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Washington, Friday, March 20, 1942

The President

EXECUTIVE ORDER 9102

ESTABLISHING THE WAR RELOCATION AUTHORITY IN THE EXECUTIVE OFFICE OF THE PRESIDENT AND DEFINING ITS FUNCTIONS AND DUTIES

By virtue of the authority vested in me by the Constitution and statutes of the United States, as President of the United States and Commander in Chief of the Army and Navy, and in order to provide for the removal from designated areas of persons whose removal is necessary in the interests of national security, it is ordered as follows:

1. There is established in the Office for Emergency Management of the Executive Office of the President the War Relocation Authority, at the head of which shall be a Director appointed by and responsible to the President.

2. The Director of the War Relocation Authority is authorized and directed to formulate and effectuate a program for the removal, from the areas designated from time to time by the Secretary of War or appropriate military commander under the authority of Executive Order No. 9066¹ of February 19, 1942, of the persons or classes of persons designated under such Executive Order, and for their relocation, maintenance, and supervision.

3. In effectuating such program the Director shall have authority to—

(a) Accomplish all necessary evacuation not undertaken by the Secretary of War or appropriate military commander, provide for the relocation of such persons in appropriate places, provide for their needs in such manner as may be appropriate, and supervise their activities.

(b) Provide, insofar as feasible and desirable, for the employment of such persons at useful work in industry, commerce, agriculture, or public projects, prescribe the terms and conditions of such public employment, and safeguard

¹ 7 F.R. 1407.

the public interest in the private employment of such persons.

(c) Secure the cooperation, assistance, or services of any governmental agency.

(d) Prescribe regulations necessary or desirable to promote effective execution of such program, and, as a means of coordinating evacuation and relocation activities, consult with the Secretary of War with respect to regulations issued and measures taken by him.

(e) Make such delegations of authority as he may deem necessary.

(f) Employ necessary personnel, and make such expenditures, including the making of loans and grants and the purchase of real property, as may be necessary, within the limits of such funds as may be made available to the Authority.

4. The Director shall consult with the United States Employment Service and other agencies on employment and other problems incident to activities under this order.

5. The Director shall cooperate with the Alien Property Custodian appointed pursuant to Executive Order No. 9095² of March 11, 1942, in formulating policies to govern the custody, management, and disposal by the Alien Property Custodian of property belonging to foreign nationals removed under this order or under Executive Order No. 9066 of February 19, 1942; and may assist all other persons removed under either of such Executive Orders in the management and disposal of their property.

6. Departments and agencies of the United States are directed to cooperate with and assist the Director in his activities hereunder. The Departments of War and Justice, under the direction of the Secretary of War and the Attorney General, respectively, shall insofar as consistent with the national interest provide such protective, police and investigational services as the Director shall find necessary in connection with activities under this order.

7. There is established within the War Relocation Authority the War Relocation Work Corps. The Director shall provide, by general regulations, for the

² 7 F.R. 1971.

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enlistment in such Corps, for the duration of the present war, of persons removed under this order or under Executive Order No. 9066 of February 19, 1942, and shall prescribe the terms and conditions of the work to be performed by such Corps, and the compensation to be paid.

8. There is established within the War Relocation Authority a Liaison Committee on War Relocation, which shall consist of the Secretary of War, the Secretary of the Treasury, the Attorney General, the Secretary of Agriculture, the Secretary of Labor, the Federal Security Administrator, the Director of Civilian Defense, and the Alien Property Custodian, or their deputies, and such other persons or agencies as the Director may designate. The Liaison Committee shall meet at the call of the Director and shall assist him in his duties.

9. The Director shall keep the President informed with regard to the progress made in carrying out this order, and perform such related duties as the President may from time to time assign to him.

10. In order to avoid duplication of evacuation activities under this order and Executive Order No. 9066 of February 19, 1942, the Director shall not undertake any evacuation activities within military areas designated under said Executive Order No. 9066, without the prior approval of the Secretary of War or the appropriate military commander.

11. This order does not limit the authority granted in Executive Order No. 8972⁶ of December 12, 1941; Executive Order No. 9066 of February 19, 1942; Executive Order No. 9095 of March 11, 1942; Executive Proclamation No. 2525⁷ of December 7, 1941; Executive Proclamation No. 2526⁸ of December 8, 1941; Executive Proclamation No. 2527⁹ of December 8, 1941; Executive Proclamation No. 2533¹ of December 29, 1941; or Executive Proclamation No. 2537² of January 14, 1942; nor does it limit the functions of the Federal Bureau of Investigation.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 18, 1942.

[F. R. Doc. 42-2372; Filed, March 19, 1942; 9:52 a. m.]

⁶ F. R. 6420.
⁷ F. R. 6321.
⁸ F. R. 6323.
⁹ F. R. 6324.
¹ F. R. 55.
² F. R. 329.

EXECUTIVE ORDER 9103

PROVIDING UNIFORM CONTROL OVER THE PUBLICATION AND USE OF FEDERAL STATISTICAL INFORMATION WHICH WOULD GIVE AID AND COMFORT TO THE ENEMY

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941 (Public Law 354, 77th Congress, 1st Session) approved December 18, 1941; and in order to prevent the publication by Government agencies of statistical information which would lend aid or comfort to the enemy, and at the same time to make available to appropriate Federal officials such information as may be withheld from general publication during the war, it is hereby ordered as follows:

1. The Director of the Bureau of the Budget shall maintain a continuous surveillance of governmental publication of statistical data and shall determine in any instance whether the publication of statistical data by any Government agency would be in accordance with governmental policy designed to guard against the unauthorized disclosure of vital information as such policy is formulated by appropriate authority.

2. Statistical data ordinarily released to the public but withheld from general publication during the war shall be released to authorized users in Federal agencies in such manner and under such rules and regulations as the Director of the Bureau of the Budget may prescribe. This section shall not apply to munitions data classified by the Departments of War or Navy or the War Production Board as "secret."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 18, 1942.

[F. R. Doc. 42-2385; Filed, March 19, 1942; 11:25 a. m.]

EXECUTIVE ORDER 9104

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS AN AERIAL GUNNERY RANGE

ARIZONA

By virtue of the authority vested in me by the act of July 9, 1918, c. 143, 40 Stat. 845, 848 (U.S.C., title 10, sec. 1341), it is ordered that, subject to valid existing rights and to power site classification No. 239, the public lands in the following-described areas be, and they are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department as an aerial gunnery range:

GILA AND SALT RIVER MERIDIAN

T. 6 S., R. 4 W.
sec. 18, lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$;
sec. 19, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$;
sec. 30, lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$;
T. 6 S., R. 5 W.
sec. 13;
sec. 14, E $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$;
sec. 15;
sec. 16;
sec. 17;
sec. 18, lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$;
secs. 19 to 23 and 25 to 36, incl.;

T. 7 S., R. 5 W.
secs. 1 to 12, incl.;
T. 6 S., R. 6 W.
sec. 13, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
sec. 22, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
sec. 23, S $\frac{1}{2}$, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
SE $\frac{1}{4}$ NW $\frac{1}{4}$;
secs. 24 to 27 and 34 to 36, incl.;
T. 7 S., R. 6 W.
secs. 1 to 3 and 10 to 12, incl.;
T. 11 S., R. 6 W.
sec. 3, lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$;
secs. 4 to 9, incl.;
sec. 10, W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
secs. 13 to 21, incl.;
sec. 22, W $\frac{1}{2}$;
sec. 23, E $\frac{1}{2}$;
sec. 24, W $\frac{1}{2}$ W $\frac{1}{2}$;
sec. 25, W $\frac{1}{2}$ NW $\frac{1}{4}$;
sec. 26 to 30, incl.

The areas described, including both public and nonpublic lands, aggregate 45,168.09 acres.

This order shall take precedence over, but shall not rescind or revoke the order of the Secretary of the Interior of July 14, 1938, establishing Grazing District No. 3, Arizona, so far as such order affects any of the above-described lands.

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.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
March 18, 1942.

[F. R. Doc. 42-2384; Filed, March 19, 1942;
11:25 a. m.]

Rules, Regulations, Orders

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 79—PRESCRIBED SERVICE UNIFORM¹

§ 79.33 *Distinguished Service Medal.* The coat of arms of the United States in bronze surrounded by a circle of dark blue enamel 1½ inches in diameter, bearing the inscription "For Distinguished Service—MCMXVIII". On the reverse is a scroll for the name of the recipient (which is to be engraved) upon a trophy of flags and weapons. The medal is suspended by a bar from a watered-silk ribbon 1½ inches in length and 1¾ inches in width, composed of a band of scarlet (⅙ inch), a stripe of dark blue (⅙ inch), a band of white (⅙ inch), a stripe of dark blue (⅙ inch), and a band of scarlet (⅙ inch). All medals to be serially numbered on the rim. (R.S. 1296; 10 U.S.C. 1391) [Par. 33, AR 600-35, Nov. 10, 1941, as amended by Cir. 73, W.D., March 12, 1942]

§ 79.60 Belts.

(b) *Warrant officers.* (1) A belt of Army russet leather 1¾ inches in width, fastened, with a brass center bar buckle, and provided with a russet leather keeper.

¹ §§ 79.33 and 79.60 (b) are amended.

(2) The officers' belt, cloth, same as in paragraph (a) (2) of this section. (R.S. 1296; 10 U.S.C. 1391) [Par. 60b, AR 600-35, Nov. 10, 1941, as amended by Cir. 75, W.D., March 13, 1942]

[SEAL]

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

[F. R. Doc. 42-2371; Filed, March 19, 1942;
9:39 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Board of Governors of the Federal Reserve System

PART 201—DISCOUNTS FOR AND ADVANCES TO MEMBER BANKS BY FEDERAL RESERVE BANKS

Section 201.2 (b) is amended, effective March 20, 1942, to read as follows:

§ 201.2 *Advances to member banks.*

(b) *Advances on Government obligations.* Any Federal Reserve Bank may make advances, under authority of section 13 of the Federal Reserve Act, to any of its member banks for periods not exceeding ninety days¹ on the promissory note of such member bank secured by direct obligations of the United States, and for periods not exceeding fifteen days on the promissory note of such member bank secured (1) by the deposit or pledge of debentures or other such obligations of Federal Intermediate Credit Banks having maturities of not exceeding six months from the date of the advance, or (2) by the deposit or pledge of Federal Farm Mortgage Corporation bonds issued under the Federal Farm Mortgage Corporation Act and guaranteed both as to principal and interest by the United States, or (3) by the deposit or pledge of Home Owners' Loan Corporation bonds issued under the provisions of subsection (c) of section 4 of the Home Owners' Loan Act of 1933, as amended, and guaranteed both as to principal and interest by the United States. (Sec. 3, 48 Stat. 163, sec. 3, 40 Stat. 234, 42 Stat. 821, sec. 204, 49 Stat. 705, sec. 11 (i), 38 Stat. 262, sec. 402, 42 Stat. 1478, 1479, 45 Stat. 975, 46 Stat. 162, sec. 403, 42 Stat. 1479, sec. 9, 48 Stat. 180, sec. 16 (a), 48 Stat. 348, sec. 7 (a), 48 Stat. 646, 39 Stat. 753, sec. 5, 40 Stat. 235, 39 Stat. 754, sec. 404, 42 Stat. 1479, sec. 5, 47 Stat. 160, sec. 10, 40 Stat. 239, sec. 505 (b), 48 Stat. 1263; 12 U.S.C. 301, 330, 12 U.S.C.,

¹ The eighth paragraph of section 13 of the Federal Reserve Act authorizes advances to member banks for periods not exceeding fifteen days secured by bonds, notes, certificates of indebtedness, or Treasury bills of the United States. However, the last paragraph of section 13 authorizes any Federal Reserve Bank to make advances for periods not exceeding ninety days "to any individual, partnership or corporation" on the promissory notes of such individual, partnership or corporation secured by "direct obligations of the United States"; and the term "corporation" includes an incorporated bank.

Sup. 347b, 12 U.S.C. 248 (i), 343, 347, 361, 372, 373, 348-349, 351, 352, 374, 371)

Board of Governors of the Federal Reserve System.

[SEAL]

S. R. CARPENTER,
Assistant Secretary.

[F. R. Doc. 42-2368; Filed, March 19, 1942;
9:37 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 239—FORMS, SECURITIES ACT OF 1933 AMENDMENT TO THE INSTRUCTION BOOK FOR FORM A-2

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly sections 7, 10 and 19 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the functions vested in it by said Act, hereby amends the Instructions as to Prospectuses for Employees' Savings, Profit Sharing or Pension Plans in the Instruction Book for Form A-2 to read as follows:

III. INSTRUCTIONS AS TO PROSPECTUSES FOR EMPLOYEES' SAVINGS, PROFIT SHARING OR PENSION PLANS

1. These instructions shall apply to prospectuses for shares of stock of an issuer in which funds of a savings, profit sharing, or pension plan for employees of the issuer are to be invested, if the prospectuses prepared in accordance herewith are sent or given only to employees of the issuer who have previously received a prospectus for registered interests or participations in the plan and for registered shares of stock of the issuer, and who have become members of the plan prior to receipt of a prospectus prepared in accordance herewith.

2. Any prospectus which is used as specified in instruction 1 above need contain only the following information:

(a) Such information (other than financial statements) in regard to the plan and the administration thereof and in regard to the issuer of the underlying stock and its subsidiaries as may be necessary to bring up to date the corresponding information furnished to members of the plan in previous prospectuses.

(b) Financial statements of the plan, corresponding to those included in previous prospectuses, for each fiscal year after the last fiscal year for which financial statements of the plan were furnished to members of the plan in previous prospectuses.

(c) Financial statements of the issuer of the underlying stock and its subsidiaries, corresponding to those included in previous prospectuses, for each fiscal year after the last fiscal year for which financial statements of the issuer and its subsidiaries were furnished to members of the plan in previous prospectuses.

3. The financial statements specified in instruction 2 above may be omitted from any prospectus used as specified in instruction 1 above, if—

(a) The fiscal year of the issuer of the underlying stock has ended within 90 days

prior to the date when it is desired to distribute the prospectus to members of the plan.

(b) The prospectus contains or is accompanied by financial statements (which need not be certified) substantially meeting the requirements of instruction 2.

(c) Within 120 days after the close of the fiscal year the financial statements omitted from the prospectus pursuant to this instruction are made conveniently available to all members of the plan at their respective places of employment.

(d) There is set forth in conspicuous print on the first page of the prospectus a statement as to the manner in which, and the approximate date on which, the financial statements will be made available to members of the plan pursuant to paragraph (c) of this instruction.

Effective March 19, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2374; Filed, March 19, 1942;
10:18 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration

[Docket No. FDC-23]

PART 27—REGULATIONS FIXING AND ESTABLISHING DEFINITIONS AND STANDARDS OF IDENTITY FOR CANNED APRICOTS, CANNED CHERRIES, CANNED PEACHES, AND CANNED PEARS

CORRECTION OF ORDER

An order promulgating the above specified regulations having been issued on February 26, 1942 (7 F.R. 1612); and

It appearing that the form of unit "unpeeled halves" is not specified as one of the optional peach ingredients in paragraph (b) of § 27.000 of said regulations,

Now therefore, it is ordered, That the said paragraph (b) of the said § 27.000 be and it hereby is corrected by inserting therein the phrase "unpeeled halves" immediately following the phrase "peeled halves" and preceding the phrase "peeled quarters".

PAUL V. McNUTT,
Administrator.

MARCH 16, 1942.

[F. R. Doc. 42-2378; Filed, March 19, 1942;
10:39 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 132—GENERAL RULINGS UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL RULING NO. 11 UNDER EXECUTIVE ORDER NO. 8389, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO FOREIGN FUNDS CONTROL

MARCH 18, 1942.

§ 132.11 *General Ruling No. 11.* (a) No license or other authorization now

outstanding or hereafter issued, unless expressly referring to this general ruling, shall be deemed to authorize any transaction which, directly or indirectly, involves any trade or communication with an enemy national.

(b) As used in this general ruling and in any other rulings, licenses, instructions, etc.:

(1) The term "enemy national" shall mean the following:

(i) The Government of any country against which the United States has declared war (Germany, Italy and Japan) and the Governments of Bulgaria, Hungary and Rumania and any agent, instrumentality or representative of the foregoing Governments, or other person acting therefor, wherever situated (including the accredited representatives of other Governments to the extent, and only to the extent, that they are actually representing the interests of the Governments of Germany, Italy and Japan and Bulgaria, Hungary and Rumania); and

(ii) The government of any other blocked country having its seat within enemy territory, and any agent, instrumentality, or representative thereof, or other person acting therefor, actually situated within enemy territory; and

(iii) Any individual within enemy territory and any partnership, association, corporation or other organization to the extent that it is actually situated within enemy territory; and

(iv) Any person whose name appears on The Proclaimed List of Certain Blocked Nationals and any other person acting therefor.

(2) The term "enemy territory" shall mean the following:

(i) The territory of Germany, Italy and Japan; and

(ii) The territory controlled or occupied by the military, naval or police forces or other authority of Germany, Italy or Japan.

The territory so controlled or occupied shall be deemed to be the territory of Albania; Austria; that portion of Belgium within continental Europe; Bulgaria; that portion of Burma occupied by Japan; that portion of China occupied by Japan; Czechoslovakia; Danzig; that portion of Denmark within continental Europe; Estonia; that portion of France within continental Europe occupied by Germany or Italy; French Indo-China; Greece; Hong Kong; Hungary; Latvia; Lithuania; Luxembourg; British Malaya; that portion of the Netherlands within continental Europe; that portion of the Netherlands East Indies occupied by Japan; Norway; that portion of the Philippine Islands occupied by Japan; Poland; Rumania; San Marino; Thailand; that portion of the Union of Soviet Socialist Republics occupied by Germany; Yugoslavia; and any other territory controlled or occupied by Germany, Italy or Japan.

(3) The term "The Proclaimed List of Certain Blocked Nationals" shall mean "The Proclaimed List of Certain Blocked Nationals" as amended and supplemented, promulgated pursuant to the President's Proclamation of July 17, 1941.

(4) The term "trade or communication with an enemy national" shall mean the sending, taking, bringing, transportation, importation, exportation, or transmission of, or the attempt to send, take, bring, transport, import, export or transmit

(i) Any letter, writing, paper, telegram, cablegram, wireless message, telephone message or other communication of any nature whatsoever, or

(ii) Any property of any nature whatsoever, including any goods, wares, merchandise, securities, currency, stamps, coin, bullion, money, checks, drafts, proxies, powers of attorney, evidences of ownership, evidences of indebtedness, evidences of property, or contracts

directly or indirectly to or from an enemy national after March 18, 1942.

(c) This general ruling shall not be deemed to affect any outstanding specific license in so far as such license expressly authorizes any transaction which involves trade or communication with any person whose name appears on The Proclaimed List of Certain Blocked Nationals.

(d) Any transaction prohibited by section 3 (a) of the Trading with the enemy Act, as amended, is licensed thereunder unless such transaction is prohibited pursuant to section 5 (b) of that Act and not licensed by the Secretary of the Treasury. In this connection, attention is directed to the General License under section 3 (a) of the Trading with the enemy Act, issued by the President on December 13, 1941. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Pub. No. 354, 77th Cong., 55 Stat. 838; E.O. 8389, Apr. 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; Regs., Apr. 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 42-2383; Filed, March 19, 1942;
11:24 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

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

AMENDMENT NO. I OF PRIORITIES REGULATION NO. 8

Appendix B of Priorities Regulation No. 8¹ is amended as follows:

By striking therefrom any reference to Order P-56-a, and by adding thereto Order P-56.

This Amendment shall take effect immediately. Issued this 19th day of March 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong.,

¹ 7 F.R. 2097.

3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2381; Filed, March 19, 1942; 11:09 a. m.]

PART 1032—DIRECT-CONSUMPTION SUGAR INTERPRETATION NO. 1 OF GENERAL PREFERENCE ORDER NO. M-55, AS AMENDED JANUARY 24, 1942

The following official interpretation is hereby issued by the Director of Industry Operations with respect to § 1032.1, *General Preference Order M-55*,¹ as amended January 24, 1942.

Paragraph (a) of General Preference Order No. M-55 incorporates, by reference, the provisions of Priorities Regulation No. 1 (Part 944) to the extent that they are not inconsistent with the Order. § 944.14 of Priorities Regulation No. 1 provides, in part, that no person shall accept delivery of any material if his inventory of such material is, or will by virtue of such acceptance become, in excess of a practicable minimum working inventory. Consequently, the quantity of sugar which may be accepted under subparagraphs (d) (5) (vii), (viii), (ix), and (x), by any person is restricted by the application of the practicable minimum working inventory provision of Priorities Regulation No. 1 to the persons specified in said subparagraphs.

The provisions of General Preference Order No. M-55 do not prevent any receiver from transferring, without charge to his quota, the right to receive sugar due him from a distributor under any contract for future delivery executed prior to December 13, 1941, provided he has not accepted and does not accept actual or constructive delivery of such sugar and provided ultimate delivery is made in accordance with the Order. It is not material whether the cost of such sugar is billed by the distributor to the receiver who held the contract for future delivery or to the ultimate purchaser.

Issued this 19th day of March 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2379; Filed, March 19, 1942; 11:09 a. m.]

PART 1034—TUNG OIL

AMENDMENT NO. 2 TO GENERAL PREFERENCE ORDER NO. M-57 TO CONSERVE THE SUPPLY AND DIRECT THE DISTRIBUTION OF TUNG OIL

Section 1034.1, as amended (*General Preference Order M-57*)¹ is hereby amended as follows:

¹ 7 F.R. 581, 1106.
² 7 F.R. 182, 1024.

Present paragraph (c) is hereby amended to read as follows:

(c) *Restrictions on use of tung oil.* After the effective date of this Order no person shall use or process any Tung Oil, except upon the following categories of orders:

- (1) Defense orders having preference ratings of A-2 or better.
- (2) Orders placed by Defense Supplies Corporation.
- (3) Orders for the manufacture of can linings for cans to contain food products for human consumption.
- (4) Orders for the manufacture of outside can coatings where wood oil is essential to withstand normal food processing.
- (5) Orders for uses to comply with Underwriters' Regulations, Health, Sanitary or Safety Regulations or laws issued by Government authority, provided the pertinent provisions of such laws or regulations were in effect both on December 1, 1941, and on the date of such use and specifically require the use of Tung Oil or a product required specifically to be made from Tung Oil. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

This Order shall take effect immediately. Issued this 19th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2380; Filed, March 19, 1942; 11:09 a. m.]

PART 1124—COTTON TEXTILE FABRICS FOR USE AS AGRICULTURAL BAGS

GENERAL PREFERENCE ORDER NO. M-107

Correction

In the table appearing in § 1124.1 (b) (2) on page 1835 of the issue for Wednesday, March 11, 1942, under "Sheetings," the line reading

40" 48/40 4.25 yd.

should read as follows:

40" 44/40 4.25 yd.

Chapter XI—Office of Price Administration

PART 1336—RADIO, X-RAY AND COMMUNICATION APPARATUS

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 84¹—RADIO RECEIVER AND PHONOGRAPH PARTS

A statement of considerations involved in the issuance of this Amendment has been prepared and issued simultaneously herewith.²

¹ 7 F.R. 1362.
² Filed with the Division of the Federal Register.

Paragraph (a) of § 1336.101 is hereby amended to read as follows and a new § 1336.110a is added, as set forth below:

§ 1336.101 Maximum prices for radio receiving sets and phonograph parts.

(a) *Parts sold and offered for sale between July 15, 1941, and October 15, 1941.* The maximum price, exclusive of federal excise tax, for any part offered during the period between July 15, 1941, and October 15, 1941, inclusive, for sale during such period, shall be the highest net price f. o. b. seller's point of shipment and exclusive of federal excise tax at which such part was billed by the manufacturer for delivery during such period, or if there was no such billing, the highest net price, exclusive of federal excise tax, at any time quoted in writing by the manufacturer for a delivery during such period to the same person or a person of the same general class, except that

(1) The maximum price for the basic record changer (Model No. 201) manufactured by General Instruments Corporation shall be \$9.40.

§ 1336.110a Effective dates of amendments. (a) Amendment No. 1 (§ 1336.101 (a)) to Revised Price Schedule No. 84 shall become effective March 20, 1942. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 18th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2366; Filed, March 19, 1942; 9:22 a. m.]

PART 1340—FUEL

TEMPORARY MAXIMUM PRICE REGULATION NO. 11—MOTOR FUEL SOLD AT SERVICE STATIONS IN THE CURTAILMENT AREA

In the judgment of the Acting Price Administrator it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942 to establish temporarily as the maximum prices for motor fuel sold at service stations in the Curtailment Area the prices prevailing with respect thereto within five days prior to the issuance of this Regulation.

Therefore, under the authority vested in the Acting Price Administrator by the Emergency Price Control Act of 1942, and in accordance with the Procedural Regulation No. 1,¹ issued by the Office of Price Administration, Temporary Maximum Price Regulation No. 11 is hereby issued.

§ 1340.171 Maximum prices for motor fuel sold at service stations in the curtailment area. On and after March 23, 1942, to and including 12 o'clock midnight on May 21, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver motor fuel at service stations in the curtailment area at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1340.181;

¹ 7 F.R. 971.

and no person shall agree, offer, solicit or attempt to sell or deliver motor fuel at service stations in the Curtailment Area at prices higher than the maximum prices.*

* §§ 1340.171 to 1340.182, inclusive, issued pursuant to Pub. Law 421, 77th Cong., 2d Sess.

§ 1340.172 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1340.181) may be charged, demanded, paid or offered.*

§ 1340.173 *Conditional agreements.* No seller of motor fuel at service stations in the curtailment area shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1340.181, in the event that this Temporary Maximum Price Regulation No. 11 is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That if a petition for amendment under § 1340.178 has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment.*

§ 1340.174 *Evasion.* The price limitations set forth in this Temporary Maximum Price Regulation No. 11 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 motor fuel sold at service stations in the curtailment area, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1340.175 *Posting of prices.* Every person selling motor fuel at a service station in the curtailment area in the course of trade or business, or otherwise dealing therein, shall post conspicuously the maximum prices established by Temporary Maximum Price Regulation No. 11 for each grade of motor fuel sold at that service station. Such maximum price posting shall be marked "Maximum Prices" in letters at least five inches in height, and shall indicate the maximum price for each grade of motor fuel in figures no smaller than those in which the selling price at the pump is posted.*

§ 1340.176 *Records and reports.* Every person making sales of motor fuel after March 23, 1942, at a service station in the curtailment area in the course of trade or business, or otherwise dealing therein, shall keep such records for inspection and submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1340.177 *Enforcement.* (a) Persons violating any provision of this Temporary Maximum Price Regulation No. 11 are subject to the criminal penalties and civil enforcement actions provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Temporary Maximum

Price Regulation No. 11 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 field or regional office of the Office of Price Administration or its principal office in Washington, D. C.*

§ 1340.178 *Petitions for amendment.* Persons seeking any modification of this Temporary Maximum Price Regulation No. 11 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.*

§ 1340.179 *Replacement by regulation.* This Temporary Maximum Price Regulation No. 11 may be replaced by a permanent maximum price regulation or order issued under the Emergency Price Control Act of 1942, which upon issuance shall have the effect of revoking this Temporary Maximum Price Regulation No. 11.*

§ 1340.180 *Definitions.* (a) When used in this Temporary Maximum Price Regulation No. 11, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Motor fuel" means liquid fuel, except Diesel fuel, used for the propulsion of motor vehicles or motor boats and shall include any liquid fuel to which Federal gasoline taxes apply except liquid fuel used for the propulsion of aircraft.

(3) "Service station" means any place of business or part thereof, where motor fuel is delivered into the fuel supply tanks of motor vehicles or motor boats.

(4) "Curtailment area" means the States of Oregon, Washington, Connecticut, Delaware, Florida east of the Apalachicola River, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.*

§ 1340.181 *Appendix A: Maximum prices for motor fuel sold at service stations in the curtailment area.* (a) The maximum price for each grade of motor fuel at each service station in the curtailment area shall be no higher than the price posted at such service station for each grade of motor fuel at the close of business or at eleven o'clock at night on March 13, 1942.

(b) Where the maximum price for any grade of motor fuel at a service station in the curtailment area cannot be determined under (a) above, the maximum price shall not be in excess of the price

charged on the last sale of such motor fuel made prior to March 13, 1942 at the same service station, provided such sale was made after January 13, 1942.

(c) Where the maximum price for any grade of motor fuel at a service station in the curtailment area cannot be determined under (a) or (b) above, sellers may establish a temporary maximum price, which must be equal to or lower than the maximum price for that grade of motor fuel for other service stations in the locality, if any, which shall be submitted to the Office of Price Administration within ten days after the establishment of such price for approval or disapproval.*

§ 1340.182 *Effective period.* Temporary Maximum Price Regulation No. 11 (§§ 1340.171 to 1340.182, inclusive) shall become effective March 23, 1942, and shall, unless earlier revoked or replaced, expire at twelve o'clock midnight on May 21, 1942.

Issued this 18th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2364; Filed, March 18, 1942; 5:07 p. m.]

PART 1351—FOODS AND FOOD PRODUCTS
ORDER NO. 1 UNDER REVISED PRICE SCHEDULE
NO. 91¹—TEA

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

§ 1351.351 *Order No. 1 under Revised Price Schedule No. 91.* (a) Eppens, Smith Company, Warren and Washington Streets, New York and Elway Food Products Corp., 22 Hudson Street, New York may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds, grades and quantities of tea set forth in paragraph (b), at prices not in excess of those stated therein, and the persons named therein as the buyers may buy and receive, and agree, offer, solicit and attempt to buy and receive, such kinds, grades and quantities of tea at such prices from Eppens, Smith Company and Elway Food Products Corp., respectively.

(b) The prices listed below shall be the maximum prices at which each of the sellers listed may deliver the kind, grade and quality of tea named.

(1) The following prices apply to Eppens, Smith Company:

Buyer	Description	Price f. o. b. New York
		Cents
Telfer Coffee Co., 1365 East Larned St., Detroit, Mich.	2 cases Java BOP Gandasolle, Common.	49½
L. J. Callanan, 41 Vessey St., New York, N. Y.	10 cases Java OP Montaja, Medium.	50½

¹ 7 F. R. 1378, 1857.

Buyer	Description	Price f. o. b. New York
		Cents
Importers & Roasters, Inc., 622 St. Anna Ave., Bronx, N. Y.	5 cases Java BOP, Common.	49½
Dilbert Brothers, 365 Vernon Ave., Brooklyn, N. Y.	25 cases Java BOP Serang Sarie, Medium.	58½
	50 cases Java OP, Medium.	51
	(30 cases Kotta Malum and 20 cases Montaja, Medium.	50½
J. J. Goff, 100 West 106th St., New York, N. Y.	20 cases Java BOP Bandjarwangle, Medium.	50
Harry Yellen, 59-05 Roosevelt Ave., Woodside, N. Y.	1 case Java OP Montaja, Medium.	50½
R. Elsassser, 401 East 88th St., New York, N. Y.	1 case Java OP Montaja, Medium.	50½
	1 case Java BOP, Serang, Sarie, Medium.	58½
C. Smith, 947 Freeman St., Bronx, N. Y.	1 case Java OP Montaja, Medium.	50½
S & H Co., 188 Lafayette Ave., Paterson, N. J.	3 cases Java OP Montaja, Medium.	50½
Charles Helmer, 1671 1st Ave., New York, N. Y.	1 case Java BOP, Panoebagan, Medium.	49½
	1 case Java OP, Kotta Malum, Medium.	51
	1 case Java OP Montaja, Medium.	50½
H. Falck, 402 Grove St., Jersey City, N. J.		
Mrs. S. Cohen, 444 2d Ave., New York, N. Y.	1 case Pekoe Java, Montaja Medium.	50½
C. Hamblen Sons, 113 4th Ave., Mount Vernon, N. Y.	1 case Java BOP, Serang, Sarie, Medium.	58½
Liebl & Moldovan, 2278 3rd Ave., New York, N. Y.	1 case Java OP Montaja, Medium.	50½
	1 case Java BOP Serang, Sarie, Medium.	58½
	1 case Java BOP Gandasole, Common.	49½
J. Steinman, 595 Columbus Ave., New York, N. Y.		
Atlantic Coffee Supply Co., 129 East 4th St., New York, N. Y.	1 case Java OP Montaja, Medium.	50½
H. Harvey, 1582 3rd Ave., New York, N. Y.	1 case Java BOP Serang, Sarie, Medium.	58½
Quaker City Coffee Mills, 20 North Front St., Philadelphia, Pa.	10 cases Java OP Tipis, Medium.	51
M. Bobie, 994 Columbus Ave., New York, N. Y.	1 case Java BOP Gandasole, Common.	49½
J. Glat, 252 Cypress Ave., Bronx, N. Y.	1 case Java BOP Montaja, Medium.	50½
J. J. Sbliss Coffee Co., 1788 North Gayoso St., New Orleans, La.	1 case Java OP Montaja, Medium.	50½
Kaye Coffee Co., 1209 Rogers Ave., Brooklyn, N. Y.	3 cases Java Br. OP Gandasole, Common.	49½
	3 cases Java OP Montaja, Medium.	50½
	3 cases Java OP Foerangga, Medium.	48½
R. W. Schumacher Coffee Co., 64 South Howard St., Akron, Ohio.		
J. Edward Custy Co., 13 South Carrollton Ave., Baltimore, Md.	10 cases Java OP Kotta, Bogar, Medium.	50
M. Gould, 487 East 152d St., New York, N. Y.	15 cases Java BOP Tjihroem, Medium.	49½
Kaufman Brothers, 607 Washington, Hoboken, N. J.	1 case Java BOP Tjihroem, Medium.	49½
Karavan Coffee Co., Toledo, Ohio.	10 cases Java BOP, Sintang Wangle, Common.	49½
	10 cases Java BOP, Gandasole, Common.	49½
H. C. Groffip, 968 Hereford Drive, Arkon, Ohio.	2 cases Java BOP Gandasole, Common.	49½

(2) The following prices apply to El-way Food Products Corp.:

Buyer	Description	Price ex warehouse New York
		Cents
Albert Mann, 220 Broadway, New York City.	2 cases Java BOP, Medium.	60
	2 cases Java OP, Medium.	60

(c) Unless the context otherwise requires, the definitions set forth in § 1351.259 of Revised Price Schedule No. 91 shall apply to terms used herein. (Pub. Law, 421, 77th Cong., 2d Sess.)

This Order No. 1 shall become effective March 20, 1942. Issued this 18th day of March, 1942.

JOHN E. HAMM,
Acting Administrator.

[P. R. Doc. 42-2367; Filed, March 19, 1942; 9:22 a. m.]

Chapter XVI—Office of Censorship

[Regulation No. I]

PART 1804—POSTAL CENSORSHIP REGULATIONS

HANDLING OF PUBLICATIONS CONTAINING SCIENTIFIC, TECHNICAL, OR PROFESSIONAL DATA

- Sec. 1804.1 License necessary for export.
- 1804.2 Application for license.
- 1804.3 Questionnaire and affidavits.
- 1804.4 Review of publication material.
- 1804.5 Issuance of license.
- 1804.6 Declaration of content.
- 1804.7 Correspondence.
- 1804.8 Who shall make application.

§ 1804.1 License necessary for export. Effective April 1, 1942, publications devoted in whole or in part to scientific, technical, or professional data which may contain information, the transmission of which to foreign countries may be inimical to the military interests of the United States, will be licensed prior to export. Before a license will be granted, the conditions set forth in §§ 1804.2 to 1804.6 inclusive, must be complied with.*

*§§ 1804.1 to 1804.8, inclusive, issued under the authority contained in E.O. 8985, 6 F.R. 6625.

§ 1804.2 Application for license. Applications for licenses shall be made to the Technical Data License Division, Office of Export Control, Board of Economic Warfare on forms provided by and available at that Agency. A separate application must be made for each license, and a separate license will be required for each issue of each publication. The application will show the name of the publisher, the name of the publication, the period covered by the particular issue, and names of the countries to which export is to be made. With each application there shall be submitted two copies of the publication in galley proof or other copy.*

§ 1804.3 Questionnaire and affidavits. With the initial application for a license a Censorship questionnaire shall be filed on forms provided by and available at the Technical Data License Division. This questionnaire will show complete information concerning the publisher, including the nationality of all officials and a list of all enemy alien employees. At the time the initial application is made, each publisher will be required to designate from one to three employees to be charged with supervising the wrapping of the publication. Accompanying the questionnaire will be an affidavit of each such employee showing that he is an American citizen or, if not a citizen, that he has been approved by the Chief Postal Censor, length of time employed by the applicant, and that the employee has never been, and is not now, connected with any organization advocating the overthrow of the United States Government by force or violence. Each employee making such affidavit shall furnish three specimens of his signature. Accompanying the questionnaire there will also be an affidavit of the employer which will show the length of time the employees mentioned above have been employed, and that investigation has shown that none is or has been connected with any organization advocating the overthrow of the United States Government by force or violence, and that each such employee is loyal and trustworthy. This affidavit must be signed by a responsible officer of the applicant.*

§ 1804.4 Review of publication material. Upon receipt of each application for a license, the Technical Data License Division, Office of Export Control, Board of Economic Warfare, will review the copies of the publication submitted for objectionable subject matter from the viewpoint of Censorship Requirements and Regulations and national security. Every effort will be made to notify applicants of approval or other decision within forty-eight hours of receipt of the material. If certain portions are not approved for export, such portions will be suitably marked and the material returned to the applicant. The material may then be resubmitted on the same application form for further examination after deletion of the marked portions. Upon final approval of the material, the Technical Data License Division will recommend to the Office of Censorship that a license be granted. Ordinarily, such license will issue immediately thereafter.*

§ 1804.5 Issuance of license. A license from the Office of Censorship, when granted, will authorize the publisher to export the designated number of copies of the particular issue of the publication to the foreign countries specified therein. The license will not be transferable, and will be subject to revocation without notice. The possession of the license will not relieve the holder of the necessity of obtaining any other permit or license that may be required by any other Governmental Agency. The license will be granted on the express condition that

each copy of the publication mailed thereunder corresponds in every respect to the copy submitted to and approved by the Technical Data License Division, and on the further condition that the wrapping of all copies for export will be under the supervision of one of the employees designated in the questionnaire.*

§ 1804.6 *Declaration of content.* As soon as the license from the Office of Censorship is granted, the publisher may then release the issue for export subject to the following conditions. Copies for foreign shipment shall be securely wrapped without open ends. A Declaration of Content shall be affixed to the outer cover of each package for export, which Declaration shall show the number of copies, the name of the publisher, the name of the publication, the destination, and the license number. The Declaration shall further state that none of the copies are addressed to persons in enemy or enemy-occupied territory and that the material in the package corresponds in every respect to that approved by the Office of Censorship for which a license with a designated number has been granted. The Declaration shall further state that the package has been wrapped under the supervision of a designated employee of the publisher and that it does not contain any additional enclosures, writings, or other extraneous material. The Declaration shall be signed by the employee under whose supervision it was wrapped and whose name is shown thereon, such employee to be one of those previously designated by the publisher and whose signature is on file in the Office of Censorship. The package may then be posted in the usual manner.*

§ 1804.7 *Correspondence.* All correspondence concerning the approval, disapproval, deletions, or corrections of the material in the publication shall be directed to the Technical Data License Division, Office of Export Control, Board of Economic Warfare, Washington, D. C.*

§ 1804.8 *Who shall make application.* Initially, each publisher considered by the Board of Economic Warfare as coming within the provisions of § 1804.1 will be sent a separate letter enclosing blank forms of the application, questionnaire, and affidavits. It shall be the duty, however, of any other publisher engaged in publishing periodicals containing scientific, technical, or professional data to make application for a license prior to exporting such periodicals. After April 1, 1942, no publication coming within the provisions of § 1804.1 will be cleared for export by the Office of Censorship unless a license has been obtained and all the requirements of §§ 1804.5 and 1804.6 have been complied with.*

March 13, 1942.

BYRON PRICE,
Director.

THE WHITE HOUSE,
March 17, 1942.

Approved:

FRANKLIN D ROOSEVELT

[F. R. Doc. 42-2363; Filed, March 18, 1942;
2:45 p. m.]

PART 1805—COMMUNICATIONS RULINGS
COMMUNICATIONS RULING NO. 1

By virtue of the authority vested in me by Executive Order No. 8985 (F. R. Doc. 41-9600) and T. D. 50536 (F. R. Doc. 41-9799):

§ 1805.1 *Communications Ruling No. 1.* (a) The sending or transmitting out of the United States in the ordinary course of the mail of any letter or other writing, book, or other paper, or through any public telegraph or cable service of any telegram, cablegram or wireless message of any communication is permitted, provided that both of the following conditions are satisfied:

(1) Such communication complies with all regulations issued by the Office of Censorship; and

(2) Such communication is not addressed to or intended for, or to be delivered, directly or indirectly, to an enemy national.

(b) Nothing contained in this Ruling shall be deemed to limit the authority of the Office of Censorship to cause to be censored in its absolute discretion, communication by mail, cable, radio or other means of transmission passing between the United States and any foreign country. All communications permitted by this Ruling shall be subject to censorship as fully as if this Ruling had not been issued.

(c) As used in this Ruling the term "United States" and the term "person" shall have the meaning prescribed in Executive Order No. 8389, as amended,¹ and the term "enemy national" shall have the meaning prescribed in General Ruling No. 11, issued by the Secretary of the Treasury thereunder.

(d) This Ruling may be amended or modified at any time; and the right is reserved to exclude from the operation hereof, or from the privileges hereby conferred, and to restrict the applicability hereof with respect to, particular persons or communications or classes thereof. (Sec. 3, 40 Stat. 412, as amended, and sec. 303, 55 Stat. 838; E.O. 8985, 6 F.R. 6625; T.D. 50536, 6 F.R. 6807)

BYRON PRICE,
Director of Censorship.

[F. R. Doc. 42-2389; Filed, March 19, 1942;
11:34 a. m.]

Chapter XVII—Office of Civilian Defense
[OCD Regulations 1]

PART 1901—LOANS OF EQUIPMENT AND SUPPLIES TO CIVIL AUTHORITIES

By virtue of the authority vested in me by Executive Order No. 8757 dated May 20, 1941, and Executive Order No. 9088 dated March 6, 1942, and pursuant to section 1 of the Act approved January 27, 1942, and in accordance with Article 13 of Executive Order No. 9088 dated March 6, 1942, authorizing the Director of Civil-

ian Defense to make and issue such rules, regulations and orders as he may deem necessary or desirable to carry out the purposes of the aforementioned Act of January 27, 1942, the following regulations are hereby made and issued:

Sec.	
1901.1	General program.
1901.2	Definitions.
1901.3	Certificate and Agreement of civil authority of borrowing community.
1901.4	Duties of Regional Directors.
1901.5	Appointment and tenure of State and local property officers.
1901.6	Bonding of property officers.
1901.7	Distribution of civilian defense property.
1901.8	Duties of State property officers.
1901.9	Duties of local property officers.
1901.10	Operating instructions.

§ 1901.1 *General program.* (a) The Director of Civilian Defense will from time to time make available to localities of the United States, its territories and possessions, equipment and supplies for the protection of persons and property from bombing attacks, sabotage and other war hazards.

(b) Such equipment and supplies will be made available by loans to communities within the States, which communities may in turn distribute, under the direction of the local defense council, the equipment and supplies to responsible and qualified individuals or organizations, all in accordance with regulations issued by the Director of Civilian Defense.

(c) Each borrowing community will designate a local property officer who will act as custodian of the property and will be responsible therefor to the Officer of Civilian Defense. State property officers are to be appointed to maintain records with respect to all property loaned in their respective States or areas, and property may, in certain instances, be delivered to the communities through such State property officers. State property officers and local property officers will deal with and distribute the property only in the manner prescribed by the Director of Civilian Defense.

(d) Regional Directors of the Office of Civilian Defense are to supervise the activities of State property officers and local property officers.

(e) The equipment and supplies shall at all times be at the disposition of the United States Government, and the United States Government shall retain its full rights as owner, lessee or borrower, as the case may be, of such property. To such extent as may be practicable, all such supplies and equipment shall at all times be clearly and distinctly marked as the property of, or under the control of, the United States Government, Office of Civilian Defense.

(f) The regulations in this part governing such loans are part of the agreement of each community receiving such a loan, and in addition should serve as a guide to State and local property officers in the performance of their duties.*

*§§ 1901.1 to 1901.10, inclusive, issued under the authority contained in Pub. Law 415,

¹ 6 F.R. 2897, 3715, 6348, 6785.

77th Cong., 2d Sess.; E.O. 8757, 6 F.R. 2517, and E.O. 9088, 7 F.R. 1775.

§ 1901.2 *Definitions.* (a) "Civil authority" means any State or community, as hereinafter defined, or any duly elected or appointed official, agent, board, commission or other body of persons duly authorized to act on behalf of any State or community.

(b) "State" means any State or territory or possession of the United States, and, in addition, means any area designated by the Director of Civilian Defense as a special area for purposes of these regulations.

(c) "Community" means any municipality, town or village, or any other political subdivision of any State, or any area designated by the Director of Civilian Defense as a community for purposes of these regulations.

(d) "Chief executive officer" means the mayor of a community or other person or body exercising paramount local executive power.

(e) "Local defense council" means the body duly appointed by the duly authorized appointive authority to be responsible for civilian defense in the community.

(f) "Director of Civilian Defense" means the Director of the Office of Civilian Defense appointed by the President of the United States.

(g) "Federal law" means the "Act to provide protection of persons and property from bombing attacks in the United States, and for other purposes" approved January 27, 1942, and acts supplemental thereto relating to the Office of Civilian Defense, and Executive Orders issued pursuant to such acts or relating to the Office of Civilian Defense.

(h) "Property" means equipment and supplies belonging to, or under the control of, the Office of Civilian Defense.

(i) "Accountability" devolves upon any person who is required to maintain records and a property account with respect to property, whether or not in the custody of such person, and is discharged by the maintenance of proper records and accounts and by the production of proper receipts for all property received by such person but no longer in his custody.

(j) "Responsibility" devolves upon any person who has custody of property or the duty to supervise others having such custody, and is discharged by the exercise of good faith and due care in the performance of all specified duties.*

§ 1901.3 *Certificate and Agreement of civil authority of borrowing community.* Each community to which a loan of property is to be made by the Director of Civilian Defense, shall, prior to the making of such loan, furnish to the Office of Civilian Defense a Certificate and Agreement, on OCD Form Number 501, duly executed by its chief executive officer, as the civil authority of the community duly authorized to act in such respect, which Certificate and Agreement shall include, among other things, a certification that the community is in need of, but unable to provide, the property therein specified, an agreement on behalf

of the community as to the maintenance, use, distribution and return of the property, and a certification as to the appointment, by the duly authorized appointive authority, of a designated local property officer as the agent of the community authorized to receive the property on behalf of the community and to perform the duties prescribed with respect thereto by the Director of Civilian Defense. Each local property officer shall agree, on OCD Form Number 501, to comply with all rules, regulations, orders, and instructions of the Director of Civilian Defense. Such Certificates and Agreements shall be executed in duplicate, one copy to be filed with the Office of Civilian Defense, Washington, D. C., and one copy with the Regional Director.*

§ 1901.4 *Duties of Regional Directors.* Regional Directors of the Office of Civilian Defense, appointed by the Director of Civilian Defense, will supervise the activities of State property officers and local property officers with the view of assuring compliance with rules, regulations, orders and instructions of the Director of Civilian Defense. Regional Directors are authorized to take such steps as may be deemed by them to be desirable to supervise the arrangements made by State property officers and local property officers with respect to the storage, handling, maintaining, protecting, delivering and returning of all property and the maintaining and filing of proper reports, records and accounts with respect thereto, and in particular with respect to the distribution of property in the communities in accordance with the provisions of § 1901.7; and they shall from time to time make inspections for such purpose.*

§ 1901.5 *Appointment and tenure of State and local property officers.* (a) As a condition precedent to the making of any loan to a community in any State, the Governor of such State shall duly appoint a State property officer. In the event that an area is designated as a special area by the Director of Civilian Defense, a State property officer thereof shall, as a condition precedent to a loan to any community therein, be duly appointed by the Governor of the State in which the largest city in such area is located, and in such case the State property officer for the State or States in which such special area is located shall have no duties or accountability with respect to the said special area. The duties and obligations of each State property officer shall be as set forth in these regulations or as otherwise prescribed by the Director of Civilian Defense. Each State property officer shall hold office during the pleasure of the appointing Governor. Appointments of State property officers shall be on OCD Form Number 500, executed in duplicate, one copy to be filed with the Office of Civilian Defense, Washington, D. C., and one copy with the Regional Director; each State property officer shall agree thereon to comply with all rules, regulations, orders and instructions of the Director of Civilian Defense.

(b) As a condition precedent to the making of any loan to a community, the

duly authorized appointive authority of such community shall duly appoint a local property officer to serve as the authorized agent of the community to receive such loan upon such terms and conditions as shall be prescribed by the Director of Civilian Defense. The duties and obligations of each local property officer shall be as set forth in these regulations or as otherwise prescribed by the Director of Civilian Defense. Each local property officer shall hold office during the pleasure of the local appointive authority.*

§ 1901.6 *Bonding of property officers.*

(a) The Office of Civilian Defense, Washington, D. C., requires State property officers to be bonded in the amount of \$10,000 to the Federal Government, and the obligation for the premium thereon shall be assumed by the State property officer or by the State designating any such State property officer.

(b) The Office of Civilian Defense, Washington, D. C., requires local property officers to be bonded to the Federal Government, in the amount of \$10,000 in communities whose population is 200,000 or more, and \$5,000 in other communities, and the obligation for the premium thereon shall be assumed by the local property officer or by the community for which the local property officer has been designated.

(c) Each such bond shall be executed on OCD Form Number 502 and by such corporate surety as shall be acceptable to the Director of Civilian Defense.

(d) Bonds of State and local property officers shall be executed in triplicate, two copies to be filed with the Office of Civilian Defense, Washington, D. C., and one copy to be filed with the Regional Director.*

§ 1901.7 *Distribution of civilian defense property.* Each local property officer shall distribute the property received by him, as the authorized agent of his community, to responsible and qualified individuals or organizations in his community or the territory adjacent thereto, in such amounts and in such manner as the local defense council shall deem advisable in order to comply with the requirements of Federal law, including the requirement that such property shall be distributed for the adequate protection of persons and property from bombing attacks, sabotage or other war hazards: *Provided, however,* That such distribution shall at all times be subject to and in accordance with such rules, regulations, orders and instructions as the Director of Civilian Defense may make with respect thereto. Each local property officer shall obtain from each individual or organization to whom any property is distributed, whether for further distribution or for their own use, as well as from any transferee of such property, a duly executed OCD Form Number 519, which shall constitute a receipt for the property and an agreement with respect to the protection, maintenance, use and return thereof in accordance with all rules, regulations, orders and instructions of the Director of Civilian Defense.*

§ 1901.8 *Duties of State property officers.* The duties of each State property officer are to:

(a) Receive all property shipped to him by the Office of Civilian Defense for communities within his State or area, and cause such property to be delivered forthwith and without delay to the local property officers of the respective communities, in such amounts and manner as shall be specified in any order or instruction issued by the Office of Civilian Defense, Washington, D. C.

(b) Maintain an adequate record of all property delivered to him and all property delivered to local property officers within his State or area, and preserve all receipts for such property.

(c) Prepare and submit to the Office of Civilian Defense, Washington, D. C., and to his Regional Director, reports and information in such form and manner as required by them, respectively, as to the location, custody, condition and status of all property in his State or area.

(d) Supervise the examination and checking of all property shipped to or by him.

(e) Supervise the storage and handling of all property in his custody, and make arrangements so that such property may be inspected at any time by the representatives of the Office of Civilian Defense.

(f) Make arrangements, satisfactory to the Office of Civilian Defense, Washington, D. C., adequately to store, handle, maintain, protect, deliver and return all property in his custody, and provide suitable facilities, at the expense of his State, for the proper storage, handling, protection, delivery and return of all such property: *Provided, however,* That he is not required to obtain fire, burglary or other insurance with respect to any property.

(g) Make arrangements, satisfactory to the Office of Civilian Defense, Washington, D. C., for the prompt return of any property received by him (unless lost, destroyed or consumed in the course of its use in accordance herewith and proper report of adjustment with respect thereto has been filed with and approved by the Office of Civilian Defense) and in his custody if and when recalled for any reason whatsoever by the Office of Civilian Defense, Washington, D. C., and cause such property forthwith and without delay to be expeditiously transported and delivered to or upon the order of the Office of Civilian Defense, Washington, D. C.: *Provided, however,* That any reasonable expense incident to the return of such property will be borne by the Office of Civilian Defense upon the presentation of duly verified vouchers.

(h) Be accountable to the Office of Civilian Defense for all property within his State or area.

(i) Be responsible to the Office of Civilian Defense for the performance of his duties, including the storing, handling, maintaining, protecting, delivering and returning of all property received by him or his agents until such property

shall have been delivered by him to and received by local property officers in accordance with rules, regulations, orders and instructions of the Director of Civilian Defense.

(j) Perform such other duties as may be necessary in administering his office, or as shall be prescribed by the Director of Civilian Defense.

State property officers may appoint agents to assist in the performance of their duties, but shall be responsible for the acts or omissions of such agents.*

§ 1901.9 *Duties of local property officers.* The duties of each local property officer are to:

(a) Receive all property loaned to his community by the Office of Civilian Defense and shipped to him, as the agent of his community, by the Office of Civilian Defense or by or on behalf of the State property officer, and cause such property to be distributed forthwith and without delay in accordance with § 1901.7 and any other rules, regulations, orders or instructions of the Director of Civilian Defense.

(b) Maintain an adequate record of all property delivered to him or for his account, and of all property distributed by him, directly or indirectly, to individuals or organizations within his community or in territory adjacent thereto, and preserve all receipts for such property.

(c) Prepare and submit reports and information, in such form and manner as required by his State property officer or the Office of Civilian Defense, Washington, D. C., or his Regional Director as to the location, custody, condition, and status of all property loaned to his community.

(d) Supervise the examination and checking of all property shipped to or by him.

(e) Supervise the storage and handling of all property in his custody, and make arrangements so that such property may be inspected at any time by representatives of the Office of Civilian Defense.

(f) Pursuant to the agreement of his community contained in OCD Form Number 501, make arrangements satisfactory to the Office of Civilian Defense, Washington, D. C., adequately to store, handle, maintain, protect, deliver and return all property in his custody, and supervise the furnishing of suitable facilities and the making of suitable arrangements for the proper storage, handling, maintenance, protection, distribution and return of all property loaned to his community but in the custody of others: *Provided, however,* That he is not required to obtain fire, burglary or other insurance with respect to any property.

(g) Ascertain, as a condition precedent to the distribution by him of any property, that the individuals or organizations to whom the property is to be distributed, either by him or by individuals or organizations to whom he in the first instance shall have distributed, have arranged for and provided suitable facilities as specified in paragraph (f) of this section.

(h) Ascertain, before distributing any fire fighting pumping units, that the community, pursuant to its Agreement contained in OCD Form No. 501, has provided an appropriate vehicle on which said pumps and equipment will be mounted at the expense of the community, to assure the mobility of such equipment.

(i) Obtain from all individuals or organizations in his community to whom any property is distributed, whether for further distribution or for their own use, as well as any transferee of such property, a receipt and agreement as provided in § 1901.7.

(j) Make arrangements satisfactory to the Office of Civilian Defense, Washington, D. C., for the prompt return of all property loaned to his community (unless lost, destroyed or consumed in the course of its use in accordance herewith and proper report of adjustment with respect thereto has been filed with and approved by the Office of Civilian Defense) if and when recalled for any reason whatsoever by the Office of Civilian Defense, Washington, D. C., and cause such property forthwith and without delay to be expeditiously transported and delivered to or upon the order of the Office of Civilian Defense, Washington, D. C.: *Provided, however,* That any reasonable expense incident to the return of such property will be borne by the Office of Civilian Defense upon the presentation of duly verified vouchers.

(k) Be responsible to the Office of Civilian Defense for the performance of his duties, including (1) the storing, handling, maintaining, protecting, delivering and returning of all property received by him or his agents until such property shall have been distributed by him to and received by individuals or organizations in accordance with rules, regulations, orders and instructions of the Director of Civilian Defense, and (2) the supervising of the performance of the duties of distributees to whom custody of property is to be or has been so transferred.

(l) Initiate and transmit Reports of Adjustment (on OCD Form 518) when required by rules, regulations, orders or instructions of the Director of Civilian Defense.

(m) Perform such other duties as may be necessary in administering his office, or as shall be prescribed by the Director of Civilian Defense.

Local property officers may appoint agents to assist in the performance of their duties, but shall be responsible for the acts or omissions of such agents.*

§ 1901.10 *Operating instructions.* The Office of Civilian Defense, Washington, D. C., will from time to time issue instructions to State and local property officers relating to procedures and forms for use in performance of their duties.*

[SEAL] JAMES M. LANDIS,
Director of Civilian Defense.

MARCH 18, 1942.

[F. R. Doc. 42-2365; Filed, March 18, 1942; 5:11 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 6—ANCHORAGE REGULATIONS

REGULATIONS FOR THE CONTROL OF VESSELS IN THE TERRITORIAL WATERS OF THE UNITED STATES

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 (Pub. Law 292, 77th Cong.), 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), issued by the Secretary of the Treasury and approved by the President on June 27, 1940, as amended on October 7, 1941 (6 F.R. 5221), are hereby further amended as follows:

Paragraph (a) of § 6.6, *Special authorization for licenses, etc.*, is changed to read as follows:

§ 6.6 *Special authorization for licenses.*
(a) Except with respect to the departure of a vessel for which a departure permit is required by § 6.7, or in case of emergency missions to save life or property in distress, no vessel shall depart from the local waters of the United States, its territories or possessions, to a point or place outside of said waters or on the high seas unless the owner, agent, or master of such vessel shall first obtain from the captain of the port in whose jurisdiction the vessel is to depart a license authorizing such departure. The term "local waters," as used in this paragraph and in paragraph (b) of this section, embraces all territorial waters of the United States, its territories and possessions, such as rivers, harbors, bays, sounds, roadsteads, inlets and other arms of the sea between projections of land, and the Great Lakes, but does not include any portion of the high seas below the shore-line along the coasts of the United States, its territories or possessions, or outside the arms of the sea between projections of land, even though within the traditional three-mile limit. Subject to the provisions of paragraph (c) of this section, the captain of the port will issue a license to depart from local waters only in the following cases:

(1) Where the vessel is regularly (or seasonably) employed as a means of livelihood outside of local waters, or on the high seas, such as for fishing, transporting passengers or freight for hire, or for any other legitimate business: *Provided*, That the master, operator, or person in charge of such vessel is a citizen of the United States, or at least fifty percentum of the personnel complement of said vessel are not aliens: *Provided further*, That no departure license shall be granted to any vessel having an enemy alien on board, either in the capacity of master, operator, person in charge, member of the crew or passenger.

(2) Where it is necessary for the vessel to depart from local waters, or from territorial waters outside of local waters, for the purpose of transportation of the vessel under its own power to a permanent location within local waters at some distant point: *Provided*, That if such transportation will involve passage through, or arrival within, waters under the jurisdiction of another captain, or other captains of the port, the captain of the port issuing the license shall send appropriate notification thereof to the captain of the port in each of whose jurisdictions the vessel will proceed and arrive at final destination: *Provided further*, That no departure license shall be granted to any such vessel having an enemy alien on board, either in the capacity of master, operator, person in charge, member of the crew or passenger.

Before making the finding required by paragraph (c) of this section and issuing a departure license under the provisions of this paragraph, the captain of the port shall cause an inspection to be made of the vessel involved and such other investigation as may be deemed necessary, and shall, prior to the departure of said vessel, require every person on board to meet the identification requirements of § 6.4 (b).

Paragraph (b) of § 6.6, *Special authorization for licenses, etc.*, is changed to read as follows:

(b) Except (1) with respect to the departure of a vessel for which a departure permit is required by § 6.7, (2) or for which a departure license is required by paragraph (a) of this section, (3) or in case the vessel is included in a general license issued by the Commandant, with the approval of the Secretary of the Navy, under paragraph (d) of this section, (4) or in case of emergency missions to save life or property in distress, no vessel shall move in local waters of the United States, its territories or possessions, unless the owner, agent, or master of such vessel shall first obtain from the captain of the port in whose jurisdiction the vessel is to move a license authorizing such movement. No license will be issued to a vessel, other than a common carrier primarily engaged in the transportation of passengers for hire over regularly scheduled routes, which has, or intends to have, an enemy alien, as hereinafter defined, on board in any capacity. The captain of the port may, in his discretion and in appropriate cases, issue one license covering the requirements of this paragraph and paragraph (a) of this section. Each license issued by the captain of the port under this paragraph shall contain a condition that such license will not be valid and will cease and determine if the vessel to which it pertains, other than a common carrier primarily engaged in the transportation of passengers for hire over regularly scheduled routes, has on board an enemy alien in any capacity, or that, if the vessel is a common carrier primarily engaged in the transportation of passengers for hire over regularly scheduled routes and has

an enemy alien on board, and such enemy alien has not complied with all applicable travel regulations of the Attorney General, or other proper federal authority. For the purposes of this section, the term "enemy alien" shall include the following:

(1) All aliens of the age of 14 years or older who were or are natives, citizens, or subjects of Germany, Italy, or Japan.

(2) All aliens of the age of 14 years or older who at present are stateless, but who at the time they became stateless were citizens or subjects of Germany, Italy, or Japan.

The term "enemy alien", for the purposes of this section, shall not include the following:

(3) Former German, Italian, or Japanese citizens or subjects who, before December 7, 1941, in the case of former Japanese citizens or subjects, and before December 8, 1941, in the case of former German or Italian citizens or subjects became and are citizens or subjects of any nation other than Germany, Italy, or Japan.

(4) Austrians or Austrian-Hungarians (Austro-Hungarians) or Koreans who registered as such under the Alien-Registration Act of 1940, provided that such persons have not at any time voluntarily become German, Italian, or Japanese citizens or subjects.

But nothing contained in subparagraphs (3) and (4) of this section shall be construed as limiting in any manner the authority of the captain of the port under the last clause of § 6.4 (a) with respect to any person described in subparagraphs (3) or (4) of this section, or any other person, if such action is deemed warranted in any case.

FRANK KNOX,
Secretary of the Navy.

Approved:

FRANKLIN D ROOSEVELT
THE WHITE HOUSE, March 17, 1942

[F. R. Doc. 42-2397; Filed, March 19, 1942;
11:54 a. m.]

PART 9—GENERAL LICENSES FOR MOVEMENTS OF VESSELS WITHIN, OR DEPARTURE FROM, TERRITORIAL WATERS

By virtue of the authority vested in me by § 6.6 (d) of this chapter (6 F.R. 5222), and in accordance with the provisions of § 9.1 (c) (1) (6 F.R. 5342), I hereby find that the continuance in force of General License No. 1 (§ 9.1 *General License No. 1*), with respect to the territorial waters of the United States other than local waters, as hereinafter defined, would be inimical to the interests of national defense and of the safety and protection of vessels or the territorial waters, and accordingly said General License No. 1 (§ 9.1 *General License No. 1*), as amended on December 24, 1941 (7 F.R. 43), is hereby further amended as follows:

The introductory paragraph is changed to read as follows:

§ 9.1 *General License No. 1.* A general license is hereby granted to all vessels, exclusive of those covered by § 6.7 of this chapter, which are now in, or which may hereafter enter, local waters of the United States, its territories or possessions, to move within, but not to depart from, the local waters of the United States, its territories or possessions. The term "local waters", as herein used, embraces all territorial waters of the United States such as rivers, harbors, bays, sounds, roadsteads, inlets and other arms of the sea between projections of land, and the Great Lakes, but does not include any portion of the high seas along the coasts of the United States or outside the arms of the sea between projections of land, even though within the traditional three-mile limit. This license shall not apply to the following:

Paragraph (b) is cancelled and the following substituted therefor:

(b) The waters of the State of Rhode Island commonly known as the West Passage of Narragansett Bay and the Sakonnet River.

A new paragraph (c) is added to read as follows:

(c) Any vessel, which is not a common-carrier, primarily engaged in the transportation of passengers for hire over regularly scheduled routes, that has on board an enemy alien, as defined in § 6.6 (b) of this chapter (6 F.R. 5221), either in the capacity of master, operator, person in charge, member of the crew or passenger: *Provided*, That in the case of a common carrier primarily engaged in the transportation of passengers for hire over regularly established routes, the enemy alien on board shall have complied with all applicable travel regulations of the Attorney General, or other proper federal authority.

The present paragraph (c) is changed to (d).

In all other respects, said General License No. 1 shall remain in full force and effect.

R. R. WAESCHE,

Rear Admiral, U. S. Coast Guard.

Approved:

FRANK KNOX,

Secretary of the Navy.

MARCH 14, 1942.

[F. R. Doc. 42-2388; Filed, March 19, 1942; 11:54 a. m.]

TITLE 46—SHIPPING

Chapter III—War Shipping Administration

[General Order No. 5]

PART 320—PACIFIC COAST MARITIME INDUSTRY BOARD

Whereas by Executive Order 9054, dated February 7, 1942, the President established the War Shipping Administration in order to assure the most effective utilization of the Shipping of the

United States for the successful prosecution of the war; and

Whereas it is essential in order to achieve the objectives of the said Executive Order that the loading and discharging of vessels proceed with the maximum possible degree of efficiency.

Now, therefore, by virtue of the power vested in me by the aforesaid Executive Order, it is hereby Ordered, That

§ 320.1 *Creation of Pacific Coast Maritime Industry Board.* There is hereby created a Pacific Coast Maritime Industry Board (hereinafter referred to as the Board) as an agency of and within the War Shipping Administration.*

*§§ 320.1 to 320.7, inclusive, issued under authority contained in E.O. 9054, 7 F.R. 837.

§ 320.2 *Membership.* The Board shall consist of five members: A Chairman, (and a Vice-Chairman to act in his absence), two representatives of the owners, operators, or agents on the Pacific Coast, and two representatives of the longshore unions on the Pacific Coast.

(a) *Chairman.* The Chairman shall be appointed by the Administrator.

(b) *Employer and union representatives and alternates.* The representatives of the employers and the unions shall be appointed by the Administrator. He may also designate two employer alternates and four union alternates. The four union alternates shall be divided equally by the A. F. of L. and C. I. O. unions. In matters arising in ports in which the A. F. of L. unions represent the stevedores for collective bargaining purposes, the two A. F. of L. alternates shall, at the request of the Chairman, serve on the Board as the Union representatives. The Administrator may at any time revoke such employment or designation as representative or alternate and make a new appointment or designation.

(c) *Vice-Chairman.* The Vice-Chairman shall be selected by the Chairman with the approval of the Administrator, and will act as Chairman in the absence of the Chairman and shall have full power granted to the Chairman.*

§ 320.3 *Delegation of power.* Subject to such directives as may be issued and such policies as may be determined by the Administrator, the Board shall have all the power vested in the Administrator by Executive Order of the President, (No. 9054), dated February 7, 1942, to coordinate the efforts of the employer and employee groups on the Pacific Coast for the purpose of increasing efficiency in loading and discharging vessels in that area.*

§ 320.4 *Consultation with Pacific Coast Director of Administration.* The Board shall consult with the Pacific Coast Director of the War Shipping Administration with regard to matters that affect efficiency in the Longshore Industry as well as with regard to matters that affect efficiency in the Marine and Longshore Industries jointly.*

§ 320.5 *Surveys.* The Board shall from time to time conduct surveys of the loading and discharging of vessels on the Pacific Coast for the purpose of recommending to the Administrator and

to the Industry (employer and employee groups alike) measures to increase the efficiency thereof; to devise methods to increase efficiency and also ways and means to waive collective bargaining agreements and any rights therein of either party to such agreements if the Board determines such waiver to be in the interest of the war effort.*

§ 320.6 *Rules and regulations.* The Board shall have power to promulgate rules and regulations appropriate for the performance of its duties.*

§ 320.7 *Reports to Administrator.* The Board shall from time to time report to the Administrator on its activities hereunder and on the status of the efficiency of ship loading and discharging operations on the Pacific Coast, insofar as such operations are related to the prosecution of the war effort.*

By Order of the War Shipping Administration.

[SEAL]

W. C. PEET, Jr.,
Secretary.

MARCH 11, 1942.

[F. R. Doc. 42-2382; Filed, March 19, 1942; 11:11 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-231]

IN THE MATTER OF OSCAR VAAL, ALSO KNOWN AS OSCAR B. VAAL, CODE MEMBER

NOTICE OF AND ORDER FOR HEARING

A complaint dated March 5, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on March 9, 1942, by Bituminous Coal Producers Board for District No. 11, a District Board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Oscar Vaal, also known as Oscar B. Vaal, (the "Code member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 23, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Superior Court Room of Knox Circuit Court, Vincennes, Indiana.

It is further ordered, That J. D. Dermody or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the

premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code member in the Code or directing the Code member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violations by the above named Code member as follows: That said Code member, whose address is St. Meinrad, Indiana, and whose code membership became effective as of August 31, 1938,

1. Subsequent to September 30, 1940 sold to various purchasers approximately 325.185 tons of 1¼" x 0 slack coal produced by said Code member at his Vaal Mine, Mine Index No. 622, located in Harrison Township, Spencer County, Indiana, District No. 11, at the price of 55 cents per net ton f. o. b. said mine, whereas such coal is classified as Size Group No. 14 and is priced at \$1.40 per net ton f. o. b. said mine in the Schedule of Effective Minimum Prices for District No. 11 For Truck Shipments, resulting in violations of the effective minimum prices established for such coal;

2. During the period October 1, 1940 to October 27, 1941, both dates inclusive, failed to file and maintain tickets, sales slips, invoices, other memoranda and records, and data as required by Order

No. 296, dated September 23, 1940, Order No. 297, dated October 22, 1940, Order No. 307, dated December 11, 1940, and Order No. 312, dated February 24, 1941, resulting in violations of said Orders.

Dated: March 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2375; Filed, March 19, 1942;
10:28 a. m.]

[Order No. 337]

AN ORDER DIRECTING CODE MEMBERS TO FILE DUPLICATE COPIES OF SALES AGENCY CONTRACTS AND OF AMENDMENTS TO SALES AGENCY CONTRACTS, MADE AND ENTERED INTO ON AND AFTER APRIL 1, 1942.

Pursuant to the provisions of sections 4 II (a) and 10 (a) of the Bituminous Coal Act of 1937.

It is ordered, That certified copies of all contracts appointing sales agents or sub-sales agents, entered into on or after April 1, 1942, and of all amendments of existing contracts which may be made on or after April 1, 1942, and which are required to be filed pursuant to the provisions of Rule 4 of section II of the Marketing Rules and Regulations, be filed in duplicate with the statistical bureau of the Division for the district in which the mine or mines of the code member principal may be located.

Dated: March 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2376; Filed, March 19, 1942;
10:28 a. m.]

[Dockets Nos. 506-FD, 524-FD, 606-FD,
1163-FD, 1188-FD, 1323-FD, 1462-FD]

APPLICATION OF PUBLIC SERVICE COMPANY OF INDIANA FOR EXEMPTION UNDER SECTION 4-A OF THE BITUMINOUS COAL ACT OF 1937

ORDER OF THE ACTING DIRECTOR

The Acting Director of the Bituminous Coal Division entered an Order, dated January 21, 1942, in the above-entitled proceedings, providing that the applications for exemption heretofore filed by Public Service Company of Indiana in Dockets Nos. 506-FD, 524-FD, 606-FD, 1163-FD, 1188-FD, 1323-FD, and 1462-FD be denied, effective as soon as temporary or final minimum prices are established for the mines concerning which such applications for exemption were filed, but in no event later than sixty (60) days from January 21, 1942.

The aforesaid Order further stated that it is expected that District Board 11 will promptly apply for the establishment of minimum prices for the mines in question.

On March 10, 1942, District Board 11 filed with the Bituminous Coal Division a Statement of Facts which set forth that the District Board has designated a committee to consider the matter of min-

imum prices for said coals and to submit a recommendation to the District Board, and that it is now in the process of securing data and information with respect to the coals produced from the mines in question, but, due to delay occasioned by other urgent matters and by operating difficulties recently encountered at the mines, it appears impossible at this time to secure the samples and analyses which were to be used as a basis for the proposal of minimum prices for said coals, and to make available the results to the committee and the District Board in sufficient time to enable the District Board to propose to the Division by March 22, 1942, minimum prices for said coals. It is the District Board's opinion that a minimum period of 30 days will be required for it to propose said prices in addition to the 60-day period from January 21, 1942 provided in the Order of January 21, 1942, and it recommends that the Order of the Acting Director of that date, entered in the above-entitled proceedings, be modified by providing that the applications of the Public Service Company of Indiana for exemption under Section 4-A of the Bituminous Coal Act of 1937 shall be denied not later than 120 days rather than 60 days from the date of said Order.

It appears, therefore, that because of the conditions set forth, an extension of time should be granted but not to exceed 30 additional days.

Now, therefore, it is ordered, That the Order of the Acting Director, dated January 21, 1942, be, and it hereby is, modified to the extent that the applications for exemption heretofore filed by Public Service Company of Indiana in Dockets Nos. 506-FD, 524-FD, 606-FD, 1163-FD, 1188-FD, 1323-FD, and 1462-FD be, and they hereby are, denied, effective as soon as temporary minimum prices are established for the mines concerning which such applications for exemption were filed, but in no event later than 90 days from January 21, 1942.

Dated: March 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2377; Filed, March 19, 1942;
10:28 a. m.]

[Docket No. B-222]

IN THE MATTER OF FRED NOETH, REGISTERED DISTRIBUTOR, REGISTRATION NO. 6880

NOTICE OF AND ORDER FOR HEARING
Correction

Paragraph (a) appearing in the first column of page 2110 of the issue for Tuesday, March 17, 1942, should read as follows:

(a) 355.1 net tons of 1½" screenings coal purchased from and produced by the Carbon Coal Company, R. F. D. #2, Collinsville, Illinois, a code member, at its Glen Carbon Mine, Mine Index No. 1042, located in District 10;

DEPARTMENT OF LABOR.

Division of Public Contracts.

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE CANE SUGAR REFINING AND BEET SUGAR MANUFACTURING INDUSTRIES

NOTICE OF HEARING

All interested parties are hereby notified that a hearing will be held before the Public Contracts Board in Room 3229, Department of Labor Building, Washington, D. C., commencing at 10 a. m., on Tuesday, April 7, 1942, to take testimony and receive evidence upon which findings of fact and recommendations shall be made by the Board to assist the Secretary of Labor in determining the prevailing minimum wages in the Cane Sugar Refining and Beet Sugar Manufacturing Industries pursuant to the provisions of section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U. S. C. Sup. III 35), otherwise known as the Walsh-Healey Public Contracts Act.

The Cane Sugar Refining and Beet Sugar Manufacturing Industries have been defined as follows:

1. "The Cane Sugar Refining Industry is that industry which is engaged in the refining of raw cane sugar."
2. "The Beet Sugar Manufacturing Industry is that industry which is engaged in the manufacture of sugar from sugar beets."

A tabulation of wage schedules voluntarily submitted by members of the Cane Sugar Refining Industry, at the request of a committee made up of management and labor representatives, and tabulated by the Research Section of the Division of Public Contracts, Department of Labor, will be submitted in evidence at the hearing. Similar data were obtained from members of the Beet Sugar Manufacturing Industry through the cooperation of the United States Beet Sugar Association and the Farmers' and Manufacturers' Beet Sugar Association. Copies of these wage tabulations may be had on application to the Administrator, Division of Public Contracts, Washington, D. C. Any additional data indicating wage changes that may have occurred since the period covered by the tabulated schedules (October 1941) will also be received, as well as evidence for the purpose of determining what provision, if any, should be made in the prevailing minimum wage determination for the employment of apprentices and learners.

At the hearing an opportunity to be heard, either in person or by duly appointed representatives, will be given to persons engaged in the above named industries, either as employers or as employees, to groups of such persons, and to others within the discretion of the Board. Briefs or telegraphic communications may be filed with the Administrator, Division of Public Contracts, Department of Labor, and they should be received on or before the hearing date. No form for the brief is prescribed but an original and four copies must be submitted.

The entire record will be considered by the Secretary of Labor before the wage determination is made.

Dated: March 19, 1942.

WM. R. McCOMB,
Assistant Administrator.

[F. R. Doc. 42-2386; Filed, March 19, 1942; 11:45 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-228]

IN THE MATTER OF BORDER PIPE LINE COMPANY (DELAWARE)

ORDER POSTPONING HEARING

MARCH 17, 1942.

Upon motion filed March 13, 1942, by applicant, Border Pipe Line Company (Delaware), for continuance of the Hearing set in the above-entitled matter;

It appearing to the Commission that: Good cause has been shown for the postponement of the date of hearing herein;

The Commission orders that: The hearing in this proceeding, heretofore set to commence on March 30, 1942, be and it is hereby postponed to April 6, 1942, at the same time and place as heretofore fixed.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-2362; Filed, March 18, 1942; 2:36 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-613]

IN THE MATTER OF PANHANDLE EASTERN PIPE LINE COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 17th day of March 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Panhandle Eastern Pipe Line Company, a subsidiary of Columbia Oil & Gasoline Corporation, in turn a subsidiary of Columbia Gas & Electric Corporation, a registered holding company and, in turn, a subsidiary of The United Corporation, also a registered holding company; and

Notice is further given that any interested person may, not later than March 26, 1942 at 5:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration or application, as filed or as amended, may become effective or may be granted,

as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

Declarant proposes to commence on or about April 1, 1942 to acquire and redeem shares of its 5.60% Cumulative Preferred Stock in amounts required for the years 1942 and 1943 by the sinking fund provisions contained in the Certificate relating to said Preferred Stock, whereunder \$100,000 is to be deposited on April 1, 1942 in a segregated account and a sum sufficient to redeem not more than 3½% of the largest par amount at any time outstanding (presently \$525,000) on April 1, 1943.

The declarant may anticipate, at any time or from time to time, all or any part of the sinking fund payments due annually on April 1 (a) by delivering to the sinking fund shares of the said Preferred Stock which have been purchased or otherwise acquired, or (b) by redeeming shares of said Preferred Stock at \$108.00 per share, plus accrued dividends; the number of shares of said Preferred Stock acquired in anticipation of sinking fund payments is to be limited to the amount necessary to satisfy the next succeeding payment.

Any acquisitions are to be in compliance with the restrictions contained in declarant's Mortgage and Deed of Trust dated November 1, 1940, as supplemented on January 1, 1942, restricting, among other things, the acquisition and retirement of any stock to the amount of surplus earned since January 1, 1940, plus \$1,500,000. As provided in the Certificate relating to said Preferred Stock, no acquisition will be made while there is default in dividends except with the consent of the holders of the majority of said Preferred Stock. According to the declaration, no acquisition will be made from affiliates or associate companies except when shares of said Preferred Stock are called by lot for redemption; no acquisition of said Preferred Stock will be made from any Principal Underwriter during the period of distribution thereof; and all purchases are to be made at the best price obtainable but not to exceed the sinking fund redemption price (\$105.00 per share), and all purchases in the open market are to be made only through or from licensed brokers and dealers.

To the extent that shares of said Preferred Stock acquired will be insufficient to meet the requirements of said sinking fund, then the moneys remaining in said sinking fund will be applied to the redemption of shares of said Preferred Stock, to be selected by lot, at the sinking fund redemption price (\$105.00 per share) as provided by the

Certificate relating to said Preferred Stock.

Section 12 of the Act and Rule U-42 promulgated thereunder are designated as being applicable to the proposed transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2369; Filed, March 19, 1942;
9:39 a. m.]

[File No. 37-28]

IN THE MATTER OF ATLANTIC UTILITY
SERVICE CORPORATION

ORDER POSTPONING DATE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 17th day of March, A. D. 1942.

The Commission having on January 29, 1942, issued its Notice of Filing and Order for Hearing pursuant to section 13 of the Public Utility Holding Company Act of 1935 in the above entitled matter and said order having set the date for the hearing therein on February 17, 1942; and

Said date of hearing having been postponed at the requests of the several parties in the matter, by subsequent orders of the Commission, to March 19, 1942; and

Atlantic Utility Service Corporation having now requested that said date of hearing be further postponed subject to call upon 15 days notice by Counsel for the Commission or Counsel for Atlantic Utility Service Corporation; and

The Commission being of the opinion that said request should not appropriately be granted but that a postponement of fifteen days from said hearing date of

March 19, 1942, may appropriately be granted:

It is ordered, That the date of the hearing in this matter be and is hereby postponed to April 3, 1942, at 10 a. m. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated by the hearing room clerk in room 318, before the officer of the Commission previously designated herein.

By the Commission,

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2370; Filed, March 19, 1942;
9:39 a. m.]

[File No. 70-477]

IN THE MATTER OF LOUISVILLE GAS AND
ELECTRIC COMPANY (KY.); LOUISVILLE
TRANSMISSION CORPORATION (KY.); AND
LOUISVILLE TRANSMISSION CORPORATION
(IND.)

SUPPLEMENTAL FINDINGS AND ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 18th day of March, A. D. 1942.

The Commission having made findings and entered an order herein on March 3, 1942, granting the application, as amended, and permitting the declaration, as amended, to become effective forthwith, except that no findings were made in regard to the price to the Louisville Transmission Corporation (Kentucky), spread and distribution thereof and redemption prices applicable to the First Mortgage Sinking Fund Bonds due March 1, 1967, to be issued and sold by said Corporation, and the Commission having reserved jurisdiction in said order in regard thereto;

An amendment to said application and declaration having been filed as provided in Rule U-50 (c), specifying the proposals which had been received for the purchase of said Bonds pursuant to the invitation of competitive bids therefor, and stating that Louisville Transmission Corporation (Kentucky) had accepted a bid from The Northwestern Mutual Life Insurance Company of 100% for the Bonds bearing coupons of $3\frac{1}{8}\%$, said bonds to be redeemable initially at $101\frac{1}{2}\%$ in the case of redemption for sinking fund purposes or in case of redemption after a merger of Louisville Transmission Corporation (Kentucky) and Louisville Gas and Electric Company (Kentucky), and otherwise at $103\frac{1}{2}\%$, said redemption prices diminishing thereafter at the rate of $\frac{1}{25}$ of the initial premium on March 1, 1943, and by an additional $\frac{1}{25}$ of the initial premium on each March 1, thereafter;

The Commission having examined the record and making no adverse findings under section 7 (d) of the Public Utility Holding Company Act of 1935 in regard to the price to the issuer and redemption prices applicable to said Bonds, and there being no spread as the purchaser is not reselling said Bonds to the public;

It is ordered, That said application, as amended, be and it is hereby granted and said declaration, as amended, be and it is hereby permitted to become effective forthwith in regard to the price to the issuer and redemption prices applicable to said Bonds subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2373; Filed, March 19, 1942;
10:18 a. m.]

