;
12:06 p. m.]

EXECUTIVE ORDER 9195

REGULATIONS RELATING TO AERIAL FLIGHTS BY PERSONNEL OF THE ARMY, NAVY, MARINE CORPS, COAST GUARD, AND NATIONAL GUARD

For the purpose of carrying into effect the provisions of section 20 of the act of

Congress approved June 10, 1922, as amended by section 6 of the act of July 2, 1926 (44 Stat. 780, 782), and of section 18 of the Pay Readjustment Act of 1942, approved June 16, 1942 (Public Law 607, 77th Congress, 2nd Session), relative to increased pay for personnel of the Army, Navy, Marine Corps, Coast Guard, and National Guard when by orders of competent authority they are required to participate regularly and frequently in aerial flights, and when in consequence of such orders they do participate in regular and frequent flights, the following regulations are hereby promulgated and made applicable to all officers, warrant officers, nurses, and enlisted men of all branches of the Army, Navy, Marine Corps, Coast Guard, and National Guard.

1. Definitions as used in these regulations—

(a) The term "qualified aircraft pilot" shall be construed to include any commissioned or warrant officer or enlisted man of any branch of his respective service who on July 2, 1926, held any aeronautical rating as pilot in the Army Air Corps, or who has been or may hereafter be given by competent authority in the respective services an aeronautical designation or rating as an aviator or pilot of service types of aircraft in the Army, Navy, Marine Corps, Coast Guard, or National Guard.

(b) The term "qualified aircraft observer" shall be construed to include any commissioned or warrant officer or enlisted man who has been or may hereafter be given by competent authority in the respective services any aeronautical designation or rating as an observer in the Army, Navy, Marine Corps, Coast Guard, or National Guard.

(c) The term "student aviator" shall be construed to include any officer or warrant officer in the Navy, Marine Corps, or Coast Guard who is duly appointed and assigned to a course of instruction in piloting aircraft.

(d) The term "student aviation pilot" shall be construed to include any enlisted man in the Navy, Marine Corps, or Coast Guard who is duly appointed and as-

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signed to a course of instruction in aircraft pilot duties.

(e) The term "student aviation observer" shall be construed to include any officer, warrant officer, or enlisted man in the Navy, Marine Corps, or Coast Guard who is duly appointed and assigned to a course of instruction in aircraft observer duties.

(f) The term "student naval flight surgeon" shall be construed to include any naval medical officer who is duly appointed and assigned flight instruction leading to the designation of naval flight surgeon.

(g) The term "aerial flight" is defined as a journey in an aircraft. It begins when the aircraft takes off from rest at any point of support and terminates when it next comes to a complete stop at a point of support.

(h) The term "aviation accident" shall be construed to mean an accident in which an officer, warrant officer, member of the Army Nurse Corps or Navy Nurse Corps (female), or enlisted man who is required to participate regularly and frequently in aerial flights is injured while an occupant of an aircraft or as the result of jumping from, being thrown from, or being struck by, an aircraft or any part or auxiliary thereof, or in which appropriate medical authority of the services attests that injury resulted from participation in duly authorized aerial flights.

(i) The term "Army Air Forces" includes Air Forces units and individuals assigned to duty with defense commands, task forces, base commands, and in theaters of operations.

2. Each officer or warrant officer who is a qualified aircraft pilot and who is not unfit for duties as such, and who is commissioned in the Army Air Corps or on duty with the Army Air Forces, or who is duly assigned to duty in any part of the aeronautic organization of the Navy, Marine Corps, or Coast Guard, including those assigned to special, administrative, or school duties, shall be required to participate regularly and frequently in aerial flights; orders requiring such flights shall be issued by the Commanding General of the Army Air Forces or by such officer or officers as he may designate for the Army, the Chief of Naval Personnel for

the Navy, the Commandant of the Marine Corps for the Marine Corps, or by the Commandant of the Coast Guard for the Coast Guard, and such orders shall remain in force for the entire period of such commission, duty or assignment, except as hereinafter provided in paragraph 12.

3. Each officer or warrant officer who is a qualified aircraft observer, or a qualified aircraft pilot who is unfit for piloting duties, but is fit and desired for other flying duty, and who is commissioned in the Army Air Corps, or on duty with the Army Air Forces, or who is duly assigned to duty in any part of the aeronautic organization of the Navy, Marine Corps or Coast Guard, may be required to participate regularly and frequently in aerial flights; orders requiring such flights shall be issued by the Commanding General of the Army Air Forces or by such officer or officers as he may designate for the Army, the Chief of Naval Personnel for the Navy, the Commandant of the Marine Corps for the Marine Corps, or by the Commandant of the Coast Guard for the Coast Guard, and such orders shall remain in force for the entire period of such commission, duty or assignment, except as hereinafter provided in paragraph 12.

4. Each officer of the Medical Corps of the Army or of the Navy who is duly assigned to duty with any aeronautic headquarters or unit of the Army, Navy, Marine Corps, or Coast Guard, or assigned to duty at a station where there is an aeronautic unit, and who has qualified as a flight surgeon or as an aviation medical examiner may be required to participate regularly and frequently in aerial flights by the Commanding General of the Army Air Forces or by such officer or officers as he may designate for the Army, or by the Chief of Naval Personnel for the Navy and Marine Corps, and any orders for such requirement shall remain in force for the entire period of such assignment, except as hereinafter provided in paragraph 12.

5. Each officer, warrant officer or enlisted man of the Army who is duly assigned to a course of instruction for qualification as aircraft pilot or aircraft observer, and each officer, warrant officer, or enlisted man of the Navy, Marine Corps, or Coast Guard who is duly appointed a student aviator, a student aviation pilot, a student aviation observer, or a student naval flight surgeon, shall be required to participate regularly and frequently in aerial flights; orders for such requirement shall be issued by the Commanding General of the Army Air Forces or by such officer or officers as he may designate for the Army, the Chief of Naval Personnel for the Navy, the Commandant of the Marine Corps for the Marine Corps, or by the Commandant of the Coast Guard for the Coast Guard, and orders for such requirement shall remain in force for the entire period of his course of instruction, except as hereinafter provided in paragraph 12.

6. Each enlisted man who is on duty with the Army Air Forces or is serving in any part of the aeronautic organization of the Navy, Marine Corps, or Coast Guard, and who is a qualified aircraft

pilot or observer, shall be required to participate regularly and frequently in aerial flights by his commanding officer; orders for such requirement shall remain in force for the entire period of such assignment, except as hereinafter provided in paragraph 12; orders for such requirement and their revocation shall be reported to the Commanding General of the Army Air Forces or to such officer or officers as he may designate for the Army, the Chief of Naval Personnel for the Navy, the Commandant of the Marine Corps for the Marine Corps, or to the Commandant of the Coast Guard for the Coast Guard.

7. Each enlisted man who is on duty with the Army Air Forces or is serving in any part of the aeronautic organization of the Navy, Marine Corps, or Coast Guard, and who is not a qualified aircraft pilot or observer, may be required to participate regularly and frequently in aerial flights by his commanding officer, and orders for such requirement shall remain in force for the entire period of such assignment, except as hereinafter provided in paragraph 12; orders for such requirement and their revocation shall be reported to the Commanding General of the Army Air Forces or to such officer or officers as he may designate for the Army, the Chief of Naval Personnel for the Navy, the Commandant of the Marine Corps for the Marine Corps, or the Commandant of the Coast Guard for the Coast Guard.

8. Each officer, warrant officer, member of the Army Nurse Corps or Navy Nurse Corps (female), or enlisted man other than those specified in paragraphs 2, 3, 4, 5, 6, and 7, may be required to participate regularly and frequently in aerial flights; orders for such requirement shall be issued by the Commanding General of the Army Air Forces or by such officer or officers as he may designate for personnel commissioned in the Army Air Corps or on duty with the Army Air Forces, the Secretary of War or such officer or officers as he may designate for other branches of the Army, the Chief of Naval Personnel for the Navy, the Commandant of the Marine Corps for the Marine Corps, or by the Commandant of the Coast Guard for the Coast Guard, and orders for such requirement shall remain in force for the entire period of such assignment, except as hereinafter provided in paragraph 12.

9. Officers, warrant officers, and enlisted men of the National Guard in the active military service of the United States shall be subject to the requirements of paragraphs 2 to 8 hereof, inclusive. Officers, warrant officers, and enlisted men of the National Guard not in the active military service of the United States who come within the following classes will be considered as on duty requiring them to participate regularly and frequently in aerial flights, and no further orders requiring participation regularly and frequently in aerial flights will be required for those enumerated in (a), (b), (c), and (e):

(a) Officers and warrant officers belonging to Army Air Forces organizations of the National Guard who by applicable tables of organization are classified pilots or observers.

(b) Enlisted men belonging to Army Air Forces organizations of the National Guard who by applicable tables of organization are classified as flight chiefs, crew chiefs, or master photographers.

(c) Officers of the Medical Corps attached to Army Air Forces organizations of the National Guard, who by applicable tables of organization are classified as flight surgeons.

(d) In addition to the above, such officers, warrant officers, and enlisted men belonging to or attached to Army Air Forces organizations of the National Guard as may be detailed to such duty by written orders issued by the Senior Army Air Forces Commander of each State: *Provided*, That the number of additional enlisted men so detailed in any organization shall not exceed ten per centum of the maintenance enlisted strength of such organization including attached personnel.

(e) Officers, warrant officers, and enlisted men, who, under authority of the Secretary of War are in attendance at a course of instruction in aircraft pilot duties, aircraft observer duties, or flight surgeon duties at a service school.

10. For personnel of the Army, Navy, Marine Corps, Coast Guard, or National Guard (when in the active military service of the United States and when participating in exercises or performing duties provided for by sections 94, 97, and 99 of the National Defense Act, as amended), who are required by competent authority to participate regularly and frequently in aerial flights, the following requirements are prescribed: *Provided*, That any officer, warrant officer, member of the Army Nurse Corps or Navy Nurse Corps (female), or enlisted man who has been required to participate regularly and frequently in aerial flights by orders of competent authority and who as a result of such orders has participated regularly and frequently in aerial flights, as defined in this Executive Order, and who subsequently becomes incapacitated for flying by reason of an aviation accident shall not be required to perform such aerial flights during such incapacity for a period not to exceed three months following the date of said accident:

(a) During one 10 or more flights calendar month. totaling at least three hours, or in lieu thereof to be in the air a total of at least four hours.

(b) During two 20 or more flights consecutive calendar months, totaling at least six hours, or in lieu thereof to be in the air a total of at least eight hours.
(a) above have not been met.

(c) During three 30 or more flights consecutive calendar months, totaling at least nine hours, or in lieu thereof to be in the air a total of at least twelve hours.
(b) above have not been met.

(d) For fractions of a calendar month the number of aerial flights and the time in the air required shall bear the same ratio to the number of flights and the time in the air required for a full calendar month as the period in question bears to a full calendar month.

(e) For fractions of two consecutive calendar months the period in question shall be considered as a unit and the number of aerial flights and time in the air required shall bear the same ratio to the number of aerial flights and time in the air required for a full calendar month as the period in question bears to a full calendar month.

(f) Where the commanding officer of any officer, warrant officer or enlisted man who has been required by orders of competent authority to participate in regular and frequent aerial flights certifies that due to military operations of the particular command under combat conditions, such officer, warrant officer or enlisted man was unable to perform the aerial flights required by subparagraph (c) hereof, such officer, warrant officer or enlisted man may comply with the requirements herein prescribed by performing sixty or more flights totaling at least eighteen hours, or, in lieu thereof, being in the air a total of at least twenty-four hours over a period of six consecutive calendar months.

Note: The above requirements for any particular period may be met at any time during such period.

(g) Each officer, warrant officer, or enlisted man who is required by competent authority to participate regularly and frequently in aerial flights and who is a qualified aircraft pilot, and who is fit for duty as such, shall make the flights above required as a pilot, except that an officer, warrant officer, or enlisted man who is both a qualified pilot of lighter-than-air aircraft and a qualified aircraft observer shall make the flights above required either as pilot or as observer as may be directed by competent authority.

(h) Each officer, warrant officer, or enlisted man who is required by competent authority to participate regularly and frequently in aerial flights, and who is a qualified aircraft observer but is not a qualified aircraft pilot shall make the flights above required as observer.

(i) Each officer, warrant officer, member of the Army Nurse Corps or Navy Nurse Corps (female), or enlisted man other than a qualified aircraft pilot or a qualified aircraft observer who is required by competent authority to participate regularly and frequently in aerial flights shall make the flights above required in the capacity directed by the authority issuing the order requiring the flights.

11. For each officer, warrant officer, or enlisted man of the National Guard not in the active military service of the United States who is in an armory drill pay status and who is required to participate regularly and frequently in aerial flights the following requirements are prescribed:

- (a) During one calendar month of any quarterly period. 4 or more flights totaling at least 72 minutes, or in lieu thereof to be in the air a total of at least 96 minutes.
- (b) During two consecutive calendar months of any quarterly period, when the requirements of subparagraph (a) above have not been met. 8 or more flights totaling at least 144 minutes, or in lieu thereof to be in the air a total of at least 192 minutes.
- (c) During three consecutive calendar months of any quarterly period when the requirements of subparagraph (b) above have not been met. 12 or more flights totaling at least 216 minutes, or in lieu thereof to be in the air a total of at least 288 minutes.

(d) Such required flights may be made at ordered drills of the Army Air Forces organization to which such officer, warrant officer, or enlisted man belongs or is attached, or at other times when so authorized by the senior Army Air Forces commanding officer of the State.

(e) For fractions of a calendar month, the number of aerial flights and the time in the air required shall bear the same ratio to the number of flights and the time in the air required for a full calendar month as the period in question bears to the entire month.

(f) The duties prescribed above shall be in addition to any other duty or duties which may be required of such officers, warrant officers, and enlisted men while in attendance at assemblies for drill and instruction, and while participating in exercises or performing duties provided for by sections 94, 97, and 99 of the National Defense Act, as amended.

12. A commanding officer shall suspend from flying any officer, warrant officer, member of the Army Nurse Corps or Navy Nurse Corps (female), or enlisted man under his command who, in his opinion, is unfit for flying, except as a result of an aviation accident. When the suspension is for a minor illness or injury not the result of an aviation accident, the suspension and subsequent revocation thereof may be ordered by the commanding officer of the person concerned without reference to higher authority. In all other cases such action shall be reported with the reasons therefor, for confirmation to the Commanding General of the Army Air Forces or to

such officer or officers as he may designate for personnel commissioned in the Army Air Corps or on duty with the Army Air Forces, the Secretary of War or such officer or officers as he may designate for other branches of the Army or to the officer who issued the order requiring the person concerned to participate regularly and frequently in aerial flights for the Navy, Marine Corps and Coast Guard. The confirmation of such action shall have the effect of suspending the order to participate regularly and frequently in aerial flights as to the person concerned from the date such suspension from flying was made. When any officer, warrant officer, member of the Army Nurse Corps or Navy Nurse Corps (female), or enlisted man so suspended from flying becomes, in the opinion of his commanding officer, again fit for flying, the commanding officer shall revoke such suspension from flying, and such action shall be reported with reasons therefor, for confirmation to the authority who confirmed the suspension from flying. The confirmation of such revocation shall have the effect of terminating the suspension of the person concerned from the date of such revocation by his commanding officer: *Provided*, That in the case of suspension from flying by reason of sickness or injury incurred in line of duty and subsequent removal thereof, such suspension shall be considered as nullified from its beginning, and the person concerned shall be entitled to increased pay for flying provided the requirements of paragraph 10 above are complied with.

13. Authorized leaves of absence of personnel required by orders of competent authority to participate regularly and frequently in aerial flights shall not suspend such orders for pay purposes.

14. Compliance with the foregoing requirements constitutes participation in regular and frequent aerial flights within the meaning of the act approved July 2, 1926 (44 Stat. 780), and the act approved June 16, 1942 (Public Law 607, 77th Congress, 2nd Session), and no flight pay shall accrue to any person during any period in which the provisions of this order are not complied with: *Provided*, that nothing herein contained shall affect the flying pay of non-flying officers who perform the number of aerial flights required by any applicable act of Congress.

Except for the provisions of section 10 (f) hereof, which shall be effective from and after December 7, 1941, the provisions of this order shall be effective as of June 1, 1942, and shall supersede Executive Order No. 5865 of June 27, 1932, as amended by Executive Order No. 8706 of March 6, 1941.¹

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
July 7, 1942.

[F. R. Doc. 42-6504; Filed, July 8, 1942; 12:06 p. m.]

¹ 6 F.R. 1333.

Regulations

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

[Tobacco 603 (Flue-cured) Part II]

PART 727—FLUE-CURED TOBACCO¹

SUBPART E—1942

MARKETING QUOTA REGULATIONS, 1942-48,
PART II

Pursuant to the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938, as amended, public notice is hereby given of Part II of the Marketing Quota Regulations, Flue-cured Tobacco—1942-43 Marketing Year (Tobacco 603 Flue-cured, as issued by the Secretary of Agriculture on November 12, 1941), which regulations shall be in force and effect until rescinded or suspended or amended or superseded by regulations hereafter made under said Act.

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¹ 6 F.R. 5445, 5745; 7 F.R. 213.

- Sec.
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AUTHORITY: §§ 727.423 to 727.455, inclusive, are issued under 52 Stat. 47, 48, 65, 66, 202; 53 Stat. 1261, 1262; 54 Stat. 393, 728; 55 Stat. 88; 7 U.S.C. 1940 ed. 1301 et seq.

GENERAL

§ 727.423 *Definitions.* (a) As used in these regulations and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(1) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto.

(2) "Authorized representative of the Secretary" means the Director, Southern Division, in the case of States in the Southern Region and the Director, and the Chief of the Marketing Quota Section, East Central Division, in the case of States in the East Central Region.

(3) "Committee" means a committee within a State, county or community established under the Soil Conservation and Domestic Allotment Act. "County Committee", "Local Committee", or "Community Committee" shall have corresponding meanings in the connection in which they are used.

(4) "County office" means the office of the County Agricultural Conservation Association, or the county or local committees or employees of such association, according to the sense in which such term is used.

(5) "Dealer" means a person who engages to whatever extent, in the business of acquiring tobacco from producers without regard to whether such person is registered as a dealer with the Bureau of Internal Revenue.

(6) "East Central Region" means the area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia and West Virginia.

(7) "Farm" means any tract or tracts of land which are considered as a farm under the provisions of the 1942 Agricultural Conservation Program.

(8) "Field Assistant" means an employee of the Agricultural Adjustment Agency, United States Department of Agriculture, whose duties involve primarily the preparation and handling of auction warehouse and dealer records and reports as they relate to tobacco marketing quotas.

(9) "Floor sweepings" means all tobacco which is dropped on the warehouse floor in the course of the warehouse operations and is picked up by the warehouseman. Any tobacco accumulated in the course of the grading of tobacco for farmers shall not be included as floor sweepings.

(10) "Market" means the first disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter or exchange, or by gift *inter vivos*. "Marketing" and "marketed" shall have corresponding meanings to the term "market."

(11) "Nonwarehouse sale" means any marketing of tobacco other than a warehouse sale.

(12) "Operator" means the person who is in charge of the supervision and the conduct of the farming operations on the entire farm.

(13) "Person" means an individual, partnership, association, corporation, estate, trust, or any agency of a State or of the Federal Government. The term "person" shall include two or more persons having a joint or common interest.

(14) "Pound" means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal one pound standard weight. The weight of redried or prized tobacco shall be increased so as to correspond with the original weight of such tobacco prior to redrying.

(15) "Producer" means a person who, as owner, landlord, tenant, share-cropper, or laborer is entitled to share in the tobacco available for marketing from the farm, or in the proceeds of the marketing, under the provisions of his agreement relating to the production of tobacco.

(16) "Resale" means the disposition by sale, barter, or exchange of tobacco which has been marketed previously.

(17) "Sale day" means the period at the end of which the warehouseman bills to buyers the tobacco so purchased during such period.

(18) "Scrap tobacco" means the residue accumulated in the course of preparing farm tobacco for market consisting chiefly of portions of tobacco leaves and leaves of poor quality.

(19) "Secretary of Agriculture" means the Secretary or Acting Secretary of Agriculture of the United States.

(20) "Southern Region" means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

(21) "State committee or State office" means the group of persons comprising the State Agricultural Conservation Committee appointed by the Secretary of Agriculture to assist within any State in the administration of the Soil Conservation and Domestic Allotment Act or the office of such persons.

(22) "Suspended sale" means any marketing of farm tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the particular sale day on which such marketing occurred.

(23) "Tobacco" means flue-cured tobacco classified in Service and Regulatory Announcement No. 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture as types 11, 12, 13 and 14, and collectively known as flue-cured tobacco.

(24) "Tobacco available for marketing" means all tobacco produced on a farm in the calendar year 1942 (and any tobacco produced on the farm prior to the calendar year 1942 and carried over to the 1942-43 marketing year) which is not disposed of by a "Tobacco Carry-Over Agreement", by use on the farm, or by

storage prior to the issuance of a marketing card for the farm.

(25) "Trucker" means any person who engages in the business of trucking tobacco to market and selling it for producers regardless of whether the tobacco is acquired from producers by the trucker.

(26) "Warehouseman" means a person engaged in the business of holding sales of tobacco at public auction at a warehouse during the tobacco marketing season.

(27) "Warehouse sale" means a marketing by sale at auction through a warehouse in the regular course of business.

§ 727.424 *Instructions and forms.* The Administrator of the Agricultural Conservation and Adjustment Administration shall cause to be prepared and issued such instructions and such forms as may be deemed necessary or expedient for carrying out these regulations.

§ 727.425 *Tobacco subject to marketing quotas.* Any tobacco marketed during the period July 1, 1942, to June 30, 1943, inclusive, and any tobacco produced in the calendar year 1942 and marketed prior to July 1, 1942, shall be subject to the marketing quotas for the 1942-43 marketing year.

FARM MARKETING QUOTAS

§ 727.426 *Amount of farm marketing quota.* The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment, as established for the farm in accordance with Part I of the "Marketing Quota Regulations—Flue-cured Tobacco—1942-43 Marketing Year" (Tobacco 603 Part I). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1942 times the farm acreage allotment. The excess tobacco on any farm shall be that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1942 times the number of acres harvested in excess of the farm acreage allotment.

§ 727.427 *Issuance of marketing card.* A marketing card shall be issued for every farm having tobacco available for marketing. The card shall be issued after information required for its preparation (including measurements of the harvested acreage of tobacco and an estimate of the actual production of tobacco) has been furnished to or obtained by the county office. If the farm operator refuses to furnish or prevents the county office from obtaining such information, the card shall show that all of the tobacco available for marketing from the farm is subject to penalty.

(a) *Within Quota Marketing Card (MQ-656 Flue-cured).* A "Within Quota Marketing Card" authorizing the marketing without penalty of the actual production of tobacco on the farm in the 1942 calendar year and any tobacco carried over from a prior marketing year shall be issued for a farm unless an excess marketing card is required to be

issued for the farm in accordance with paragraph (b) of this section.

(b) *Excess Marketing Card (MQ-657 Flue-cured)*. An "Excess Marketing Card" showing the extent to which marketings of tobacco from a farm are subject to penalty shall be issued for a farm under the following conditions:

(1) If the harvested acreage of tobacco in 1942 is in excess of the farm acreage allotment and such excess tobacco is not disposed of in accordance with § 727.428 hereof, or if the operator of the farm also operates another farm on which the harvested acreage of tobacco in 1942 exceeds the farm acreage allotment and such excess is not disposed of in accordance with § 727.428 hereof.

(2) If a within quota marketing card could be issued for the farm but the county committee determines that a zero percent excess marketing card is necessary to protect the interest of the government and to insure proper identification of and accounting for the disposition of tobacco produced on the farm and the proper use of the marketing card issued for the farm.

(3) If there is tobacco available for marketing from the farm but no tobacco acreage allotment was established and such tobacco is not disposed of as provided in § 727.428 hereof.

(4) If information required for preparation of the marketing card is not furnished or the county office is prevented from obtaining the necessary information.

(5) If there is tobacco available for marketing from the farm carried over from a prior marketing year and the harvested acreage in 1942 is not less than the 1942 acreage allotment by an amount equivalent to the acreage of carry-over excess determined as provided in paragraph (c) of this section.

(6) If a farm operated by a publicly owned experiment station produces tobacco for other than experimental purposes and such tobacco is not disposed of as provided in § 727.428 hereof.

(c) *Extent to which marketings from a farm are subject to penalty*. The extent to which marketings of tobacco from any farm having no carry-over tobacco are subject to penalty shall be that percentage of the tobacco available for marketing from the farm which the acreage of tobacco harvested in excess of the farm acreage allotment for the farm and not disposed of as provided in § 727.428 of these regulations, is of the acreage of tobacco harvested from the farm. Each marketing card showing a percentage excess of zero also shall show the maximum number of pounds of tobacco which may be marketed thereunder, which shall be the quantity of tobacco estimated by the county committee to be available for marketing from the 1942 crop produced on the farm. For any excess marketing card which shows a percentage of excess of more than zero, the county committee, if it has reason to believe it to be necessary in order to prevent marketing thereunder of tobacco produced on another

farm, also shall have shown on the card the maximum number of pounds which may be marketed thereunder, such number of pounds to be determined in the same manner as for a card showing zero percent excess. The maximum number of pounds shown on any excess marketing card shall be increased by the county committee if the committee determines that the quantity of tobacco available for marketing from the 1942 crop produced on the farm is greater than the number of pounds previously estimated by the committee to be available for marketing.

The extent to which marketings of tobacco from any farm having tobacco available for marketing which has been carried over from a prior marketing year are subject to penalty shall be the percentage determined as follows:

(1) Determine the number of "carry-over acres" by dividing the number of pounds of tobacco carried over from the prior year by the normal yield for the farm for that year.

(2) Determine the number of "within quota carry-over acres" by multiplying the "carry-over acres" ((1) above) by the "percent within quota" (i. e., 100 percent minus the percent excess) for the year in which the carry-over tobacco was produced.

(3) Determine the "total acres" of tobacco by adding the "carry-over acres" ((1) above) and the acreage of tobacco harvested in the current year.

(4) Determine the excess acreage by subtracting from the "total acres" ((3) above) the sum of the 1942 allotment and the "within quota carry-over acres" ((2) above).

(5) Determine the percent excess to be shown on the marketing card by dividing the "total acres" into the excess acreage (4 above).

(d) *Number of marketing cards and entries and signatures thereon*. One or more marketing cards may be issued for any farm as approved by the county committee. All entries on each marketing card shall be made in accordance with the instructions for issuing the marketing card and the operator's agreement on each marketing card shall be signed by the farm operator or on his behalf by his authorized representative.

§ 727.428 *Disposition of excess tobacco*. The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any tobacco from the farm by any of the following methods:

(a) By executing a "Tobacco Carry-over Agreement," (Tobacco 628) and delivering, either to the county committee prior to the issuance of the marketing card or to a field assistant at the auction warehouse out of the first proceeds from the marketing of tobacco from the farm, a certified check, cashier's check or post office money order, or by a check drawn by the warehouseman, payable to Commodity Credit Corporation in an amount equal to the estimated actual yield of tobacco from the excess acreage times 85 percent of the parity price of

flue-cured tobacco as of the beginning of the 1942-43 marketing year.

(b) By storage of the excess tobacco, the tobacco so stored to be representative of the entire 1942 crop produced on the farm, and posting of a bond or making of other arrangements approved by the county committee and an authorized representative of the Secretary which will guarantee payment of the amount of penalty which will become due upon the marketing of excess tobacco.

(c) By rendering the excess tobacco unmerchantable, the tobacco so rendered unmerchantable to be representative of the entire crop of tobacco produced on the farm in 1942 and the act of rendering the tobacco unmerchantable to be performed only by the farm operator (or his representative) under the supervision of the county committee (or a person designated by the committee).

§ 727.429. *Report on marketing card*. The operator of each farm on which tobacco is produced in 1942 shall return to the county office each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than thirty days after the close of the tobacco auction markets for the area in which the farm is located. Failure to return the marketing card to the county office within the time specified (after formal notification) shall constitute failure to give proof of disposition of tobacco marketed from the farm in the event that satisfactory proof of such disposition is not furnished otherwise.

§ 727.430 *Additional reports by producers and identification of tobacco*. In addition to any other reports which may be required under these regulations, the operator of each farm or any other person having an interest in the tobacco grown on the farm (even though the harvested acreage does not exceed the acreage allotment and even though no allotment was established for the farm) shall, upon written request by the Chairman of the State Committee and within ten days after the deposit of such request in the United States mails addressed to such person at his last known address, furnish the Secretary of Agriculture, by sending the same to the Chairman of the State Committee, a written report showing, as to the farm at the time of filing said report (a) the number of acres of tobacco harvested, (b) the total production of tobacco, (c) the amount of tobacco on hand and its location, and (d) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price, and the date of marketing.

§ 727.431 *Rights of producers in marketing card*. Each producer having a share in the tobacco available for marketing from the farm shall be entitled to the use of the marketing card for marketing his proportionate share of the total amount of tobacco available for marketing from the farm: *Provided*, That the burden of any penalty with respect to carryover tobacco shall be borne by

those persons having an interest in such tobacco.

§ 727.432 *Successors in interest.* Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from the farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 727.433 *Person authorized to issue cards.* The county committee shall designate one person to sign marketing cards for farms in the county as issuing officer. No marketing card shall be signed by the issuing officer until all other entries required to be made thereon have been made, except that the Operator's Agreement therein may be signed after the issuing officer has signed the card, but prior to the issuance of a memorandum of sale from the card. Only one person shall be designated as issuing officer but such person may, subject to the approval of the county committee, designate not more than three persons to sign his name in issuing marketing cards: *Provided*, That each such person shall place his initials immediately beneath the name of the issuing officer as written by him on the card.

§ 727.434 *Invalid cards.* A marketing card shall be invalid under any of the following conditions:

- (a) If it is not issued or delivered in the form and manner prescribed;
- (b) If entries are not made thereon as required;
- (c) If it is lost, destroyed, stolen, or becomes illegible;
- (d) If any erasure has been made;
- (e) If any alteration has been made and not properly initialed; or
- (f) If the amount due Commodity Credit Corporation with respect to a "Tobacco Carry-over Agreement" is not paid prior to the issuance of any memorandum of sale.

In the event any marketing card becomes invalid (other than by loss, destruction, theft, omission, alteration, or incorrect entry which can be corrected by a field assistant) the farm operator (or the person having the card in his possession) shall return it to the county office at which it was issued.

If any marketing card is lost, destroyed, stolen, or altered, the person having knowledge of such loss, destruction, theft, or alteration shall notify the county office to that effect, and the county office shall immediately notify the applicable field office.

If any marketing card which was reported as lost, destroyed, stolen, or altered is later received by the county office, the county office shall immediately notify the applicable field office of the receipt of such card.

After receipt of notice of loss, destruction or theft of any marketing card the county office may issue a duplicate marketing card to replace the lost, destroyed, or stolen card in accordance with instructions issued pursuant to these regulations.

In the event any marketing card was improperly issued, has been altered, or becomes illegible, upon the return of the card to the county office a new marketing card shall be issued immediately, or as soon thereafter as the necessary information is available.

If any entry is not made on a marketing card as required (either through omission or incorrect entry) and the proper entry is made by a field assistant then such card shall become valid. If the field assistant is unable to make the proper entry, he shall return the card to the county office where it shall be retained until such entry is made, or a new marketing card is issued, as provided above.

§ 727.435 *Additional cards and disposition of used cards.* Upon the return to the county office of the marketing card after all the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the farm. Any marketing card issued to replace another card shall have entered thereon the total sales as shown on the marketing card which is replaced.

§ 727.436 *Report of probable misuse of marketing card.* Any information which causes any field assistant, a member of any local committee, or an employee of the county office to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the applicable field office and to the State office.

§ 727.437 *No transfers.* There shall be no transfer of marketing quotas (except as provided in Part I of these regulations) and the tobacco marketed under the marketing card issued for a farm shall consist only of tobacco produced on the farm.

MARKETING OF TOBACCO AND PENALTIES

§ 727.438 *Memorandum of sale to identify every marketing.* (a) Each marketing of tobacco from a farm shall be identified by a memorandum of sale issued from the marketing card (MQ-656 Flue-cured or MQ-657 Flue-cured) for the farm but if a memorandum of sale cannot be obtained within four weeks after the date of the marketing of any tobacco at a warehouse sale, such marketing of tobacco shall be subject to penalty and the amount of penalty shall be shown on the memorandum of sale cleared without marketing card (Tobacco 618). The memorandum of sale shall be issued only by a field assistant, with the following exceptions:

- (1) A warehouseman, or his authorized representative, who has been authorized on form Tobacco 625, may issue a within quota memorandum of sale to identify a warehouse sale, if a field assistant is not available at the warehouse when the card is presented by the farmer and if no payment to Commodity Credit

Corporation under a "Tobacco Carry-over Agreement" is due with respect to the tobacco to be covered by the memorandum. Each memorandum of sale issued by a warehouseman shall be presented promptly by him to the field assistant for verification with the warehouse records.

(2) A dealer operating a receiving point for scrap tobacco at a redrying plant (and other regular receiving points operated by such dealer or his agents or employees) or at an auction warehouse, and who keeps records showing the information specified in § 727.448 (f), who has been authorized on form Tobacco 625, may issue a within quota memorandum of sale covering a sale of scrap tobacco if the farm operator has signed the "Authorization" on the back of the memorandum of sale and a Bill of Nonwarehouse Sale (Tobacco 614) has been executed to cover such tobacco.

(b) The authorization to issue within quota memoranda of sale under paragraph (a) (1) or (2) above may be withdrawn from any warehouseman or dealer upon written notice by an authorized representative of the Secretary.

(c) Each excess memorandum of sale, after issuance by a field assistant, shall be checked by the warehouseman or dealer (or his representative) to determine whether the amount of penalty shown thereon to be due has been correctly computed, and the warehouseman or dealer shall be responsible for the correctness of such computations.

(d) If the quantity of tobacco previously identified by memoranda of sale issued from any within quota marketing card is in excess of the number of pounds assigned to the card, the person issuing the memorandum shall require the farm operator to sign the "Operator's Certificate" on the back of the memorandum and if he is satisfied that such signature is the same as the signature of the farm operator on the marketing card, he may issue the memorandum. If any person other than the operator presents the marketing card, the memorandum of sale shall not be issued unless the "Authorization" on the back of such memorandum has been properly executed and signed by the operator. The person who presents the marketing card may sign on behalf of the farm operator except when such memorandum is to be used to cover a sale of "scrap" tobacco, provided that such person places his address immediately beneath his signature. Any person authorized to issue a memorandum of sale under either of the above described circumstances who has reason to believe that the tobacco to be covered by the memorandum was not produced on the farm for which the marketing card containing the memorandum was issued, may or may not issue the memorandum as he considers advisable, but in either event he shall immediately make a written report of the circumstances in the case to the applicable field office for the belt in which the tobacco is sold.

§ 727.439 *Bill of nonwarehouse sale.* Each marketing of tobacco, except a

warehouse sale, shall be identified by a Bill of Nonwarehouse Sale (Tobacco 614) completely executed by the buyer and the farm operator, except for the entry of the serial number of the memorandum of sale. If the Bill of Nonwarehouse Sale is issued to cover scrap tobacco the word "scrap" shall be written thereon immediately above the words "Bill of Nonwarehouse Sale." The post card copy (Tobacco 614a) shall be mailed by the farm operator not later than the day following the day on which executed. The original of each Bill of Nonwarehouse Sale covering any marketing except scrap tobacco shall be presented to a field assistant for issuance of a memorandum of sale (or a memorandum of sale cleared without marketing card) and for recording in the Dealer's Record Book in case of a purchase by a dealer other than a warehouseman. The original of each such Bill of Nonwarehouse Sale shall be forwarded with the applicable Dealer's Record (Tobacco 615).

The original of each Bill of Nonwarehouse Sale covering scrap tobacco shall be delivered to a person at a receiving point who has been authorized to issue memoranda of sale. Such person may issue the memorandum of sale and enter the serial number of such memorandum on the original of the Bill of Nonwarehouse Sale and forward all such bills with the Record of Scrap Tobacco (Tobacco 613) to the applicable field office.

§ 727.440 *Marketings free of penalty.* Any tobacco marketed from a farm which is identified by a valid memorandum of sale from the marketing card issued for the farm shall be free of penalty to the extent shown by the memorandum of sale.

§ 727.441 *Marketings subject to penalty and collection of penalties—(a) Farm tobacco.* With respect to tobacco marketed from farms having excess tobacco available for marketing, the penalty shall be paid upon that proportion of each lot of tobacco which the tobacco available for marketing in excess of the farm quota (at the time of issuance of the marketing card) is of the total amount of tobacco available for marketing from the farm. The memorandum of sale issued to identify such marketing of tobacco shall show that portion of such marketing which is subject to penalty, and any portion of such marketing of tobacco which is not shown by the memorandum as being subject to penalty shall be free of penalty.

(b) *Dealer's tobacco.* Any marketing of tobacco by a dealer which such dealer represents to be a resale, but all or any part of which, when added to prior resales by such dealer as shown on the Dealer's Record, is in excess of the total amount of purchases as shown on such Dealer's Record shall be a marketing of tobacco subject to penalty unless and until the dealer furnishes proof acceptable to the Secretary showing that such tobacco is not subject to penalty. Any marketing of tobacco by a dealer which such dealer represents to be a resale of tobacco previously purchased by him but which, because of the difference in the

price at which such tobacco is resold as compared with the price at which he had purchased the tobacco, cannot reasonably be regarded as tobacco previously purchased by him shall be taken to be a marketing of tobacco subject to penalty.

(c) *Tobacco not identified by a valid memorandum.* Any marketing of tobacco which is not identified by a valid memorandum of sale shall be subject to penalty.

(d) *Liability in case of error on memorandum.* The person liable for the payment of the penalty upon any marketing of tobacco shall not be relieved of such liability because of any error which may occur on the memorandum of sale.

§ 727.442 *Persons to pay penalty.* The person to pay the penalty due on any marketing of excess tobacco shall be one of the following as applicable:

(a) *Warehouseman.* If the tobacco is marketed by the producer through a warehouseman the penalty shall be paid by the warehouseman, who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Dealer.* If the tobacco is acquired from the producer by a dealer, the penalty shall be paid by the dealer who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Agent.* If the tobacco is marketed by the producer through an agent who is not a warehouseman, the penalty shall be paid by the agent, who may deduct an amount equivalent to the penalty from the price paid to the producer.

(d) *Warehouseman and dealer on dealer's tobacco.* Any penalty due upon tobacco subject to penalty under paragraph (b) of § 727.441 shall be paid by the warehouseman, who may deduct an amount equivalent to the penalty from the price paid to the dealer, but the dealer shall not be relieved of responsibility for payment of such penalty.

(e) *Producer marketing outside United States.* If the tobacco is marketed by the producer directly to any person outside the United States, the penalty shall be paid by the producer.

§ 727.443 *Rate of penalty.* The penalty shall be ten cents per pound upon the marketing of any tobacco in excess of the marketing quota for the farm on which the tobacco is produced and on the marketing of any other tobacco not identified under these regulations as being free from penalty.

§ 727.444 *Penalty for false identification or failure to account for disposition of tobacco.* If any producer falsely identifies or fails to account for disposition of any tobacco, an amount of tobacco equal to the normal yield of the number of acres harvested in 1942 in excess of the farm acreage allotment shall be deemed to have been marketed in excess of the marketing quota for the farm and the penalty in respect thereof shall be paid and remitted by the producer.

§ 727.445 *Payment of penalty.* Penalties upon the marketing of tobacco shall become due at the time of the marketing

and shall be paid by remitting the amount thereof to the applicable field or State office as shown in the Marketing Quota Instructions, Tobacco 622, not later than the end of the calendar week following the week in which the memorandum of sale was issued, or, in the event a memorandum is not issued, not later than four weeks after the date upon which the tobacco was sold. A draft, money order, or check, payable to the order of the Treasurer of the United States may be used to pay any penalty, but any such draft, or check shall be received subject to payment at par.

§ 727.446 *Application for return of penalty.* Any producer of tobacco and any other person who bore the burden of the payment of any penalty collected may file an application for return of the amount of such penalty which is in excess of that amount equal to ten cents per pound upon the number of pounds marketed in excess of the farm marketing quota. Any application for return of any penalty shall be filed on form Tobacco 624, "Application for Return of Penalty."

An application for the return of penalty filed by any producer of tobacco on a farm on which the tobacco available for marketing is in excess of the farm marketing quota shall not be approved unless (1) the marketing of tobacco from the farm has been completed and (2) disposition of all unmarketed excess tobacco has been made under the supervision of the county committee (or its representative) and has been approved by the county committee.

Return of penalty collected upon marketings of tobacco from any farm on which the tobacco available for marketing is in excess of the farm marketing quota shall be made only upon the basis of tobacco produced on the farm and, if the county committee has good cause to believe that any of the unmarketed excess tobacco as reported for the farm by the farm operator was not actually produced thereon, the application for such farm shall not be approved with respect to that tobacco which the committee has good cause to believe was not produced on the farm. The county committee shall approve an Application for Return of Penalty only for that number of pounds of unmarketed excess tobacco which the committee determines is representative of the entire amount of tobacco available for marketing from the farm in the 1942-43 marketing year, taking into account the value of the unmarketed excess tobacco (which is disposed of) as appraised by the county committee (or its representative) and the value of tobacco marketed from the farm.

RECORDS AND REPORTS

§ 727.447 *Warehouseman's records and reports—(a) Record of marketings.* Each warehouseman shall keep such records as will enable him to furnish to the Secretary of Agriculture a report of the following information with respect to each sale or resale of tobacco made at his warehouse; (1) the name of the seller (and, in the case of a sale for a pro-

ducer, the name of the operator of the farm on which the tobacco was produced), (2) the name of the purchaser, (3) the date of sale, (4) the number of pounds sold, (5) the sale price (6) the amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer (or a dealer). All purchases and resales for the warehouse leaf account shall be so identified in the records and a separate account shall be maintained with respect to the amount of floor sweepings picked up and the disposition of such floor sweepings. The quantity of floor sweepings, including bundles, leaves and scrap, picked up by the warehouse after each sale shall be reported in the space provided on the Auction Warehouse Report (Tobacco 616). Any warehouseman who grades tobacco for farmers shall maintain a separate account showing the approximate amount of grading house scrap obtained from the tobacco graded from each farm. In the case of resales for dealers the name of the dealer making each resale shall be shown on the warehouse records so that the individual lots of tobacco sold by the dealer can be identified.

(b) *Identification of sale on check register.* The serial number of the memorandum of sale issued to identify each marketing of tobacco from the farm or the number of the warehouse bill(s) covering each such marketing shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco.

(c) *Memorandum of sale record and bill of nonwarehouse sale record.* A record in the form of a valid memorandum of sale (or a memorandum of sale cleared without marketing card) shall be obtained by every warehouseman to cover each marketing of tobacco from a farm through the warehouse, and if a warehouseman buys tobacco directly from a farmer (other than at a warehouse auction sale as defined in these regulations) such warehouseman shall obtain a valid memorandum of sale to cover each such purchase of tobacco, together with a properly executed Bill of Nonwarehouse Sale (Tobacco 614). Any warehouseman who obtains possession of any grading house scrap in the course of grading tobacco from any farm shall obtain a memorandum of sale to cover the amount of such scrap tobacco from such farm.

(d) *Suspended sale record.* Any warehouse bills for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills "suspended", write thereon the serial number of the suspended sale, and record the bills on the Register of Suspended Sales (Tobacco 612); provided that if a field assistant is not available, the warehouseman may stamp such bills "suspended" and deliver them to a field assistant as soon as one is available.

(e) *Warehouse entries on dealers' records.* Each warehouseman shall enter on each Dealer's Record (Tobacco

615) the total of purchases and resales made by such dealer during each sale day at the warehouse. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1942 the entry on the Dealer's Record shall clearly show such fact.

(f) *Daily report of warehouse business and report of penalties.* Each warehouseman shall make reports on form Tobacco 616, Auction Warehouse Report, and on form Tobacco 617, Report of Penalties, showing the information required on the respective reports. Form Tobacco 616 shall be prepared for each sale day and all reports for the sale days occurring during any week shall be forwarded to the applicable field office at or before the end of the next following calendar week. Form Tobacco 617 shall be prepared for each week and the report for each week shall be forwarded, together with remittances of the penalties due, as shown thereon, to the applicable field office or State office not later than the end of the next following calendar week.

(g) *Summary of warehouse accounts.* Each warehouseman shall assist field assistants to prepare summaries of the warehouse account by making available all records kept and reports made by the warehouse as required by these regulations.

(h) *Additional records and reports.* In addition to the records and reports provided above, each warehouseman shall keep such additional records and make such additional reports to the Secretary of Agriculture as an authorized representative of the Secretary may find necessary in order to enforce these regulations.

§ 727.448 *Dealer's records and reports.* Each dealer, except as provided in § 727.449 below, shall keep the records and make the reports as provided by this section.

(a) *Report of dealer's name, address and registration number.* Each dealer shall properly execute and the field assistant shall detach and forward to the applicable field office the page "Receipt for Dealer's Record" contained in form Tobacco 615, "Dealer's Record" which is issued to the dealer.

(b) *Record and report of purchases and resales.* Each dealer shall keep a record and make reports on form Tobacco 615, "Dealer's Record", showing all purchases and resales of tobacco made by the dealer and, in the event of resale of tobacco bought from a crop produced prior to 1942, the fact that such tobacco was bought by him and carried over from a crop produced prior to 1942.

(c) *Report of penalties.* Each dealer shall make a report on form Tobacco 617 showing the information with respect to all purchases subject to penalty made by him during each calendar week. The penalties listed on each such report shall be remitted with the report.

(d) *Memorandum of sale record and bill of nonwarehouse sale record.* For each lot of tobacco purchased from a

farmer each dealer shall obtain a record in the form of a valid memorandum of sale issued by a field assistant or by an authorized representative of a scrap tobacco receiving point in the case of scrap tobacco sold and delivered to such receiving point. No memorandum of sale shall be issued unless: (1) the farm operator or his authorized agent has signed the "Authorization" on the back of the memorandum and (2) unless a properly executed Bill of Nonwarehouse Sale (Tobacco 614) is presented covering such sale.

(e) *Record and report of scrap tobacco.* Each scrap tobacco receiving point which has been authorized to issue memoranda of sale on form Tobacco 625 shall keep a record and make reports on form Tobacco 613 (or form 41-Tob-63) "Record of Scrap Tobacco", showing all tobacco received. Such report shall be accompanied by Bills of Nonwarehouse Sale, form Tobacco 614, with respect to all tobacco covered by the report.

(f) *Additional records.* Each dealer shall keep such records, in addition to the foregoing, as may be necessary to enable him to furnish the following information with respect to each lot of tobacco purchased or sold by him: (1) the name of the seller (and in the case of a purchase from a producer, the name of the operator of the farm on which the tobacco was produced), (2) the name of the purchaser, (3) the date of the transaction, (4) the number of pounds and the gross sale price, and (5) in the event of resale of tobacco bought by him and carried over from a crop produced prior to 1942, the fact that such tobacco was so bought and carried over.

All reports shall be forwarded to the applicable field office as shown in the Marketing Quota Instructions, form Tobacco 622, not later than the end of the week following the calendar week covered by the reports.

§ 727.449 *Dealers exempt from regular records and reports.* Any dealer who does not purchase or otherwise acquire tobacco except at a warehouse sale and who does not resell, in the form in which tobacco ordinarily is sold by farmers, more than ten percent of the tobacco purchased by him, shall not be subject to the provisions of § 727.448 of these regulations; but each such dealer shall make such reports to the Secretary of Agriculture as an authorized representative of the Secretary may find necessary to enforce these regulations.

§ 727.450 *Records and reports of truckers, redryers, etc.* Every person engaged in the business of trucking tobacco for producers shall keep such records as will enable him to furnish the Secretary of Agriculture a report with respect to each lot of tobacco received by him showing the name and address of the farm operator, the date of the receipt of the tobacco, the number of pounds received and the place to which it was delivered. Every person engaged in the business of

redrying, prizing or stemming tobacco for producers shall keep such records as will enable him to furnish the Secretary of Agriculture a report showing the information provided above for truckers and in addition the purpose for which the tobacco was received, the amount of advance made by him on the tobacco, and the disposition of the tobacco. Each such person shall make such reports to the Secretary of Agriculture as an authorized representative of the Secretary may find necessary to enforce these regulations.

§ 727.451 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any record or make any report as a warehouseman, dealer, processor, or as a person engaged in the business of redrying, prizing, or stemming tobacco for producers, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged, to the same extent for each such business as if he were engaged in no other business, except that a warehouseman shall not be required to keep a record and make reports on form Tobacco 615, "Dealer's Record," if the transactions which would be recorded and reported on such forms are recorded on the records kept by the warehouse in its regular course of business and reported as required on form Tobacco 616.

§ 727.452 *Failure to keep record or make report.* Any warehouseman, processor, or common carrier of tobacco, or person engaged in the business of purchasing tobacco from producers, or person engaged in the business of redrying, prizing or stemming tobacco for producers, who fails to make any report or keep any record as required under these regulations, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under these regulations within fifteen days after notice to him of such violation shall be subject to an additional fine of \$100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation: *Provided*, That such fine shall not exceed \$5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him, or both. Notice of any violation by a tobacco warehouseman or dealer shall be given by an authorized representative of the Secretary.

§ 727.453 *Examination of records and reports.* For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report, but not so furnished, any warehouseman, dealer, processor, common carrier or person engaged in the business of redrying, prizing, or stemming tobacco

for producers shall make available for examination, upon written request by an authorized representative of the Secretary, such books, papers, records, accounts, correspondence, contracts, documents and memoranda as he has reason to believe are relevant and are within the control of such person.

§ 727.454 *Length of time records and reports to be kept.* Records required to be kept and copies of the reports required to be made by any person under these regulations for the 1942-43 marketing year shall be kept by him until June 30, 1944, and for such longer period of time as may be requested in writing by an authorized representative of the Secretary.

§ 727.455 *Information confidential.* All data reported to or acquired by the Secretary of Agriculture pursuant to the provisions of these regulations shall be kept confidential by all officers and employees of the Department of Agriculture and only such data so reported or acquired as the Secretary of Agriculture deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the Act.

Done at Washington, D. C., this 9th day of July 1942. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 42-6533; Filed, July 9, 1942;
11:34 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 262—MISCELLANEOUS

LOCATION OF BOARD OFFICES

Amending § 262.15 of the regulations under the Railroad Retirement Act of 1937.

Pursuant to the general authority contained in section 10 of the Act of June 24, 1937 (sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j), § 262.15 of the Regulations of the Railroad Retirement Board under such Act (4 F.R. 1477) is amended, effective June 16, 1942, by Board Order 42-312 dated July 2, 1942, to read as follows:

§ 262.15 *Offices of the Board.* The main office established by the Board is located in Chicago, Illinois. The only other offices established by the Board are Regional Offices located at New York, New York; Cleveland, Ohio; Chicago, Illinois; Atlanta, Georgia; Minneapolis, Minnesota; Kansas City, Missouri; Dallas, Texas; Denver, Colorado; and San Francisco, California. (Offices of district managers or of any other field forces are not offices within the meaning of this section.) (Sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j)

By Authority of the Board.

[SEAL] RICHARD L. COOPER,
Secretary of the Board.

JULY 6, 1942.

[F. R. Doc. 42-6510; Filed, July 8, 1942;
3:37 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 93]

REVISION OF CERTAIN FORMS

ORDER PRESCRIBING FORMS

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

1. Revision of DSS Form 260, entitled "Report of Obligations,"¹ effective immediately upon the filing hereof with the Division of the Federal Register. The supply of forms on hand will be used until exhausted.
2. Revision of DSS Form 260-A, entitled "Report of Obligations,"¹ effective immediately upon the filing hereof with the Division of the Federal Register. The supply of forms on hand will be used until exhausted.
3. Revision of DSS Form 260-AA, entitled "Report of Obligations,"¹ effective immediately upon the filing hereof with the Division of the Federal Register. The supply of forms on hand will be used until exhausted.
4. Revision of DSS Form 260-B, entitled "Report of Obligations,"¹ effective immediately upon the filing hereof with the Division of the Federal Register. The supply of forms on hand will be used until exhausted.
5. Revision of DSS Form 260-C, entitled "Report of Obligations,"¹ effective immediately upon the filing hereof with the Division of the Federal Register. The supply of forms on hand will be used until exhausted.
6. Revision of DSS Form 260-D, entitled "Report of Obligations,"¹ effective immediately upon the filing hereof with the Division of the Federal Register. The supply of forms on hand will be used until exhausted.
7. Revision of DSS Form 260-E, entitled "Report of Obligations,"¹ effective immediately upon the filing hereof with the Division of the Federal Register. The supply of forms on hand will be used until exhausted.
8. Revision of DSS Form 260-F, entitled "Report of Obligations,"¹ effective immediately upon the filing hereof with the Division of the Federal Register. The supply of forms on hand will be used until exhausted.
9. Revision of DSS Form 260-G, entitled "Report of Obligations,"¹ effective immediately upon the filing hereof with the Division of the Federal Register. The supply of forms on hand will be used until exhausted.

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

LEWIS B. HERSHEY,
Director.

[F. R. Doc. 42-6525; Filed, July 9, 1942;
11:10 a. m.]

¹ Filed as part of the original document.

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

PROCEDURE TO SECURE SHIPPING SPACE TO THE OTHER AMERICAN REPUBLICS; SHIPPING PRIORITY RATINGS

PART 808—PROCEDURE TO SECURE SHIPPING SPACE TO THE OTHER AMERICAN REPUBLICS

- Sec.
- 808.1 Applicability.
- 808.2 Nonapplicability.
- 808.3 Space allocation for shipment of material weighing under 2,240 pounds.
- 808.4 Initial movement in exportation.
- 808.5 Application form prescribed.
- 808.6 Application procedure.
- 808.7 Notice permitting movement to port.
- 808.8 Confirmation of space by ship operator.
- 808.9 Validity of allocation.
- 808.10 Effective date.

AUTHORITY: §§ 808.1 to 808.10, inclusive, issued under sec. 6, 54 Stat. 714, Public Law 75, 77th Cong., Public Law 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951.

§ 808.1 *Applicability.* The regulations prescribed in this part apply to exportations of all articles and materials set forth in § 801.2 of this subchapter, except as provided in § 808.2, to be made by sea freight under any type of export license to any of the following destinations:

- Argentina.
- Bolivia.
- Brazil.
- Chile.
- Colombia.
- Costa Rica.
- Cuba.
- Dominican Republic.
- Ecuador.
- El Salvador.
- Guatemala.
- Haiti.
- Honduras.
- Mexico.
- Nicaragua.
- Panama.
- Paraguay.
- Peru.
- Uruguay.
- Venezuela.

The regulations prescribed in this part are in addition to all other regulations covering exportation.

§ 808.2 *Non-applicability.* (a) These regulations shall not apply to:

(1) Liquid articles or materials licensed for export to be shipped in bulk by tanker.

(2) Articles and materials to be exported under General License GUS.

(b) §§ 808.5 to 808.7, inclusive, shall not apply to any shipment of any article or material licensed for export when the gross weight of the particular shipment (even though it is a partial shipment of a larger licensed quantity) is less than 2,240 pounds.

§ 808.3 *Space allocation for shipment of material weighing under 2,240 pounds.* Bookings for shipment of material weighing under 2,240 pounds will be made by the ship operator directly with the

exporter or his agent without the submission of an application or compliance with the procedure set forth in §§ 808.5 to 808.7, inclusive. All such bookings are subject to the control of the War Shipping Administration and the Board of Economic Warfare, who will fix the total amount of space on each ship which will be available for the carriage of such small shipments. Such available space will then be allocated in accordance with the priority ratings fixed by the Export Control Branch, as provided in Part 809 of this subchapter.¹

§ 808.4 *Initial movement in exportation.* No shipment of an article or material weighing 2,240 pounds or more for which a license has been issued permitting the exportation thereof and which is located at any place other than the port of exit from the United States shall be moved to such port of exit until the exporter or his agent has received on the prescribed form, notice of tentative freight booking issued by the War Shipping Administration and the Unit Permit Number issued by the Office of Defense Transportation, or such other agency as it may designate. Shipments weighing less than 2,240 pounds may be moved to the port of exit only after receipt of the freight contract from the ship operator, the number of which shall be placed on the bill of lading together with the export license number.

§ 808.5 *Application form prescribed.* The form for application for shipping space is hereby prescribed:

Form No. BEW-138

APPLICATION FOR FREIGHT SPACE

BOARD OF ECONOMIC WARFARE
WAR SHIPPING ADMINISTRATION
Washington, D. C.

- (Date)
1. Merchandise listed below:
 - (a) is now at the port of -----
 - (b) is now ready for shipment to port of exit () -----
 - (c) will all be ready for shipment in three weeks () -----
 2. Licensee -----
 3. Address -----
 4. Point of origin: City -----
State -----
 5. Consignee in foreign country -----
Address -----
 6. Ultimate consignee in foreign country -----
Address -----
 7. Purchaser in foreign country -----
Address -----
 8. Foreign port of discharge -----
 9. Gross weight (long tons approx.) -----
 10. Cubic measurements (approx.) -----
 11. If in package, indicate number and kind -----
 12. Merchandise: (If this shipment is made under an export program or export project license (S. P.) list on the reverse of this form a detailed schedule of all articles contained in the shipment, including the appropriate Department of Commerce Schedule B number).
 13. Check whichever is applicable: This is a complete shipment (), This is the first (), an intermediate (), the final (), partial () shipment of merchandise authorized under the License ().

¹Incorporated in this document.

14. License No. -----
15. Date issued -----
16. Reference No. -----
17. Shipping rating -----
18. See (A) below -----
(A) Was Preference Rating necessary to secure materials? (indicate for each license)
19. Range of ports through which would ship: (indicate preference by numbers) Atlantic () Gulf () Pacific ()
20. Notice of tentative booking to be sent to -----

For BEW use only, Serial No. -----
----- For official use only.

§ 808.6 *Application procedure—(a) Submission of application.* Application for shipping space shall be submitted in quintuplicate on an exact facsimile of the form as set forth in § 808.5. If the application covers articles or materials which are to be exported under an export program or export project license (S. P.) an additional (sixth) copy of the application shall be submitted. The facsimile may be printed, mimeographed or otherwise reproduced on any type white paper size 8 inches by 14 inches.

(b) *Who may apply.* Any person to whom an export license has been granted or his agent may apply for shipping space. Any person planning to export under a general license or the agent of any such person may apply for shipping space.

(c) *Time to apply.* Application may be made when the goods are ready for shipment, or when any such goods will be ready for shipment within three weeks of the date of the application, or when such goods are actually at port of exit.

(d) *Where to file.* The application shall be filed with the Export Control Branch, Washington, D. C.

(e) *Preparation of application.* (1) A separate application may be submitted for each part of a licensed exportation as such part becomes ready for shipment, except that no application need be filed for a partial shipment if the partial shipment is less than 2240 pounds in gross weight.

(2) Where the applicant desires to ship material which is packed together into one shipment and which includes items from one or more licenses, in which licenses the consignees, ultimate consignees and purchasers are identical, only one application covering the total shipment need be submitted. In such case the applicant shall make appropriate references to each such license in the several blank spaces on the prescribed form.

(3) Where the application is for goods to be shipped under general license, the general license number shall be placed in the blank space requiring a license number.

(4) Where no shipping rating has been designated for an outstanding license, no entry shall be made in the space provided for such rating.

(5) In answer to the question pertaining to gross weight and cubic measurement (if shipped on a measurement basis) if exact figures are not ascertainable, an approximation may be made.

(6) In the case of general (including in-transit), individual, and unlimited licenses, the description of merchandise shall be stated in the same terms required for description of articles and materials in applications for individual licenses.

§ 808.7 *Notice permitting movement to port.* Notice of tentative freight booking and the Office of Defense Transportation Unit Permit Number permitting shipment to the port of exit, (except when already at such port, in which cases no permit number will be issued), will be contained in the same document which will be forwarded to the person designated in the application. The subsequent procedure for delivery of this document to the carrier and actual arrangements for shipment to port of exit shall be as prescribed in appropriate regulations of the Office of Defense Transportation and War Shipping Administration.

§ 808.8 *Confirmation of space by ship operator.* A notice of tentative freight booking is not allocation for a specific ship. The allocation shall become effective only when confirmed by the ship operator to the person to whom the notice was issued, and the allocation may be cancelled, modified or otherwise regulated or controlled by proper authority.

§ 808.9 *Validity of allocation.* Allocation of space shall be valid only during the life of the export license upon which such allocation was made.

§ 809.10 *Effective date.* The regulations set forth in this Part 808 shall become effective on July 6, 1942, except §§ 808.3, 808.4, 808.7 and 808.8 which shall become effective August 1, 1942.

PART 809—SHIPPING PRIORITY RATINGS

- Sec. 809.1 When required.
 809.2 When not required.
 809.3 By whom assigned.
 809.4 When assigned.
 809.5 Order of precedence.
 809.6 Ratings assigned merchandise under general license.
 809.7 Rating assigned under certain outstanding licenses.
 809.8 Appeals for higher ratings.

AUTHORITY: §§ 809.1 to 809.8, inclusive, issued under sec. 6, 54 Stat. 714, Public Law 75, 77th Cong., Public Law 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951.

§ 809.1 *When required.* No shipment by sea freight of any of the articles or materials set forth in § 801.2 of this subchapter shall be made to any of the destinations listed in § 808.1 under any type of license unless a shipping priority rating has first been assigned for such shipment, except as provided in § 809.2.

§ 809.2 *When not required.* No shipping priority rating shall be required for the shipment of:

(a) Liquid articles or materials licensed for export to be shipped in bulk by tanker.

(b) Articles and materials to be exported under General License GUS.

§ 809.3 *By whom assigned.* The Export Control Branch will assign shipping priority ratings.

§ 809.4 *When assigned.* (a) Shipping priority ratings will be assigned at the time of the issuance of an export license and will appear thereon, except as to articles and materials exported under general licenses.

(b) When articles and materials are to be exported under an export program or export project license (S. P.) shipping priority ratings will be assigned at the time of the issuance of the S. P. license for all articles and materials covered thereby, including articles and materials under general license.

§ 809.5 *Order of precedence.* Shipping priority ratings will have the following order of precedence: "AA", "A", "B", "C", "D".

§ 809.6 *Ratings assigned articles and materials under general licenses.* (a) The following ratings are assigned to articles and materials currently under general license:

GROUP 00—ANIMALS AND ANIMAL PRODUCTS, EDIBLE

Schedule "B" No.	Commodity	Shipping rating
0610	Cattle for breeding.....	D
0612	Other cattle.....	D
0613	Hogs.....	D
0616	Sheep.....	D
0619	Poultry, live.....	D
0620	Fresh or frozen beef and veal.....	B
0621	Pickled or cured beef and veal.....	B
0622	Horse meat.....	D
0627	Pork, fresh or frozen.....	B
0628	Pork, ham and shoulders, cured.....	B
0629	Bacon.....	B
0630	Cumberland and Wiltshire sides.....	B
0632	Pork, other, pickled or salted.....	B
0634	Mutton and lamb.....	B
0635	Sausage, not canned.....	B
0636, 15	Canned corn beef, beef hash, and hamburger steak in tins or glass.....	B
0636, 18	Canned roast, and boiled beef.....	B
0636, 9	Beef, canned, other.....	B
0637	Pork, canned.....	B
0638	Sausage, canned.....	B
0639	Meat, other, canned.....	B
0640	Poultry and game, fresh.....	B
0641	Kidneys and liver, fresh, frozen or cured.....	B
0643	Tongues, fresh, frozen, pickled or cured.....	B
0644	Sausage ingredients, salted or otherwise cured.....	B
0645	Meats, other, n. e. s.....	D
0660	Milk and cream, fresh and sterilized.....	D
0661	Milk and cream, condensed and sweetened.....	B
0662	Milk and cream, evaporated and unsweetened.....	B
0663	Dried whole milk and partially skimmed.....	B
0664	Milk, skimmed dried.....	B
0667, 5	Cheese, processed, blended, and spreads.....	B
0667, 9	Cheese, other.....	B
0669	Infants' foods, malted milk, etc.....	B
0671	Fish, fresh, other than salmon.....	D
0672	Oysters, fresh in the shell.....	D
0673	Oysters, fresh, shucked, frozen, or in ice.....	D
0674	Shrimp, fresh, frozen, or in ice.....	D
0675	Shrimp, dried.....	C
0678	Cod, haddock, hake, pollock, cusk.....	B
0679	Fish, salted, pickled, or dry cured, other.....	B
0687	Shrimp, canned.....	D
0688	Shellfish, other, except shrimp canned.....	D
0689 F	Clams and oysters.....	D
0690	Fish and fish products, other, n. e. s.....	D
0692	Eggs in the shell.....	D
0693, 06	Egg products, dried.....	B
0693, 07	Egg products, frozen.....	B
0693, 98	Egg products, otherwise preserved.....	B
0694	Meat extracts and bouillon cubes.....	B
0695	Gelatin.....	D
0695 F	Egg albumen.....	D
0699	Animal products edible, other, n. e. s.....	D

GROUP 0—ANIMAL PRODUCTS, INEDIBLE

Schedule "B" No.	Commodity	Shipping rating
0645.1	Men's boots and shoes, McKay sewed, leather uppers.....	C
0645.3	Men's boots and shoes, welt, leather uppers.....	C
0645.4	Men's boots and shoes, stitchdown, leather uppers.....	C
0645.9	Men's boots and shoes, other, leather uppers.....	C
0646	Youths' and boys' boots and shoes, leather uppers.....	C
0647.1	Women's and misses' boots and shoes, McKay sewed, leather uppers.....	C
0647.2	Women's and misses' boots and shoes, turn or turned, leather uppers.....	C
0647.3	Women's and misses' boots and shoes, welt, leather uppers.....	C
0647.4	Women's and misses' boots and shoes, stitchdown, leather uppers.....	C
0647.5	Women's and misses' boots and shoes, cemented sole, leather uppers.....	C
0647.9	Women's and misses' boots and shoes, other, n. e. s. leather uppers.....	C
0648	Infants' and children's boots and shoes, leather uppers.....	C
0650	Slippers (for housewear, all leather).....	C
0656.1	Leather soled boots and shoes, other than leather uppers.....	C
0656.9	Other boots and shoes, other than leather soles or uppers.....	C
0659	Discontinued models, old styles, and secondhand shoes.....	C
0672	Leather gloves and mittens.....	C
0688	Women's and children's leather handbags, pocket books, and purses.....	D
0689	Women's and children's handbags, pocket books, and purses, other.....	D
0692	Leather card cases, change purses, wallets, and similar articles.....	D
0693	Card cases, coin purses, etc., other than leather.....	D
0695.1	Luggage and related articles, leather.....	D
0695.9	Luggage and related articles, other materials.....	D
0697.1	Belts to be worn on the person, leather.....	D
0697.9	Belts to be worn on the person, other materials.....	D
0698.9	Leather wearing apparel.....	D
0699	Other leather manufactures.....	D
0711	Civet cat, undressed.....	D
0713	Silver and black fox, undressed.....	D
0714	Red fox, undressed.....	D
0716	Fox, other, undressed.....	D
0718	Muskrat, Northern, undressed.....	D
0719	Muskrat, Southern, undressed.....	D
0721	Raccoon, undressed.....	D
0722	Skunk, undressed.....	D
0723	Opossum, undressed.....	D
0725	Mink, undressed.....	D
0729	Other undressed furs.....	D
0733	Silver and black fox, dressed or dyed.....	D
0737	Muskrat, dressed or dyed.....	D
0744	Fur seal, dressed or dyed.....	D
0749	Furs, other, dressed or dyed.....	D
0753	Fur wearing apparel.....	D
0758	Fur waste, fur pieces, and damaged fur skins.....	D
0759	Fur manufactures, other.....	D
0900	Horses for breeding.....	D
0901	Horses, other.....	D
0903	Mules, asses and burros.....	D
0909	Other live animals.....	D
0961 F	Mother of pearl shells, unmanufactured.....	D
0999.98	Other animal products, inedible.....	C

GROUP 1—VEGETABLE FOOD PRODUCTS AND BEVERAGES

GRAINS AND PREPARATIONS		
1011	Barley.....	D
1013	Malt.....	C
1021	Buckwheat.....	D
1031	Corn.....	B
1032	Cornmeal.....	B
1033	Hominy and corn grits.....	B
1036	Kafir and milo.....	D
1037	Corn cereal foods, ready to eat.....	B
1041	Oats.....	B
1043	Oatmeal, groats, and rolled oats, in bulk (sacks or bags).....	B
1044	Oatmeal, groats, and rolled oats, in packages (cases and cartons).....	B
1055	Paddy or rough rice.....	B
1057	Milled rice, including brown rice, broken rice and rice screenings.....	B
1058	Rice flour, meal and polish.....	B
1061	Rye.....	B
1071	Wheat.....	B
1072	Wheat flour, wholly of United States wheat.....	B
1074	Other wheat flour.....	B
1077	Macaroni, spaghetti, noodles, vermicelli, and macaroni products.....	B

GROUP 1—VEGETABLE FOOD PRODUCTS AND BEVERAGES—Continued

GROUP 1—VEGETABLE FOOD PRODUCTS AND BEVERAGES—Continued

GROUP 3—TEXTILE FIBERS AND MANUFACTURES

Sched-ule "B" No.	Commodity	Ship-ping rating	Sched-ule "B" No.	Commodity	Ship-ping rating	Sched-ule "B" No.	Commodity	Ship-ping rating
	GRAINS AND PREPARATIONS—con.			NUTS				
1078	Biscuits and crackers.....	B	1374	Apricot and peach pits and kernels.....	D	3002	Raw cotton other, 1 1/4 inches and over.	B
1080	Wheat cereal foods, ready to eat (in-clude Shredded, Puffed, and Flaked Wheat, Triscuit, Force, Krumbles, Wheaties, Kellogg's Pep, and other wheat and bran preparations).....	B	1376.1	Pecans, shelled.....	D	3003	Raw cotton upland, under 1 1/4 inches.	B
			1376.5	Pecans, not shelled.....	D	3008	Cotton rags, except paper stock.....	C
1081	Wheat cereal foods, to be cooked (in-clude Cream of Wheat, Farina, Wheatena, Ralston, Pettijohns, Wheathearts, etc.).....	B	1377.1	Walnuts, shelled.....	D	3009	Cotton batting, unglazed wadding, carded cotton and roving.....	C
			1377.5	Walnuts, not shelled.....	D	3010.3	Cotton hard wastes of yarns and threads, including wiping.....	D
			1379	Other nuts, except cashews.....	D	3010.4	Cotton card strips.....	D
				SUGAR AND RELATED PRODUCTS		3010.5	Comber waste.....	D
1090	Wheat Semolina.....	B	1639	Chewing gum.....	C	3010.6	Other soft wastes.....	D
1095	Cereal foods, n. e. s.....	B	1643	Glucose liquid.....	C	3015	Cotton Sewing Thread.....	B
1099	Other grains and preparations.....	D	1644	Glucose, dry.....	C	3016	Crochet, darning, and embroidery cotton.....	D
	FODDERS AND FEEDS			BEVERAGES		3017	Cotton tire cord on cones or warps.....	B
1101	Hay.....	D	1701	Malt extract and malt sirup.....	C	3018	Cotton twine, rope, and cordage.....	B
1115	Cottonseed cake.....	D	1702	Malt liquors in bottles.....	C	3020	Unbleached cord tire fabric.....	B
1116	Linseed cake.....	D	1703	Malt liquors in cans.....	C	3021	Other unbleached tire fabrics.....	B
1119	Oil cake, other.....	D	1704	Malt liquors in other containers.....	C	3031.1	Gray drills, twills, and warp sateens, 40 inches wide and narrower.....	B
1121	Cottonseed meal.....	D	1714	Rum.....	C	3031.2	Gray sheetings, 40 inches wide and narrower.....	B
1122	Linseed meal.....	D	1716	Whiskey.....	D	3033.1	Gray drills, twills and warp sateens, wider than 40 inches.....	B
1123	Babassu cake and meal.....	D	1719	Other distilled liquors and compounds containing spirits.....	C	3033.2	Gray sheetings wider than 40 inches.....	B
1124	Soybean oil cake meal.....	D	1750	Wines.....	D	3036	Tobacco and cheese cloth 36 x 32 count and lower construction.....	B
1129	Oil cake meal, other.....	D	1761	Mineral water, natural and artificial.....	D	3037	Other printcloth yarn fabric construc-tion above 36 x 32 count.....	B
1140	Fish meal for feed.....	D	1766	Sirups and flavors for beverages.....	D	3039	Other gray cloth, n. e. s.....	B
1180	Mixed feeds for poultry and dairy.....	D	1772	Pineapple juice.....	D	3040	Bleached drills, twills and warp sa-teens, 40 inches wide and narrower.....	B
1182	Oyster shells.....	D	1775	Grapefruit juice.....	D		Drills, twills, and warp sateens, 40 inches wide and narrower, dyed in the piece.....	B
1185	Mixed and prepared feeds, other.....	D	1776	Orange juice.....	D	3041.1	Printed drills, twills, and warp sateens, 40 inches wide and narrower.....	B
1187	Rolled barley for feed to Hawaii only.....	D	1779	Other fruit juice.....	D	3042.1	Bleached sheeting, 40 inches wide and narrower.....	B
1190	Wheat feeds, bran middlings, etc.....	D	1780	Other beverages.....	D	3042.2	Piece dyed sheeting, 40 inches wide and narrower.....	B
1199	Feeds, other, including apple pomace.....	D				3043	Printed sheeting, 40 inches wide and narrower.....	B
	VEGETABLES AND PREPARATIONS			GROUP 2—VEGETABLE PRODUCTS, INED-IBLE, EXCEPT FIBRE AND WOOD		3045.1	Finished drills, twills, and warp sateens, wider than 40 inches.....	B
1201.1	Beans, dried, except seed.....	B	2201	DRUGS, HERBS, LEAVES AND ROOTS		3046.1	Sheeting bleached, wider than 40 inches.....	B
1201.5	Seed beans.....	B	2205	Cascara bark (if exported under \$100 medicinal general license).....	B	3047.1	Sheeting dyed and printed over 40 inches.....	B
1202.1	Dried peas, except seed.....	B	2206	Ginseng (if exported under \$100 medicinal general license).....	B	3048	Carded broadcloth bleached.....	B
1202.5	Seed peas.....	B	2209.98	Mandrake root (if exported under \$100 medicinal general license).....	B	3049.1	Carded broadcloth dyed in piece.....	B
	FRESH VEGETABLES			Crude vegetable drugs, n. e. s. (if ex-ported under \$100 medicinal general license).....	B	3049.2	Carded broadcloth printed.....	B
1207	Beans.....	C		SEEDS, EXCEPT OILSEEDS		3050	Cheese cloth and gauze, bleached or dyed.....	B
1208	Onions.....	B	2401	Alfalfa seeds.....	C	3051.1	Printcloth bleached.....	B
1209	Peas, green.....	C	2402	Red clover seeds.....	C	3052.1	Printcloth dyed in piece.....	B
1210	Peppers.....	C	2405	Clover seeds other.....	C	3052.2	Printcloth Printed.....	B
1211	Potatoes, white.....	C	2406	Timothy seeds.....	C	3055.1	Cotton flannels, bleached or colored.....	B
1213	Potatoes, other.....	B	2407	Kentucky blue grass seeds.....	C	3055.9	Other napped cotton fabrics in the piece.....	B
1224	Other fresh vegetables.....	C	2408	Red top seeds.....	C	3057	Denims colored.....	B
	VEGETABLES, CANNED		2419	Grass and field seeds other.....	C	3058	Suitings, twill-coverts, cottonades.....	B
1241	Asparagus.....	B	2467	Flower seeds.....	C	3060	Chambrays, chevrots, and shirtings.....	B
1242	Baked beans, and pork and beans.....	B	2468.5	Carrot seeds.....	C	3061	Other colored yarn fabrics, n. e. s.....	B
1243	Corn.....	B	2468.9	Vegetable seeds other, except fennel seeds.....	C	3067	Voiles, organdies, lawns and batiste, combed.....	C
1244	Peas.....	B		NURSERY AND GREENHOUSE STOCK		3070	Piques, combed.....	C
1245	Soups (include vegetable, meat and fish soups).....	B	2535	Flowers and foliage, cut, fresh, pre-served.....	D	3073	Marquissettes, combed.....	C
1246	Tomatoes.....	B	2599	Nursery or greenhouse stock, all other.....	D	3074	Other combed and carded goods, n. e. s.....	C
1247	Tomato paste and puree.....	B		TOBACCO AND MANUFACTURES		3076	Cotton and wool mixtures, cotton chief value.....	C
1248	Tomato juice.....	B	2601	Bright flue cured leaf tobacco.....	C	3079	Cotton and rayon mixtures, cotton chief value.....	C
1249	Other canned vegetables and juices.....	B	2602	Burley leaf tobacco.....	C	3080	Cotton knit fabric in piece.....	C
1250	Pickles.....	C	2603	Dark fired Kentucky and Tennessee leaf tobacco.....	C	3082	Cotton table damask in piece.....	D
1251	Ketchup, chili sauce, and other tomato table sauces.....	C	2604	Dark Virginia leaf tobacco.....	C	3084	Tapestry and other upholstery and drapery materials, Jacquard and dobby-woven.....	D
1252 F	Pickles, sauces and relishes.....	C	2605	Maryland and Ohio export leaf tobacco.....	C	3087	Cotton plushes.....	D
1252.1	Mayonnaise and salad dressings.....	D	2606	Green River leaf tobacco.....	C	3088	Other cotton pile fabrics.....	C
1252.9	Other sauces and relishes.....	D	2607	One sucker leaf tobacco.....	C	3089.5	Cotton remnants and fabrics, n. e. s. sold by the pound.....	B
1253	Vinegar.....	C	2608	Black fat, Waterbaler, and dark African leaf tobacco.....	C	3090	Cotton handkerchiefs.....	C
1256	Yeast.....	B	2611	Cigar leaf.....	C	3091.1	Cotton work gloves, mits, and gaunt-lets, fabric.....	C
1259	Other vegetable preparations.....	C	2616	Perique leaf tobacco.....	C	3091.2	Cotton dress gloves and all other.....	D
1229 F	Farinaceous substances.....	B	2617	Tobacco trimmings and scrap.....	C	3093	Cotton hosiery, women's.....	C
	FRESH FRUITS		2618	Tobacco stems.....	C	3094	Cotton hosiery, children's.....	C
1302	Grapefruit.....	D	2622	Cigars and cheroots.....	C	3095	Cotton hosiery, men's.....	C
1303	Lemons and limes.....	D	2623	Cigarettes.....	C	3096.05	Cotton underwear knit, men's.....	C
1365	Oranges.....	D	2624	Chewing tobacco, plug, and other.....	C	3096.98	Cotton underwear knit, boys'.....	C
1307	Pineapples.....	D	2629	Smoking tobacco.....	C	3097	Cotton underwear knit, women's and children's.....	C
1307 F	Pineapples.....	D	2629.98	Tobacco manufactures other.....	C	3098	Cotton nightwear knit, women's and children's.....	C
1306 F	Olives.....	D		MISCELLANEOUS VEGETABLE PRODUCTS		3099.15	Cotton knit sweaters, jersey pullovers and sweatshirts, men's.....	C
1309	Cherries.....	D	2811	Cornstarch and corn flour.....	B	3099.19	Cotton knit sweaters, jersey pullovers and sweatshirts, boys'.....	C
1310	Apples in baskets.....	D	2813	Other starch.....	B	3099.50	Cotton knit sweaters, shawls, and mufflers, women's and children's.....	C
1311	Apples in boxes.....	D	2931	Broomcorn.....	D	3099.95	Other men's cotton knit apparel, n. e. s.....	C
1312	Apples in barrels.....	D	2935	Brooms.....	D	3099.98	Cotton knit apparel, n. e. s. except men's	C
1313	Berries.....	D	2951	Hops.....	C			
1314.1	Watermelons.....	D	2999.98	Other inedible vegetable products.....	C			
1314.5	Other melons.....	D						
1315	Grapes.....	D						
1316	Pears.....	D						
1317	Peaches.....	D						
1318	Prunes and plums.....	D						
1319.1	Apricots.....	D						
1319.9	Other fresh fruits.....	D						
	DRIED AND EVAPORATED FRUITS							
1320 F	Dates, dried.....	D						
	CANNED FRUITS							
1850	Other fruit preparations.....	D						

GROUP 3—TEXTILE FIBERS AND MANUFACTURES—Continued

Schedule "B" No.	Commodity	Shipping rating
3113.05	Cotton woven jackets and windbreakers, men's	O
3113.98	Cotton woven jackets and windbreakers, boys'	O
3114	Cotton overalls, breeches, pants, aprons and men's work clothing, n. e. s.	O
3115.05	Cotton woven nightwear, men's	C
3115.98	Cotton woven nightwear, boys'	C
3116.15	Cotton underwear woven, men's	C
3116.19	Cotton underwear woven, boys'	C
3117.1	Cotton work shirts, woven	O
3117.25	Other cotton shirts, woven, men's (except knit)	O
3117.29	Other cotton shirts, woven, boys' (except knit)	O
3120.05	Other cotton clothing of woven fabrics, n. e. s. men's	O
3120.98	Other cotton clothing of woven fabrics, n. e. s. boys'	O
3122	Cotton dresses and ensembles, women's	C
3124	Cotton woven underwear and nightwear, women's and children's, not knit	C
3127	Cotton outerwear, children's, not knit	C
3129	Cotton woven apparel, n. e. s. women's and children's	C
3140	Cotton woven belting for machinery	B
3160	Cotton braids, ribbons, trimmings, bindings, lacings, tape-labels, and webbing	O
3161	Cotton narrow fabrics, other, n. e. s.	C
3171	Cotton blankets	C
3173	Cotton quilts, comfortables and quilted bed-pads	C
3175	Cotton bedspreads, candlewick, chenille, and tufted	D
3176	Cotton bedspreads, plain, crinkle, dobby and Jacquard woven	D
3178	Cotton bed sheets and pillow cases	C
3181	Cotton curtains and draperies	D
3185	Cotton laces, embroideries and articles thereof, n. e. s.	D
3187	Terry woven towels, wash cloths and bath mats	O
3188	Cotton buck, damask and plain woven towels and toweling	C
3189	Cotton housefurnishings, other, n. e. s.	C
3199	Cotton manufactures, other, n. e. s.	C
3675	Wool knit bathing suits	C
3679	Other wool knit wearing apparel	C
3680.05	Wool overcoats, suits, and pants, men's	C
3680.98	Wool overcoats, suits, and pants, boys'	C
3681	Wool clothing, women's and children's	C
3689	Wool and mohair manufactures, other	C
3696.5	Hair waste and serap hair	D
3697	Hair felt and hair felt manufactures	D
3699	Hair manufactures, other, n. e. s.	D
3842	Thread and yarn for sewing, embroidering, hand-knitting and crocheting	B
3848	Rayon knit fabric in the piece	C
3849.2	Rayon woven, upholstery and drapery fabrics wider than 42 inches (except pile)	D
3849.9	Rayon remnants and mill ends	C
3850	Rayon house furnishings	D
3852	Rayon woven dresses, skirts, blouses and other outer wear for women and children	O
3853.1	Rayon knit or crochet dress and ensembles	C
3853.2	Rayon knit outerwear, n. e. s. women's and children's	O
3854.9	Hosiery, other synthetic textiles, women's and children's	C
3856	Synthetic textile socks, men's	C
3857.1	Rayon knit underwear	C
3857.2	Rayon woven underwear	O
3857.7	Rayon knit or woven sleeping and lounging garments	O
3858.1	Rayon ribbons	C
3903	Felt base floor coverings	D
3911	Oilcloth for shelf, table and wall	C
3913	Window-shade cloth	D
3914.1	Book cloth, pyroxylin coated or impregnated	O
3914.2	Book cloth, starch filled	O
3915	Pyroxylin coated or impregnated fabrics	O
3917	Other coated or impregnated fabrics, n. e. s.	C
3918	Waterproof outer garments	C
3921	Corsets, brassieres, and girdles	C
3928	Neckties, cravats, mufflers and scarfs, of all fibers	O
3940	Hat braids, strips and sheets of natural fibers or synthetic textiles	D
3942	Hats and hat bodies of straw, palm leaf, etc. harvest	D
3944	Hats and hat bodies of straw, palm leaf, etc. other, sewed	D
3945	Hats and hat bodies of straw, palm leaf, etc. other, woven	D

GROUP 3—TEXTILE FIBERS AND MANUFACTURES—Continued

Schedule "B" No.	Commodity	Shipping rating
3951	Hats, fur felt, men's and boys'	D
3952	Hats, fur felt, women's and girls'	D
3953	Hats, wool-felt	D
3957	Hats, caps and berets, knit and crocheted	D
3958	Other hats, caps, and berets of woven fabric	D
3963	Artificial or ornamental flowers, fruits, vegetables, grasses, grains, leaves, stems, or parts thereof, of all materials	D
3970.98	Mattresses, cotton, moss, and hair	D
3980	Absorbent cotton, gauze, and sterilized bandages	B
3999	Textile manufactures, other, n. e. s.	C

GROUP 4—WOOD

Schedule "B" No.	Commodity	Shipping rating
4001	Ash and Hickory logs and timber	D
4002	Cottonwood and aspen logs and timber	D
4004	Walnut logs and timber	D
4006	Hardwood hurls	D
4009	Other hardwood logs and timber	D
4026	Railroad ties, hewn creosoted or otherwise treated	B
4029	Railroad ties other than treated	B
4031	Creosoted piling	B
4032	Piling other than creosoted	B
4034	Telegraph, trolley and electric-light poles	B
4039	Firewood and other unmanufactured wood	D
4079	Hardwood sawed timber	D
4085	Other sawed timber creosoted or otherwise treated	D
4108	Redwood hoards, planks, and scantlings	D
4117	Ash boards, planks, and scantlings	D
4118	Birch, beech, and maple boards, planks, and scantlings	D
4119	Chestnut boards, planks, and scantlings	D
4120	Cottonwood boards, planks, and scantlings	D
4121	Gum, red and sap boards, planks, and scantlings	D
4122	Gum, tupelo and black boards, planks, and scantlings	D
4123	Hickory boards, planks, and scantlings	D
4124	Oak boards, planks, and scantlings	C
4125	Poplar boards, planks, and scantlings	D
4126	Walnut boards, planks, and scantlings	D
4127	Mahogany boards, planks, and scantlings	D
4128	Magnolia boards, planks, and scantlings	D
4131	Oak flooring	C
4132	Other hardwood flooring	D
4134	Wagon-oak planks	C
4136	Small hardwood dimension stock except squares	D
4137	Oak squares	D
4138	Hardwood squares other than oak	D
4139	Other hardwood board, planks, and scantlings	D
4140	White ponderosa, and sugar pine box shooks	C
4141	Southern pine box shooks	C
4142	Hemlock and spruce box shooks	C
4143	Gum box shooks	C
4149	Other box shooks	C
4156	Railroad ties, sawed, creosoted or otherwise treated	B
4159	Other railroad ties, sawed	B
4201.1	Tight staves, new	B
4201.5	Tight staves, used	B
4202	Slack staves	B
4203	Tight heading	B
4204	Slack heading	B
4205	Tight shooks	B
4206	Slack shooks	B
4209.1	Tight empty barrels, casks, and hogsheads, new	O
4209.5	Tight empty barrels, casks, and hogsheads, used	C
4213	Plywood, other than Douglas fir	D
4215	Veneers, fancy face or figured	D
4216	Veneers, utility or commercial	D
4221	Veneer packages for fruits and vegetables	C
4222	Lath wood	D
4225	Shingles	D
4226	Doors, wood	D
4228	Trim and moldings	D
4230	Venetian blind wood slats	D
4231	Venetian blinds, wood	D
4232	Sash and blinds, n. e. s., wood	D
4239	Other millwork and house fixtures	D

GROUP 4—WOOD—Continued

Schedule "B" No.	Commodity	Shipping rating
4242	Wood chairs	D
4244	Wood office furniture and store fixtures	D
4247	Wood furniture, other, chief value of wood	D
4248	Wood furniture, other, chief value of upholstery	D
4260	Boat oars and paddles	C
4285	Plow and similar bent handles	B
4286	Hoe, fork, shovel, and other long handles	B
4288	Striking tool handles	B
4291	Pencil slats eastern red cedar	D
4292	Pencil slats incense cedar	D
4298	Woodenware	D
4299	Other wood manufactures	O

GROUP 5—NONMETALLIC MINERALS

Schedule "B" No.	Commodity	Shipping rating
PETROLEUM PRODUCTS		
5011.98	Other crude oil, not conforming to specifications in 5011.03 and 5011.07	B
5017.07	Other motor fuel and gasoline from which by commercial distillation there can be separated more than 3 percent of a total fraction having an A. S. T. M. end point of 300° F. which will have, with the addition of 3 cc tetraethyl lead per gallon, an octane number by the A. S. T. M. knock-test method of 80 or more	B
5017.98	Other motor fuels and gasoline not conforming to specifications in 5016.05, 5016.98, and 5017.07	B
5033	Lubricating oil, red and pale	B
5034	Lubricating oil, black	B
5035.1	Cylinder lubricating oil, bright stocks	B
5035.2	Cylinder lubricating oil, steam refined stocks	B
5038	Insulating or transformer oils	B
5039	Light lubricating oils in small packages	B
5040.98	Lubricating oils, n. e. s.	B
5041	Lubricating greases	B
5059	Petroleum products, n. e. s.	B
GLASS AND GLASS PRODUCTS		
5212	Plate glass	C
5215	Cylinder crown and sheet glass	C
5217.9	Laminated glass and manufactures other than bulletproof glass	D
5218	Rolled glass	D
5220	Rolled, cylinder, crown, and sheet glass, obscured by coloring prior to solidification, not less than 1/4 inch in thickness	D
5230.98	Glass, other	D
5232	Glass containers, unfilled, pharmaceutical and proprietary ware, including prescription bottles, ampoules, and vials	B
5234	Beverage bottles, including soda, beer, and alcoholic-beverage bottles	D
5236	Other unfilled glass containers	D
5237.1	Machine-made tumblers, drinking glasses and stemware, plain, cut, engraved, or otherwise decorated	D
5237.2	Hand-made tumblers, drinking glasses and stemware, plain, cut, engraved, or otherwise decorated	D
5239.1	Machine-made table glassware, n. e. s., plain, cut, engraved, or otherwise decorated	D
5239.2	Hand-made table glassware, n. e. s., plain, cut, engraved, or otherwise decorated	D
5255	Lamp chimneys and lantern globes	C
5261	Globes and shades for lighting fixtures	C
5291	Chemical glassware	B
5292	Electric insulators of glass	B
5299	Glassware, other	D
CLAY AND CLAY PRODUCTS		
5303	Fire clay	B
5309	Other clays (include fuller's earth)	O
5320	Pottery, table and kitchen articles and utensils	D
5332	Pottery, closet bowls and water-closet sets	O
5333	Pottery, lavatories, sinks, etc.	O
5334	All other pottery sanitary fixtures and fittings, and parts, n. e. s.	O
5335	Electrical porcelain for less than 6600 volts	B
5336	Electrical porcelain for 6600 volts and over	B
5338	Pottery, other	D
5363	Silica brick, standard 9-inch series	B
5364	Silica brick, other shapes	B

GROUP 5—NONMETALLIC MINERALS—Con.

Schedule "B" No.	Commodity	Shipping rating
CLAY AND CLAY PRODUCTS—con.		
5366	Fire-clay brick, standard 9-inch series	B
5367	Fire-clay brick, all other shapes	B
5368	Fire brick, other	B
5369	All other brick	D
5370	Earthen floor and wall tiles	D
5375.98	High temperature or refractory cement, other	D
5379.05	Clay roofing tile, structural clay and hollow tiles, sewer pipes, and conduits	D
5379.98	Terra cotta and ceramic manufactures, other	D
OTHER NONMETALLIC MINERALS		
5406	Grindstones (include pulpstones)	D
5470	Natural asphalt and bitumen, unmanufactured	D
5471	Natural asphalt and bitumen, manufactures, n. e. s.	D
5483	Gypsum, crude, crushed or ground	D
5484	Gypsum, calcined	C
5485	Gypsum plaster board and wall board	C
5487	Other gypsum and manufactures of	D
5714	Sulphur, crude	B
5715	Sulphur, crushed, ground, refined, sublimed, and flowers	B
5724	Salt	B
5880	Charcoal (except animal charcoal or bone char, deodorizing decolorizing, and gas-absorbing carbons)	D
5960.98	Other nonmetallic mineral products except precious	D

GROUP 6—METALS & MANUFACTURES, EXCEPT MACHINERY AND VEHICLES

6958	Silver plated knives, forks, and steak sets	D
6959	Silver plated ware, other	D

GROUP 8—CHEMICALS AND RELATED PRODUCTS

COAL TAR PRODUCTS		
8060	Vanillin	C
MEDICINAL AND PHARMACEUTICAL PREPARATIONS		
8111-8180.98	If exportable under the \$25 or \$100 general licenses	B
CHEMICAL SPECIALTIES		
8230	Baking powder	B
8234	Tobacco saucing or extract for flavoring tobacco	C
8295.5	Natural flavoring extracts	C
8295.9	Synthetic flavoring extracts	C
8299.5	Licorice extract and mass	C
PIGMENTS, PAINTS AND VARNISHES		
8432	Kalsomine cold water paints, dry	D
SOAP AND TOILET PREPARATIONS		
8710	Soaps, medicated	C
8712	Soap, toilet or fancy	C
8713	Soap, laundry	C
8716	Soap, powdered or flake	C
8718	Shaving creams	C
8719	Shaving cakes, powders and sticks	C
8724	Scouring bricks, pastes, powders, soaps, and household washing powders	C
8729	Other soap, n. e. s.	C
8734	Dental creams	C
8735	Other dentifrices	C
8740	Talcum powder in packages	D
8742	Face and compact powder	D
8750	Cold creams	D
8751	Vanishing creams	D
8752	Other creams, lotions and balms	D
8755	Rouges	D
8756	Lip stick	D
8757	Cosmetics, other, n. e. s.	D
8759	Manicuring preparations	D
8762	Depilatories and deodorants	D
8765	Hair preparations	D
8766	Perfumery and toilet waters	D
8770	Toilet preparations, other, n. e. s.	D

GROUP 9—MISCELLANEOUS

Schedule "B" No.	Commodity	Shipping rating
PHOTOGRAPHIC AND PROJECTION GOODS		
9121.2	Motion-picture film, exposed, negative, features, 35 mm. (4,000 linear feet or over)	A
9121.3	Motion-picture films, exposed, negative, features, 16 mm. (1,600 linear feet or over)	A
9121.4	Motion-picture films, exposed, negative, short subjects, 35 mm. (less than 4,000 linear feet)	A
9121.6	Motion-picture film, exposed, negative, short subjects, 16 mm. (less than 1,600 linear feet)	A
9121.7	Motion-picture film, exposed, negative, newsreels	A
9121.8	Motion-picture film, exposed, negative, trailers, inserts and replacements	A
9121.9	Motion-picture film, exposed, negative, 8 mm.	B
9122	Motion-picture film, exposed, negative, sound track	A
9123.2	Motion-picture film, exposed, positive, features, 35 mm. (4,000 linear feet or over)	A
9123.3	Motion-picture film, exposed, positive, features, 16 mm. (1,600 linear feet or over)	A
9123.4	Motion-picture film, exposed, positive, short subjects, 35 mm. (less than 4,000 linear feet)	A
9123.6	Motion-picture film, exposed, positive, short subject, 16 mm. (less than 1,600 linear feet)	A
9123.7	Motion-picture film, exposed, positive, newsreels	A
9123.8	Motion-picture film, exposed, positive, trailers, inserts and replacements	A
9123.9	Motion-picture film, exposed, positive, 8 mm.	B
9124	Motion-picture film, exposed, positive, sound track	A
OFFICE SUPPLIES, MISCELLANEOUS		
9301	Pencils, mechanical, of plastic material	D
9302	Pencils, mechanical, except plastic material	D
9304.1	Pencils, not mechanical, black lead	C
9304.2	Pencils, not mechanical, other	C
9305.3	Leads, pencil	C
9305.5	Pencil parts	C
9306	Crayons	C
9309	Fountain and stylographic pens of plastic material	C
9810	Fountain and stylographic pens, except plastic material	C
9312	Fountain and stylographic pen parts	C
9315	Metallic pen points	C
9319	Other penholders and parts	D
9321	Writing ink	C
9329	Other ink, n. e. s.	C
9391	Paste and muilage	C
9395	Typewriter ribbons	B
BOOKS, MAPS, PICTURES, AND OTHER PRINTED MATTER (NOT CLASSIFIABLE AS TECHNICAL DATA)		
9510	Bound educational textbooks	B
9512	Other bound books excluding textbooks	B
9514	Unbound books in sheets	B
9516	Catalogs and pamphlets	B
9522	Geographic maps and charts	B
9523	Music in books and sheets	B
9553	Newspapers, current	B
9555	Periodicals	B
9560	Calendars, printed or unprinted	D
9563	Lithographically printed matter	D
9565	Playing cards	C
9569.01	Plans and specifications for aircraft	A
9569.05	Plans and specifications for manufacturing of aviation gasoline	A
9569.06	Plans and specifications for manufacturing of aviation lubricating oil	A
9569.07	Plans and specifications for manufacturing of tetraethyl lead	A
9569.98	Other printed matter, n. e. s.	B
CLOCKS AND WATCHES		
9580	Watches without jewels	C
9581	Watches with jewels	C
9589	Watch parts	C
ART WORKS		
9610	Paintings, etchings, engravings and statuary	D

GROUP 9—MISCELLANEOUS—Continued

Schedule "B" No.	Commodity	Shipping rating
JEWELRY		
9627	Men's jewelry of materials other than metal (synthetic resin, cellulose compounds, etc.)	D
9628	Women's jewelry of materials other than metal (synthetic resin, cellulose compounds, etc.)	D
9629	Other articles, except jewelry, of materials other than metal (synthetic resin, cellulose compounds, etc.)	D
MISCELLANEOUS		
9693	Asphalt roofing	C
9699	Other composition roofing, n. e. s.	C
9791	Incandescent mantles	B
9792	Lanterns, wick	B
9793	Gasoline pressure lamps, lanterns, and parts	B
9794	Other lamps, except electric	C
9799	Other lighting devices, except glass and parts, n. e. s.	C
9800	Matches	C
9821	Sponges, natural or synthetic	D
9827	Combs, except wholly of metal or rubber	C
9828	Tobacco pipes of all materials	D
9829	Other smokers' articles	D
9831	Umbrellas and parasols	D
9846	Soda-fountain equipment and bar supplies	D
9849	Fishing tackle and equipment suitable only for commercial fishing	B
9853	Shoe findings (except leather and rubber)	C
9860	Trunks	D
9998.1	Food for relief or charity	B
9998.2	Clothing for relief or charity	B
9998.3	Blankets and bedding for relief or charity	B
9998.4	Drugs and biological supplies for relief or charity	B
9998.5	Surgical, sanitary and hospital supplies and equipment for relief or charity	B
9998.9	Other commodities for relief or charity. Commodities exported pursuant to general licenses n. e. s. (including exportations under the \$25 general license, etc.)	D

(b) If articles and materials under general license are to be exported under an export program or export project license (S. P.), the ratings in § 809.6 (a) shall not apply, but all articles and materials shipped under such S. P. license shall have the rating assigned to such S. P. license.

§ 809.7 Rating assigned under certain outstanding licenses. A shipping priority rating of "D" is hereby assigned to all outstanding individual licenses, in those cases where individual licenses have heretofore been granted without the assignment of a shipping priority rating.

§ 809.8 Appeals for higher rating. (a) In cases of unusual hardship, exporters may appeal for a higher rating for articles and materials under general license than those prescribed under § 809.6 (a), by filing an individual application for export license setting forth reasons why a higher rating should be allowed.

(b) When articles and materials are to be exported under individual license an exporter who desires a higher rating than that which has been assigned may appeal as provided in § 804.9 of this subchapter.

(c) When articles and materials are to be exported under an export program or export project license (S. P.) an exporter who desires a higher rating than

that which has been assigned, may apply in writing for a reconsideration, attaching to his request the original document upon which the rating has been affixed.

Dated: July 6, 1942.

GEORGE V. PARKHURST,
Acting Chief, Export Control Branch,
Office of Exports, Board of Economic Warfare.

[F. R. Doc. 42-6509; Filed, July 8, 1942;
2:10 p. m.]

Chapter IX—War Production Board

Subchapter B—Division of Industry Operations

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

[Priorities Regulation No. 14]

§ 944.25 Priorities Regulation No. 14—

(a) *Applicability to Canada of provisions regarding military requirements.* Whenever any order or regulation heretofore or hereafter issued by the Director of Industry Operations of the War Production Board (or the Director of Priorities of the Office of Production Management) regulates in any manner the production, delivery, sale or use of any material and includes specific provisions with reference to transactions with or for the account of one of the United States Government agencies listed below, or transactions related thereto, the corresponding Canadian agency or agencies named below shall be deemed to be included in such reference, unless such order or regulation specifically excludes the Canadian agency or agencies:

U. S. Agencies	Corresponding Canadian Agencies
U. S. Army or War Department.	Canadian Army and Air Force.
U. S. Navy or Navy Department.	Canadian Navy.
U. S. Maritime Commission.	Wartime Merchant Shipping, Ltd. Trafalgar Shipbuilding Co., Ltd.

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

Issued this 8th day of July 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6511; Filed, July 8, 1942;
4:09 p. m.]

PART 978—UTILITIES: MAINTENANCE, REPAIR AND SUPPLIES

[Amendment 2 to Preference Rating Order P-46,¹ amended to March 26, 1942]

The following paragraph (m) is hereby added to Preference Rating Order P-46 amended to March 26, 1942 (§ 978.1).

(m) *Sales of materials from excess stocks.* Any producer may sell to any other producer materials from the seller's excess stocks or inventories, provided that a preference rating of A-5 or higher assigned by this order, or any preference

¹ 7 F.R. 2348, 4699.

rating certificate, order, or other direction issued by the Director of Industry Operations, is applied or extended to the producer selling such materials; and any such sale shall be expressly permitted within the terms of paragraph (c) (2) (iii) of Priorities Regulation No. 13.

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

Issued this 8th day of July 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6512; Filed, July 8, 1942;
4:09 p. m.]

PART 1068—CANS MADE OF TINPLATE OR TERNEPLATE

[Amendment 1 to Conservation Order M-81, as Amended June 27, 1942]

Section 1068.1 *Conservation Order M-81*,¹ is hereby amended as follows:

1. The date "February 11, 1942," wherever the same appears in paragraphs (d) (2), (d) (4), and (d) (5), is amended to read "July 1, 1942".

2. Paragraph (d) is further amended to include the following subparagraph:

(6) Nothing in this paragraph (d) shall be construed to permit (i) the use for the manufacture of cans of any component parts which were lithographed, cut, or otherwise prepared for assembly in violation of any applicable order of the Director of Industry Operations; (ii) the sale or delivery of any cans manufactured in violation of any applicable order of the Director of Industry Operations; or (iii) the use of any cans obtained by a canner in violation of any applicable order of the Director of Industry Operations.

3. Item 3 of miscellaneous foods in Table II is amended to read as follows:

Condensed milk, as defined by the Federal Security Administrator, FEDERAL REGISTER, July 2, 1940, § 18,525, page 2444 and § 18,530, page 2445, as amended, FEDERAL REGISTER, August 8, 1941, pages 3973 and 3974. 14-oz. or 15-oz. cans.

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

Issued this 9th day of July 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6538; Filed, July 9, 1942;
12:00 p. m.]

PART 1171—ELEVATORS

[General Conservation Order L-89]

The fulfillment of the requirements of the War Program of the United States has created a shortage in the supply of certain materials, used in the production of elevators, for the War Program, for

¹ 7 F.R. 4836.

private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the War Program:

§ 1171.1 *General Conservation Order L-89—(a) Definitions.* For the purpose of this order:

(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) "Elevator" means a hoisting and lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction (except hydraulic elevators or elevators to be used aboard ship).

(3) "Operation" means the method of actuating the controller.

(4) "Control" means the system of regulation by which the starting, stopping, direction of motion, acceleration, speed, and retardation of an elevator are governed.

(5) "Rheostatic control" means a system in which control is accomplished primarily by varying resistance and/or reactance in the armature and/or field circuit of the hoisting motor.

(6) "Single speed alternating-current control" means a system of control for a single speed induction elevator motor which is arranged to run at one practically constant speed.

(7) "Manufacture" means the production or construction of an elevator, or the production of any parts, equipment or accessories to be attached to or incorporated in any elevator; or the assembly of any parts, equipment or accessories for the purpose of producing or constructing an elevator or any portion thereof; but does not include assembly or installation of the finished sections or portions of an elevator at the site of ultimate use of the elevator, or the production of parts, equipment or accessories by any person who is not engaged in the business of producing, constructing or installing elevators.

(8) "Restricted order" means any order (i) for an elevator equipped with other than single speed alternating current or direct current rheostatic control, or equipped with other than manually operated doors or gates; or (ii) for changing the method of operation or control of any elevator; or (iii) for parts, equipment or accessories (including hatchway or car doors, gates, cabs, car slings, and platforms) to be incorporated in or installed on any elevator.

(b) *Restrictions on acceptance of orders for and manufacture and delivery of elevators.* (1) No person shall hereafter accept any Restricted Order, or manufacture or deliver any elevator, parts, equipment or accessories in fulfillment of any Restricted Order, unless the Order is accompanied by an authorization by the Director of Industry Operations permitting the placing and acceptance of such Order, in accordance with the provisions of paragraph (c) (1) below.

(2) Regardless of the terms of any order, contract of sale or purchase, or other commitment, or of any preference rating certificate or blanket preference rating order, no person shall

(i) Commence the manufacture of, or deliver any elevator, parts, equipment or accessories in fulfillment of any Restricted Order heretofore received and now on the books but not yet in the process of manufacture, except pursuant to the authorization of the Director of Industry Operations provided for in paragraph (c) (1) below; or

(ii) Continue for more than thirty days from the date of this Order, the manufacture of any elevator, parts, equipment or accessories now in the process of manufacture in the fulfillment of any Restricted Order, except pursuant to the authorization of the Director of Industry Operations provided for in paragraph (c) (2) below.

(3) For the purposes of this paragraph (b) delivery of an elevator or of elevator equipment or accessories shall be deemed to take place when the elevator, equipment, or accessories, or any part or portion thereof, are placed in the hands of a common or contract carrier or other means of transportation for shipment to the purchaser.

(c) *Procedure for securing authorization for restricted orders.* (1) The authorization from the Director of Industry Operations required by the provisions of paragraph (b) with respect to future Restricted Orders and Restricted Orders now on the books but not yet in the process of manufacture, may be obtained only by the purchaser, who may make application therefor to War Production Board, General Industrial Equipment Branch, on Form PD-411 marked Ref. L-89. The Director of Industry Operations will grant the authorization only if he finds that the failure of the purchaser to receive the elevator, parts, equipment or accessories in question will result in serious detriment to the War Program.

(2) Applications for the authorization of the Director of Industry Operations required by the provisions of paragraph (b) with respect to Restricted Orders now in the process of manufacture, shall be made by the manufacturer as soon as possible after the issuance of this Order. The application shall be accompanied by a report on Form PD-562 showing the manufacturer's unfilled orders of all kinds (except for repair and maintenance) scheduled for delivery during the current and succeeding months, together with information showing the extent of completion of each such order. Such application will be granted by the Director of Industry Operations only if and to the extent that he finds that fabrication or assembly of materials for such order has been accomplished to a substantial degree, that such materials will have no substantial value for any other use, except scrap, and that fulfillment of the order will not be detrimental to the promotion of the War Program.

(d) *Restrictions of use of materials.* No non-ferrous metals, or stainless or alloy steel may be used in the construction of the car enclosure, hoistway doors, car or landing thresholds, face plates of operating or signal fixtures, or for other than functional parts of the lighting fixtures.

No cork or cork products, or rubber tile (reclaimed or otherwise) may be installed on the platform, or as a wainscot in the elevator car.

(e) *90-day exemption of Army, Navy and Maritime Commission.* Until 90 days after the date of issuance of this order, the provisions of this order shall not apply to orders for any elevators or equipment or accessories by, and for the use of, the Army, Navy, Maritime Commission, or War Shipping Administration to the extent that any applicable specifications of the Army, Navy, Maritime Commission or War Shipping Administration require construction, design or materials not in accordance with the provisions of this order. As used in this paragraph, the terms "Army", "Navy", "Maritime Commission" and "War Shipping Administration" shall not include any privately operated plant or shipyard, financed by or controlled by any of those organizations, or operated on a cost-plus-fixed-fee basis.

(f) *Non-applicability to maintenance and repair.* The prohibitions and restrictions of paragraph (b) hereof shall not apply to the manufacture of repair or maintenance parts; or to deliveries (1) to fill any order of less than \$500.00 for parts to be used for repair or maintenance of a single elevator, or (2) to fill any order for \$500.00 or more for repair or maintenance parts for a single elevator when and only when there has been an actual breakdown or suspension of the operation of the elevator because of the necessity of repair or maintenance, and the essential repair or maintenance parts therefor are not otherwise available. As used in this paragraph "maintenance" shall mean the upkeep of an elevator or elevator structure in sound working condition; and "repair" shall mean the restoration, without change of design, of any portion of an elevator or elevator structure to sound working condition, when such portion has been rendered inoperative or unsafe or unfit for service by wear and tear, damage, destruction or failure of parts, or other similar causes.

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

(2) *Records and reports.* 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.

All persons affected by this order shall execute and file with the Division of Industry Operations, War Production Board, such reports and questionnaires as said Division shall from time to time request.

Each manufacturer shall file, not later than the 10th day of each month following the month of issuance of this order, a report on Form PD-562 showing his elevator and equipment deliveries (except for repair or maintenance) during the preceding month, and his unfilled or-

ders (except orders for repair or maintenance) scheduled for delivery during the current and succeeding months.

(3) *Other limitation orders.* Nothing in this order shall be construed to permit any person to sell, deliver, or otherwise transfer, or any manufacturer to purchase, receive delivery of, or otherwise acquire any raw materials, semi-processed parts, or finished products in contravention of the terms of any L or M Order, or amendments or supplements thereto, or other regulation of the War Production Board effective at the date of any such sale, delivery, or other transfer. Where the limitations imposed by any other L or M Order are applicable to the subject matter of this order, the most restrictive limitation shall apply, unless otherwise specifically provided herein.

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

(5) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the Director of Industry Operations setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(6) *Communications.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, General Industrial Equipment Branch, Washington, D. C. Ref.: L-89. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of July 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-6534; Filed, July 9, 1942;
11:48 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[General Order 1]

DELEGATION TO REGIONAL ADMINISTRATORS OF AUTHORITY TO SIGN AND ISSUE SUBPOENAS IN RATIONING INVESTIGATIONS

Pursuant to the authority conferred upon the Administrator by War Production Board Directive No. 1, as supplemented, and by paragraph 3 of Executive Order No. 9125, the following order is prescribed:

§ 1305.9 *Order delegating to Regional Administrators authority to sign and issue subpoenas in rationing investigations.* (a) In connection with any investigation related to the administration or enforcement of the rationing authority of the Office of Price Administration, or of any regulation or order issued pursuant to that authority, the several Regional Administrators of the Office of Price Administration are each authorized, within their respective Regions, to sign and issue subpoenas requiring any person to appear and testify, or to appear and produce books or records or any other documentary or physical evidence, or both.

(b) The authority conferred upon the several Regional Administrators by paragraph (a) of this General Order No. 1 (§ 1305.9) shall be exercised in conformity with the provisions of sub-paragraph (4) of paragraph (a) of section 2 of the Act of June 28, 1940 (54 Stat. 676), as amended by the Act of May 31, 1941 (Public, No. 89, 77th Cong.) and by Title III of the Second War Powers Act, 1942 (Act of March 27, 1942, Public, No. 507, 77th Cong.)

(c) This General Order No. 1 (§ 1305.9) shall take effect July 9, 1942. (Pub. Law 507, 77th Cong.; E.O. 9125; W.P.B. Directive No. 1; Pub. Law 421, 77th Cong.)

Issued this 8th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6517; Filed, July 8, 1942; 4:48 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Amendment 19 to Revised Tire Rationing Regulations¹]

TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES, AND CAMELBACK

Sections 1315.402 (b) and (d) (2) (i), 1315.405 (g), 1315.501 (d) (2) (i), 1315.502 (c) (2) (i), 1315.503 (c) (2), 1315.801 (b), (c) (1) and (f) (4), 1315.802 (b) and (d) (5) and 1315.804 (a) (3) are amended to read as follows: the text of § 1315.601 is designated as paragraph (a) and a new paragraph (b) is added thereto; new paragraphs (ff), (gg) and (hh) are added to § 1315.151; a new paragraph (d) is added to § 1315.603; and a new subparagraph (1) is added to § 1315.608 (a); and a new subdivision (iii) is added to § 1315.402 (d) (5), as set forth below:

Definitions

§ 1315.151 *Definitions.* * * *

(ff) "New vehicle" means any unused or rebuilt vehicle, including passenger cars, trucks, tractors, trailers, farm implements, and off-the-road equipment which has not yet been transferred by the manufacturer, rebuilder, or dealer in such vehicles, to the person who will use such vehicle for its intended purpose.

(gg) "Original equipment" means tires or tubes to be mounted on, and

¹ F.R. 1027, 1089, 2106, 2107, 2541, 2683, *in/ra.*

which are essential to, the operation of an unused or rebuilt vehicle which has been transferred by the manufacturer, rebuilder, or dealer in such vehicles, to the person who will use such vehicle for its intended purpose.

(hh) "Implement tire" means a tire that has the word "implement" or the name of a type of farm equipment other than a tractor or combine molded into the sidewall of the tire by the manufacturer.

Tires and Tubes for Vehicles Eligible Under List A

* * * * *
§ 1315.402 *Eligibility of List A vehicles for new tires and tubes, retreaded or recapped tires.* * * *

(b) The Board may issue a certificate authorizing the transfer of a new tire to an applicant who satisfies the requirements of paragraphs (c) and (d) of this section if, but only if:

(1) The applicant establishes that the tire for which application is made is to replace a tire which is not capable of being retreaded or recapped, or which cannot be retreaded or recapped for safe use at the speeds at which the applicant may reasonably be expected to operate, or which is to be mounted as original equipment.

(2) (i) Except when the applicant applies for a spare tire, or when the applicant applies for tires and tubes to be mounted as original equipment on an unused or rebuilt vehicle which he has purchased, or contracted to purchase for its intended use, certificates may be granted only for replacement purposes.

(5) (iii) This paragraph (d) (5) does not apply when the applicant can establish to the satisfaction of the Board that he has no tires to turn in because the tires which are to be replaced have been stolen or if the applicant is a governmental agency forbidden by law to make such disposition of Government property, or for any similar reason, or if the applicant purchases a spare for a vehicle which was acquired by him without a spare, or purchases tires as original equipment for a vehicle.

* * * * *
§ 1315.405 *Eligibility classification; List A.* * * *

(g) Tractors, combines and other farm implements if they cannot be adapted to operate without tires and tubes.

(1) Certificates for the purchase of tractor or implement tires only, may be granted to equip tractors or combines. Applicants for other types of farm equipment may be granted certificates for the purchase of implement tires only.

(2) Certificates may be granted under this section either for replacement or for original equipment purposes. If the application is for tires and tubes to be mounted as original equipment, the applicant must submit the vendor's affidavit required by § 1315.601 (b).

(3) The Board shall indicate on Parts A and B of the certificate the type of tires, namely tractor or implement, for which the certificate is being issued.

(i) A dealer who receives a certificate so marked, may sell to the certificate holder only the type of tire called for on Part A of the certificate. The dealer shall write in on Parts C and D of the certificate under the item calling for the description of the tires delivered, the type of tire, whether implement or tractor, which he has sold. He may use the replenishment portion (Part B) of such certificate to replenish his stock either with tractor or implement type tires at his option.

* * * * *
Retreaded and Recapped Tires and New Passenger Tires of an Obsolete Type For Vehicles Eligible Under List B

* * * * *
§ 1315.501 *Eligibility of List B passenger automobiles for retreaded or recapped tires.* * * *

(d) (2) (i) Except when the applicant applies for a spare tire, or when the applicant applies for retreaded or recapped tires and tubes to be mounted as original equipment on an unused or rebuilt vehicle which he has purchased or contracted to purchase for its intended use, certificates may be granted only for replacement purposes.

* * * * *
§ 1315.502 *Eligibility of List B Trucks for retreaded or recapped tires.* * * *

(c) (2) (i) Except when the applicant applies for a spare tire, or when the applicant applies for retreaded or recapped tires and tubes to be mounted as original equipment on an unused or rebuilt vehicle which he has purchased or contracted to purchase for its intended use, certificates may be granted only for replacement purposes.

* * * * *
§ 1315.503 *Eligibility of List A and List B passenger automobiles for new passenger tires of an obsolete type.* * * *

(c) (2) That the tire or tube for which application is made is to replace a tire or tube no longer serviceable at the speeds at which the applicant may reasonably be expected to operate, or that the tires and tubes for which application is made are to be mounted on an unused or rebuilt vehicle which the applicant has purchased or contracted to purchase for its intended use.

* * * * *
Applications for Certificates

* * * * *
§ 1315.601 *List A applications for authority to purchase new tires and tubes and retreaded or recapped tires.* (a)

(b) Any person who purchases or who contracts to purchase a vehicle to be used for its intended purpose and not for resale, from a manufacturer, rebuilder, or dealer in such vehicles, may apply to a Board for a certificate authorizing the transfer of tires and tubes to be mounted as original equipment on such vehicle prior to taking possession under his contract of purchase. The Board shall not

issue a certificate for tires and tubes to be mounted as original equipment unless the applicant submits a satisfactory explanation in affidavit form from the vendor or rebuilder stating the reasons why the vehicle was not fully equipped with tires and tubes when transferred by him to the applicant.

(1) Among the reasons which may satisfactorily explain the lack of original equipment are the following: That the vehicle or equipment was shipped to him without tires or tubes by order of a governmental agency, or if shipped with tires or tubes that such tires and tubes were removed by order of a governmental agency; that the vendor ordered the vehicle or equipment from its manufacturer without tires and tubes; or that tires and tubes originally on the vehicle were stolen or destroyed without fault of the vendor.

§ 1315.603 *List B applications for authority to purchase retreaded or recapped tires or retreading or recapping services.* * * *

(d) Any person who purchases or who contracts to purchase a vehicle to be used for its intended purpose and not for resale, from a manufacturer, rebuilder, or dealer in such vehicles, may apply to a Board for a certificate authorizing the transfer of retreaded or recapped tires and tubes to be mounted as original equipment on such vehicle prior to taking possession under his contract of purchase. The Board shall not issue a certificate for tires and tubes to be mounted as original equipment unless the applicant submits a satisfactory explanation in affidavit form from the vendor or rebuilder stating the reasons why the vehicle was not fully equipped with tires and tubes when transferred by him to the applicant.

(1) Among the reasons which may satisfactorily explain the lack of original equipment are the following: that the vehicle or equipment was shipped to him without tires or tubes by order of a governmental agency, or if shipped with tires or tubes that such tires and tubes were removed by order of a governmental agency; that the vendor ordered the vehicle or equipment from its manufacturer without tires and tubes; or that tires and tubes originally on the vehicle were stolen or destroyed without fault of the vendor.

§ 1315.608 *Allotment by the Board upon applications for List A vehicles.* (a) * * *

(1) Certificates for new implement or tractor tires and tubes which are granted on the basis of an application for original equipment to be mounted on a tractor, combine, or other farm implement eligible under § 1315.405 (g), shall not be charged against the Board's monthly quota.

Transfers and Deliveries of New Tires and Tubes, Retreaded or Recapped Tires and Camelback

§ 1315.801 *Permitted and prohibited transfers of new tires and tubes.* * * *

(b) *Restriction on transfers from stocks to vehicles.* (1) Except as pro-

vided in subparagraphs (2) and (3) of this paragraph (b), no person who on December 11, 1941, or at any time thereafter was a retailer, distributor, wholesaler, or manufacturer of new tires or tubes or who manufactured, rebuilt, or dealt in vehicles equipped with tires or tubes may mount any new tire or tube on any vehicle owned, operated, or controlled by him or may otherwise transfer such tire or tube, unless such person has been issued a certificate by a Board authorizing the transfer of such tire or tube for the vehicle upon which it is to be mounted, or unless he mounts such tire as an agent of a person who owned and physically possessed such tire or tube prior to December 11, 1941, or who has received the tire on certificate. The instructions set forth in §§ 1315.705 and 1315.706 in regard to the certificate should be followed.

(2) A manufacturer of new tires or tubes may mount new tires and tubes on a vehicle owned by him or otherwise subject to his control which is used exclusively for testing such tires and tubes and not in connection with any other use. The use of tires, tubes and camelback for testing purposes not expressly permitted by this subparagraph (2), may be authorized by the Office of Price Administration, Washington, D. C.

(3) Any manufacturer of vehicles may mount new tires and tubes on a new vehicle manufactured or assembled by him, as part of the equipment of such vehicle unless he has been prohibited from doing so by general or special instructions of the Director of Priorities or the Director of Industry Operations of the War Production Board.

(c) *Permitted transfers by certain persons.* (1) Except as provided in paragraph (b) of this section, any person who on December 11, 1941 was not a retailer, distributor, wholesaler or manufacturer of new tires or tubes or who did not manufacture, rebuild, or deal in vehicles equipped with tires or tubes may transfer any new tires or tubes which were owned and physically possessed by him prior to December 11, 1941 including the placing of such tires or tubes upon the wheel or rim of any vehicle owned or operated by him, provided no change in ownership, possession or control occurs.

(f) *Other transfers.* * * *

(4) *Equipment for new vehicles.* Any person may deliver new tires and tubes as part of the equipment of a new vehicle, *Provided:* (i) That the sale of the new vehicle equipped with new tires and tubes is not prohibited by any order or regulation issued by the Office of Price Administration, the Director of Priorities or the Director of Industry Operations of the War Production Board; (ii) that the new vehicle is not equipped with spares, unless the sale of such vehicle so equipped has been authorized expressly by the War Production Board; and (iii) that the tires and tubes delivered are mounted on such vehicle at the time of its sale and were mounted prior to July 1, 1942, or if mounted after that date, that such mounting was not

prohibited by the Director of Priorities or the Director of Industry Operations of the War Production Board.

§ 1315.802 *Permitted and prohibited deliveries of retreaded or recapped tires.* * * *

(b) *Restriction on transfer from stocks to vehicles.* (1) Except as provided in subparagraph (2) of this paragraph no person who on February 19, 1942, or at any time thereafter engaged in retreading or recapping tires for others, or was otherwise dealing in retreaded or recapped tires or who manufactured, rebuilt or dealt in vehicles equipped with tires may mount any retreaded or recapped tire on any vehicle owned, operated, or controlled by him unless such person has been issued a certificate by a Board authorizing the transfer of such tire or tube for the vehicle upon which it is to be mounted, or unless he mounts such tire as an agent of a person who owned and physically possessed such tire or tube prior to February 19, 1942, or who has received the tire or tube on certificate. The instructions set forth in §§ 1315.705 and 1315.706 in regard to the certificate for retreaded or recapped tires should be followed.

(2) Any manufacturer of vehicles may mount retreaded or recapped tires on a new vehicle manufactured or assembled by him, as part of the equipment of such vehicle unless he has been prohibited from doing so by general or special instructions of the Director of Priorities or the Director of Industry Operations of the War Production Board.

(d) *Other deliveries.* * * *

(5) *Retreaded tires for new vehicles.* Any person may deliver retreaded or recapped tires as part of the equipment of a new vehicle: *Provided:* (i) That the sale of the new vehicle equipped with retreaded or recapped tires and tubes is not prohibited by any order or regulation issued by the Office of Price Administration, the Director of Priorities, or the Director of Industry Operations of the War Production Board; (ii) that the new vehicle is not equipped with spares unless the sale of such vehicle so equipped has been authorized expressly by the War Production Board; and (iii) that the tires and tubes delivered are mounted on such vehicle at the time of its sale and were mounted prior to July 1, 1942, or if mounted after that date, that such mounting was not prohibited by the Director of Priorities or the Director of Industry Operations of the War Production Board.

§ 1315.804 *Transfer of new tires or tubes, retreaded or recapped tires or camelback to certain Governmental Agencies, to manufacturers of new vehicles and for export.* (a) * * *

(3) For export to and consumption in any foreign country, for government or private account, otherwise than as provided in subparagraph (2) of this paragraph, but only when the exporter has been issued an individual export license for the tires and tubes to be exported.

§ 1315.1199a *Effective dates of amendments.* * * *

(s) Amendment No. 19 (§§ 1315.151, 1315.402, 1315.405, 1315.501, 1315.502, 1315.503, 1315.601, 1315.603, 1315.608, 1315.801, 1315.802, and 1315.804) to Revised Tire Rationing Regulations shall become effective July 15, 1942.

(Pub. Law 421, 77th Cong., O.P.M. Supp. Order No. M-15c, W.P.B. Directive No. 1, Supp. Directive No. 1B, 6 F.R. 6792; 7 F.R. 562, 925).

Issued this 8th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6518; Filed, July 8, 1942; 4:49 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Amendment No. 20 to Revised Tire Rationing Regulations¹]

TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES, AND CAMELBACK

"GRADE II" DEFINED

Paragraph (ee) of § 1315.151 is amended to read as follows:

§ 1315.151 *Definitions.* * * *

(ee) "Grade II", as applied to tires, means those tires which have a maximum price of less than 85% of the maximum price for tires established in paragraphs (a), (b), (f), and (n) of §§ 1315.110 and 1315.111 of Price Schedule No. 63² as amended³ or hereafter amended, issued by the Office of Price Administration.

§ 1315.1199a *Effective dates of amendments.* * * *

(t) Amendment No. 20 (§ 1315.151) to Revised Tire Rationing Regulations shall become effective July 15, 1942.

(Pub. Law 421, 77th Cong., O.P.M. Supp. Order No. M-15c, W.P.B. Directive No. 1, Supp. Directive No. 1B, 6 F.R. 6792; 7 F.R. 562, 925)

Issued this 8th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6515; Filed, July 8, 1942; 4:48 p. m.]

PART 1499—COMMODITIES AND SERVICES

[General Maximum Price Regulation⁴—Amendment 13 to Supplementary Regulation 1⁵]

SPIRITUOUS LIQUORS PRODUCED IN TERRITORIES OR POSSESSIONS

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

¹ 7 F.R. 1027, 1089, 2106, 2107, 2541, 2633, 2945, 2948, 3235, 3237, 3551, 3630, 4176, 4336, 4493, 4543, 4544, 4617, *supra*.

² 7 F.R. 35, 206.

³ 7 F.R. 1323, 1836, 2132, 3036, 3719.

⁴ 7 F.R. 3153.

⁵ 7 F.R. 3158.

§ 1499.26 is amended by adding a new subparagraph (29) to paragraph (a) as set forth below:

§ 1499.26 *Exceptions for certain commodities, certain sales and deliveries and certain services.* (a) General Maximum Price Regulation shall not apply to any sale or delivery of the following commodities:

(29) Rum, liqueurs, cordials, bitters, and other spirituous liquors produced in any Territory or possession of the United States: *Provided, however,* That this regulation shall apply to all sales of such commodities in the Territory or possession of origin. (On and after July 15, 1942, the exception provided in this paragraph shall not apply to the named commodities when sold by the importer thereof, unless the invoice issued in connection with the sale states clearly and legibly on its face that the commodity involved is not subject to Office of Price Administration price ceilings.)

(e) *Effective dates.* * * *

(14) Amendment No. 13 (§ 1499.26 (a) (29)) to Supplementary Regulation No. 1 shall become effective July 9, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 8th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6516; Filed, July 8, 1942; 4:48 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Maximum prices authorized under § 1499.3 (b) of the General Maximum Price Regulation—Order No. 22]

HAMPDEN NOVELTY MANUFACTURING CO., INC.

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.3 (b) of the General Maximum Price Regulation, it is hereby ordered:

§ 1499.59 *Approval of maximum price for sale of picture frame by Hampden Novelty Manufacturing Co., Inc.* (a) The maximum price for the sale by Hampden Novelty Manufacturing Co., Inc., 686 Main Street, Holyoke, Massachusetts, of the picture frame manufactured by the Company of pressed wood flour, 11½" long by 9½" wide, shall be \$0.325 per unit.

(b) This Order No. 22 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 22 (§ 1499.59) shall become effective July 9, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 8th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6514; Filed, July 8, 1942; 4:48 p. m.]

¹ 7 F.R. 3153, 3330, 3666, 3990, 3991.

PART 1306—IRON AND STEEL
[Revised Price Schedule 100, as Amended]

CAST IRON SOIL PIPE AND FITTINGS

Correction

In the table appearing on page 5134 of the issue for Tuesday, July 7, 1942, the figure "8.00" opposite "¼ Bends 2" Heel or Side Inlet" in the column for 8" Standard should read "8.60".

PART 1393—ICE

[Correction to Maximum Price Regulation 154, as Amended¹]

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

The phrase, "October 1, 1942" in § 1393.12 (a) (1) is corrected to read "October 1, 1941."

§ 1393.11 *Effective dates of amendment.* * * *

(b) Correction (§ 1393.12 (a) (1)) to Maximum Price Regulation No. 154 As Amended shall become effective July 10, 1942.

(Pub. Law 421 77th Cong.)

Issued this 9th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6536; Filed, July 9, 1942; 11:55 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 10 to General Maximum Price Regulation²]

APPLICATIONS FOR ADJUSTMENT

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

Section 1499.18 is amended to read as set forth below:

§ 1499.18 *Applications for Adjustment.* (a) The Office of Price Administration, or any duly authorized officer thereof, may by order adjust the maximum price established under this General Maximum Price Regulation for any seller at retail in any case in which such seller shows:

(1) That such maximum price is abnormally low in relation to the maximum prices of the same or similar commodities established for other sellers at retail; and

(2) That this abnormality subjects him to substantial hardship.

Applications for adjustment under this paragraph (a) shall be filed in accordance with Temporary Procedural Regulation No. 2.³

(b) The Office of Price Administration, or any duly authorized officer thereof, may by order adjust the maximum price established under this General

¹ 7 F.R. 5139.

² 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027.

³ 7 F.R. 3522, 3664.

Maximum Price Regulation for any seller other than a seller at retail in any case in which such seller shows:

- (1) That such maximum price causes him substantial hardship and is abnormally low in relation to the maximum prices established for competitive sellers of the same or similar commodities; and
- (2) That establishing for him a maximum price, bearing a normal relation to the maximum prices established for competitive sellers of the same or similar commodities, will not cause or threaten to cause an increase in the level of retail prices.

Applications for adjustment under this paragraph (b) shall be filed in accordance with Procedural Regulation No. 1.⁷

(c) Any person seeking relief, for which no provision is made in the foregoing paragraphs (a) and (b) of this section, from a maximum price established under this General Maximum Price Regulation may present the special circumstances of his case in an application for an order of adjustment. Such an application shall be filed in accordance with Procedural Regulation No. 1 and shall set forth the facts relating to the hardship to which such maximum price subjects the applicant together with a statement of the reasons why he believes that the granting of relief in his case and in all like cases will not defeat or impair the policy of the Emergency Price Control Act of 1942 and of this General Maximum Price Regulation to eliminate the danger of inflation.

This section shall apply to all maximum price regulations which have incorporated § 1499.18 in their provisions.

§ 1499.23a *Effective dates of amendments.* * * *

(j) Amendment No. 10 (§ 1499.18) to General Maximum Price Regulation shall become effective July 14, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 9th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6535; Filed, July 9, 1942; 11:55 a. m.]

PART 1389—APPAREL

[Maximum Price Regulation 178]

WOMEN'S FUR GARMENTS

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for sales of women's fur garments. Such action is required as the General Maximum Price Regulation⁷ does not provide a satisfactory method for the pricing of women's fur garments based on deliveries made in March 1942. So far as practical, the Price Administrator has advised and consulted with members of the industry which will be affected by this Maximum Price Regulation No. 178.

In the judgment of the Price Administrator the maximum prices established by this Maximum Price Regulation No. 178 are and will be generally fair and equitable and will effectuate the purposes of the Act.

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 178 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1⁸ issued by the Office of Price Administration, Maximum Price Regulation No. 178 is hereby issued.

- Sec.
- 1389.151 Prohibition against sales of women's fur garments above maximum prices.
 - 1389.152 Maximum prices for sales of women's fur garments by wholesalers and retailers.
 - 1389.153 Maximum prices for sales of women's fur garments by a manufacturer.
 - 1389.154 The maximum prices for women's fur garments which cannot be priced under § 1389.152 or § 1389.153.
 - 1389.155 Export sales.
 - 1389.156 Federal and state taxes.
 - 1389.157 Less than maximum prices.
 - 1389.158 Applicability of the General Maximum Price Regulation.
 - 1389.159 Invoices, sales slips and receipts.
 - 1389.160 Records.
 - 1389.161 Reports.
 - 1389.162 Evasion.
 - 1389.163 Enforcement.
 - 1389.164 Petitions for amendment.
 - 1389.165 Definitions.
 - 1389.166 Effective date.
 - 1389.167 Appendix A.

AUTHORITY: §§ 1389.151 to 1389.167, inclusive, issued pursuant to Pub. Law 421, 77th Congress.

§ 1389.151 *Prohibition against sales of women's fur garments above maximum prices.* On or after July 10, 1942, regardless of any contract, agreement, lease, or other obligation:

(a) No person shall sell or deliver any women's fur garments at higher prices than the maximum prices established by this Maximum Price Regulation No. 178.

(b) No person, in the course of trade or business, shall buy or receive any women's fur garments at higher prices than the maximum prices established herein.

(c) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

§ 1389.152 *Maximum prices for sales of women's fur garments by wholesalers and retailers.* (a) The maximum prices for the sale of any women's fur garment by wholesalers or retailers, except as provided in paragraph (b) of this section, shall be the sum of:

(1) The cost of the garment to the seller, and

(2) The percentage markup received by the seller upon the sale of the same

classification of garments of the same kind of skin:

(i) *On sales at wholesale*, during the months of June, July and August, 1941, inclusive;

(ii) *On sales at retail*, during the months of July to December, 1941, inclusive.

Provided, That in no event shall the maximum price be higher than the highest price charged by the seller for the same category of women's fur garment delivered during the periods mentioned in (i) or (ii) of this paragraph.

(b) The maximum price for the sale of any women's fur garment by a retailer to a wholesaler or to another retailer, and by a wholesaler to another wholesaler shall be the cost to the seller.

§ 1389.153 *Maximum prices for sales of women's fur garments by a manufacturer.* Except as provided in paragraph (b) of this section, the maximum price for the sale of any women's fur garment by a manufacturer shall be: *Provided*, That in no event shall it exceed the highest price charged by the seller for the same category of women's fur garment delivered during the months of June, July and August, 1941:

(a) *On sales to wholesalers and retailers.*

(1) The sum of:

(i) The direct cost of the garment to the manufacturer, and

(ii) The same percentage margin over direct cost received by the manufacturer upon the sale of the same classification of women's fur garments of the same kind of skin, which were delivered in June, July and August, 1941.

(2) Upon the sale of a woman's fur coat, where a muslin pattern is required and is made especially for the purchaser and at his request, a manufacturer may add an amount not exceeding \$15 to the maximum price established pursuant to paragraph (a) of this section.

(b) Any manufacturer who has established, pursuant to § 1499.2 (a) of the General Maximum Price Regulation,⁸ a maximum price for a category of women's fur garment by a delivery of the same or similar garment in March 1942, may sell, deliver or offer for sale, on or before September 1, 1942, those garments, which have been completely manufactured, or are in the process of manufacturing and have reached the sewing stage on July 10, 1942, at the price so established: *Provided*, That on or before July 20, 1942, he file with the Office of Price Administration in Washington, D. C., a duly verified affidavit setting forth for each category of garment:

(1) The name and address of the manufacturer;

(2) A description of the category of each women's fur garment;

(3) The name and address of the purchaser to whom the women's fur garment of the same category was delivered in March 1942;

⁷ F. R. 971, 3663.

⁸ F. R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738.

⁹ F. R. 971, 3663.

(4) The ceiling price established under § 1499.2 of the General Maximum Price Regulation³ by such delivery;

(5) The number of garments manufactured and in stock on July 10, 1942;

(6) The number of garments in the process of manufacture which have reached the sewing stage on July 10, 1942.

(c) *On sales at retail*, the maximum selling price established pursuant to paragraph (a) or (b) of this section may be increased by an amount not exceeding 20%: *Provided*, That a manufacturer who customarily sells more than 75% of his output at retail and maintains an establishment selling at retail shall charge no higher prices than those established in paragraph (a) or (b) of this section for his sales at retail.

§ 1389.154 *The maximum prices for women's fur garments which cannot be priced under § 1389.152 or § 1389.153.* The seller's maximum price for women's fur garments which cannot be priced under § 1389.152 or § 1389.153 shall be a maximum price in line with the level of maximum prices established by this Maximum Price Regulation No. 178. Such price shall be a price determined by the seller after specific authorization from the Office of Price Administration. A seller who seeks an authorization to determine his maximum price under the provisions of this paragraph shall file with the Office of Price Administration in Washington, D. C., an application setting forth:

(a) A description in detail of the commodity for which the maximum price is sought;

(b) A statement of the reasons why he cannot price this garment under § 1389.152 or § 1389.153; and

(c) Such other information as the Office of Price Administration may deem necessary.

If such authorization be given, it will be accompanied by instructions as to the method of determining the maximum price. Within ten days after such price has been determined, the seller shall report such price to the Office of Price Administration upon a form duly filled out and filed under oath or affirmation, which will be furnished him. The price so reported will be subject to adjustment by the Office of Price Administration.

§ 1389.155 *Export sales.* The maximum price at which a person may export women's fur garments shall be determined in accordance with the provisions of the Maximum Export Price Regulation⁴ issued by the Office of Price Administration.

§ 1389.156 *Federal and state taxes.* Any tax upon, or incident to, the sale or delivery of any women's fur garment, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such commodity and in

preparing the records of such seller with respect thereto:

(a) *As to a tax in effect during the applicable base period.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during the applicable base period the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 178.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 178.

(b) *As to a tax or increase in a tax which becomes effective after the appropriate base period.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1389.157 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 178 may be charged, demanded, paid or offered.

§ 1389.158 *Applicability of the General Maximum Price Regulation.*⁵ (a) This Maximum Price Regulation No. 178 shall apply and the General Maximum Price Regulation⁵ shall not apply, except as provided in paragraph (b) of this section, to sales of women's fur garments.

(b) The provisions of § 1499.4 (*Supplemental Regulations*), § 1499.5 (*Transfers of business or stock in trade*), § 1499.13 (*Maximum price of cost-of-living commodities; statement, marketing or posting*), § 1499.15 (*Registration*), § 1499.16 (*Licensing*), and § 1499.18 (*Applications for adjustment by retail sellers*), of the General Maximum Price Regulation⁵ shall apply to all sales for

which maximum prices are established by this Maximum Price Regulation No. 178 and to all persons making such sales. References in § 1499.18 of the General Maximum Price Regulation⁵ to §§ 1499.2 and 1499.3 thereof, for the purposes of this Maximum Price Regulation No. 178 shall be deemed to refer to §§ 1389.152, 1389.153, and 1389.154.

(c) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation⁵ are applicable to every person selling at wholesale or retail any women's fur garment covered by this Maximum Price Regulation No. 178.

§ 1389.159 *Invoices, sales slips and receipts.* (a) Every person selling at retail whose sales are subject to the maximum prices established by this Maximum Price Regulation No. 178 who has customarily given a purchaser sales slips or similar evidence of purchase shall continue to do so. Upon request from a purchaser any such seller, regardless of previous custom, shall give the purchaser a receipt showing: (1) the date, (2) the name and address of the seller, (3) the name or description of each women's fur garment sold, and (4) the price received for such garment.

(b) Every person other than a person selling at retail, whose sales are subject to the maximum prices established by this Maximum Price Regulation No. 178, shall, in connection with each such sale, deliver an invoice or other similar document showing: (1) the date, (2) the name and address of the seller and purchaser, (3) the style number of each of the different styles sold, (4) the quantity of each different style sold, (5) the price contracted for or charged by the seller for each different style of garment sold, and (6) all discounts, allowances and other price differentials.

§ 1389.160 *Records.* In addition to the records required to be kept by § 1499.11 of the General Maximum Price Regulation⁵, every person selling women's fur garments in the course of trade or business, on and after July 10, 1942, shall keep for inspection by the Office of Price Administration the following:

(a) *As to manufacturers.* (1) A record of each sale of women's fur garments, showing the category, the sales price, the name and address of the purchaser, the basis of establishing the maximum price, including the direct cost to the manufacturer, and the markup.

(2) All records which will show the maximum prices charged for each category of women's fur garment sold in June, July and August, 1941, and the average percentage markup over cost of each classification of women's fur garment of each kind of skin, which was sold in the months of June, July, and August, 1941.

(3) A separate record of all sales made at retail, showing the information required in subparagraph (1) of this paragraph.

³ *Supra*, note 1.

⁴ 7 F.R. 5059.

⁵ *Supra*, note 1.

⁶ *Supra*, note 1.

(4) A separate record of all special sizes, including a full description of the garment.

(b) *As to wholesalers.* (1) A record of each sale of women's fur garment, showing the category and the sales price.

(2) A record of the cost to the seller of each women's fur garment and the percentage markup.

(3) All records showing the maximum price charged for each category of women's fur garment during the months of June, July and August, 1941, inclusive, and the percentage markup received by the seller for each classification of garment for each type of skin.

(c) *As to retailers.* (1) A record of the cost to the seller of each woman's fur garment and the percentage markup.

(2) All records showing the maximum price charged for each category of woman's fur garment during the months of July to December, 1941, inclusive, and the percentage markup received by the seller for each classification of garment for each type of skin.

§ 1389.161 *Reports.* (a) On or before August 15, 1942, every manufacturer of women's fur garments shall submit to the Office of Price Administration at Washington, D. C., in the detail required by the form to be furnished by the Office of Price Administration a statement showing:

(1) the maximum price received for the sale of each category of women's fur garments during the months of June, July and August, 1941;

(2) the percentage margin over cost received for each classification of garment of each kind of skin sold during June, July and August, 1941.

(b) There shall also be submitted to the Office of Price Administration such other reports as it may from time to time require.

§ 1389.162 *Evasion.* (a) The price limitations set forth in this Maximum Price Regulation No. 178 shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to any women's fur garment, alone or in conjunction with any other commodity, or by way of commission, service, transportation or other privilege, or by tying agreement or other trade understanding, or otherwise.

(b) Specifically, but not by way of limitation, it is forbidden for any seller to, for the purpose of evading the price limitations set forth in this Maximum Price Regulation No. 178, sell, purchase, deliver, contract, deal or otherwise operate with or through any other person under common control with, controlled by, controlling, or otherwise affiliated with the seller.

§ 1389.163 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 178 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 178 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest district, state, field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1389.164 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 178 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1¹ issued by the Office of Price Administration.

§ 1389.165 *Definitions.* (a) When used in this Maximum Price Regulation No. 178 the term:

(1) "Women's fur garments" shall include all women's and misses' fur jackets, strollers, coats, capes, wraps, muffs, scarfs, and stolls;

(2) The separate classifications of women's fur garments shall be as follows:

(i) Jackets and capes up to 26 inches in length;

(ii) Strollers, capes and wraps from 32 inches in length up to, but not including, 36 inches in length;

(iii) Coats, capes and wraps 36 inches in length or longer;

(iv) Muffs;

(v) Scarfs;

(vi) Stolls;

(3) "Category of women's fur garment" means each different type within each classification of women's fur garment, as defined in (2) above, for which price differentials have customarily been established. Such separate categories shall include, but not by way of limitation, the following:

(i) "Kind of skin," which means the animal from which the pelt was taken; e. g., rabbit, muskrat, mink, beaver, red fox, silver fox, etc.;

(ii) Geographical differences in origin of fur; e. g., southern muskrats, Michigan muskrats, etc.;

(iii) Size ranges, as enumerated in Appendix A, § 1389.167;

(iv) Dyes or blends; e. g., in rabbits, sealine, beaverette, lapin, striped coneys, etc. In muskrats, Hudson seal dyed, mink blend, sable blend, etc.;

(v) Parts of skin used; e. g., bellies, backs, paws, tails, pieces, etc.;

(vi) Methods of manufacturing; e. g., "let out," skin to skin, plates, etc.

(4) "Retailer" means a person who sells at retail except a manufacturer who sells at retail;

(5) A "sale at retail" or "selling at retail" means a sale or selling to an ultimate consumer;

(6) "Wholesaler" means a person who sells at wholesale;

(7) A "sale at wholesale" means a sale by a person who receives delivery of a women's fur garment and resells it, without substantially changing its form, to

any person other than the ultimate consumer;

(8) "Cost to the seller" means the price paid by the seller for the woman's fur garment, but which shall in no event be higher than the maximum price permitted to be charged by this Maximum Price Regulation No. 178 or any other price regulation which may hereafter be issued;

(9) "Percentage markup" shall be determined by the following procedure:

(i) From the total of all the selling prices at which each separate purchase of each classification of garment of each kind of skin was first offered for sale during the applicable base period, there shall be subtracted:

(ii) The total of the cost to the seller of those garments, and

(iii) The remainder thus obtained shall be divided by the total of the selling prices as determined in (i) of this paragraph;

(10) "Manufacturer" shall include any person who fabricates a woman's fur garment from skins owned by him;

(11) "Applicable base period" shall mean, as to manufacturers and wholesalers, June, July and August, 1941, inclusive, and as to retailers, July to December, 1941, inclusive;

(12) "Direct cost of garment to manufacture" shall mean the sum of (i) the actual cost of the skins and the trimmings, but which shall in no event exceed the maximum price permitted to be charged by the seller under the General Maximum Price Regulation^a or any other applicable price regulation, and (ii) direct labor cost, which shall be computed on the basis of wage rates paid in the month of March 1942, or if wages were not paid, then the prevailing wage rates in the industry at that time, plus any increase subsequent thereto pursuant to a collective bargaining contract or other wage agreement, which contract was entered into on or before April 27, 1942, and provides for an unconditional increase in wage rates of a fixed amount or percentage;

(13) "Same percentage margin over cost" is determined by subtracting the total direct cost of all the garments of the same classification and type of skin from the total of their selling prices and dividing the resultant figure by the total of the direct cost;

(14) "Special sizes" shall include all sizes over 44 and all garments specially manufactured on individual orders at measurements which differ from the normal sizes and require additional materials.

(b) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation^a and the definitions set forth in Section 302 of the Emergency Price Control Act of 1942 shall apply to the terms used herein.

§ 1389.166 *Effective date.* This Maximum Price Regulation No. 178 (§§ 1389.151

^a *Supra*, note 1.

^a *Supra*, note 1.

¹ *Supra*, note 2.

to 1389.167, inclusive) shall become effective July 10, 1942.

§ 1389.167 *Appendix A*. The size ranges for women's fur garments are as follows:

- (a) Jackets and Capes:
- (1) Juniors' sizes 9 to 17, inclusive.
 - (2) Misses' sizes 10 to 20 and size 38, inclusive.
 - (3) Women's sizes 40 to 44, inclusive.
 - (4) Women's sizes—specials.
- (b) Strollers, capes, and wraps:
- (1) Juniors' sizes 9 to 17, inclusive.
 - (2) Misses' sizes 10 to 20 and size 38, inclusive.
 - (3) Women's sizes 40 to 44, inclusive.
 - (4) Women's sizes—specials.
- (c) Coats, Capes, and Wraps:
- (1) Juniors' sizes 9 to 17, inclusive.
 - (2) Misses' sizes 10 to 20 and size 38, inclusive.
 - (3) Women's sizes 40 to 44, inclusive.
 - (4) Women's sizes—specials.

Issued this 9th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-6537; Filed, July 9, 1942;
11:56 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 6—ANCHORAGE REGULATIONS

REGULATIONS FOR CONTROL OF VESSELS IN TERRITORIAL WATERS OF THE UNITED STATES LOWER DETROIT RIVER, MICHIGAN

Pursuant to the authority contained in section 1, Title II of the Espionage Act, approved June 15, 1917, 40 Stat. 220 (U.S.C. title 50, sec. 191), as amended by the Act of November 15, 1941 (Public Law 292, 77th Congress), and by virtue of the Proclamation and Executive Order issued June 27, 1940 (5 F.R. 2419) and November 1, 1941 (6 F.R. 5581), respectively, the regulations relating to the control of vessels in the territorial waters of the United States (5 F.R. 2442), as amended, are hereby further amended as follows:

Section 6.1, which reaffirmed and continued in force all existing rules and regulations of any department, agency or instrumentality of the United States governing anchorage and movements of vessels in the territorial waters of the United States, is amended by changing Rule 2 of the regulations governing the navigation of the Lower Detroit River, Michigan, promulgated by the Secretary of War (Code of Federal Regulations, Title 33, § 207.540) to read as follows:

Rule 2. Downbound freight vessels of 100 gross tons or over or tugs regularly engaged in commercial towing shall pass through the Livingston Channel as far as the Detroit River Light. Deep laden vessels shall enter Lake Erie through the 1,200 foot channel passing east of the

lighthouse, while light draft vessels and moderately laden vessels may enter Lake Erie through the old downbound channel west of the light.

All downbound craft of less than 100 gross tons, except tugs regularly engaged in commercial towing, and all passenger or excursion vessels regardless of size, shall pass through the Amherstburg Channel.

All upbound vessels shall enter the Detroit River via the Channel east of the Detroit River Lighthouse and pass through the Amherstburg Channel.

JAMES FORRESTAL,
Acting Secretary of the Navy.

Approved: July 3, 1942.

FRANKLIN D ROOSEVELT,
The White House.

[F. R. Doc. 42-6520; Filed, July 9, 1942;
10:09 a. m.]

PART 7—ANCHORAGE AND MOVEMENTS OF VESSELS AND THE LADING AND DISCHARGING OF EXPLOSIVE OR INFLAMMABLE MATERIAL, OR OTHER DANGEROUS CARGO

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in section 1, Title II of the Act of June 15, 1917, 40 Stat. 220 (50 U.S.C. 191), as amended by the Act of November 15, 1941 (Public Law 292, 77th Congress), and by virtue of the Proclamation and Executive order issued June 27, 1940 (5 F.R. 2419) and November 1, 1941 (6 F.R. 5581), respectively, the Rules and Regulations Governing the Anchorage and Movements of Vessels and the Lading and Discharging of Explosive or Inflammable Material, or Other Dangerous Cargo, approved October 29, 1940 (5 F.R. 4401), as amended, are hereby further amended as follows:

Section 7.5 (b) is amended by adding the following subparagraph:

§ 7.5 *General rules and regulations.*

- (b)
- (15) Whenever the Captain of the Port finds that the movement of any vessel through or into any part of local waters, as defined in § 9.1 of this chapter (6 F.R. 5342), as amended, would endanger such vessel or any other vessel, or would be inimical to the maritime interests of the United States, or the national war effort, by reason of dangerous navigation conditions within those waters, or by reason of conditions on such a vessel, including but not limited to, fire hazards, unseaworthy condition of the hull, or unsafe machinery, the Captain of the Port may prevent such a vessel from proceeding through or into such waters until the unsatisfactory condition or conditions so found are corrected, and he may, in the case of a like finding, after any vessel has entered such waters, compel the anchoring, mooring, or removal of such vessel from such waters.

Section 7.10 (d), which reaffirmed and continued in force the rules and regulations governing the movement and anchorage of vessels and rafts in the St.

Mary's River from Point Iroquois on Lake Superior to Point Detour on Lake Huron, except the waters of the St. Mary's Falls Canal (Code of Federal Regulations, Title 33, Parts 207 and 323), is amended by changing Rule 19 to read as follows:

§ 7.10 *Anchorage regulations for certain ports of the United States.*

(d)

Rule 19. When both the Middle Neebish Channel and the West Neebish Channel are available to traffic, vessels of 100 gross tons or over shall pass upbound through the Middle Neebish Channel and downbound through the West Neebish Channel. Vessels over the prescribed tonnage making regular local stops in either of those channels may run counter to the general traffic direction only on written permit issued by the Captain of the Port, for such terms and under such conditions of renewal or revocation as he may prescribe. A vessel thus running counter to general traffic shall keep off the channel range when an approaching vessel is on or entering that range.

West Neebish Channel shall be closed to all small craft of less than 100 gross tons, except that owned or operated by the United States of America or the Dominion of Canada and/or tugs regularly engaged in commercial towing. All such traffic, either upbound or downbound, shall use the Middle Neebish Channel under the provisions of the Rules and Regulations Relating to Anchorage and Navigation in the St. Mary's River, as hereby amended.

The following new section is inserted:

§ 7.10 (e) *Special regulations for navigating the channels in Lake St. Clair, Michigan.* Small craft of less than 100 gross tons, except tugs regularly engaged in commercial towing, shall not approach closer than 1000 feet to a cargo vessel of over 100 gross tons in the channels in Lake St. Clair between the southerly end of the dike at the St. Clair Flats Canal and Peach Island Light at the head of the Detroit River.

JAMES FORRESTAL,
Acting Secretary of the Navy.

Approved: July 3, 1942.

FRANKLIN D ROOSEVELT,
The White House.

[F. R. Doc. 42-6519; Filed, July 9, 1942;
10:09 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Ex Parte No. MC-35]

Subchapter B—Carriers by Motor Vehicle

PART 210—EXEMPTIONS

EXEMPTION OF CASUAL, OCCASIONAL OR RECIPROCAL TRANSPORTATION OF PASSENGERS BY MOTOR VEHICLE

AMENDING EFFECTIVE DATE OF ORDER

Upon consideration of the record in the above-entitled matter; and good cause appearing:

It is ordered, That the order entered in said matter on March 21, 1942, [§ 210.1¹ of the Code of Federal Regulations] as subsequently modified to become effective July 15, 1942, be, and it is hereby, further modified so as to become effective on September 1, 1942.

Dated at Washington, D. C., this 2nd day of July, A. D. 1942.

By the Commission, Commissioner Lee.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-6532; Filed, July 9, 1942;
11:32 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

General Land Office.

[Public Land Order 6]

NEVADA

WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT AS AIR BASE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942, and the act of June 28, 1934, as amended, c. 865, 48 Stat. 1269 (U.S.C., title 43, secs. 315-315p), it is ordered as follows:

The public lands in the following-described areas are hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department as an air base:

MOUNT DIABLO MERIDIAN

T. 21 N., R. 18 E., secs. 24, 25, 36;
T. 20 N., R. 19 E., secs. 4, 5, 6;
T. 21 N., R. 19 E., secs. 7 to 11, 14 to 23, 26 to 35, inclusive.

The areas described, including both public and non-public lands, aggregate 19,816.23 acres.

The order of the Secretary of the Interior of October 18, 1935, establishing Nevada Grazing District No. 2, is hereby modified to the extent necessary to permit the use of the lands as herein provided.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

HAROLD L. ICKES,
Secretary of the Interior.

JUNE 26, 1942.

[F. R. Doc. 42-6506; Filed, July 8, 1942;
10:32 a. m.]

¹ 7 F.R. 3531.

[Public Land Order 7]

NEW MEXICO

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS AN AIR BASE

By virtue of the authority vested in the President, and pursuant to Executive Order No. 9146 of April 24, 1942, and section 1 of the act of June 28, 1934, as amended, c. 865, 48 Stat. 1269 (U.S.C., title 43, sec. 315), it is ordered as follows:

The following-described public lands are hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department as an air base:

NEW MEXICO PRINCIPAL MERIDIAN

T. 17 S., R. 8 E., secs. 1, 3, 10, 11, 12, 14, and 15,
containing 4,482.80 acres.

The order of the Secretary of the Interior of April 8, 1935, establishing New Mexico Grazing District No. 4, is hereby modified to the extent necessary to permit the use of the lands as herein provided.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

HAROLD L. ICKES,
Secretary of the Interior.

JUNE 29, 1942.

[F. R. Doc. 42-6507; Filed, July 8, 1942;
10:32 a. m.]

[Public Land Order 8]

ARIZONA

WITHDRAWING PUBLIC LANDS FOR NATIONAL DEFENSE PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved under the jurisdiction of the Secretary of the Interior for use in connection with national defense purposes.

GILA AND SALT RIVER MERIDIAN

T 12 S., R. 8 E., sections 9 to 16, inclusive.

This order shall take precedence over, but shall not rescind or revoke, Executive Order No. 6910 of November 26, 1934, as amended, withdrawing public lands in Arizona and other states for classification

and other purposes, so far as it affects any of the lands described herein.

HAROLD R. ICKES,
Secretary of the Interior.

JUNE 30, 1942.

[F. R. Doc. 42-6508; Filed, July 8, 1942;
10:32 a. m.]

Bituminous Coal Division.

[Docket No. B-209]

HARRY NICKLOW

CEASE AND DESIST ORDER, ETC.

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

This proceeding was instituted upon a complaint duly filed with the Bituminous Coal Division on February 10, 1942, by District Board No. 1. The complaint alleged that code member had wilfully violated the Bituminous Coal Code or the rules and regulations thereunder, and prayed that the Division either cancel and revoke the code membership, or, in its discretion, direct the code member to cease and desist from violation of the Code and rules and regulations thereunder.

A hearing was held on March 25, 1942, before Joseph A. Huston, a duly designated Examiner of the Division at the hearing room thereof at Altoona, Pennsylvania. All interested persons were afforded an opportunity to be present, adduce evidence, cross examine witnesses and otherwise be heard. District Board 1 appeared. Code member appeared without counsel.

The Examiner made and entered his Report, Proposed Findings of Fact, Proposed Conclusion of Law and Recommendation in this matter, dated May 28, 1942, in which he found that code member wilfully violated the provisions of section 4 II (e) of the Act by selling during the period of October 1, 1940, to April 1, 1941, 146 tons of mine run coal produced at the Nicklow Mine, Mine Index No. 1844, located in Somerset County, Pennsylvania, at a price of \$1.75 per ton, whereas the effective minimum price for that particular coal was \$2.10 per ton f. o. b. the mine. He recommended that an order be entered cancelling and revoking the code membership of said Harry Nicklow, and providing that prior to the reinstatement to membership in the Code, said Harry Nicklow shall pay to the United States a tax in the sum of \$119.58 in accordance with the provisions of section 5 (c) of the Act.

An opportunity was afforded to all parties to file exceptions and supporting

briefs to the said Examiner's Report and no such exceptions or supporting briefs have been filed.

The undersigned has considered the record in this matter and has determined that the proposed findings of fact and proposed conclusion of law of the Examiner should be approved and adopted as his findings of fact and conclusion of law. The undersigned feels, however, that the effectuation of the purposes of the Act will be accomplished in this matter by the entry of a cease and desist order, and hence does not adopt the recommendation of the Examiner that an order be entered revoking and cancelling the code membership of Harry Nicklow.

Now, therefore, it is ordered, That the proposed findings of fact and proposed conclusion of law of the Examiner be, and the same hereby are approved and adopted as the findings of fact and conclusion of law of the undersigned.

It is further ordered, That the code member, Harry Nicklow, his representatives, agents, servants, employees, attorneys, heirs, administrators, successors or assigns, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal below the effective minimum price therefor, or from otherwise violating the Bituminous Coal Act, the Code, the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments, the Marketing Rules and Regulations, and all appropriate orders of the Division.

It is further ordered, That the Division may, upon failure of code member herein to comply with this order, forthwith apply to the Circuit Court of Appeals of the United States within any circuit wherein the code member resides or carries on business for the enforcement hereof or take any other appropriate action.

Dated: July 8, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-6526; Filed, July 9, 1942;
11:22 a. m.]

[Docket No. 1791-FD]

A. C. (CLYDE) ROUNSAVILL
CEASE AND DESIST ORDER, ETC.

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

This proceeding was instituted upon a complaint filed on July 25, 1941 by the Bituminous Coal Producers Board for District No. 13 with the Bituminous Coal Division, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937. The complaint alleges that A. C. (Clyde) Rounsavill, a code member in District No. 13, wilfully violated the Bituminous Coal Code and the rules and regulations thereunder, and prays that the Division either cancel and revoke the code membership of A. C. (Clyde) Rounsavill, or, in its discretion, direct him to cease and desist from violations

of the Code and rules and regulations thereunder. After due notice to interested persons, a hearing in this matter was held on February 18, 1942, before Scott A. Dahlquist, a duly designated Examiner of the Division, at a hearing room thereof in Chattanooga, Tennessee.¹ All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Appearances were entered by complainant and by code member.

Examiner Dahlquist submitted, on June 4, 1942, his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation. The Examiner found that acceptance of the Bituminous Coal Code by A. C. (Clyde) Rounsavill, Jasper, Tennessee, was received by the Bituminous Coal Division on July 8, 1940. At that time code member was operating the Rounsavill Mine, Mine Index No. 895. This mine, which was assigned minimum prices for truck coal in Docket No. A-205 (November 25, 1940), was located on one side of Big Ridge, Marion County, Tennessee, on a strip of ground rented by code member.

The Examiner stated that this strip of ground was about 300 feet in width and extended a half mile through the hill to the other side of Big Ridge. Around March 1941 code member ran into a squeeze; and at the end of that month, or during the early part of April 1941, according to Examiner Dahlquist, code member began prospecting on the other side of the hill in order indirectly to get around, rather than drive directly through the squeeze pinching the original entry. The Examiner found that code member drove the second entry on the same 300 foot strip of ground and that, without pulling up the tracks at the first opening but no longer mining there, code member worked the new opening from about May 14, 1941, through August 1, 1941. The utmost depth to which code member drove the new mine was 35 feet; the coal so produced was soft and stained, described by Rounsavill as "outcrop coal."

The Examiner found that during the month of May 1941, as charged by complainant, Rounsavill sold about 174.06 tons of mine run coal produced at the second opening to H. A. Griffith, a registered distributor, Registration No. 3730. It was further found by the Examiner that code member did not report to the Division the termination or suspension of operations on the other side of Big Ridge, nor the commencement of operations at the new opening.

Code member asserted that the driving of the second entry did not constitute the opening of a new mine but was simply a continuation or part of his operation of Mine Index No. 895. In reply to this contention, Examiner Dahlquist referred to the fact that there was no

evidence in the record to show that the coal which code member had been obtaining from the second opening was of the same quality and texture as that obtained from the original mine. The Examiner furthermore was of the opinion that the "distinct independence of the two mines" was confirmed by the establishment by the Division in October 1941 of separate price classifications and minimum prices for the second opening, which was designated Mine Index No. 1264.

Examiner Dahlquist pointed out that code member's position was not strengthened by his claim that the second opening was still part of the original mine. Run of mine coal produced at Mine Index No. 895 bore a minimum price of \$2.35 per ton f. o. b. the mine, as provided in the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipments. To this, as required by Price Instruction No. 7, was to be added to the actual cost of transportation in the event that the producer provided transportation of the coal to the consumer. The Examiner found that Rounsavill had sold the May output of the second mine to H. A. Griffith at a price of \$2.10 per ton as delivered by code member to a purchaser from Griffith and that code member allowed Griffith a distributor's discount of 10 cents per ton. Code member thus had been selling coal far below the minimum price established for Mine Index No. 895 even if such price was applicable to coal produced at Mine Index No. 1264. The Examiner said "I am not persuaded that code member establishes his innocence of the charge of selling unpriced coal by asserting instead that he is guilty of selling coal below the established minimum."

The Examiner concluded that code member had violated the Order in General Docket No. 19 and Order No. 288 by selling, during May 1941, 174.06 tons of mine run coal produced at a mine for which price classifications and minimum prices had not yet been established, and by failing to report to the Division the change in operations at his Rounsavill Mine No. 1 that occurred in May 1941. The Examiner recommended that an order be entered requiring code member to cease and desist from further violations of the Code and rules and regulations thereunder.

An opportunity was offered to all parties to file exceptions to the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation of the Examiner, and supporting briefs. No exceptions or supporting briefs have been filed.

The undersigned has determined that the proposed findings of fact and proposed conclusions of law of the Examiner in this matter should be approved and adopted as the findings of fact and conclusions of law of the undersigned.

Now, therefore, it is ordered, That the said proposed findings of fact and proposed conclusions of law of the Examiner be, and they hereby are, approved and adopted as the findings of fact and conclusions of law of the undersigned.

¹ A petition to intervene, dated September 11, 1941, filed by the Truck Coal Mines Association of Chattanooga, Tennessee, was denied by the Division on October 6, 1941, since petitioner was not a proper party intervenor.

It is further ordered, That A. C. (Clyde) Rounsavill, code member, his representatives, agents, servants, employees, attorneys, successors or assigns, and all other persons acting or claiming to act in his behalf, cease and desist and they are hereby enjoined and restrained from violations of the Bituminous Coal Act of 1937, the Bituminous Coal Code and rules and regulations made thereunder and, in particular, the Order in General Docket No. 19 and Order No. 288.

It is further ordered, That upon failure or neglect of code member to comply with this Order, the Division may forthwith apply to the Circuit Court of Appeals of the United States where said code member resides or carries on business for the enforcement thereof, or may take any other appropriate action.

Dated: July 8, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-6527; Filed, July 9, 1942;
11:22 a. m.]

[Docket No. B-210]

MILLER, HENRY AND HENRY
CEASE AND DESIST ORDER, ETC.

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

This proceeding was instituted upon a complaint filed with the Bituminous Coal Division on February 10, 1942, by District Board No. 1. The complaint alleged that code member had wilfully violated the Bituminous Coal Code or the rules and regulations thereunder, and prayed that the Division either cancel and revoke the code membership, or, in its discretion, direct the code member to cease and desist from violation of the Code and rules and regulations thereunder.

A hearing was held in this matter on March 26, 1942 before Joseph A. Huston, a duly designated Examiner of the Division at the hearing room thereof at Altoona, Pennsylvania. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. District Board 1 appeared and code member appeared without counsel.

The Examiner made and entered his Report, Proposed Findings of Fact, Proposed Conclusion of Law and Recommendation in this matter, dated May 29, 1942, and found that code member violated Section 4 II (e) of the Act by selling during the period of November 28, 1940 to July 31, 1941, 648 tons of run of mine coal produced at the code member's mine, Mine Index No. 2618, located in Somerset County, Pennsylvania, in District No. 1, at a price of \$1.75 per ton, whereas the effective minimum price for said coal was \$2.25 per ton f. o. b. the mine. The Examiner recommended that an order be entered cancelling and revoking the code membership of Earl Miller, Clyde Henry and Harry Henry individually and as co-partners doing business under the name and style of Miller, Henry and Henry, and providing that prior to any reinstatement to mem-

bership in the Code of this code member there shall be paid to the United States a tax in the sum of \$568.62 in accordance with the provision of section 5 (c) of the Act.

An opportunity was afforded to all parties to file exceptions and supporting briefs to the said Examiner's Report and no such exceptions or supporting briefs have been filed.

The undersigned has considered the records in this matter and has determined that the proposed findings of fact and proposed conclusion of law of the Examiner should be approved and adopted as his findings of fact and conclusion of law. The undersigned feels, however, that the purposes of the Act will be served by the entry in this matter of a cease and desist order, and hence does not adopt the recommendation of the Examiner that an order be entered revoking and cancelling the code membership of the code members here involved.

Now, therefore, it is ordered, That the proposed findings of fact and proposed conclusion of law of the Examiner be, and the same hereby are approved and adopted as the findings of fact and conclusion of law of the undersigned; and

It is further ordered, That Earl Miller, Clyde Henry and Harry Henry individually and as co-partners doing business under the name and style of Miller, Henry and Henry, code member, its representatives, agents, servants, employees, attorneys, heirs, administrators, successors or assigns, cease and desist and hereby are permanently enjoined and restrained from selling or offering to sell coal below the effective minimum price therefor, or from otherwise violating the Bituminous Coal Act, the Code, the Schedule of Effective Minimum Prices for District No. 1 For Truck Shipments, the Marketing Rules and Regulations, and all appropriate orders of the Division.

It is further ordered, That the Division may, upon failure of the code members herein to comply with this order, forthwith apply to the Circuit Court of Appeals of the United States within any circuit where they reside or carry on business for the enforcement hereof or take any other appropriate action.

Dated: July 8, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-6528; Filed, July 9, 1942;
11:22 a. m.]

[Docket No. A-341]

WHEELING VALLEY COAL CORPORATION,
ET AL.

MEMORANDUM OPINION AND ORDER REOPENING CAUSE

In the matter of the petition of Wheeling Valley Corporation, Cove Hill Coal Company, and the Buffalo Coal and Coke Company, code members in District No. 6, for a reduction in the effective minimum prices for ex-river shipments into market areas 11, 12 and 13, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by Wheeling Valley Coal Corporation, the Cove Hill Coal Company, and Buffalo Coal and Coke Company, code member producers in District 6, requesting reductions in the effective minimum prices for coals shipped ex-river into Market Areas 11, 12, and 13. District Boards 1, 2, 4 and 6 filed petitions of intervention. The Bituminous Coal Consumers' Counsel filed a notice of appearance.

Pursuant to Orders of the Director and after due notice to all interested persons, a hearing in this matter was held before Charles O. Fowler, a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. The preparation and filing of a report by the Examiner was waived.

On September 29, 1941, the Director issued his Findings of Facts, Conclusions of Law and Opinion and an Order denying the prayers for relief contained in the petition.

On November 27, 1941, petitioners filed a petition with the Circuit Court of Appeals for the Fourth Circuit asking that the Director's Order of September 29, 1941 be reviewed and that upon review it be reversed.

Prior to the cause being argued upon the petition for review, petitioners filed a motion for leave to apply to the Division to reopen the cause and for other relief and stating that if the cause were reopened before the Division, the petitioners would take steps to dismiss their appeal. A memorandum in opposition to the unrestricted approval of this motion was filed by District Boards 2, 3, and 4. The restricted approval contended for by these district boards was opposed by the Division at the argument before the court on June 15, 1942. On June 16, 1942, the court issued an order granting the motion of petitioners without restriction and authorizing petitioners to apply to the Division to reopen the cause.

On June 24, 1942, petitioners filed a motion requesting that the cause be reopened and permission be granted petitioners to amend their petition of November 8, 1940 so as to include therein an additional and alternative request for relief.

Upon consideration of the motion, I find and conclude that the motion to reopen the cause and amend the petition of November 8, 1940, should be granted.

Now, therefore, it is ordered, That the motion to reopen the cause in Docket No. A-341 be, and it is hereby, granted and leave is granted petitioner to file an amended petition.

Dated: July 8, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-6529; Filed, July 9, 1942;
11:22 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

PREVAILING MINIMUM WAGES IN THE
KNITTING, KNITWEAR, AND WOVEN UN-
DERWEAR INDUSTRY

NOTICE OF OPPORTUNITY TO SHOW CAUSE

Whereas, the Secretary of Labor on February 3, 1942, pursuant to the provisions of section 1 (b) of the Act of June 30, 1936, (49 Stat. 2036; 41 U.S.C. Supp. III, sec. 35), otherwise known as the Walsh-Healey Public Contracts Act, determined the prevailing minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to said Act in the Knitted and Men's Woven Underwear and Commercial Knitting Industry to be 40 cents per hour or \$16.00 per week of 40 hours arrived at either upon a time or piece rate basis; and

Whereas, it appears desirable to extend the aforementioned determination to certain related products such as knitted outerwear, and to change the title of the determination to conform to the new definition; and

Whereas, it appears that substantially every article included in the Knitting, Knitwear, and Woven Underwear Industry, as defined herein, is covered by a wage order of the Administrator of the Wage and Hour Division for one of the following industries or divisions of industries:

1. Sportswear and Other Odd Outerwear Division of the Apparel Industry,
2. Cloaks, Suits, and Separate Skirts Division of the Apparel Industry,
3. Caps and Cloth Hats Division of the Apparel Industry,
4. Belts Division of the Apparel Industry,
5. Knitted Outerwear Industry,
6. Women's Apparel Industry,
7. Single Pants, Shirts, and Allied Garments Industry,
8. Woolen Industry,
9. Knitted and Men's Woven Underwear and Commercial Knitting Industry,
10. Miscellaneous Apparel Industry; and

Whereas, all of the aforementioned wage orders established 40 cents per hour as the minimum wage required to be paid to those employees in said industries who are subject to the Fair Labor Standards Act of 1938; and

Whereas, it appears that substantially all employees subject to the proposed wage determination for the Knitting, Knitwear, and Woven Underwear Industry are engaged in commerce or in the production of goods for commerce, as that term is defined in the Fair Labor Standards Act of 1938, and that, consequently, said wage orders have the effect of establishing a prevailing minimum wage of not less than 40 cents per hour in the Knitting, Knitwear, and Woven Underwear Industry as defined herein;

Now, therefore, notice is hereby given to all interested parties of the opportunity to show cause, on or before July 29, 1942, why the Secretary of Labor should

not make a determination pursuant to the provisions of section 1 (b) of the Act of June 30, 1936, Pub. no. 846, 74th Congress (49 Stat. 2036; 41 U.S.C. Supp. III, sec. 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," otherwise known as the Walsh-Healey Public Contracts Act, that the prevailing minimum wage for persons employed in the Knitting, Knitwear, and Woven Underwear Industry is 40 cents per hour or \$16.00 per week of 40 hours, provided that learners and handicapped workers may be employed in accordance with the applicable regulations under the Fair Labor Standards Act, this determination to be effective and the minimum wage thereby established to apply to all contracts awarded by agencies of the United States on and after the date specified therein, subject to the provisions of the aforementioned Act of June 30, 1936, contemplating any of the following:

(a) The manufacturing, dyeing, or other finishing of any knitted fabric made from any yarn or mixture of yarns, and the manufacturing of knitted towels and cloths;

(b) The knitting from yarn or manufacturing from purchased knitted fabric of all knitted garments, sections of garments, or garment accessories, except gloves, mittens, hosiery, and men's and boys' suits, overcoats, topcoats, tailored uniforms and men's summer wash suits;

(c) The manufacturing of underwear from any woven fabric.

All objections, protests, or any statements in opposition to or in support of the proposed amendments should be addressed to the Administrator, Division of Public Contracts, Department of Labor, Washington, D. C., and should be filed with the Administrator not later than July 29, 1942. An original and four copies should be filed.

Dated: July 8, 1942.

WM. R. McCOMB,
Assistant Administrator.

[F. R. Doc. 42-6530; Filed, July 9, 1942;
11:25 a. m.]

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE

Notice of issuance of Special Certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective July 9, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT,
NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

New York Handkerchief Mfg. Co., 1021 West Adams St., Chicago, Illinois; Handkerchiefs; 5 percent (T); January 9, 1943.

Wyckoff Button Hole Works, 182 Wyckoff Ave., Brooklyn, New York; Button holes; 4 learners (T); July 9, 1943.

Single Pants, Shirts and Allied Garments
and Women's Apparel Industries

Crown Pants Co., 29 S. Washington St., Hammonton, New Jersey; Men's pants and slacks; 9 learners (T); July 9, 1943.

Jacob Miller's Sons Co., 16th & Reed Sts., Philadelphia, Pennsylvania; Men's dress shirts; 20 learners (T); January 9, 1943.

John W. Shaw Co., Inc., 329 North Main St., Decatur, Illinois; Ladies wash dresses, cotton suits; 10 percent (T); July 9, 1943.

Trouser Corporation of America, Meadow Ave. & Maple St., Scranton, Pennsylvania; Men's and boys' trousers; 85 learners (E); January 9, 1943.

David L. Wilder, Marshall at Market St., Norristown, Pennsylvania; Men's

pants; 5 learners (T); July 7, 1943. (This certificate effective July 7, 1942.)

Hosiery

Belle Meade Hosiery Mills, Inc., 51st & Centennial Boulevard, Nashville, Tennessee; Seamless hosiery; 5 learners (T); July 9, 1943.

Harriman Hosiery Mills, Harriman, Tennessee; Seamless hosiery; 10 percent (T); July 9, 1943.

Knitted Wear

Burkey Underwear Co., Second & Pine Sts., Hamburg, Pennsylvania; Knitted underwear; 10 learners (T); July 9, 1943.

Textile

Parkersburg Silk Mills, Inc., Parkersburg, West Virginia; Silk and rayon; 3 percent (T); July 9, 1943.

Signed at New York, N. Y., this 7th day of July 1942.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 42-6524; Filed, July 9, 1942; 10:40 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE

Notice of issuance of Special Certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to be employers listed below effective July 9, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Thoma Paper Box Co., Inc., 650 Clinton St., Buffalo, New York; Set-up paper boxes; 10 percent; 6 weeks (240 hours) for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; January 6, 1943. (This certificate effective July 6, 1942.)

Wahpeton Pottery Co., 315 6th St., Wahpeton, North Dakota; Pottery; 2 learners; 8 weeks for any one learner; 25 cents per hour; Finishers, glazers, claymen; November 9, 1942. (This certificate effective July 6, 1942.)

Signed at New York, N. Y., this 7th day of July 1942.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 42-6523; Filed, July 9, 1942; 10:40 a. m.]

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

REGULATION OF CONSUMER CREDIT

ADOPTION OF REVISED STATEMENT OF BORROWER FORM

Pursuant to Executive Order No. 8843 of August 9, 1941,¹ the Board of Governors of the Federal Reserve System issued its Consumer Credit Regulation, as amended, being Part 222, Chapter II, Title 12, Code of Federal Regulations.² In accordance with §§ 222.6 (d) and 222.7 (d) of such Part, as amended, the Board of Governors of the Federal Reserve System has prescribed a revised Statement of Borrower form (Form F.R. 564-a).³ However, any Registrant may, at his option, continue to use the original Statement of Borrower form (Form F.R. 564) until July 31, 1942, provided Question 2 thereof is deleted and the word "instalment" is deleted from Question 3.

Board of Governors of the Federal Reserve System.

[SEAL] S. R. CARPENTER,
Assistant Secretary.

[F. R. Doc. 42-6521; Filed, July 9, 1942; 10:09 a. m.]

CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS TUESDAY, JUNE 30, 1942

Important. The apportioned classified Civil Service includes central offices physically located in Washington, D. C., or elsewhere. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his ap-

¹ 6 F.R. 4035.
² 6 F.R. 4443, 4838, 5507; 7 F.R. 1826, 3351, 5080. Part 222 corresponds to Regulation W, Board of Governors of the Federal Reserve System.
³ Filed as part of the original document.
⁴ 6 F.R. 6620.

pointment continues to run against his state of original residence. Certifications of eligibles are first made from states which are in arrears.

State	Number of positions to which entitled	Number of positions occupied		Total
		Permanent	War service after Mar. 15, 1942	

IN ARREARS

1. Virgin Islands.....	19	0	0	0
2. Puerto Rico.....	1,428	57	1	58
3. Hawaii.....	324	25	0	25
4. Alaska.....	55	14	0	14
5. California.....	5,279	1,614	18	1,632
6. Michigan.....	4,017	1,633	3	1,636
7. Louisiana.....	1,807	738	1	739
8. Arizona.....	382	179	0	179
9. Texas.....	4,902	2,563	12	2,575
10. Kentucky.....	2,175	1,219	4	1,223
11. Georgia.....	2,387	1,373	5	1,378
12. Alabama.....	2,165	1,287	5	1,292
13. South Carolina.....	1,452	887	2	889
14. Ohio.....	5,279	3,246	23	3,269
15. Mississippi.....	1,669	1,083	3	1,086
16. Arkansas.....	1,490	1,009	1	1,010
17. Nevada.....	84	57	1	58
18. North Carolina.....	2,730	1,952	4	1,956
19. New Jersey.....	3,179	2,354	19	2,373
20. Indiana.....	2,620	1,969	6	1,975
21. Oregon.....	833	653	2	655
22. New Mexico.....	406	327	1	328
23. Tennessee.....	2,228	1,802	3	1,805
24. Illinois.....	6,035	4,881	15	4,896
25. Florida.....	1,450	1,211	6	1,217
26. Idaho.....	401	336	1	337
27. Washington.....	1,327	1,125	5	1,130
28. Connecticut.....	1,306	1,119	5	1,124
29. Wisconsin.....	2,398	2,056	11	2,067
30. Delaware.....	204	181	1	182
31. Vermont.....	275	264	3	267
32. Rhode Island.....	545	538	1	539

IN EXCESS

33. Missouri.....	2,892	2,918	6	2,924
34. Utah.....	421	427	0	427
35. Pennsylvania.....	7,566	7,726	19	7,745
36. New Hampshire.....	376	394	1	395
37. West Virginia.....	1,454	1,528	4	1,532
38. Massachusetts.....	3,299	3,494	23	3,517
39. Maine.....	647	709	2	711
40. Oklahoma.....	1,786	2,145	4	2,149
41. Montana.....	428	536	3	539
42. Colorado.....	858	1,089	6	1,095
43. Iowa.....	1,940	2,479	4	2,483
44. Minnesota.....	2,134	2,737	17	2,754
45. Wyoming.....	192	252	0	252
46. New York.....	10,301	13,983	116	14,099
47. Kansas.....	1,376	2,031	4	2,035
48. North Dakota.....	491	738	1	739
49. Virginia.....	2,046	3,374	5	3,379
50. South Dakota.....	491	911	4	915
51. Nebraska.....	1,006	1,981	2	1,983
52. Maryland.....	1,392	3,708	10	3,718
53. District of Columbia.....	507	11,137	11	11,148

Gains..... 3,309
Losses..... 1,366

Total appointments..... 102,454

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Sec. 3, Rule VII, and the Attorney General's Opinion of August 25, 1934, 22,298.

This report supersedes previous report dated: June 30, 1942.¹

By direction of the Commission.

[SEAL] L. A. MOYER,
Executive Director
and Chief Examiner.

[F. R. Doc. 42-6513; Filed, July 8, 1942; 4:42 p. m.]

¹ 7 F.R. 5095.

FEDERAL POWER COMMISSION.

[Docket No. DI-166]

GEORGIA POWER COMPANY

ORDER CHANGING PLACE AND DATE OF HEARING

JULY 7, 1942.

It appearing that: The Commission on June 23, 1942, at the request of Georgia Power Company, directed that the above entitled proceeding come on for hearing on August 3, 1942, at 9:45 a. m. in Room 238 in the Federal Building, Macon, Georgia;

The Commission, upon its own motion and for good cause shown orders that: The hearing in this proceeding be held beginning on September 14, 1942, at 9:45 a. m. (E. W. T.) in the Federal Building, Atlanta, Georgia.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.[F. R. Doc. 42-6522; Filed, July 9, 1942;
10:09 a. m.]

INTERSTATE COMMERCE COMMISSION.

DOUBLE AND TRIPLE LOADING OF CARLOAD SHIPMENTS IN SINGLE CARS

NOTICE OF CONFERENCE

JULY 8, 1942.

Various parties have brought to the attention of the Commission the fact that no general tariff or tariffs specifying the services and charges therefor to govern the handling of two or more carload shipments in one car have been filed. Among those who have corresponded with the Commission on the matter are the Shippers' Conference of Greater New York, the Rubber Manufacturers Association, Inc., the Commerce and Industry Association of New York, Inc., the Merchants Association of New York, and St. Joseph Lead Company. The subject has been a matter of correspondence with officials of the Association of American Railroads, but the Commission has not been definitely advised of the arrangements that have been made for double and triple loading of equipment, and uncertainty exists as to the extent that such arrangements are available, the method of handling such cars, and the charges therefor. It appears that in some instances the charges assessed are not in accordance with the applicable tariffs, because the latter were designed for the handling of single cars, and it is not possible in all cases to observe the provisions of such tariffs when two or more shipments are loaded in the same car, particularly if different shippers and different consignees are involved. It has been suggested that a national tariff should be filed covering the entire situation.

In order to develop the situation and determine what, if anything, the Commission should do in the premises, a conference will be held between Division 2 and its staff and carriers and any interested shippers, at the office of the Commission, Washington, on Friday, July 17,

1942, at 10 A. M. The Commission will appreciate the courtesy of being given advance notice of intention to attend the conference.

[SEAL]

W. P. BARTEL,
Secretary.[F. R. Doc. 42-6531; Filed, July 9, 1942;
11:32 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 70-326, 59-22]

NORTH AMERICAN GAS AND ELECTRIC CO.,
ET AL.NOTICE OF AND ORDER TO RECONVENE HEARING
AND TO CONSIDER AMENDMENT

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 7th day of July, A. D. 1942.

In the Matter of North American Gas and Electric Company, Washington Gas and Electric Company, and Southern Utah Power Company, Applicants;

North American Gas and Electric Company, Washington Gas and Electric Company, Nathan A. Smyth and Leo Loeb, Trustees of the Estate of Washington Gas and Electric Company, Southern Utah Power Company, Dominion Electric Power, Limited, Oregon Gas and Electric Company, Columbia Electric Development Company, Dominion Electric Power Company, Colonial Ice Company, Loeb & Eames, Inc., Pleasant Hill Gas Company, Respondents.

North American Gas and Electric Company, Washington Gas and Electric Company and Southern Utah Power Company having filed an application and amendments thereto, pursuant to sections 7, 10 and 11 (e) of the Public Utility Holding Company Act of 1935, concerning a plan for simplification of the capital structure of the said Washington Gas and Electric Company and the acquisition of certain utility properties by the said Washington Gas and Electric Company, which plan provided for the surrender by North American Gas and Electric Company of the common stock owned by it in said Washington Gas and Electric Company; and

The Commission having thereupon instituted a proceeding against the North American Gas and Electric Company holding company system pursuant to sections 11 (b) (1) and 11 (b) (2) of the Act; and the above matters having been more particularly described in a Notice of and Order for Hearing entered on June 6, 1941 herein, which among other things consolidated these matters for purposes of hearing; and hearings on such matters having been held on July 7, 1941 and subsequent dates, and said hearings having been continued on August 21, 1941, subject to the call of the trial examiner; and

It appearing that on September 29, 1941 said Washington Gas and Electric Company filed a Petition for Reorganization under the provisions of Chapter I of the Bankruptcy Act in the District

Court of the United States for the Southern District of New York pursuant to which Nathan A. Smyth and Leo Loeb were appointed Trustees of the Estate of the Debtor therein on October 10, 1941; and

North American Gas and Electric Company having filed on January 22, 1942 Amendment No. 15 to the aforesaid application wherein the said applicant proposes that the Commission:

1. Declare the common stock of Washington Gas and Electric Company to be worthless and without value whatsoever,

2. Order North American Gas and Electric Company to surrender said stock to the Trustees in Bankruptcy of Washington Gas and Electric Company without consideration therefor, and

3. Declare by order that North American Gas and Electric Company has ceased to be a holding company pursuant to the provisions of section 5 (d) of the Act.

The Commission having re-examined the corporate structure of North American Gas and Electric Company and its system, and having examined the exhibits A, B, C, D, E and F attached hereto, particularly in the light of the events above described which have occurred subsequent to the hearings held herein; and

It appearing to the Commission on the basis of said examination that there is evidence tending to show that:

1. North American Gas and Electric Company has lost through foreclosure or surrender its principal investments which were pledged as collateral for bank loans outstanding at the time of its reorganization in 1937 pursuant to section 77B of the Bankruptcy Act (2 S. E. C., 207).

2. The companies whose securities are presently listed as investments in subsidiaries or other companies by North American Gas and Electric Company are engaged in business as follows:

(a) Washington Gas and Electric Company, a registered holding company and public utility company is presently being reorganized under the provisions of Chapter X of the Bankruptcy Act in the District Court of the United States for the Southern District of New York;

(b) Southern Utah Power Company, a public utility company, is a direct subsidiary of Washington Gas and Electric Company, and indirectly a subsidiary of North American Gas and Electric through the ownership of the common stock of Washington Gas and Electric Company;

(c) Loeb & Eames, Inc., a wholly-owned subsidiary of North American Gas and Electric Company, is a firm engaged in furnishing consulting, engineering and management service;

(d) Colonial Ice Company is engaged in the ice, fuel and cold storage business, and its total capitalization consists of 15,000 shares of common stock outstanding of which North American Gas and Electric Company owns 28.33%;

(e) Long Bell Lumber Company is engaged in production and manufacture

of lumber and wood products and has approximately 197,683 shares of common stock outstanding, of which North American Gas and Electric Company owns .5%.

3. North American Gas and Electric Company is shortly about to lose its investment in Washington Gas and Electric Company by reason of pending proceeding under Chapter I of the Federal Bankruptcy Act against Washington Gas and Electric Company.

4. Its remaining assets are such that the continued existence of North American Gas and Electric Company as a holding company appears to be unwarranted.

5. The above described plan of reorganization filed pursuant to sections 7, 10, and 11 (e) of the Public Utility Holding Company Act of 1935 appears to have been rendered moot by the events happening subsequent to the hearings previously held herein, particularly with respect to Washington Gas and Electric Company.

6. The capital structure and the financial condition of North American Gas and Electric Company is such that it is unable to render financial assistance to its subsidiaries and cannot otherwise perform any of the functions for which it was originally organized.

7. The protection of investors in the North American Gas and Electric Company holding company system requires that said company be ordered to liquidate and dissolve in order to comply with section 11 (b) of the Act, and that its assets or the proceeds from the sale or other disposition thereof be distributed to the holders of securities of North American Gas and Electric Company who may be found to be entitled to participate in such distribution, pursuant to the applicable provisions of the Act.

8. The holders of the common stock of North American Gas and Electric Company have no equity in the assets of such company either on an asset or earnings basis and it appears inequitable for the holders of the common stock to control the management and affairs of the company.

It therefore appearing appropriate to the Commission that the hearings herein should be reconvened for the purpose of considering the above described amendment filed by North American Gas and Electric Company and the allegations as set forth above and to consider what other action may be appropriate to be ordered by the Commission under section 11 (b) of the Act in view of the changes which have occurred within the holding company system subsequent to the hearings previously held;

It is ordered, That the hearings be reconvened at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, at 10:00 A. M., E. W. T., on the 3d day of August 1942, at which time said North American Gas and Electric Company shall be given an opportunity to be heard as to the proposals set forth in Amendment No. 15;

It is further ordered, That at such hearing, without limiting the issues to be considered herein, particular attention will be given to the following matters:

1. Whether the application for a plan of reorganization pursuant to sections 7, 10 and 11 (e) of the Act should be dismissed on the ground that such plan is moot.

2. Whether, in the event that the Commission deems it appropriate to issue an order pursuant to section 5 (d) of the Act, such order should be subject to terms and conditions for protection of investors in the securities of North American Gas and Electric Company, and what terms and conditions would be appropriate under such circumstances.

3. Whether an order should be entered pursuant to section 11 (b) of the Act requiring the immediate liquidation and dissolution of said North American Gas and Electric Company.

4. Whether the book value of the assets of North American Gas and Electric Company as shown by the balance sheet of December 31, 1941 fairly reflect the liquidating values of such assets.

5. Whether the assets of North American Gas and Electric Company should be sold, exchanged or otherwise disposed of, and the proceeds therefrom distributed to the bondholders.

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

It is further ordered, That the Secretary of the Commission shall serve notice of reconvening the hearing aforesaid by mailing a copy of this order, by registered mail, to North American Gas and Electric Company, Nathan A. Smyth and Leo Loeb, Trustees of the Estate of Washington Gas and Electric Company, and all other respondents herein, not less than 15 days prior to the date hereinbefore fixed as the date of reconvening the hearing; and that notice of reconvening of said hearing is hereby given to all security holders of North American Gas and Electric Company by publication of this order in the FEDERAL REGISTER; and

It is further ordered, That North American Gas and Electric Company give notice hereof to each holder of record of income debentures and shares of common stock of North American Gas and Electric Company by mailing to each of said persons a copy of this notice at their last known place of address at least 10 days prior to the date of this hearing; and

It is further ordered, That any person proposing to intervene in these proceedings who has not heretofore done so shall file with the Secretary of the Commission on or before the 29th day of July, 1942, his application therefor as provided by Rule XVII of the Rules of Practice; and

It is further ordered, That jurisdiction be and is hereby reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, the proceedings herein under sections 11 (b) (1) and 11 (b) (2) and the application for approval of said plan filed under sections 7, 10 and 11 (e).

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

EXHIBIT A

NORTH AMERICAN GAS AND ELECTRIC COMPANY

[Balance Sheet—December 31, 1941. Company figures—subject to audit]

ASSETS

Investments—Stated on the basis of values approved by the Board of Directors upon reorganization effective April 30, 1937 or, if acquired subsequently, at dates of acquisition:

Subsidiary Companies—		
Washington Gas and Electric Company—		\$0
100,000 shares Common Stock (100% of		
outstanding shares)-----	\$112,500.00	
Less—Reserve-----	112,500.00	
Southern Utah Power Company—		
\$19,000.00—6% Debentures, due February 1, 1961-----	11,000.00	
750 shares Common Stock (100% of outstanding		
shares)-----	14,895.43	
6% Demand Note Receivable-----	7,000.00	
Open Account Receivable-----	15,200.00	
Other Companies—		
Colonial Ice Company—		
4,250 shares Common Stock-----	159,375.00	
Long Bell Lumber Company—		
Certificate of Beneficial Interest covering 1,000 shares		
Common Stock-----	(27,875.00)	\$235,345.43

Current Assets:

Cash in Bank-----		11,286.64
United States Savings Bonds (face amount \$7,000.00) at		
Current Redemption Value-----	5,400.00	
Special Deposits and Investment Held for Payment of De-		
benture Interest, per contra—United States Savings Bonds		
(face amount \$6,000.00) at-----	\$4,680.00	
Current Redemption Value-----	9,309.27	
Cash-----		13,989.27
Accrued Interest Receivable from Subsidiary Company-----	475.00	31,150.91
		266,496.34

LIABILITIES

6% Cumulative Income Debentures, Due January 1, 1949:		
Issued-----	\$427,531.51	
Issuable-----	25,208.69	\$452,740.20
Current Liabilities:		
Accounts Payable-----	34.94	
Interest Payable on Debentures (see current assets seg-		
regated for payment thereof, per contra)-----	\$9,054.80	
Interest due January 2, 1942 at 2%-----	4,934.47	13,989.27
Interest due on Issuable Debentures-----		358.01
General-----		2,109.98
Federal Income—Subject to review by U. S. Treasury De-		770.61
partment-----		
Miscellaneous-----		17,262.81
Cumulative Interest in Arrears on debentures-----		52,065.12

Capital Stock, Common:

Authorized 100,000 shares, par value \$0.80 per share:	
Issued 79,891 shares-----	\$63,912.80
Issuable 2,521 "-----	2,016.80
-----	\$65,929.60
-----	(321,501.39)
-----	266,496.34

Earned Surplus (Deficit) Since Date of Reorganization, April 30, 1937-----

* Under the terms of the Plan of Reorganization these securities are issuable upon surrender of securities outstanding prior to reorganization, represented principally by Gold Debentures of predecessor, 6% Series due January 1, 1944.

EXHIBIT B

NORTH AMERICAN GAS AND ELECTRIC COMPANY

[Statement of Income and Earned Surplus (Deficit) For Twelve Months Ended December 31, 1941. Company figures—subject to audit]

Gross earnings:

Interest on Southern Utah Power Co. Debentures-----	\$1,140.00
Increment in redemption value of United States Savings Bonds-----	260.00
Interest on Loeb & Eames, Inc., Notes-----	420.00
Interest on Loeb & Eames, Inc., Open Account-----	1,138.50
Dividends on Colonial Ice Co. Common Stock-----	19,125.00
Dividends on Loeb & Eames, Inc., Common Stock-----	6,300.00
Total-----	28,383.50

General Expenses:

Office Supplies and Expenses-----	\$75.95
Stationery and Printing-----	24.28
Telephone and Telegraph-----	18.06
Miscellaneous Expense-----	104.15
Corporate Expense-----	570.00
Directors' Fees-----	640.00
Audit Fees-----	375.00
Total-----	\$1,807.44

Taxes:

State Franchise Taxes-----	\$56.71
Federal Capital Stock Tax-----	737.30
Total-----	794.01

Total Expenses-----

Total Expenses-----	2,601.45
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Gross Income-----

Gross Income-----	25,782.05
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Income Deductions:

Interest on Income Debentures-----	27,591.73
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Net Income (loss)-----

Net Income (loss)-----	(1,809.68)
------------------------	------------

Earned Surplus (Deficit)—December 31, 1940-----

Earned Surplus (Deficit)—December 31, 1940-----	(238,637.97)
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Add (Deduct):

Loss on Sale of Investments-----	(156.24)
Provision for reserve against investment in Common Stock of Washington	
Gas and Electric Company-----	(112,500.00)
Discount on reacquired debentures-----	\$22,707.02
Prior years' interest accrued on above debentures-----	4,100.94
Reversal of prior years' Federal income tax accrual-----	4,794.54
Earned Surplus—December 31, 1941-----	(321,501.39)

[Balance Sheet—December 31, 1941]

ASSETS

Current Assets:

Cash in bank and working funds	\$41,815.28
United States Savings Bonds (face amount \$10,000) at current redemption value	7,900.00
United States Treasury Notes—Tax Series A-1943 & B-1943 (at cost plus accrued interest thereon to December 31, 1941)	4,813.44
Note Receivable	10,287.61
Accounts Receivable	10,426.28
Due from affiliated companies	196.67
	\$65,439.29

Investments (at Cost):

Affiliated company— Washington Gas and Electric Company, 55 shares 7% Cumulative Preferred Stock	\$283.51
Other	
International Utilities Corporation 14 shares \$3.50 Prior Preferred Stock, Series 1931	4,900.00
8 shares \$1.75 Preferred Stock, Series 1931	
100 shares Class B Stock	
Subscription warrant for purchase of Class B Stock	
General Public Utilities, Inc., 941 shares Common Stock	6,322.74
Furniture and Fixtures	\$8,755.12
Less: Reserve for depreciation	7,155.12
Balance (stated at nominal value)	1,600.00
Deferred Charges and Prepaid Accounts:	
Prepaid insurance	\$412.18
	498.07
	910.25
	79,455.79

LIABILITIES

Current Liabilities (Exclusive of Amounts payable to North American Gas and Electric Company, as below):

Accounts payable	\$674.01
Accrued taxes— General	862.21
Federal income and excess profits	11,891.48
Miscellaneous	501.53
	\$13,929.23
Due to North American Gas and Electric Company, Parent Company: 6% demand note payable	\$7,000.00
Open Account payable	15,200.00
	22,200.00
Capital Stock: Common Stock—par value \$10.00 per share—Authorized, issued and outstanding, 750 shares	7,500.00
Earned Surplus	35,826.56
	79,455.79

LOEB & EAMES, INC.

[Statement of Income and Earned Surplus—For the Year Ended December 31, 1941]

Income:	
Supervision services (contract basis)	\$75,208.90
Investigation and report services	33,226.82
Dividend income on— International Utilities Corporation \$3.50 Prior Preferred Stock	49.00
Special services (supervision of stock transfers, dividend payments, etc.)	2,559.21
Increment in redemption value of United States Savings Bonds and accrued interest on United States Treasury Tax Notes	207.20
	\$111,251.13
Expenses and Taxes:	
Salaries—Executive and clerical	51,931.86
General expenses	17,323.07
Less salaries and general expenses reimbursed	69,254.93
	510.22
Provision for depreciation*	68,744.71
Taxes— General	502.89
Federal income and excess profits	4,296.66
	12,075.47
	85,619.73
Gross income	25,631.40
Interest on Note and Account Payable to Parent Company	1,558.50
	24,072.90
Net income	24,072.90
Balance of Earned Surplus, December 31, 1940	21,986.55
	46,059.45
Deduct:	
Dividends on common stock	\$6,300.00
Organization expense written off	3,932.89
	10,232.89
Balance of Earned Surplus, December 31, 1940	35,826.56

* The Company, in its accounts and financial statements, follows the practice of making charges against income, for depreciation, equal to the cost of current replacements and additions to furniture and fixtures. The amount charged to income in 1941, as shown above, is greater than the amount to be deducted for depreciation in the Federal income tax return, which latter amount is computed on the basis of historical book cost of furniture and fixtures.

EXHIBIT E

COLONIAL ICE COMPANY

[Balance Sheet—December 31, 1941]

ASSETS

Plant, Property and Equipment, Including Work in Progress (See Note)	\$2,008,276.45
Current Assets:	
Cash	\$78,452.75
United States Treasury Notes Tax Series A-1943 and B-1943, and Accrued Interest thereon	17,032.96
Notes Receivable (Pledged to Secure Notes Payable)	\$12,406.31
Other Notes Receivable	5,075.00
Accounts Receivable	99,581.87
Total	117,063.18
Less: Reserve for Doubtful Accounts	12,111.60
Accrued Storage Charges Receivable	104,951.58
Accrued Interest Receivable	46,601.23
Inventories (Less Reserve of \$1,926.67)	161.46
	69,382.78
Other Assets:	311,582.76
Investment in Associated Ice Delivery Companies	14,141.00
Real Property (Undivided one-half interest)	15,545.56
Other Investments	425.87
Special Deposits	230.00
Deferred Charges:	30,342.43
Prepaid Accounts	18,222.21
Total Assets	2,363,423.85

NOTE: Plant, Property and Equipment are stated at purchase prices at the dates when the various properties were acquired, such purchase prices having been in part determined by the value placed by the Directors on no par value stocks issued in connection therewith, plus subsequent additions at cost, less earnings (or amounts equivalent thereto) of the property for the periods prior to dates of transfer of title per resolutions of the Board of Directors, less proceeds from sales of Plant, and less retirements and miscellaneous credits.

LIABILITIES

Current and Accrued Liabilities:	
Notes Payable, Banks (Unsecured)	\$9,000.00
Notes Payable, Banks (Secured by Notes Receivable)	12,406.31
Contract Payable	4,948.48
Accounts Payable	41,979.65
Dividend Payable on January 1, 1942	1,303.75
Ice Coupons Outstanding	2,666.77
Accrued for Federal Income Taxes	37,974.32
Other Accrued Taxes	13,594.99
Other Accrued Liabilities	10,582.77
Total Current and Accrued Liabilities	\$134,457.04
Contract Payable—Due After One Year	2,400.00
Unearned Cold Storage Revenue	20,499.85
Reserve for Retirements and Replacements	559,415.18

Capital Stock:

Cumulative Preferred; No Par Value, Liquidating Value \$100 Per Share; Authorized 20,000 Shares: \$74,500.00
 \$7 Series Outstanding 745 Shares
 Series "B"—Outstanding 6,676 Shares (28 shares deducted in treasury) 667,600.00

Common, No Par Value—Authorized and outstanding 15,000 shares \$1,042,100.00

Surplus:

Capital Surplus arising from retirement of Preferred Stock 149,783.47
 Earned Surplus 454,768.31

Total Liabilities 2,363,423.85

EXHIBIT F

COLONIAL ICE COMPANY

[Statement of Earnings and Earned Surplus—Year Ended December 31, 1941]

Revenues:	
Ice	\$852,278.74
Fuel	307,744.41
Cold Storage	115,948.07
Rentals of Ice Plants	19,671.23
Non-Operating, Net	11,912.57
Total	1,307,555.02

Operating Expenses:

Operations	869,124.18
Maintenance	68,305.97
Taxes (Other than Federal income taxes)	51,306.87
Total	988,736.52

Gross Income 318,818.50

Income Deductions:

Interest	992.84
Provision for Retirements and Replacements	60,000.00
Federal income and excess profits taxes	57,590.00
Total	118,582.84

Net Income 200,235.66

Earned Surplus at December 31, 1940 367,801.65

Total 568,037.31

Deductions From Earned Surplus:

Dividends on Preferred Stocks	45,769.00
Dividends on Common Stock	67,500.00
Total	113,269.00

Earned Surplus at December 31, 1941 454,768.31

[F. R. Doc. 42-6482; Filed, July 8, 1942; 10:41 a. m.]