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The President

ESTABLISHING THE CRISTOBAL AND THE GULF OF PANAMA MARITIME CONTROL AREAS AND PRESCRIBING REGULATIONS FOR THE CONTROL THEREOF

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the United States is now at war, and the establishment of the maritime control areas hereinafter described is essential in the interests of national defense; and

WHEREAS the Government of the Republic of Panama has requested the cooperation of the Government of the United States in exercising control in Panamanian waters adjacent to the Panama Canal, in accordance with the joint obligation of the two countries under their General Treaty of March 2, 1936, and otherwise, to insure the effective protection of the said Canal:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, by virtue of the authority vested in me as President of the United States and as Commander-in-Chief of the Army and Navy of the United States, and in accordance with the principle of self-defense of the Law of Nations, do hereby establish and proclaim the following-described areas as the Cristobal Maritime Control Area and the Gulf of Panama Maritime Control Area for the purposes of safeguarding the Panama Canal and for national and hemispheric defense, and prescribe the following regulations for the control thereof:

CRISTOBAL MARITIME CONTROL AREA

All waters contained within the seaward limit of an arc described with the western breakwater entrance light at Cristobal, Canal Zone, as a center, a radius of 36 sea miles, and meeting the shore line in the east in the vicinity of position Latitude 90°35' North, Longitude 79°21' West, and in the west in the vicinity of position Latitude 09°08' North, Longitude 80°29' West.

GULF OF PANAMA MARITIME CONTROL AREA

All waters of the Gulf of Panama to the north of Latitude 8° North.

REGULATIONS FOR THE CONTROL OF THE CRISTOBAL AND THE GULF OF PANAMA MARITIME CONTROL AREAS

1. A vessel not proceeding under United States naval or other United States authorized supervision shall not enter or navigate the waters of the above-described Maritime Control Areas except during daylight, when good visibility conditions prevail, and then only after specific permission has been obtained. Advance arrangements for entry into or navigation through or within the said Areas must be made, preferably by application at a United States Naval District Headquarters in advance of sailing, or by radio or visual communication on approaching the seaward limits of either Area. If radio telegraphy is used, the call "NQO" shall be made on a frequency of 500 kcs, and permission to enter the port requested. The name of the vessel, purpose of entry, and name of master must be given in the request. If visual communications are used, the procedure shall be essentially the same.

2. Even though permission has been obtained, it is incumbent upon a vessel entering the said Areas to obey any further instructions received from the United States Navy, or other United States authority.

3. A vessel may expect supervision of its movements within the said Areas, either through surface craft or aircraft. Such controlling surface craft and aircraft shall be identified by a prominent display of the Union Jack.

4. These regulations may be supplemented by regulations of the local United States naval authority as necessary to meet local circumstances and conditions.

5. Should any vessel or person within the said Areas disregard these regulations, or regulations issued pursuant hereto, or fail to obey an order of the United States naval authority, or perform any act threatening the efficiency of mine or other defenses, or take any action therein inimical to the defense of the United States, such vessel or person may be subjected to the force necessary to require compliance, and may be liable to detention or arrest, or penalties or forfeiture, in accordance with law.

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The Secretary of the Navy is charged with the enforcement of these regulations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of

the United States of America to be affixed.

DONE at the City of Washington this 13th day of January in the year of our Lord nineteen hundred and [SEAL] forty-two, and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2536]

[F. R. Doc. 42-402; Filed, January 15, 1942; 10:16 a. m.]

EXECUTIVE ORDER

EXTENSION OF THE PROVISIONS OF EXECUTIVE ORDER NO. 9001 OF DECEMBER 27, 1941, TO CONTRACTS OF THE TREASURY DEPARTMENT, THE DEPARTMENT OF AGRICULTURE, THE FEDERAL WORKS AGENCY, THE PANAMA CANAL, THE GOVERNMENT PRINTING OFFICE, AND THE NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

By virtue of the authority vested in me by the act of Congress entitled "An Act to expedite the prosecution of the war effort" approved December 18, 1941, and as President of the United States, and deeming that such action will facilitate the prosecution of the war, I hereby extend the provisions of Executive Order No. 9001 of December 27, 1941¹ to the Treasury Department, the Department of Agriculture, The Panama Canal, the Federal Works Agency, the Government Printing Office, the National Advisory Committee for Aeronautics, and such other agencies as I may from time to time designate, with respect to all contracts made or to be made by such agencies; and subject to the limitations and regulations contained in such Executive Order, I hereby authorize the Secretary of the Treasury, the Secretary of Agriculture, the Governor of The Panama Canal, the Administrator of the Federal Works Agency, the Public Printer, the Chairman of the National Advisory Committee for Aeronautics, and the heads of such other agencies as may be designated, and such officers, employees, and agencies as each of them may designate, to perform and exercise, as to their respective agencies, all of the functions and powers vested in and granted to the Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission by such Executive Order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 14, 1942.

[No. 9023]

[F. R. Doc. 42-394; Filed, January 14, 1942; 3:32 p. m.]

¹ 6 F.R. 6787.

Rules, Regulations, Orders

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4601]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF NATURE'S HERB COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with offer, etc., of respondent's medicinal preparation advertised as "Sterling Capsules", or any similar product, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or by implication, that said preparation constitutes a competent or effective cure or remedy for arthritis, rheumatism, sciatica, lumbago, neuralgia, or neuritis; or that said preparation is of any therapeutic value in excess of a mild analgesic which may afford temporary relief from pain associated with the aforesaid diseases or conditions, and in excess of a laxative or cathartic which will temporarily evacuate the bowels; or which advertisements fail to reveal (a) that said preparation may be injurious to health unless its dosage is limited to a period of two or three days; and (b) that said preparation should not be used by persons suffering from nausea, vomiting, abdominal pains, or other symptoms of appendicitis; prohibited, subject to the provision, however, that if the directions for use of said preparation, wherever they appear on the label, in the labeling, or both on the label and in the labeling, contain warnings of the potential dangers in the use of said preparation as hereinabove set forth, such advertisements need contain only the cautionary statement: Caution, Use Only As Directed. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Nature's Herb Company, Docket 4601, January 9, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of January, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into between the respondent herein and Richard P. Whiteley, Assistant Chief Counsel for the Commission, which provides among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings

as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Nature's Herb Company, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of its medicinal preparation advertised as Sterling Capsules, or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

(1) Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as commerce is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that said preparation constitutes a competent or effective cure or remedy for arthritis, rheumatism, sciatica, lumbago, neuralgia, or neuritis; or that said preparation is of any therapeutic value in excess of a mild analgesic which may afford temporary relief from pain associated with the aforesaid diseases or conditions, and in excess of a laxative or cathartic which will temporarily evacuate the bowels; or which advertisement fails to reveal (a) that said preparation may be injurious to health unless its dosage is limited to a period of two or three days; and (b) that said preparation should not be used by persons suffering from nausea, vomiting, abdominal pains, or other symptoms of appendicitis; *Provided, however,* That if the directions for use of said preparation, wherever they appear on the label, in the labeling, or both on the label and in the labeling, contain warnings of the potential dangers in the use of said preparation as hereinabove set forth, such advertisement need contain only the cautionary statement: Caution, Use Only As Directed.

(2) Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in paragraph (1) hereof, or which fails to comply with the affirmative cautionary requirements as set forth in said paragraph.

It is further ordered, That respondent shall, within ten (10) days after service upon it of this order, file with the Commission an interim report in writing, stating whether it intends to comply with this order, and if so, the manner and form in which it intends to comply; and that within sixty (60) days after service upon it of this order, said respondent shall file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-430; Filed, January 15, 1942; 11:42 a. m.]

[Docket No. 4222]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF STEPHEN RUG MILLS

§ 3.66 (d) *Misbranding or mislabeling—Nature:* § 3.66 (k) *Misbranding or mislabeling—Source or origin—Place—Foreign, in general:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Nature:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Source or origin—Place—Foreign, in general:* § 3.96 (a) *Using misleading name—Goods—Nature:* § 3.96 (a) *Using misleading name—Goods—Source or origin—Place—Foreign, in general.* In connection with the offering, etc., in commerce, of respondents' rugs, and among other things, as in order set forth, (1) using the word "Bombay" or any other word indicative of the Orient, or any pictorial representation of a typically Oriental scene, to designate or describe rugs which are not in fact made in the Orient and which do not possess all of the essential characteristics of Oriental rugs; and (2) using the words "Manchu" or "Chinese" or any other words indicative of Chinese origin, or any pictorial representation of a typically Oriental or Chinese scene, to designate or describe rugs which are not in fact made in China and which do not possess all of the essential characteristics of Chinese Oriental rugs; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Stephen Rug Mills, Docket 4222, January 7, 1942]

§ 3.66 (c20) *Misbranding or mislabeling—Manufacture:* § 3.66 (d) *Misbranding or mislabeling—Nature.* In connection with the offering, etc., in commerce, of respondents' rugs, and among other things, as in order set forth, using the word "Replica" or any other word of similar import to designate or describe rugs which are not in fact reproductions in all respects of the type named, including material; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Stephen Rug Mills, Docket 4222, January 7, 1942]

§ 3.66 (k) *Misbranding or mislabeling—Source or origin—Place—Imported product or parts as domestic:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Source or origin—Place—Imported product or parts as domestic:* § 3.96 (a) *Using misleading name—Goods—Source of origin—Place—Foreign product as domestic.* In connection with the offering, etc., in commerce, of respondents' rugs, and among other things, as in order set forth, using the words "New Bedford" or any other distinctively American name to designate or describe rugs which are not in fact made in the United States; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Stephen Rug Mills, Docket 4222, January 7, 1942]

§ 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Producer status of dealer:* § 3.96 (b) *Using misleading name—Vendor—Producer or laboratory*

status of dealer or seller. In connection with the offering, etc., in commerce, of respondents' rugs, and among other things, as in order set forth, using the word "Mills" as a part of respondents' trade name, or otherwise representing that respondents manufacture the rugs sold by them; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Stephen Rug Mills, Docket 4222, January 7, 1942]

In the Matter of Nathan E. Herzfeld and Saul S. Herzfeld, Individuals Trading and Doing Business Under the Name Stephen Rug Mills

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of January, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, and a stipulation as to the facts entered into between the respondents and Richard P. Whiteley, Assistant Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondents findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that the respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Nathan E. Herzfeld and Saul S. Herzfeld, individually and trading as Stephen Rug Mills, or trading under any other name, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of their rugs in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the word "Bombay" or any other word indicative of the Orient, or any pictorial representation of a typically Oriental scene, to designate or describe rugs which are not in fact made in the Orient and which do not possess all of the essential characteristics of Oriental rugs;

(2) Using the words "Manchu" or "Chinese" or any other words indicative of Chinese origin, or any pictorial representation of a typically Oriental or Chinese scene, to designate or describe rugs which are not in fact made in China and which do not possess all of the essential characteristics of Chinese Oriental rugs;

(3) Using the word "Replica" or any other word of similar import to designate or describe rugs which are not in fact reproductions in all respects of the type named, including material;

(4) Using the words "New Bedford" or any other distinctively American name to designate or describe rugs which are not in fact made in the United States;

(5) Using the word "Mills" as a part of respondents' trade name, or otherwise

representing that respondents manufacture the rugs sold by them.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-431; Filed, January 15, 1942;
11:43 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T.D. 50547]

PART 4—APPLICATION OF CUSTOMS LAWS TO AIR COMMERCE

AIRPORT OF ENTRY—CALEXICO MUNICIPAL AIRPORT, CALEXICO, CALIFORNIA, REDESIGNATED AS AN AIRPORT OF ENTRY FOR A PERIOD OF ONE YEAR¹

JANUARY 12, 1942.

The Calexico Municipal Airport, Calexico, California, is hereby redesignated as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U.S.C. title 49, sec. 179 (b)), for a period of one year from January 10, 1942. (Sec. 7 (b), 44 Stat. 572; 49 U.S.C. 177 (b))

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42-391; Filed, January 14, 1942;
12:46 p. m.]

[T.D. 50548]

PART 26—RESTRICTIONS ON IMPORTS AND EXPORTS SUBJECT TO PROCLAMATION NO. 2497, AND THE PROCLAIMED LIST OF BLOCKED NATIONALS

RESTRICTED EXPORTATIONS AND IMPORTATIONS—T. D. 50433 AMENDED

JANUARY 14, 1942.

Section 2 (19 CFR 26.2) of T.D. 50433 issued on July 22, 1941 (6 F.R. 3672) is hereby amended to read as follows:

§ 26.2 *Presentation of license before acceptance of entries for consumption, etc.* With respect to importations of merchandise in which any person named in the Proclaimed List appears to have an interest as consignor, seller, shipper or otherwise, the acceptance of entries for consumption and withdrawals from warehouse for consumption in respect of such merchandise tendered after July 27, 1941, shall be withheld pending presentation of a license issued pursuant to Executive Order No. 8389, as amended,² or instructions from the Treasury Department

¹ This document affects the tabulation in 19 CFR 4.13.

² 6 F.R. 2897, 3715, 6348, 6785.

authorizing the transaction. (Executive Order No. 8389, dated April 10, 1940, as amended, and in Proclamation No. 2497, dated July 17, 1941 (6 F.R. 3555)).

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 42-445; Filed, January 15, 1942;
11:56 a. m.]

TITLE 24—HOUSING CREDIT

CHAPTER III—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[Resolution, Dec. 22, 1941]

PART 301—INSURANCE OF ACCOUNTS

RESOLUTION RELATING TO FORMS OF ANNUAL REPORTS TO BE FILED BY INSURED INSTITUTIONS UNDER § 301.15 OF THE REGULATIONS

Be it resolved, That any annual report form heretofore or hereafter approved by the Federal Home Loan Bank Board for use by Federal Home Loan Bank members is hereby approved for use by insured institutions; and

Be it further resolved, That the Governor's office of the Federal Home Loan Bank Board is authorized and directed to require the information called for in the form approved by the Federal Home Loan Bank Board on September 24, 1941, entitled "Report of Members' and Investors' Accounts with Balances in Excess of \$5,000 Located More Than Fifty Miles from the Home Office (Supplement to Schedule 14 of the Annual Report)" to be submitted to that office when it appears that a disproportionate part of the capital of an association is or has been obtained from members or investors located beyond the radius of fifty (50) miles from the association's home office. (Effective date December 22, 1941)

(Sec. 402 (a) of N.H.A., 48 Stat. 1256, sec. 403 (b) of N.H.A., 48 Stat. 1257, sec. 23, 49 Stat. 298; 12 U.S.C. 1725 (a), 1726 (b) and Sup.)

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 42-401; Filed, January 15, 1942;
9:59 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1089]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER CORRECTING ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT CERTAIN MINES IN DISTRICT NO. 13

An Order Granting Temporary Relief and Conditionally Providing for Final Relief having been issued in the above

matter on November 4, 1941, 6 F.R. 6512; and

It appearing that Mine Index No. 601 was inadvertently assigned to the Mine of Gothard, Elsea & Alexander, which appears in Supplement R-IV, § 333.24 (General prices) and Supplement R-V, § 333.25 (b) (Special prices—prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses); and

It further appearing that Mine Index No. 701 should properly have been assigned to this mine;

It is, therefore, ordered, That the Order of November 4, 1941, herein be, and it is hereby, corrected by assigning Mine Index No. 701 in lieu of Mine Index No. 601 to the mine of Gothard, Elsea & Alexander.

Dated: January 13, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-425; Filed, January 15, 1942; 11:14 a. m.]

**TITLE 31—MONEY AND FINANCE:
TREASURY**

CHAPTER I—MONETARY OFFICES

PART 131—GENERAL LICENSE UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

AMENDMENT OF GENERAL LICENSE NO. 68A UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

JANUARY 14, 1942.

Paragraphs (3) and (4) of General License No. 68A¹ are hereby amended to read as follows:

§ 131.68a General License No. 68A.

(c) A report on Series J of Form TFR-300 shall be filed with the appropriate Federal Reserve Bank on or before February 15, 1942, with respect to the property interests of every person licensed herein as a generally licensed national if the total value of the property interests to be reported is \$1,000 or more.

(d) Every business enterprise licensed herein as a generally licensed national shall also file with the appropriate Federal Reserve Bank on or before February 15, 1942, an affidavit setting forth the information required by Form TFBE-1, if the total value of all property interests of such business enterprise is in excess of \$5,000. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

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

[F. R. Doc. 42-432; Filed, January 15, 1942; 11:43 a. m.]

¹ 6 F.R. 6454.

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 83 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

JANUARY 14, 1942.

§ 131.83 General License No. 83. A general license is hereby granted authorizing the detachment of coupons from securities of the type referred to in General Ruling No. 10, the presentation of such coupons for collection, and the performance of such other acts and effecting of such other transactions as may be necessarily incident to such collection, notwithstanding the fact that Treasury Department Form TFEL-2 may not have been previously attached to the securities from which such coupons are detached.

This general license shall not be deemed to authorize any transaction prohibited by reason of any provision (or ruling or regulation thereunder) of the Order other than General Ruling No. 10.

This license shall expire at the close of business on February 1, 1942. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

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

[F. R. Doc. 42-433; Filed, January 15, 1941; 11:43 a. m.]

APPENDIX TO PART 131

GENERAL RULING NO. 10 UNDER EXECUTIVE ORDER NO. 8389, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

JANUARY 14, 1942.

(1) The acquisition, disposition or transfer of, or other dealing in, or with respect to, any of the following is hereby prohibited except as authorized by license expressly referring to this general ruling:

- (a) Any Philippine paper currency;
- (b) Any security issued by, or the obligation of, either the Government of the Commonwealth of the Philippines, including political subdivisions thereof, or any corporation or other organization organized under the laws of the Philippine Islands, unless Form TFEL-2 has been previously attached to such security by, or under the direction of, the Treasury Department.

Form TFEL-2 will be attached to any security referred to herein if presented to any Federal Reserve Bank on or before February 1, 1942, accompanied by a description thereof on Form TFR-10. Subsequent to February 1, 1942, Form TFEL-2 will be attached to such securities only in the discretion of the Secretary of the Treasury and only upon the filing

of appropriate application with a Federal Reserve Bank tracing the ownership of such security since January 1, 1942 and satisfactorily explaining the reasons the security was not presented to a Federal Reserve Bank on or before February 1, 1942, for the attachment of Form TFEL-2. Such form will be attached to stamped securities of the type referred to in section 2A (1) of the Order only pursuant to existing procedure relating to stamped securities.

(2) Except as authorized by license expressly referring to this general ruling:

(a) All Philippine paper currency held within the United States is hereby required to be deposited on or before February 1, 1942, in a blocked currency account with either a domestic bank or with the New York office of the Philippine National Bank.

(b) The bank of deposit shall hold such currency for the account, or pursuant to the instructions, of the depositor.

(c) On or before February 15, 1942, every bank holding any blocked currency accounts shall file a report on Form TFR-110 in triplicate with the appropriate Federal Reserve Bank.

As used in this general ruling and in any other rulings, licenses, instructions, etc., the term "blocked currency account" shall mean an account from which no payments, transfers, or withdrawals may be made, and no other transaction or dealing may be effected with respect thereto, except pursuant to a license expressly referring to such account.

(3) Philippine paper currency which prior to January 1, 1942 was of recognized special value to collectors of rare and unusual currency, or which is held as part of any collection of rare and unusual currency, is hereby excluded from the provisions of this general ruling.

By direction of the President.

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

[F. R. Doc. 42-446; Filed, January 15, 1942; 11:43 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER III—BUREAU OF MINES

PART 301—CONTROL OF EXPLOSIVES AND THEIR INGREDIENTS IN TIME OF WAR OR NATIONAL EMERGENCY

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301.17	Instructions for storage.
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301.20	Special instructions for manufacture and sale of fireworks.
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301.22	Instructions for Explosives Investigators.

The regulations in this part, promulgated under the act of Congress of December 26, 1941 (Public Law 381, 77th Cong.), supersede the Wartime Regulations for Explosives and Their Ingredients issued as "General information and rulings for enforcement of the law regulating the manufacture, distribution, storage, use, or possession of explosives and their ingredients, Bureau of Mines, 1918," and published in 32 CFR, Part 301.

§ 301.1 *Effect and operation of regulations.* The regulations in this part have the force and effect of law. Any person violating them is guilty of a misdemeanor which is punishable by a fine of not more than \$5,000, or by imprisonment for not more than one year, or by both such fine and imprisonment. They are in operation during the existence of a state of war declared by Congress or proclaimed by the President or of a national emergency proclaimed by the President as requiring the application of the provisions of the Federal Explosives Act and remain in operation until the termination of the war or revocation of any such proclamation.*

*§§ 301.1 to 301.22, inclusive, issued under the authority contained in sec. 18, Public Law 381, 77th Cong.

§ 301.2 *Definitions.* (a) The terms "Act" or "Federal Explosives Act" mean that certain act of October 6, 1917 (40 Stat. 385), as amended by the act of December 26, 1941 (Pub. Law 381, 77th Cong.).

(b) The terms "explosive" and "explosives" mean any chemical compound or mechanical mixture that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound or mixture or any part thereof may cause an explosion, including the following:

- Ammonium nitrate.
- Blasting powder.
- Blasting caps.
- Caps, blasting, detonating, percussion—all classes.
- Chlorate powders.
- Detonating fuse, or cordeau detonant.
- Detonators.
- Dynamites.
- Electric blasting machines.
- Electric blasting caps.
- Fireworks.
- Flashlight powders.
- Fulminates.
- Fuse of all varieties.
- Guncotton.
- Gunpowder and gunpowder mixtures (except small arms or shotgun cartridges).
- Nitrocellulose exceeding 10.18 percent nitrogen.
- Nitroglucose.
- Nitroglycerin (except in official U. S. Pharmacopoeia solution, or in form of pills, or granules, containing not more than one-fiftieth of a grain each).

- Nitroglycol.
- Nitromannite.
- Nitrostarch.
- Nitrosugar.
- Permissible explosives.
- Ammonium picrate.
- Picrates.
- Picric acid.
- Smokeless powder (except small arms or shotgun cartridges).
- Squibs.
- Trinitrotoluol (triton).
- Trinitrocresol.
- Trinitronaphthaline.
- Tetranitroaniline.
- Tetranitromethylaniline.

This list may be altered if experience indicates that this is desirable.

(c) The term "ingredients" means phosphorous and active oxidizing chemicals that can be combined with one or more reducing materials to produce an explosive including the following:

- Chlorates: Barium, Potassium, Sodium, Strontium.
- Nitrates: Ammonium.
- Oxygen (liquid).
- Perchlorates: Perchloric acid and salts.
- Phosphorus: white, yellow.

This list may be altered if experience indicates that this is desirable.

(d) The term "person" shall include executive departments, independent establishments, and other agencies of the United States, the District of Columbia, Territories, and insular possessions of the United States, States, and municipalities and other political subdivisions thereof; and individuals, partnerships, associations, societies, and corporations.

(e) The term "Director" means the Director of the Bureau of Mines.

(f) The term "Licensing Agent" means a person authorized to administer oaths who has been designated by the Director and authorized to issue certain licenses in accordance with the act and regulations.

(g) The term "Explosives Investigator" means an employee of the Bureau of Mines authorized by the Director to investigate compliance with the act and the causes of explosions and fires in all places in which explosives are manufactured, transported, stored or used or in which there is reason to believe explosives were involved.

(h) The term "Regional Officer" means an official of the Bureau of Mines designated by the Director and stationed in the field to act in a supervisory capacity and to review on appeal rejected applications for licenses, in accordance with the act and regulations.

(i) The term "foreman" means any employee whose duties include the sale or issuance of explosives or ingredients for and on behalf of his employer to other employees, agents, or independent contractors of his employer.*

§ 301.3 *Application of act and regulations; exceptions.* The act and regulations require the licensing of all persons and establishments for operations relating to explosives or ingredients, with the exceptions following:

(a) *Persons and establishments excepted—(1) Establishments of the United States.* Arsenals, navy yards, depots, or other establishments owned by or oper-

ated wholly by or on behalf of the United States.

(2) *Employees dealing with foreman.* Employees in any industry using explosives may purchase or accept explosives or ingredients from a licensed foreman, in accordance with the act and regulations, without themselves obtaining licenses.

(b) *Operations excepted—(1) For military and related purposes.* Manufacture under the authority of the United States of explosives wholly for, or their sale to or possession by, the military or naval service of the United States or the Federal Bureau of Investigation.

(2) *Exportation or importation.* Exportation or importation of explosives or ingredients pursuant to or under the terms of the acts following: act of January 31, 1922 (42 Stat. 361), prohibiting unrestricted export of arms to certain countries where domestic violence occurs; the Neutrality Act of November 4, 1939 (54 Stat. 4); the National Defense Act of July 2, 1940 (54 Stat. 712); and the "lend-lease" act of March 11, 1941 (Pub. Law 11, 77th Cong.).

(c) *Explosives and ingredients excepted—(1) Ingredients in small quantities.* Ingredients in small quantities and not used or intended to be used in the manufacture of explosives. The term "small quantities" as used in this subsection, means quantities of one ounce or less, except as modified by the Director as to any particular ingredient.

(2) *Explosives or ingredients in transit.* Explosives or ingredients which are in transit upon vessels, railroad cars, or conveyances in conformity with statutory provisions pertaining to, or rules and regulations of, the Interstate Commerce Commission, or regulations of the Secretary of Commerce.

(3) *Cartridges, fireworks, signals.* Cartridges for small arms or shotguns, ships' signal or emergency equipment, and such fireworks or signalling devices as are designated by the Director.*

CROSS REFERENCE: For special regulations on fireworks, see § 301.20.

§ 301.4 *Licenses, kind and scope—(a) Kind of licenses.* Five different kinds of licenses are issued under the Federal Explosives Act, as follows: manufacturer's license, vendor's license, purchaser's license, foreman's license, analyst's-educator's-inventor's-investigator's license.

(b) *Scope of licenses.* Generally one license will fit all of the needs of any particular applicant, although this will not always be the case. If the applicant conducts enterprises or operations distinct from one another, which would require separate licenses if conducted by different persons, separate licenses will be required. The scope of each license is briefly as follows:

(1) *Manufacturer's license.* This license authorizes the manufacture, possession, and sale of explosives and ingredients. It covers the purchase of ingredients for manufacture into explosives, and the sale of manufactured products in the usual course of trade to jobbers, dealers, or users. It does not

cover the purchase and sale of explosives or ingredients purchased for resale.

(2) *Vendor's license.* This license authorizes the purchase, possession, and sale of explosives and ingredients. It is required of jobbers, wholesalers, dealers, and retailers, whether or not they physically handle, store, or have possession of the explosives or ingredients dealt in. A vendor's license will cover the immediate clerks or other employees of the vendor who handle the goods as employees of the licensee; but the licensee will remain responsible and liable for the acts of all such employees.

(3) *Purchaser's license.* This license authorizes the purchase, possession, and use of explosives and ingredients. It permits no disposition of the explosives or ingredients purchased except the use thereof by the licensee.

(4) *Foreman's license.* This license authorizes the purchase and possession of explosives and ingredients and the sale and issuance thereof to other employees of the licensee's employer, for use on the operating premises. (See definition of "foreman", § 301.2.)

(5) *Analyst's-educator's-inventor's-investigator's license.* This license authorizes the purchase, manufacture, possession, testing, and disposal of explosives and ingredients for scientific, educational, and testing purposes only. It is required of schools, laboratories, and other institutions and persons who use explosives or ingredients in the manner indicated by the title of the license. It will not be required of a manufacturer who customarily conducts such operations.*

§ 301.5 *Licenses, term and transferability—(a) Term of licenses.* All licenses are good for a maximum term of one year from date of issuance, unless sooner revoked or terminated for cause or by reason of the termination of the war or national emergency. Licenses are not renewable, but application may be made for a new license when necessary or desired.

(b) *Transferability of licenses.* Licenses cannot be assigned or in any way transferred, nor can any person operate under, or have the benefit of, another person's license.

(c) *Death, discharge, dissolution, etc., of licensee.* In the event of the death of any licensee, the license becomes immediately void, and the personal representative or heirs of the decedent (except in the case of a deceased foreman) must apply for a license to cover remaining explosives or ingredients or incomplete operations requiring a license. If the decedent is a foreman, or if a licensed foreman resigns or is discharged, his employer must at once take possession and charge of any explosives or ingredients for which the foreman was accountable, and make certain that a suitable license is secured for them. In the event of the dissolution or transfer of the business of any licensee, the successor in interest of the licensee shall immediately apply for a license to cover any explosives, ingredients, or operations relating to same.

(d) *Bankruptcy and involuntary transfers.* In the event of the bankruptcy of a

licensee, the trustee of his bankrupt estate shall immediately apply for a license to cover any remaining explosives, ingredients, or operations relating thereto. The license does not pass with any forced sale or other forced transfer of explosives, ingredients, or operations covered by it, and the transferee must immediately apply for a license to cover same.*

§ 301.6 *Qualifications of applicants for license—(a) Age.* All persons executing applications and all individual licensees must be at least twenty-one years old, except as follows: Individuals who are engaged in mining, agriculture, or other work requiring the use of explosives, who are personally qualified to use explosives, and who accompany their application with satisfactory evidence of these facts, may apply for a Purchaser's License although less than twenty-one years old.

(b) *Reliability and experience.* All applicants must show affirmatively, to the satisfaction of the Licensing Agent, that they are sufficiently reliable and experienced to have the license applied for. Individual applicants who are unknown to the Licensing Agent must support their applications in this respect by the affidavits of two reputable citizens of the United States.*

§ 301.7 *Applications for licenses; forms—(a) Forms for applications.* Applications for licenses must be made on Bureau of Mines forms which may be secured from Licensing Agents or from the Bureau of Mines. The form applicable to the particular license desired must be used. There are two forms of applications, as follows:

Application for Vendor's, Purchaser's, or Foreman's License.

Application for Manufacturer's or Analyst's, Educator's, Inventor's and Investigator's License.

(b) *Filling out application forms.* All blanks in the application forms should be filled in or a line drawn through them. Incomplete applications will not be accepted. If additional space is needed, additional sheets shall be used and securely attached.

(c) *Execution and oath.* If the application is by an individual for a vendor's or purchaser's license for himself, the application and the oath must be made by the individual. If the application is for a foreman's license, the application and the oath must be made by the foreman, and the application must bear the written endorsement of his employer (see definition of "foreman," § 301.2). The application of a firm, corporation, or other organization should ordinarily be executed by its regularly appointed and authorized officer or officers, evidence of whose official capacity and authority must accompany the application; and if made by any other person, the authority of that person to represent the organization must be shown by a certificate executed by its officers.

(d) *Proof of citizenship.* Applicants who are not native-born citizens, but who claim citizenship, must give satisfactory evidence of citizenship. This evidence should be the production of the applicant's certificate of naturalization, or the certificates of his parents; but if

this cannot be done, the applicant must produce satisfactory secondary evidence of citizenship, showing the essential facts. In all cases, the citizenship of the persons executing applications must be shown.

(e) *Applications of partnerships.* Applications of partnerships must disclose the name, address, and citizenship of every partner, whether his interest is limited or otherwise.*

§ 301.8 *Filing of applications—(a) Purchaser's, vendor's, or foreman's applications.* Ordinarily applications for purchaser's, vendor's, and foreman's licenses should be filed with the Licensing Agent most convenient to the vicinity to which the license is to apply.

(b) *Manufacturer's, analyst's, etc., applications.* Manufacturer's, analyst's, etc., applications may be filed with any convenient Licensing Agent, who will forward them to the Director, or they may be sent directly to the Director.

(c) *Appearance by applicant.* In all cases where licenses are issued by Licensing Agents, the applicant or representative of applicant (in the case of a firm, corporation, or other organization) to whom the license is to be issued, should appear personally before the Licensing Agent, either when the application is filed or when the license is issued. It is preferable, but not required, that the oath on applications filed with Licensing Agents should be made before the Licensing Agent; but if the personal appearance above referred to is not made at the time of filing the application and making the oath, it should be made when the license is issued.*

§ 301.9 *Issuance of original licenses—(a) Issuing officers and offices.* Licensing Agents are authorized to issue only three kinds of licenses, to wit: Vendor's, Purchaser's, and Foreman's. Only the Director may issue Manufacturer's, Analyst's, etc., licenses, but the Director may receive applications for and issue all forms of licenses.

(b) *Time of issuance of licenses.* In the case of licenses issued by Licensing Agents, if the applicant or the applicant's representative (in the case of firms, corporations, or other organizations) appears in person when the application is filed, and the application is fully and correctly completed and executed, and the Licensing Agent is satisfied with the qualifications of the applicant, and that all of the requirements of the act and of these regulations have been fully complied with, the license applied for will ordinarily be issued and delivered to the applicant forthwith. However, the Licensing Agent has full discretion to defer the issuance of a license on any application to make such investigation as he deems necessary or proper.

(c) *Countersigning of licenses.* All licenses must be countersigned by the licensees in whose names they are issued, on the form for countersigning provided on the face of the license; and do not become effective for any purpose until so countersigned.

(d) *Refusal to issue license.* The Director or a Licensing Agent may refuse a license when in his opinion, based on facts of which he has knowledge or re-

liable information, the applicant is not sufficiently reliable and experienced to be authorized to manufacture or handle explosives and ingredients; or is disloyal or hostile to the United States, or, if the applicant is a firm, association, society, corporation, or other organization, its officers, directors, or controlling shareholders or members are disloyal or hostile to the United States. Except as may be determined by the Director in particular cases upon the showing of special circumstances, no license shall be issued to enemy aliens or to subjects of a country allied with an enemy of the United States, or to a firm, corporation, or other organization of which the controlling members or stockholders are enemy aliens or subjects of a country allied with an enemy of the United States.

(e) *Notice of refusal to issue license.* Whenever issuance of a license is refused, the Licensing Agent or other officer who makes the refusal should give notice thereof in writing to the applicant on a Bureau of Mines form, a duplicate copy of which must be kept among the office records. The notice may be given personally to the applicant, or sent by mail to the applicant at the address given on the application. If the notice is given personally to the applicant, it is deemed to have been given at the time of delivery; if mailed to the applicant, it is deemed to have been given five days after mailing.*

§ 301.10 *Issuance of duplicates and certified copies—(a) Licenses lost, destroyed, defaced or stolen.* Application for a duplicate license may be made by the holders of licenses that are lost, destroyed, defaced, or stolen. Such application should be made ordinarily to the officer that issued the original license. No form is provided for this application. It must state all of the facts and circumstances known to the applicant concerning the loss, destruction, defacement, or theft of the original license; must refer to the original application upon which the original license was issued; and must be executed and sworn to in all respects in the manner of an application for an original license. If a defaced license is available or if a lost or stolen license is afterward recovered, it must be surrendered to the officer issuing the duplicate. A fee of 25 cents must be paid with the application. If the officer applied to is satisfied with the showing made by the application he shall issue a duplicate. The duplicate will bear a new serial number, the same as if it were an original, and shall bear the date of its issuance; but the issuing officer shall write upon the face of the duplicate license and upon the stub thereof the words "duplicate of license No. -----, dated -----," with the serial number and date of the original license filed in.

(b) *Certified copies of licenses.* Licensees needing certified copies of their licenses in the conduct of their business may apply for them. Such applications should be made ordinarily to the officer that issued the license, a copy of which is to be certified. No form is provided for this application. It must be in writing, executed by the licensee; must state

the number of certified copies desired, and the purpose for which they are sought. The officer applied to may issue the copies applied for on special unnumbered forms which will be supplied and which will bear upon their face a special form for certification. The certified copies will bear the same serial number and date as the original license.

(c) *Photostatic copies of licenses.* Photostatic copies of an original license, clear and distinct, and of a size not less than that of the original, may be made by licensees and used by them in lieu of duplicate or certified copies, without any application to or certification by any issuing officer. Licensees themselves shall number all such photostatic copies serially, in ink, beginning with the number "1", and shall themselves certify same as copies by writing upon the face thereof, in ink, the words following: "Photostatic copy No. -----," with the signature of the licensee, as appearing on the face of the license (by its proper officers if a firm, corporation, or other organization), under the certificate.

(d) *Unauthorized copies of licenses.* No unauthorized copies of licenses shall be made or kept. Any extra copies of any sort, not certified by a licensing officer, and photostatic copies not numbered and certified by the licensee, shall be immediately destroyed.*

§ 301.11 *Licensing agents; instructions—(a) Qualifications of licensing agents.* Licensing Agents must be persons qualified by law to administer oaths and must be citizens of the United States. They should be reputable, well-known residents of the communities in which they are to officiate, and in a position to know personally or to know of as many as possible of the persons who will apply to them for licenses.

(b) *Passing upon application.* Licensing Agents should personally consider each application presented to them, and should carefully weigh the qualifications of the applicant before issuing a license. In many cases where the applicant is personally known to the Licensing Agent, the decision will be easy. In many other cases, evidence accompanying the application will suffice to satisfy the Licensing Agent. (See § 301.6, re qualification of applicants.) The Licensing Agent should not hesitate to defer issuing the license until he has had time to make such investigation as he deems proper. No explanation whatever need be given to the applicant of any such deferment, nor of rejection of the application; and in no case will the Licensing Agent be liable for exercising his discretion in these respects. If in doubt, the Licensing Agent should reject the application. The applicant will have a right to appeal to a Regional Officer.

(c) *Forms and records.* Upon being appointed, Licensing Agents will be supplied with all necessary forms, including the following:

Application for Vendor's, Purchaser's, or Foreman's license.

Vendor's, Purchaser's, Foreman's license—form for original and certified copies.

Notice of rejection of application.

Reports to Director.

Applications should be numbered serially by the Licensing Agent, in the order in which the completed applications are filed with him, beginning with the number one (1). Licenses, on the other hand, will be machine numbered when they are printed, with the same number on both license and stub, and must be issued under the number which they bear. If for any reason a license form is defaced or damaged, it should be destroyed, and a notation to this effect made on the stub. Applications filed and the stubs of issued licenses must be kept safely by Licensing Agents as part of their records, until called for by the Director.

Upon receipt of forms and supplies from the Director, Licensing Agents should make and keep in some safe separate place a notation of the serial numbers of license forms supplied to them, so that they can report promptly to the Director the loss or theft of any such forms, together with their serial numbers. License forms and other records should be kept as securely and safely as possible to guard against loss, theft, or destruction. Records of Licensing Agents, to be kept by them until called for by the Director, include the following:

Original applications filed.

Stubs of licenses issued, both original and certified copies.

Copies of rejections of applications.

Copies of correspondence.

(d) *Reports to the Director.* Licensing Agents shall make monthly reports to the Director, which will include a record of licenses issued during the period, date of issuance, name and address of licensees, and a report containing a summary of the kind of licenses issued and other data on forms supplied for this purpose. These reports should be mailed not later than the 10th of the following month.

(e) *Publicity.* As soon as appointed, Licensing Agents should notify the local newspapers and radio stations of that fact and of their authority to receive applications for and issue licenses under the Act. These are practical ways of notifying the public of its duties under the Act, and of how these duties may be discharged.

(f) *Cooperation with State and local officials.* Licensing Agents should seek help and information from state and local officials and public and private agencies. To this end, they should cooperate with such officials and agencies and maintain cordial relations with them and with the public. Local officials should be informed of the identity of licensing agents and where they may be found.*

§ 301.12 *Appeals, procedure—(a) Appeals from Licensing Agents.* An applicant to whom a license is refused by a Licensing Agent may appeal to a Regional Officer for such license. An appeal from a Licensing Agent to a Regional Officer is taken by filing with the Regional Officer an original, and with the Licensing Agent a copy, of a notice of appeal, within thirty days after notice of the rejection of his application by the Licensing Agent. Said notice of appeal shall be a simple statement to the effect:

that the applicant appeals from the rejection of his application by the Licensing Agent. Within five days after the filing of said copy of notice of appeal with him, the Licensing Agent shall transmit to the Regional Officer the Applicant's original application together with a copy of the notice of rejection thereof, and all endorsements, affidavits, and documents relative thereto and used and considered by the Licensing Agent in passing upon the application. The Licensing Agent may also transmit to the Regional Officer such statement relating to the application as he sees fit.

(b) *Action on appeal by Regional Officer.* The Regional Officer shall review the application and all of the facts and circumstances connected therewith, and within thirty days after the receipt of the appeal papers from the Licensing Agent, shall either grant or withhold the license. If the Regional Officer decides to grant the license, he shall forthwith issue same under his own signature, upon the original application theretofore made, sending a notice of his action, and a duplicate copy of the license issued, to the Licensing Agent appealed from. If the Regional Officer decides to withhold the license, he shall give notice to the applicant in the same manner and to the same effect as provided in § 301.9 (e) with regard to the original rejection by the Licensing Agent, and shall send a duplicate copy of the notice of rejection to the Licensing Agent appealed from.

In considering such appeals, Regional Officers should carefully review the matter. They may in their discretion interview the Licensing Agent appealed from, the applicant appealing, and any other witnesses, without any formal hearing. They may make such general and further investigation of the facts as they see fit. If reasonably convinced that the license applied for should be issued, Regional Officers appealed to should issue same; but if in doubt, they should uphold the Licensing Agent, and reject the application.

(c) *Appeals from Regional Officers.* An applicant to whom a license is refused by a Regional Officer may appeal to the Director. An appeal from a Regional Officer to the Director is taken by filing with the Director an original, and with the Regional Officer a copy, of a notice of appeal, within thirty days after notice of the rejection of his application by the Regional Officer. Said notice of appeal shall be a simple statement to the effect that the applicant appeals from the rejection of his application by the Regional Officer. Within five days after the filing of said notice of appeal with him, the Regional Officer shall transmit to the Director the applicant's original application together with a copy of his notice of rejection and all papers sent up by the Licensing Agent and all documents relative to the matter and considered by the Regional Officer in passing upon the application. The Regional Officer may also transmit to the Director such statement relating to the application as he sees fit.

(d) *Appeals from the Director.* An applicant to whom a license is refused by the Director or any licensee whose license is revoked by the Director may within thirty days after notification of the rejection of his application or the revocation of his license apply to the Council of National Defense for such license or the cancellation of such revocation.

(e) *Hearing, briefs, evidence, on appeal.* The Director may, in his discretion, upon suitable notice, order that a hearing be had upon any appeal, either before the Director or before any officer or referee the Director may appoint, including any Regional Officer, under such regulations as the Director may prescribe. Ordinarily, appeals will be decided upon the appeal papers in the file, accompanied by such briefs or points and authorities, together with affidavits, depositions, and other documentary evidence as the applicant may wish to submit, all of which make up the record on appeal. All papers other than the original or copies of notices of rejection and applications rejected, must be filed with the officer appealed to within twenty days after the appeal is taken, unless an extension of time is secured. Upon appeals to the Director or to the Council of National Defense, evidence, documentary or otherwise, not previously submitted below, need not be considered. Upon all appeals the Director or the United States, by any branch or division of the Federal Government, may be represented, and may submit such briefs and evidence as may be deemed fit.*

§ 301.13 *Records and information not public.* Except for licenses issued and stubs of licenses evidencing their issuance, none of the records provided for under the Act or in these Regulations are public records which may be inspected or used by the general public. All of the records are open to inspection by officers of the Bureau of Mines, officers of the Federal Bureau of Investigation, and of other Federal agencies that may be designated by the Director, and by State, county, and city police officers when authorized by the Director or by one of his personal representatives.

Licensing Agents and Regional Officers shall not make public information which they may receive in connection with applications or appeals on applications, but may divulge any such information to any of the officers referred to above to whom the records are open for inspection.*

§ 301.14 *Licensees; duties and obligations—(a) Protection and exhibition of licenses.* Licensees must take every reasonable precaution to protect their licenses from loss, theft, defacement, destruction, or unauthorized duplication. In the event of loss or theft, immediate report must be made to the Director, or the nearest Licensing Agent, Regional Officer, or Explosives Investigator, who will report to the Director. Licensees must not place their licenses or copies thereof in the hands of persons other than their own agents, officers, or persons with whom they are dealing in explosives or ingredients, and must know at all times

where and in whose hands their licenses or any copies thereof, may be. Licenses must be exhibited at all times upon demand of any officer of the Bureau of Mines, the Federal Bureau of Investigation, the Department of Justice, the United States Navy Intelligence, the United States Army Intelligence, and upon demand of a Licensing Agent and of State, county, and city police officers.

(b) *Accidents, explosions, and reports thereon.* Licensees must report at once to the Director or to the nearest Explosives Investigator all fires, explosions, accidents and disasters caused by explosives, ingredients, or the use thereof; and thereafter shall make such detailed report thereof and provide such information as the Director, and Explosives Investigator, or any other officer of the Bureau of Mines may call for; and shall admit such officers upon demand to the premises and scene of the occurrence.

(c) *Inspections, investigations, and safety orders.* Explosives Investigators and other officers of the Bureau of Mines may enter at all times the premises where explosives or ingredients are being used, stored, or handled, for the purpose of inspecting the premises and any operations thereon involving the use, storage, or handling of explosives; and licensees shall admit such officers upon demand. All reasonable instructions of said officers regarding the storage, safe-keeping, handling, or use of explosives or ingredients, shall be followed and observed by licensees, unless they appeal within twenty-four hours from the receipt thereof to the Director, Bureau of Mines, Washington, D. C. The maintaining of guards by the licensee at any magazine or place of storage may be a suitable safety order.

(d) *Records of transactions.* One purpose of the Act is to make it possible at all times to know or ascertain the source and the ultimate disposition of all explosives and ingredients covered by the act. To this end licensees must keep full and detailed reports of the acquisition, manufacture, sale, use, or other disposition of explosives and ingredients handled by them. Licensees should keep records adequate and suitable with reference to the nature of their operations and the extent of their transactions. The records of Manufacturers, Vendors, and Foreman must include tabulation of the persons to whom, the amounts in which, and the dates on which explosives or ingredients were sold or issued. The records of Purchasers and Analysts, Educators, Inventors and Investigators must include a showing of the persons from whom, and the dates on which, and the amounts in which explosives or ingredients were purchased or otherwise acquired, and the dates on which, the amounts in which, and the purposes for which they were used. Copies of records must be sworn to and furnished to the Director of the Bureau of Mines or his authorized representative whenever requested.

(e) *Compliance with other laws and regulations.* Licensees should realize that the holding of a license under the Fed-

eral Explosives Act and these Regulations does not relieve them of the necessity and duty of complying with all other laws and regulations, local, State and Federal, pertaining to the same matter.*

§ 301.15 *Instructions for sales.* These instructions apply to sales made by every manufacturer, vendor, dealer, or other person selling explosives or ingredients of explosives.

(a) *Sale to purchaser in person.* No sale shall be made to a purchaser who appears in person (except a sale by a foreman) unless he presents his license or a certified or photostatic copy thereof.

(b) *Sales by mail.* No sale shall be made by mail, telegraph, etc., unless a certified or photostatic copy of the purchaser's license is on file in the seller's office.

(c) *Sales by traveling salesmen.* If the purchaser presents his license to a traveling salesman at the time of the placing of the order, it will not be necessary for him to have a copy on file with the vendor. Such salesman must, however, in forwarding the order to his employer, state that a proper license has been presented to him and give its class and number upon the order.*

§ 301.16 *Instructions for shipments—*

(a) *Evidence of license on shipping papers.* (1) The vendor must plainly stamp or mark the number of the consignee's license on the bill of lading and shipping order or on whatever other receipts may be given by the carrier, describing the license as "United States Explosive License No."

(2) The representative of the carrier accepting any such shipment of explosives or ingredients shall cause to be indorsed on the waybill covering the shipment the information as to license number. This information must also be shown on all waybills covering such shipments issued or used by connecting carriers.

(3) Before making delivery to the consignee the agent of any carrier as the final destination of any shipment shall require the consignee to file with him a certified or photostatic copy or to exhibit the original license or a certified or photostatic copy thereof, authorizing such consignee to purchase, accept or receive such explosives or ingredients, and such license must correspond with the waybill as to name and number.

(b) *Authority for hauling.* Truckers, teamsters or other persons hauling explosives to or from delivery stations must be properly authorized by the licensee to accept and haul such material.*

§ 301.17 *Instructions for storage—*

(a) *Place of storage.* All explosives or ingredients must be stored in safely locked buildings or they must at all times be otherwise protected against theft.

All explosives to the extent of 25 pounds or less may be stored in strongly constructed wooden boxes which must be kept securely locked at all times, except when being filled or emptied, and which should, whenever possible, be placed in a securely locked building.

All explosives, except when in process of manufacture, when stored in quantities greater than 25 pounds must be kept in magazines which are properly constructed, safely located, and securely

locked, or otherwise protected against theft.

All hasps, staples, and hinges on magazines or storage boxes must be attached by rivets or by bolts properly washered and with the nuts on the inside, or by other equally secure methods.

(b) *Marking of premises.* The premises on which explosives or ingredients that are in themselves explosive are stored must be conspicuously defined and marked by signs containing the words "Explosives—Keep Off."

(c) *Inspection.* The explosives Investigators are authorized to inspect all places where explosives or ingredients are stored, and to require the making of whatever changes in construction, location or safeguarding may be necessary for the proper protection of the contents and of surrounding property. (See § 301.14 (c) relative to guarding of magazines or places of storage.)*

§ 301.18 *Special instructions for vendors—*(a) *Necessity for license.* Every person who purchases explosives or ingredients for resale must obtain a vendor's license except in the case of foremen who obtain foremen's licenses in accordance with the act and regulations. Jobbers, even though they do not themselves physically handle the explosives or ingredients dealt in, shall be considered vendors under these regulations.

(b) *Responsibility for proper sales.* Vendors must satisfy themselves that the customer is the legal owner of the license presented in connection with each sale. Vendors must refuse to sell explosives or ingredients to persons known to them to be disloyal or hostile to the United States, or to be incompetent to possess and use such substances, even though a license may be presented by such persons, and they should make full report at once to the nearest Explosives Investigator or to the Director.*

§ 301.19 *Special instructions for manufacturers—*(a) *Licenses needed.* Every manufacturer of explosives or ingredients, except in the case of manufacture under the authority of the United States Government wholly for the use of the military or naval forces of the United States or the Federal Bureau of Investigation, will require:

(1) A manufacturer's license.

(2) A vendor's license in case a part of the sales made by the manufacturer consists of explosives or ingredients which he has purchased for the purpose of resale.

(b) *Copies of licenses.* A certified copy of each license of the manufacturer must be furnished to every branch office and shipping magazine and to every salesman who actually handles or demonstrates explosives or ingredients. (See § 301.10 re duplicate and certified copies of licenses.)

(c) *Responsibility in disposition of explosives.* Manufacturers. Must satisfy themselves that the customers to whom explosives or ingredients are sold and the employees permitted to sell, handle or have access to explosives or ingredients, are persons qualified to use them properly, who have a legitimate use for them,

and are not disloyal or hostile to the United States.*

§ 301.20 *Special Instructions for the manufacture and sale of fireworks—*(a) *Varieties permitted to be manufactured.* None but the following varieties of fireworks may be manufactured:

Firecrackers—imported and domestic (not over 5 inches by ¾ inch).

Roman candles—not over 20 balls.

Rockets—not over 3-pound size.

Wheels of all kinds at present manufactured.

Railroad fuses, colored lights, and all safety signals.

Serpents.

Sparklers.

Toy torpedoes (including "Vesuvius" and "Son-of-a-Gun" torpedoes).

Fountains.

Jack-in-the-box.

Colored shells (up to 6 inches in diameter) not containing detonating compound.

Mines.

Lances.

Paper caps.

(b) *Authority to sell existing stock.* All stock manufactured prior to January 1, 1942, larger in size than that specified in paragraph (a) of this section and stored at factories or in the hands of jobbers or retailers may be sold under license.

(c) *Compliance with other laws.* Nothing in the regulations in this part will permit the manufacture or sale of any fireworks prohibited by local or State laws or by any other Federal law or regulation.

(d) *Purchase of fireworks in small quantities.* No license will be required for the purchase at retail of Chinese firecrackers, American firecrackers, toy torpedoes, serpents, sparklers, or toy paper caps when costing not more than 10 cents per single package.*

§ 301.21 *Special instructions for industries using explosives—*(a) *Licenses needed.* Every owner or operator of a mine, quarry or other industry using explosives or ingredients will require:

(1) A purchaser's license when explosives are bought for use only by his employees and for delivery to them at the mine or operating premises.

(2) A vendor's license where explosives are bought for resale away from the mine or operating premises.

(b) *License needed by employees.* Each employee charged with the custody or distribution of explosives must possess a foreman's license. No unlicensed employee shall issue or distribute explosives. No license is required for employees who purchase or receive from the foreman explosives for use in the mine or on the operating premises for the conduct of their work.

(c) *Care of explosives.* The premises upon which each magazine is located must be marked "Explosives—Keep Off." The magazine shall be securely locked except when explosives are being put into storage in it or issued from it. A magazine shall be in charge of one person, but sufficient authorized persons should be licensed in order to insure constant supervision of the magazine without interruptions. When going off shift the records should be checked and the stock

counted, checked and receipted for by the proper licensee of the succeeding shift.

Foremen shall not issue or sell to any employee in any one day explosives or ingredients in excess of the amount reasonably needed by that employee in his current operations for that work day. Any portion remaining unused by the employee at the end of the day, shall be returned to the custody of the issuing foreman, or his successor, for safekeeping for the employee, to be delivered to him for use on his next work day.

(d) *Records and inventory.* A complete record must be kept of all explosives issued or returned and the name of the licensee issuing or receiving them. If there is more than one magazine at the mine or on the premises separate records must be kept for every one. Daily reports must be made to the office of the owner, operator or superintendent and compiled into a general record. A daily inventory must be taken of the amount and kind of explosives remaining in every magazine and reported to the office of the owner, operator or superintendent, where a daily balance should be struck to determine whether any explosives have been lost or stolen.

(e) *Report of losses or unlawful removal.* If it is found that any explosives have been lost or stolen, such information shall be promptly reported to the nearest Explosives Investigator or to the Director. If there is a series of such losses or if more than 10 pounds are lost within the period of a week, the person in charge shall without delay notify the Explosives Investigator and wire the Director of the Bureau of Mines, Washington, D. C., at Government rate, collect.

Should it come to the knowledge of any person that any employee of the operator or owner of any quarry or mine has unlawfully removed explosives from the place where he is employed, such person shall immediately report such knowledge to the local authorities, to the nearest Explosives Investigator, and by wire to the Director, Bureau of Mines, Washington, D. C., Government rate, collect, and should he fail to do so he shall be deemed to have violated the act under the authority of which this rule has been made.

(f) *Posting regulations.* Every owner or operator shall be responsible for posting conspicuously upon the premises where explosives are used or stored the regulations providing instructions for storage and special instructions for industries using explosives. These instructions and the act must be explained to each employee whose duties may require him to use, sell, issue or transport explosives.*

§ 301.22 *Instructions for Explosives Investigators*—(a) *Purpose and nature of supervision.* The regulations promulgated under the Federal Explosives Act contemplate such supervision of explosives and ingredients as will keep them out of the hands of those who might use them illegally, and by a series of checks and counter-checks the following up of

such materials continuously from their origin to final consumption, thus insuring legitimate use. The Explosives Investigators will act as personal representatives of the Director in the respective States to which accredited, keeping him informed at all times of matters coming within their purview which relate to the manufacture, shipment, storage handling, sale and use of explosives and ingredients thereof.

(b) *Violations of the act, discovery, etc.* Explosives investigators are charged with the investigation of all phases of the administration of the Federal Explosives Act, and the discovery of violations thereof or of these regulations. They shall investigate thefts of explosives or ingredients, and explosions, fires, accidents, and other incidents connected with explosives, ingredients, or their use, to determine whether violations of the act or any other offense or crime is involved, and to discover how such occurrences could be prevented. They shall investigate fraud or suspected fraud in the proceedings for securing licenses under the act and in the use to which licenses are put after they are issued.

(c) *Power to enter and inspect premises and operations.* Explosives Investigators are authorized to enter at all reasonable times in or upon the premises or scene of operations of all licensees under the act or any persons who handle, manufacture, store, deal in, or use explosives or ingredients; and to inspect, investigate, or observe such operations.

Licensees shall admit Explosives Investigators or other officers of the Bureau of Mines upon demand, and will be guilty of interfering with the duties of such officers and of violating the act if they fail, neglect, or refuse to admit them or to afford facilities for their entry.

(d) *Cooperation with Government agencies.* Explosives Investigators shall cooperate with and aid other law enforcement agencies, local, State and Federal, police or otherwise, including other officers of the Bureau of Mines, Licensing Agents, Regional Officers, the Federal Bureau of Investigation, the Department of Justice, the United States Army Intelligence, and United States Navy Intelligence. They should make themselves known to all such officers and agencies to the end that such cooperation may be secured.

(e) *Reports.* Explosives Investigators shall report to the Director their activities and all occurrences and events which require their observation or investigation. If they deem it advisable, Explosives Investigators may report also to State or local police or other authorities in matters requiring immediate observation, arrest, or other police action.*

R. R. SAYERS,
Director.

Approved: December 27, 1941.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 42-403; Filed, January 15, 1942;
10:48 a. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Amendment No. 2 to Supplementary General Limitation Order L-3-e Further Restricting Sale and Delivery of Light Motor Trucks

Section 976.9,¹ as amended (*Supplementary General Limitation Order L-3-e*) is hereby further amended by changing the expiration date thereof from "January 15, 1942" to "February 2, 1942."

This amendment shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 14th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-399; Filed, January 15, 1942;
9:50 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Amendment No. 2 to Supplementary General Limitation Order L-1-c Restricting Sale and Delivery of Medium and Heavy Motor Trucks and Truck Trailers

Section 976.10,² as amended (*Supplementary General Limitation Order L-1-c*) is hereby further amended by changing the expiration date thereof from "January 15, 1942" to "February 2, 1942".

This amendment shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 14th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

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9:50 a. m.]

PART 981—PASSENGER AUTOMOBILES

Amendment No. 2 to Supplementary General Limitation Order L-2-f Restricting Sale and Delivery of Passenger Automobiles

Section 981.7,³ as amended (*Supplementary General Limitation Order*

¹ 7 F.R. 116, 218.

² 7 F.R. 116, 219.

L-2-f) is hereby further amended by changing the expiration date thereof from "January 15, 1942" to "February 2, 1942."

This amendment shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 14th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-397; Filed, January 15, 1942;
9:50 a. m.]

PART 1018—TIN FOIL AND LEAD FOIL

Revocation of Limitation Order L-25

Whereas § 1001.2¹ (Priorities Division, Conservation Order No. M-43 (a) Curtailing the Use of Tin in Certain Items) limits or forbids the use of tin in foil for many purposes, and

Whereas § 984.4² (Priorities Division, Conservation Order No. M-38 (c) Curtailing the Use of Lead in Certain Items) limits or forbids the use of lead in foil for many purposes,

Now, therefore, it is hereby ordered, That § 1018.1³ (Priorities Division, Limitation Order L-25 To Limit the Use of Tin Foil and Lead Foil), as amended, is hereby revoked.

This Order shall be effective immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 15th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-443; Filed, January 15, 1942;
11:52 a. m.]

PART 1039—SODIUM NITRATE

General Preference Order No. M-62 to Conserve the Supply and Direct the Distribution of Sodium Nitrate

Whereas, the national defense requirements have created a shortage of Sodium Nitrate, as hereinafter defined, for defense, for private account, and for export and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 1039.1 General Preference Order M-62—(a) Definitions. For the purposes of this Order:

¹ 7 F.R. 83.
² 7 F.R. 219.
³ 6 F.R. 5954, 6766.

(1) "Sodium nitrate" means the commercial material containing up to 16.47% nitrogen, from whatever source derived, known as nitrate of soda.

(2) "Producer" means any person engaged in the production of sodium nitrate and includes any person who has sodium nitrate produced for him pursuant to toll agreement.

(3) "Distributor" means any person who has purchased or purchases sodium nitrate for purposes of resale or acts as a sales agent for any person engaged in the production or sale of sodium nitrate.

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

(c) *Assignment of preference rating to certain defense orders.* Deliveries under all defense orders which have not been assigned a higher preference rating are hereby assigned a preference rating of A-10.

(d) *Restrictions on deliveries.* On and after February 1, 1942, no sodium nitrate may be delivered to any person by a producer or a distributor, except as may be specifically directed by the Director of Priorities; and no person shall accept delivery of sodium nitrate in violation of the foregoing clause. At the beginning of each calendar month the Director of Priorities will issue to all producers and distributors specific directions covering deliveries of sodium nitrate which may be made by such producers or distributors during such month. Such directions will be made primarily to insure the satisfaction of all defense requirements and to provide an adequate supply for essential civilian uses as for agricultural purposes, meat processing and preservation, industrial nitric acid, potassium nitrate and industrial explosives for governmental projects, mining (metallic and non-metallic), quarrying, petroleum exploration and development, production of forest products, railroad and highway construction and agriculture, and they may be made at the discretion of the Director of Priorities without regard to any preference ratings assigned to particular contracts or orders. If the Director of Priorities shall not have issued, by the first day of the month, specific directions covering deliveries of sodium nitrate which may be made during such month, producers and distributors may, subject to the provisions of Priorities Regulation No. 1, make deliveries of sodium nitrate without limitation.

(e) *Reports.* Reports shall be made by producers and distributors at such times on such forms and with respect to such materials as shall be prescribed by the Chemicals Branch of the Office of Production Management. In addition persons who order or receive sodium nitrate from a producer or distributor shall furnish to the said Chemicals Branch information with respect to requirements and use of such material at such times and on such forms as the said

Chemical Branch shall prescribe. All persons shall furnish such other and further information as the said Chemicals Branch may deem necessary for the orderly and effective operation of this Order.

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

(g) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining further deliveries and materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (a) of the Criminal Code (18 U.S.C. 80).

(h) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of sodium nitrate conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Office of Production Management, Reference: N-62, attention Chemicals Branch, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(i) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked by the Director of Priorities. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6630; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 15th day of January 1942.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42-400; Filed, January 15, 1942;
9:50 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1335—CHEMICALS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 21—FORMALDEHYDE¹

Sections 1335.58 and 1335.60 are hereby amended to read as follows:

¹ 6 F.R. 4254.

§ 1335.58 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Formaldehyde" means (1) U. S. P. solution of formaldehyde (37% formaldehyde by weight) and (2) any other solution of formaldehyde;

(c) "Producer's shipping point" means any of the following points: Garfield, N. J.; Perth Amboy, N. J.; West Haverstraw, N. Y.; or Tallant, Oklahoma.

§ 1335.60 *Appendix A—(a) Maximum prices for formaldehyde shipped from producers' shipping points—(1) Maximum prices for U. S. P. solution of formaldehyde (37% formaldehyde by weight).*

Quantity in pounds and containers	Price per pound f. o. b. New York, N. Y., or West Haverstraw, N. Y., or Garfield, N. J., or Perth Amboy, N. J., or Tallant, Okla.	
	Carload lots	Less than carload lots
Tank cars (70,000-72,000 lbs.)	\$.0425	
Tank truck or wagon		\$.0450
Drums (475 lbs.)	.0540	.0590
Barrels (450 lbs.)	.0575	.0625
Kegs (225 lbs.)	.0675	.0725
Half barrel (225 lbs.)	.0675	.0725
Barrels (200 lbs.)		.0725
Keg (125 lbs.)	.0700	.0750
Carboys (100 lbs.)	.0600	.0650
Kegs (90 lbs.)	.0750	.0900
Kegs (60 lbs.)	.0800	.0850
Carboys (45 lbs.)	.0700	.0750
Drums (45 lbs.)		.0850
Kegs (45 lbs.)	.0900	.0950

(2) *Maximum prices for solutions of formaldehyde, other than U. S. P. (37% formaldehyde by weight).* The maximum prices for solutions of formaldehyde, other than U. S. P. solution (37% formaldehyde by weight), shall be the maximum prices set forth above, multiplied by the number of pounds of formaldehyde by weight contained in 100 pounds of any such solution (for which the price is to be determined) and divided by 37.

The maximum price which a purchaser may pay under this Schedule for any solution of formaldehyde shipped to him from a producer's shipping point shall not exceed the maximum price established by subparagraphs (1) and (2) above plus freight to destination from New York, N. Y.; West Haverstraw, N. Y.; Garfield, N. J.; Perth Amboy, N. J.; or Tallant, Oklahoma, whichever is less.

In no case shall the price of any quantity of formaldehyde sold in containers holding 45 pounds or more, but not listed above, exceed the maximum price set forth above for a container holding the next greater quantity.

(b) *Maximum prices for formaldehyde delivered from local stocks.* The maximum price for formaldehyde delivered from local stocks maintained at points other than producers' shipping points shall not exceed a price ex seller's warehouse equal to the maximum prices established by paragraph (a) above plus

freight to seller's warehouse from New York, N. Y.; West Haverstraw, N. Y.; Garfield, N. J.; Perth Amboy, N. J.; or Tallant, Oklahoma, whichever is less, plus one cent per pound.

(c) *Containers.* For formaldehyde shipped in carboys or drums, a reasonable charge for the respective containers may be added to the above maximum prices. No charge for containers may be added to the maximum prices established above for formaldehyde shipped in barrels or kegs. E.O. 8734, 8875, 6FR-1917, 4483)

Issued this 15th day of January 1942. This amendment No. 1 shall become effective January 15, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-440; Filed, January 15, 1942; 11:53 a. m.]

PART 1346—BUILDING MATERIALS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 40—BUILDERS' HARDWARE AND INSECT SCREEN CLOTH¹

Section 1346.9, classifications entitled "Miscellaneous Door Hardware", "Miscellaneous", and "Insect Screen Cloth" are hereby amended to read as follows:

§ 1346.9 *Appendix A; products subject to the Schedule:*

Miscellaneous door hardware. Door closers, door holders, door bumpers, door stays, square spring bolts, door pulls, door-bell plates and pushbuttons, door bolts, door checks (screen), door fasteners (chain), thumb latches, push and kick plates, panic bolts, exit bolts, door stops.

Miscellaneous. Letter box plates, number plates, name plates, house numbers, snap catches, closet locks, thumb latches, transom and sash pivots, transom chains, transom lifters, transom catches, spring window bolts.

Insect screen cloth. Commercial bronze, hand-drawn copper, koolshade fabric. (Executive Order Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 1 shall become effective January 15, 1942.

Issued this 15th day of January, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-442; Filed, January 15, 1942; 11:53 a. m.]

PART 1347—PAPER AND PAPER PRODUCTS

AMENDMENT NO. 4 TO PRICE SCHEDULE NO. 30²—WASTEPAPER SOLD EAST OF THE ROCKY MOUNTAINS

Section 1347.10, Appendix A, (a) is hereby amended by striking the words and numbers "Old Kraft Corrugated Containers"—\$27.00" from the list of

¹ 6 F.R. 5765, 5851

² 6 F.R. 4822, 5342, 5535, 6457.

grades and prices set forth therein, and by striking therefrom Footnote 9 and amending Footnote 8 to read as follows:

§ 1347.10 *Appendix A; maximum prices for wastepaper sold east of the Rocky Mountains.*

"Old Corrugated Containers" shall consist of used corrugated or solid fibre containers of Kraft or any other paper substance free from foreign materials, mixed and objectionable papers, and packed in large machine compressed bales weighing 650 pounds or more. (Executive Orders Nos. 8734, 8875; 6 F.R. 1917, 4483)

This amendment No. 4 shall become effective January 19, 1942.

Issued this 15th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-441; Filed, January 15, 1942; 11:54 a. m.]

CHAPTER XIII—OFFICE OF PETROLEUM COORDINATOR FOR NATIONAL DEFENSE

[Recommendation No. 16, Amendment]

PART 1504—PROCESSING AND REFINING

AVIATION GASOLINE

Pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, §§ 1504.15, 1504.16 and 1504.17 (Recommendation No. 16, dated December 9, 1941¹) are hereby amended to read as follows:

§ 1504.15 *Terms of existing contracts to be filed.* Within 30 days from the date hereof there shall be filed in the Office of Petroleum Coordinator for National Defense a full statement of the terms of existing contracts and agreements for the storage, use, sale, or other disposition of all grades of aviation gasoline and all grades of aviation gasoline base stocks and blending agents.*

*§§ 1504.15 to 1504.17, inclusive, issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

§ 1504.16 *Prior review of action affecting aviation gasoline.* Except where in accordance with the provisions of an approved plan formulated under the provisions of § 1504.11, after the date hereof no action shall be taken by any producer or refiner of any grade of aviation gasoline, aviation gasoline base stocks or aviation gasoline blending agents with respect to the use, sale, or other disposition thereof without giving antecedent advice thereof to the Petroleum Coordinator for National Defense in order that he may have an opportunity to make specific recommendation with respect thereto: *Provided*, That notice shall not be required with respect to the production, storage, use, sale or other disposition of those grades of aviation gasoline which fulfil the requirements of § 1504.4 of this chapter (Recommendation No. 8, Supplement): *And*

² 6 F.R. 6433.

provided further, That subsequent notice shall be sufficient with respect to:

(a) any increase in the production or storage of aviation gasoline base stocks and aviation gasoline blending agents; and

(b) emergency deliveries to the War or Navy Departments.*

§ 1504.17 *Meetings.* Meetings of the Committees or Subcommittees and representatives of the petroleum industry shall be held from time to time for the purpose of preparing the plans provided for in § 1504.11, and the Committee or Subcommittees shall meet from time to time with any Committees or Subcommittees established by the Office of Production Management or other Federal agency to study the problems involved in the production of all grades of aviation gasoline, aviation gasoline base stocks or aviation gasoline blending agents. Where it is found by any Committee or Subcommittee to be necessary or appropriate that the plans provided for in § 1504.11 of this chapter apply to more districts than one, joint meetings of the Committees or Subcommittees and representatives of the petroleum industry shall be held for the purpose of preparing any plan or plans covering more than one district. The Committees or Subcommittees and representatives of the petroleum industry shall, upon the approval of any of the aforesaid plans by the Chief Counsel of the Office of Petroleum Coordinator for National Defense, and pursuant to the direction of the Petroleum Coordinator for National Defense, meet from time to time, jointly, where the plan applies to more than one district, for the purpose of doing all things necessary to carry into effect any such plan in accordance with the foregoing provisions of this Recommendation.*

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

[F. R. Doc. 42-392; Filed, January 14, 1942;
1:24 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR CHAPTER II—BUREAU OF RECLAMATION

[No. 29]

PART 402—ANNUAL WATER CHARGES¹

BOISE IRRIGATION PROJECT—PUBLIC NOTICE OF ANNUAL WATER CHARGES²

DECEMBER 29, 1941.

1. *Annual water charges.* The annual operation and maintenance charges for the irrigation season of 1942, and thereafter until further notice, against all lands of the Arrowrock division, Boise irrigation project, Idaho-Oregon, within the Settlers Irrigation District, and other lands of the Arrowrock division not included in the Boise-Kuna, Wilder, Nampa and Meridian, New York and Big Bend irrigation districts shall be one dollar and fifteen cents (\$1.15) for the first

¹ Affects tabulation in § 402.2e.

² Act of June 17, 1902, 32 Stat., 388, as amended or supplemented.

three (3) acre-feet of water and thirty (30) cents for each additional acre-foot; but a minimum charge of one dollar and fifteen cents (\$1.15) will be made against each irrigable acre and must be paid as toll before any water is delivered. The minimum operation and maintenance charge will be due and payable to the Board of Control, Boise, Idaho, on April 1 preceding the irrigation season. Charges for additional water will be payable to the Board of Control, upon demand.

JOHN J. DEMPSEY,
Under Secretary.

[F. R. Doc. 42-396; Filed, January 15, 1942;
9:25 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

PART 122—MONTHLY OPERATING REPORTS

NOTICE

JANUARY 2, 1942.

In copies of the Commission's order entered November 25, 1941, in the matter of selected income and balance sheet items, the date of the order cancelled therein was incorrectly shown as November 4, 1941, instead of November 4, 1940.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 42-426; Filed, January 15, 1942;
11:20 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-141]

IN THE MATTER OF WASSON COAL COMPANY, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 10, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on November 12, 1941, by Bituminous Coal Producers Board for District No. 10, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 20, 1942, at 9 a. m., at a hearing room of the Bituminous Coal Division at the County Court House, Harrisburg, Illinois.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal 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 affir-

mations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, 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 defendant 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 Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, 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 Bituminous Coal 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 defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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 willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That said defendant, whose address is Harrisburg, Illinois, during the period October 1, 1940, to July 1, 1941, both dates inclusive, disposed of substantial quantities of reject or gob (refuse) coal, produced by said defendant at its Wasson No. 1 Mine, Mine Index No. 184, located in Saline County, Illinois, District No. 10, to T. O. Endicott, Harrisburg, Illinois, in exchange for the services of hauling away such coal from said mine, which disposition constituted a sale of coal for which no minimum prices, either temporary or final, had been established, in violation of the Order of the Director entered in General Docket No. 19, dated October 9, 1940; or

That said defendant, during said period, disposed of substantial quantities of various sizes of coal produced at said

mine to said T. O. Endicott, in exchange for the services of hauling such coal from said mine, the value of which services were in effect less than the applicable minimum prices for such coal as set forth in the Schedule of Effective Minimum Prices for District No. 10 for Truck Shipments;

That said defendant, during the aforesaid period, permitted the said T. O. Endicott, Harrisburg, Illinois, to reclaim marketable or gob (refuse) coal for sale, and by means of this device extended a privilege to the said T. O. Endicott which was not extended to all purchasers under like terms and conditions, which constituted a violation of section 4 II (i) 6 of the Act, Part II (i) 6 of the Code, and Rule 6 of section XIII of the Marketing Rules and Regulations.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-404; Filed, January 15, 1942;
11:07 a. m.]

[Docket No. B-178]

IN THE MATTER OF WILMER FRENCH AND LEWIS FRENCH, INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF FRENCH & SON, (FRENCH & SON, (LEWIS FRENCH)), CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 2, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 5, 1942, by The Bituminous Coal Producers Board for District No. 11, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 17, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Bedford, Indiana.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal 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, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry; 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 defendants 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 Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, 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 Bituminous Coal 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 defendants; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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 willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That defendants, whose addresses are R. F. D. #1, Shoals, Indiana, during the period June 2, 1941, to August 11, 1941, both dates inclusive, sold, delivered, and offered to sell to the French Lick Hotel, French Lick, Indiana, approximately 280.84 net tons of 1" x 0 screenings coal, produced by defendants at defendants' French Mine, Mine Index No. 412, located in Halbert Township, Martin County, Indiana, in District No. 11, at \$1.35 per net ton f. o. b. said French Lick Hotel, French Lick, Indiana, whereas this coal is classified as Size Group 14 and is priced at \$1.55 per net ton f. o. b. said mine in the Schedule of Effective Minimum Prices for District No. 11 For Truck Shipments; that the distance from the said mine to said hotel is approximately 14 miles.

That said defendants, during the period October 1, 1940, to March 31, 1941, both dates inclusive, failed to maintain and file tickets, sales slips, invoices, other memoranda and records, and data as required by Order No. 296, dated September 25, 1940, and Order No. 307, dated December 11, 1940.

Notice is also hereby given that upon determination that the defendants have committed any one or more of the violations as alleged in the complaint, an order may be entered either revoking the code membership of the defendants or directing the defendants to cease and

desist from violating the Code and regulations made thereunder.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-405; Filed, January 15, 1942;
11:07 a. m.]

[Docket No. B-160]

IN THE MATTER OF ROBERT VAAL, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated December 4, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on December 8, 1941, by Bituminous Coal Producers Board for District No. 11, a district board, complainant, and complainant herein, pursuant to an Order of the Acting Director dated January 14, 1942, having duly filed herein an amendment dated December 6, 1941, heretofore filed with the Bituminous Coal Division, alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 17, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Post Office Building, Bedford, Indiana.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal 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, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, 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 recommendations 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 defendant 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 Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, 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

Bituminous Coal 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 defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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 violation by the above named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the said defendant, whose address is St. Meinrad, Indiana, sold coal produced by said defendant at his Vaal Mine, Mine Index No. 623, located in Harrison Township, Spencer County, Indiana, District No. 11, as follows:

(a) TO ARTHUR HICKS

Date of sales 1941	Number of tons	Size of coal	Size group No.	Selling price per net ton f. o. b. mine	Minimum price per net ton f. o. b. mine
Jan. 1 to Aug. 11.....	413	1 1/4" x 0 slack.....	14	\$0.50	\$1.40

(b) TO VARIOUS PURCHASERS

July 2 to Aug. 11.....	108.85	2 1/2" lump.....	3	\$2.20	\$2.40
	4	2 1/2" x 1".....	6	1.80	2.20
Aug. 12 to Oct. 10.....	238.56	2 1/2" lump.....	3	2.25	2.40
	167.18	2 1/2" lump.....	3	2.20	2.40
	4.8	2 1/2" lump.....	3	1.70	2.40
	11.49	2 1/2" x 1" nut.....	6	1.85	2.20
	44.92	1 1/4" x 0 screenings.....	14	.50	1.40

That said defendant incorrectly billed a portion of the coal sold to various purchasers, as stated in paragraph (b) above, as follows:

Actual size	Size group number	Billing size	Tons
2 1/2" lump.....	3	1 1/4" lump.....	44.5
2 1/2" lump.....	3	1 1/2" lump.....	474.89
2 1/2" x 1" nut.....	6	1 1/2" x 1" nut.....	7.2
2 1/2" x 1" nut.....	6	2" x 1" nut.....	4.29
1 1/2" slack.....	14	1" slack.....	38.92
1 1/4" slack.....	14	1 1/2" slack.....	6.00

That said defendant has failed to maintain and keep on file truck tickets, sales slips, invoices, other memoranda or records, and data relating to sales and shipments of 1 1/4" x 0 slack coal produced by said defendant at his said mine, and sold by him for shipment by truck, during the period January 1, 1941 to August 11, 1941, inclusive, as required by Order No. 307, dated December 11, 1940, and Order No. 312, dated February 24, 1941.

Notice is also hereby given that upon determination that the defendant has committed any one or more of the violations as alleged in the complaint, an order may be entered either revoking the code membership of the defendant or directing the defendant to cease and desist from violating the Code and regulations made thereunder.

Dated: January 14, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-406; Filed, January 15, 1942; 11:08 a. m.]

[Docket No. B-123]

IN THE MATTER OF JOHN L. NAPIER AND SHELBY HENSLEY, INDIVIDUALLY, AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF NAPIER AND HENSLEY, (JOHN L. NAPIER AND SHELBY HENSLEY, (NAPIER AND HENSLEY)), CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 13, 1941, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 14, 1941, by Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 17, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal 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, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, 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 defendants 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 Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, 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 Bituminous Coal 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 defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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 violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

The defendants, John L. Napier and Shelby Hensley, co-partners, doing business under the name of Napier and Hensley, Pineville, Kentucky, code member in District No. 8, operating mines designated as Mine Index No. 1516 and Mine Index No. 1542, located in Bell County, Kentucky, on or about July 10, 1941, wilfully violated the provisions of the Bituminous Coal Act, the Code and the effective minimum prices and regulations established thereunder, by selling, delivering and offering to sell to the United States Government at the price of \$2.15 per net ton delivered to the United States Post Office at Pineville, Kentucky, approximately 12 1/2 tons of high volatile mine run coal, Size Group No. 6, produced by the defendants at their mine, Mine Index No. 1542, located approximately

2½ miles from Pineville, Bell County, Kentucky, thereby failing to add to the effective minimum price of \$2.15 per net ton f. o. b. said mine for said coal, as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments, an amount at least equal, as nearly as practicable, to the actual cost of transportation charges, handling charges, or incidental charges of whatsoever kind or character (exclusive of customary costs of mine operation) from the transportation facilities at the mine to the point from which all such charges were assumed and directly paid by the purchaser as required by Price Instruction (A) 5 of said schedule.

Between October 15, 1940, and June 1, 1941, wilfully violated the provisions of the Bituminous Coal Act, the Code, and the effective minimum prices and regulations established thereunder, by selling, delivering and offering to sell to the County of Bell, Kentucky, at the price of \$2.15 per net ton delivered to the United States Post Office at Pineville, Kentucky, approximately 86.5 tons of high volatile mine run coal, Size Group No. 6, and approximately 84.75 tons of high volatile stoker coal, Size Group No. 5, produced by the defendants at their mine, Mine Index No. 1542, located approximately 2½ miles from Pineville, Bell County, Kentucky, thereby failing to add to the effective minimum price of \$2.15 per net ton f. o. b. said mine for said coal, as set forth in the Schedule of Effective Minimum Prices for District No. 8, for Truck Shipments, an amount at least equal, as nearly as practicable, to the actual cost of transportation charges, handling charges, or incidental charges of whatsoever kind or character (exclusive of customary costs of mine operation) from the transportation facilities at the mine to the point from which all such charges were assumed and directly paid by the purchaser as required by Price Instruction (A) 5 of said schedule.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-407; Filed, January 15, 1942;
11:08 a. m.]

[Docket No. B-124]

IN THE MATTER OF JOHN L. NAPIER AND
SHELBY HENSLEY, INDIVIDUALLY, AND AS
CO-PARTNERS, DOING BUSINESS UNDER
THE NAME AND STYLE OF NAPIER AND
HENSLEY [JOHN L. NAPIER AND SHELBY
HENSLEY (NAPIER AND HENSLEY)],
CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 13, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 14, 1941, by Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bi-

uminous Coal Division alleging willful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 17, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Court Room City Hall, Middlesboro, Kentucky.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal 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, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, 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 defendant 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 Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, 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 Bituminous Coal 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 defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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 willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

The defendants, John L. Napier and Shelby Hensley, co-partners, doing business under the name of Napier and Hensley, Pineville, Kentucky, code member in District No. 8, operating mines designated as Mine Index No. 1516 and Mine Index No. 1542, located in Bell County, Kentucky, on or about July 10, 1941, wilfully violated the provisions of the Bituminous Coal Act, the Code and the effective minimum prices and regulations established thereunder, by selling, delivering and offering to sell to the United States Government at the price of \$2.15 per net ton delivered to the United States Post Office at Pineville, Kentucky, approximately 12½ tons of high volatile mine run coal, Size Group No. 6, produced by the defendants at their mine, Mine Index No. 1516, located approximately 2½ miles from Pineville, Bell County, Kentucky, thereby failing to add to the effective minimum price of \$2.15 per net ton f. o. b. said mine for said coal, as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments, an amount at least equal, as nearly as practicable, to the actual cost of transportation charges, handling charges, or incidental charges of whatsoever kind or character (exclusive of customary costs of mine operation) from the transportation facilities at the mine to the point from which all such charges were assumed and directly paid by the purchaser as required by Price Instruction (A) 5 of said schedule.

Between October 15, 1940, and June 1, 1941, wilfully violated the provisions of the Bituminous Coal Act, the Code, and the effective minimum prices and regulations established thereunder, by selling, delivering and offering to sell to the County of Bell, Kentucky, at the price of \$2.15 per net ton delivered to the United States Post Office at Pineville, Kentucky, approximately 86.5 tons of high volatile mine run coal, Size Group No. 6, and approximately 84.75 tons of high volatile stoker coal, Size Group No. 5, produced by the defendants at their mine, Mine Index No. 1516, located approximately 2½ miles from Pineville, Bell County, Kentucky, thereby failing to add to the effective minimum price of \$2.15 per net ton f. o. b. said mine for said coal, as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments, an amount at least equal, as nearly as practicable, to the actual cost of transportation charges, handling charges, or incidental charges of whatsoever kind or character (exclusive of customary costs of mine operation) from the transportation facilities at the mine to the point from which all such charges were assumed and directly paid by the purchaser as required by Price Instruction (A) 5 of said schedule.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-408; Filed, January 15, 1942;
11:09 a. m.]

[Docket No. B-128]

IN THE MATTER OF EVANS AND ROWELL, A PARTNERSHIP, ALSO KNOWN AS LANDY EVANS AND AMOS ROWELL, CO-PARTNERS, TRADING AND DOING BUSINESS UNDER THE NAME AND STYLE OF EVANS AND ROWELL, CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 24, 1941, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 30, 1941, by Bituminous Coal Producers Board for District No. 13, a district board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 24, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Tutwiler Hotel, Birmingham, Alabama.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Bituminous Coal 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, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, 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 defendants 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 Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, 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 Bituminous Coal 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 defendants; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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 violation by the above named defendants of the Bituminous Coal Code or rules and regulations thereunder as follows:

That said defendants whose mine post-office address is R. F. D. No. 2, Delmar, Alabama, subsequent to July 1, 1941, violated the provisions of the Code and effective minimum prices by selling a quantity of mine run coal produced by defendants at their Bell No. 1 Mine, Mine Index No. 426, located at Delmar, Marion County, Alabama, District No. 13, to J. O. Springer, Sheffield Coal Company, Sheffield, Alabama, for transportation by truck at \$2.25 per net ton f. o. b. the mine, whereas this coal is classified as Size Group No. 13, and is priced at \$2.90 per net ton f. o. b. the mine, in the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipment.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-409; Filed, January 15, 1942;
11:09 a. m.]

[Docket No. B-154]

IN THE MATTER OF C. E. FADDIS, A CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 25, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on November 26, 1941, by the Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 17, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal 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, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any ad-

joined 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 defendant 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 Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, 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 Bituminous Coal 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 defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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 violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

The defendant, C. E. Faddis, Corbin, Kentucky, during the period August 14, 1941 to August 28, 1941, both dates inclusive, sold to T. P. Bailey, Purchasing Agent, Corbin-Central Repair Shop, Civilian Conservation Corps, approximately 40 tons of ½" x 0 slack coal, Size Group No. 8, and 25 tons of run of mine coal, Size Group No. 6, produced at defendant's C. E. Faddis Mine (Mine Index No. 1846), located in Whitley County, Kentucky, Subdistrict No. 6 of District No. 8, at prices of 15 cents per net ton f. o. b. the mine for ½" x 0 slack coal and \$1.50 per net ton f. o. b. the mine for the run of mine coal, whereas the applicable minimum prices established for said coal were \$1.50 per net ton f. o. b. the mine for the ½" x 0 slack coal and \$2.15 per net ton f. o. b. the mine for the run of mine coal, as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-410; Filed, January 15, 1942;
11:09 a. m.]

[Docket No. 1646-FD]

IN THE MATTER OF E. R. ELLINGTON,
DEFENDANT

ORDER RESCHEDULING HEARING

The above-entitled matter having been originally scheduled for hearing at Birmingham, Alabama, on May 27, 1941, pursuant to Order of the Director dated April 25, 1941, and subsequently postponed pursuant to the Order of the Director dated October 16, 1941, to a date and hearing room to be thereafter designated by appropriate order; and

It appearing to the Acting Director that the date and place of hearing should now be designated;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be held on February 24, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Tutwiler Hotel, Birmingham, Alabama; and

It is further ordered, That the provisions of the Notice of and Order for Hearing dated April 25, 1941, shall in all other respects remain in full force and effect.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.[F. R. Doc. 42-411; Filed, January 15, 1942;
11:09 a. m.]

[Docket No. B-140]

IN THE MATTER OF WASSON COAL COMPANY,
CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 10, 1941, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on November 12, 1941, by Bituminous Coal Producers Board for District No. 10, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 20, 1942, at 9 a. m., at a hearing room of the Bituminous Coal Division at the County Court House, Harrisburg, Illinois.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal 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, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, 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 rec-

ommendation 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 defendant 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 Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, 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 Bituminous Coal 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 defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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 willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That said defendant, whose address is Harrisburg, Illinois, during the period November 18, 1940 to May 27, 1941, both dates inclusive, sold substantial quantities of reject or gob (refuse) coal, produced by said defendant at its Wasson Mine, Mine Index No. 183, located in Saline County, Illinois, District 10, to H. A. Foster, whose address is Muddy, Illinois, at two (2) cents per net ton, whereas minimum prices, either temporary or final, had not been established by the Division for said coal; or

That said defendant, during said period, disposed of substantial quantities of various sizes of coal produced by said defendant at its said mine, to the said H. A. Foster at two (2) cents per net ton, which price was below the effective minimum price established for said coal as set forth in the Schedule of Effective Minimum Prices for District No. 10 For Truck Shipments.

That said defendant, during the aforesaid period, permitted the said H. A. Foster, Muddy, Illinois, to reclaim marketable coal from reject or gob (refuse) coal for resale, in local competition and by means of this device extended a privilege to the said H. A. Foster which was

not extended to all purchasers under like terms and conditions.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.[F. R. Doc. 42-412; Filed, January 15, 1942;
11:10 a. m.]

[Docket No. B-144]

IN THE MATTER OF THE LIVINGSTON-MT.
OLIVE COAL COMPANY, CODE MEMBER,
DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 10, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on November 12, 1941, by the Bituminous Coal Producers Board for District No. 10, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 21, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Broadview Hotel, East St. Louis, Illinois.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal 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, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, 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 defendant 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 Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, 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 Bituminous Coal 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 defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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 violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the said defendant, whose address is Livingston, Illinois, sold to Model Glove Company, Greenville, Illinois, during the period August 1 to August 25, 1941, both dates inclusive, approximately 276.85 net tons of 4' x 0 coal (mine run) produced by said defendant at its Livingston Mine No. 1, Mine Index No. 88, located in Madison County, Illinois, District No. 10, at \$1.25 per net ton f. o. b. said mine, whereas this coal is classified as Size Group 7 and is priced at \$1.65 per net ton f. o. b. the mine in the Schedule of Effective Minimum Prices for District No. 10 For Truck Shipments, which transactions constituted sales of coal at prices below the minimum therefor established by the Division, and violations of section 4 II (e) of the Act and Part II (e) of the Code.

That said defendant, in selling the aforesaid coal, failed to invoice said coal under the size, price classification and other designations therefor in said Schedule, which failure constituted a violation of Rule 2 of Section XII of the Marketing Rules and Regulations.

That said defendant, in selling the aforesaid coal intentionally misrepresented the size thereof by representing its size to be 1½" screenings, which constituted a violation of section 4 II (i) of the Act, Part II (i) of the Code, and Rule 8 of Section XIII of the Marketing Rules and Regulations.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-413; Filed, January 15, 1942;
11:10 a. m.]

[Docket No. B-142]

IN THE MATTER OF SAHARA COAL COMPANY,
CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 10, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on November 12, 1941, by the Bituminous Coal Producers Board for District No. 10, a District Board, complainant, with the Bituminous Coal Division alleging wilful

violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 27, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 705, U. S. Custom Court Building, Chicago, Illinois.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal 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, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, 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 defendant 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 Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, 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 Bituminous Coal 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 defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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 violation by the above named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the said defendant, whose address is 59 E. Van Buren Street, Chicago, Illinois, sold as washed, dried 1" stoker screenings approximately 97.7 tons of coal to Wright

and Company, 407 South Dearborn St., Chicago, Illinois, on or about February 1, 1941, and approximately 94.45 tons to J. W. Peterson Coal Company, 800 West Division St., Chicago, Illinois, on or about February 3, 1941; and sold as washed, dried 1½" stoker screenings approximately 47.65 tons of coal to Everhard Coal Company, 5619 Broadway, Chicago, Illinois, on or about February 3, 1941, at the effective minimum price of \$1.80 per net ton established for Size Group 24 in the Schedule of Effective Minimum Prices For District No. 10 For All Shipments Except Truck, whereas the size dimensions of said coal did not warrant that designation. This coal should have been classified in a larger size group and sold at a correspondingly higher price than that at which it was sold. The transactions, therefore, constituted sales of coal at sizes which were intentionally misrepresented and at prices which were below the effective minimum prices therefor, and were therefore in violation of sections 4 II (e) and 4 II (i) 8 of the Act, and Part II (e) and Part II (i) 8 of the Code, and Rule 8 of Section XIII of the Marketing Rules and Regulations.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-414; Filed, January 15, 1942;
11:10 a. m.]

[Docket No. B-156]

IN THE MATTER OF Q. E. SEXTON,
DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 25, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on November 26, 1941, by Bituminous Coal Producers Board for District No. 8, a District Board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 17, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal 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, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, 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 per-

form all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant 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 Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, 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 Bituminous Coal 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 defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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 or 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 violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant, whose address is R. F. D. No. 1, Habersham, Tennessee, on or about August 19, 1941, sold, delivered or offered to sell to Claude Hatmaker and A. D. Terry of Vasper, Tennessee, for truck shipment, approximately 6.29 tons of $\frac{3}{4}$ " and under, high volatile slack coal, Size Group 8, produced at defendant's mine designated as Mine Index No. 2755, located in Campbell County, Tennessee, District No. 8, at a price of approximately 32 cents per net ton f. o. b. said mine, whereas the effective minimum price for said coal was \$1.65 per net ton f. o. b. the mine as set forth in the Schedule of Effective Minimum Prices for District No. 8, for Truck Shipment.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-415; Filed, January 15, 1942;
11:11 a. m.]

[Docket No. B-48]

IN THE MATTER OF SUN COAL COMPANY,
CODE MEMBER, DEFENDANT

ORDER CORRECTING ERROR IN NOTICE OF AND
ORDER FOR HEARING

A complaint dated September 9, 1941,
pursuant to the provisions of sections 4

II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 24, 1941, by the Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division, alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder; and

A Notice of and Order for Hearing having been issued in the above-entitled matter on December 6, 1941; and

It appearing that in the last paragraph of said order the period during which the alleged violations occurred is stated to be from October 21, 1940, to March 10, 1941, both dates inclusive, whereas the complaint alleges that the period during which the alleged violations occurred extended from October 21, 1940, to March 17, 1941, both dates inclusive;

Now, therefore, it is ordered, That the date "March 10, 1941" appearing in the second line of the last paragraph of the aforesaid Notice of and Order for Hearing be and the same is hereby corrected to read "March 17, 1941;" and

It is further ordered that the said Notice of and Order for Hearing dated December 6, 1941, shall in all other respects remain in full force and effect.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-416; Filed, January 15, 1942;
11:11 a. m.]

[General Docket No. 25]

IN THE MATTER OF AMENDING RULE 10 OF SECTION II OF THE MARKETING RULES AND REGULATIONS, AS PRESCRIBED IN GENERAL DOCKET NO. 15, AND SECTION 304.19 (C) OF THE RULES AND REGULATIONS FOR THE REGISTRATION OF DISTRIBUTORS, AS PRESCRIBED IN GENERAL DOCKET NO. 12

ORDER POSTPONING HEARING

A Notice of and Order for Hearing having been issued in this matter on December 19, 1941, providing that a hearing be held on January 26, 1942; and

A motion having been filed by the American Coal Distributors Association for a postponement of that hearing to March 16, 1942; and

The Acting Director finding that a reasonable showing of necessity for a postponement has been made by the movant, but that a postponement of the hearing for a period of two weeks, rather than for the time requested by movant, would afford movant sufficient time to adequately prepare for said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is postponed from January 26, 1942, at 10:00 a. m. until February 9, 1942, at 10:00 a. m. at the place and before the Examiner heretofore designated.

Dated: January 13, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-417; Filed, January 15, 1942;
11:11 a. m.]

[Docket No. B-129]

IN THE MATTER OF R. B. MORPHEW, CODE
MEMBER, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on January 16, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Tutwiler Hotel, Birmingham, Alabama; and

It appearing to the Acting Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed to January 22, 1942, at 10 a. m. at the place and before the officer heretofore designated.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-418; Filed, January 15, 1942;
11:11 a. m.]

[Docket No. B-8]

IN THE MATTER OF TONY CAPUTO, CODE
MEMBER, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on January 17, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Post Office Building, Clarksburg, West Virginia; and

It appearing to the Acting Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed to a date and place to be hereafter designated by an appropriate order.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-419; Filed, January 15, 1942;
11:12 a. m.]

[Docket No. 1681-FD]

IN THE MATTER OF A. E. BONDS, CODE MEM-
BER, DEFENDANT

ORDER AMENDING AND SUPPLEMENTING NO-
TICE OF AND ORDER FOR HEARING AND
RESCHEDULING HEARING

A complaint dated April 29, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been filed on May 1, 1941, by Bituminous Coal Producers Board for District No. 13, a district board, as complainant, and an amended and supplemental complaint, dated December 5, 1941, alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder, having been filed with the Division by the complainant herein, pursuant to Order of the Acting Director dated January 14, 1942; and

The above-entitled matter having been scheduled for hearing on October 16, 1941, at 10 a. m., at a hearing room of

the Bituminous Coal Division at Room 303, Jefferson County Court House, Birmingham, Alabama, pursuant to the Order of the Acting Director dated July 28, 1941, and subsequently postponed pursuant to the Order of the Director dated September 12, 1941, to a date and place to be thereafter designated by an appropriate order; and

It appearing to the Acting Director that the place and date of such hearing should now be designated;

Now, therefore, it is ordered, That a hearing in the above-entitled matter be held on February 24, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Tutwiler Hotel, Birmingham, Alabama.

It is further ordered, That the Notice of and Order for Hearing dated July 28, 1941, in the above-entitled matter, be and the same is hereby amended and supplemented by the deletion of the last paragraph, page 2 thereof, and the insertion in lieu thereof of the following paragraph:

The matter concerned herewith is in regard to the complaint filed by said complainant alleging violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

The defendant, whose address is R. F. D. No. 3, Birmingham, Alabama, sold during the period February 1, 1941, to May 31, 1941, both dates inclusive, to Republic-Pratt Coal Company, located at Republic, Alabama, approximately 290 tons of 1' x 0 coal produced at defendant's Blue Diamond Mine, Mine Index No. 287, located in Jefferson County, Alabama, in District No. 13, at prices of \$1.50, \$1.85, and \$2.00 per ton, delivered by truck to Republic, Alabama, whereas the applicable minimum price f. o. b. the mine, established for said coal, is \$2.40 per net ton, as contained in the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipments.

It is further ordered, That the Notice of and Order for Hearing herein dated July 28, 1941, shall in all other respects remain in full force and effect.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-420; Filed, January 15, 1942; 11:12 a. m.]

[Docket No. A-1222]

PETITION OF SILAS CASE & SONS FOR CHANGE IN SHIPPING POINT OF THE CASE COAL COMPANY MINE, MINE INDEX NO. 373, IN DISTRICT NO. 3, FOR ALL SHIPMENTS EXCEPT TRUCK

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting a change in the shipping point of the Case Coal Company Mine, Mine

Index No. 373, in District No. 3, from Camden-On-Gauley, West Virginia, on Baltimore & Ohio Railroad to Tioga, West Virginia, on Strouds Creek & Muddlety Railroad, for rail shipments; and

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

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

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

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices effective for the coals of the Case Coal Company Mine, Mine Index No. 373, of Silas Case & Sons, for rail shipments, shall be applicable only for shipments on Strouds Creek & Muddlety Railroad from Tioga, West Virginia, and shall no longer be applicable for shipments on Baltimore & Ohio Railroad from Camden-On-Gauley, West Virginia. All allowances or adjustments required or permitted mines in Freight Origin Group No. 11 shall be applicable for all shipments of the coals of the said mine from Tioga, West Virginia, on Strouds Creek & Muddlety Railroad.

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

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

Dated: January 13, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-421; Filed, January 15, 1942; 11:12 a. m.]

[Docket No. A-1143]

PETITION OF P. H. BURNELL, A CODE MEMBER OF DISTRICT 19, REQUESTING THAT MINIMUM PRICES BE ESTABLISHED ON SIZE GROUPS 10, 11, AND 17 FOR SHIPMENTS INTO ALL MARKET AREAS

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

This proceeding was instituted upon petition filed with the Bituminous Coal Division (the "Division") by P. H. Burnell, a code member in District 19, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 (the "Act"), requesting the establishment of price classifications and corresponding minimum prices for coals in Size Groups 10, 11, and 17 produced at petitioner's Gebo #2, Gebo #3, Gebo #4 and Gebo #5 Mines, Mine In-

dex Nos. 114, 225, 192, and 226, respectively, in District 19, for which price classifications and corresponding minimum prices have not heretofore been proposed and established, for shipment to all market areas. Temporary relief was requested.¹

Pursuant to the request for temporary relief and pursuant to the Order of the Director, and notice to all interested persons, an informal conference was held on November 22, 1941. All interested persons were afforded an opportunity to be present and to participate in the conference. The petitioner, District Board No. 19 and Sheridan-Wyoming Coal Company, Inc., appeared and participated.

The record of the conference was submitted to the undersigned for consideration.

Minimum f. o. b. mine prices were established for the coals produced at petitioner's mines in Size Groups Nos. 1 to 9, inclusive, 12, 13, 15, and 16. Such prices were not established in Size Groups 10, 11, and 17 for the reason that theretofore there was little or no demand for coal in these size groups and petitioner did not request the establishment of prices therefor. On occasion, when the petitioner has marketed coals in the pea sizes (Size Groups 10 and 11) it was sold at the applicable effective minimum f. o. b. mine prices for Size Group 9 (a pea coal), the next larger size, in accordance with the provisions of Price Instruction 5 of the District 19 price schedule. This practice, while permissible, it is said, is burdensome upon the petitioner.

It is advanced here that, subsequent to the establishment of minimum f. o. b. mine prices for petitioner's coals, a substantial demand has developed for the coals in Size Groups 10, 11, and 17, produced by the petitioner. It further appears that if prices are established for Size Groups 10, 11, and 17, the petitioners will thereby be enabled more readily to market substantial tonnages, particularly in the fines, the accumulation of which has on several occasions caused a closing down of his mines.

It appears from the participation of District Board 19 in the conference that the District Board maintains an executive committee, composed of three board members, with authority to pass on matters between regular meetings of the Board. Two members of the executive committee have no objection to the temporary relief requested, provided the minimum f. o. b. mine price for Size

¹The prices requested in the size groups indicated are as follows:

Market areas	Size groups		
	10	11	17
45 through 50, 52, 53, 54, 56 through 59, 63 through 70, and 75 through 78.....	200	190	90
200.....	200	185	90
201.....	200	185	90
202 and 203.....	200	185	90
204 and 207.....	225	210	90
205, 206, 208, and 210.....	225	210	90
209 and 211.....	225	210	90
213 and 214.....	225	210	145
234 and 241.....	250	240	150
237 through 240 and 247 through 254.....	225	215	150
All other market areas.....	225	210	90

Group 11 is increased from \$2.15 per net ton requested by the petitioners to \$2.35 per net ton to conform to modifications previously ordered in Docket No. A-448.

Sheridan-Wyoming Coal Company, Inc., a code member operating mines in District 19 did not oppose the granting of temporary relief, but expressed dissatisfaction with the level of prices requested by the petitioner on the ground that such levels might tend to decrease realization and further objected to the differentials which would exist between Size Groups 9 and 11.

It appears that a satisfactory showing has been made for the granting of temporary relief and that the petitioner will be injured unless the same is granted. It further appears that the granting of temporary relief prayed for (with the modification of the price for coals in Size Group 11 for shipment to Market Areas 237-240 and 247-254 from \$2.15 to \$2.35 per net ton f. o. b. mine,) will not unduly injure or prejudice any code member in District 19.

It further appears that the minimum f. o. b. mine prices shown in Supplement R attached hereto, are expressed in the terms of the symbols of and in conformity with the effective minimum prices for analogous and comparable coals heretofore established by the Director in General Docket No. 15 are proper and should be established temporarily pending final disposition of the original petition.

It is therefore ordered, That pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 19 for All Shipments is supplemented to include the price classifications and minimum prices set forth in the Schedule marked "Supplement R" annexed hereto and hereby made a part hereof.

Notice is hereby given that applications to stay, terminate, or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Nothing contained herein shall be construed to constitute an expression of opinion regarding the granting of final or permanent relief in this proceeding.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-422; Filed, January 15, 1942;
11:13 a. m.]

[Docket No. 1681-FD]

IN THE MATTER OF A. E. BONDS, CODE
MEMBER, DEFENDANT

ORDER GRANTING LEAVE TO FILE AMENDED
AND SUPPLEMENTAL COMPLAINT

The Bituminous Coal Producers Board for District No. 13, complainant in the above-entitled matter, having by motion dated December 5, 1941, filed with the

Division on December 9, 1941, requested leave to file its amended and supplemental complaint herein; and

Said amended and supplemental complaint dated December 5, 1941, having been received by the Division on December 9, 1941; and

The Acting Director deeming it advisable that said request for leave to file said amended and supplemental complaint should be granted;

Now, therefore, it is ordered, That leave be, and the same hereby is, granted to the complainant herein to file its amended and supplemental complaint, dated December 5, 1941, in the above-entitled matter.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-423; Filed, January 15, 1942;
11:13 a. m.]

[Docket No. 1791-FD]

IN THE MATTER OF A. C. (CLYD) ROUNSA-
VILL, CODE MEMBER, DEFENDANT

ORDER AMENDING AND SUPPLEMENTING NOT-
TICE OF AND ORDER FOR HEARING AND
RESCHEDULING HEARING

A complaint dated July 1, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been filed on July 5, 1941, by Bituminous Coal Producers Board for District No. 13, a district board, as complainant, and an amended and supplemental complaint dated November 12, 1941, alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder, having been filed with the Division by the complainant herein pursuant to Order of the Acting Director dated December 19, 1941;

The above-entitled matter having been scheduled for hearing on October 1, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Chancery Court Room, County Court House, Chattanooga, Tennessee, by Order of the Director dated August 20, 1941, and, subsequently, having been postponed by an Order of the Director dated August 20, 1941, and, subsequently, having been postponed by an Order of the Director dated September 11, 1941, to a date and at a hearing room to be thereafter designated by an appropriate order; and

Said Order of the Director dated August 20, 1941, having designated Travis Williams or any other officer or officers of the Bituminous Coal Division to preside at the hearing in such matter; and

It appearing to the Acting Director that the place and date of such hearing should now be designated;

Now, therefore, it is ordered, That the Notice of and Order for Hearing dated August 20, 1941, in the above-entitled matter be and the same is hereby amended and supplemented by inserting, in lieu of the last paragraph thereof, the following:

"That the said defendant, whose address is Jasper, Tennessee, (a) sold during May 1941 to H. A. Griffith, South

Pittsburg, Tennessee, a registered distributor, Registration No. 3738, approximately 174.06 net tons of coal produced by said defendant at his No. 2 or Big Ridge Mine, although minimum prices, temporary or final, had not been established by the Division for coal produced at this mine, which sales constituted violations of the Order of the Director entered in General Docket No. 19, dated October 9, 1940; and

"(b) Wilfully violated the provisions of the Code and the effective minimum prices by failing to report within ten (10) days any change in the operation, management, or control of any of his mines, as required by Paragraph 1 of Order No. 288, and by failing to report immediately contemplated production or production of coal from a mine, for which no price classifications had been proposed or established as required by Paragraph 2 of the said Order No. 288."

It is further ordered, That the hearing in the above-entitled matter be held at 10 a. m. on February 18, 1942, in a hearing room of the Bituminous Coal Division at the Chancery Court Room, Chattanooga, Tennessee.

It is further ordered, That the Notice of and Order for Hearing herein dated August 20, 1941, shall in all other respects remain in full force and effect.

Dated: January 13, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-424; Filed, January 15, 1942;
11:14 a. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

[Docket No. AO 83-A 4]

NOTICE OF HEARING WITH RESPECT TO A
PROPOSAL TO AMEND THE MARKETING
AGREEMENT, AS AMENDED, AND ORDER NO.
34, AS AMENDED, REGULATING THE HAND-
LING OF MILK IN THE LOWELL-LAW-
RENCE, MASSACHUSETTS, MARKETING
AREA

Notice is hereby given of a hearing to be held in the Auditorium, 11 Haverhill Street, Shawsheen Village, Andover, Massachusetts, beginning at 10:00 a. m., e. s. t., on January 21, 1942, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and Order No. 34, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area.

This notice is given pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 et seq.), and in accordance with the General Regulations of the Surplus Marketing Administration, United States Department of Agriculture (7 CFR 900.4).

This public hearing is for the purpose of receiving evidence with respect to the amendments which are hereinafter set forth in detail. These amendments have not received the approval of the Secretary of Agriculture, and, at the hearing, evidence will be received relative to all aspects of the marketing conditions

which are dealt with by the provisions to which such amendments relate. The amendments which have been proposed are as follows:

1. *Allowance for plant shrinkage.* Revise § 934.3 (b) (2) (ii) to allow for plant shrinkage up to 2 percent of the quantity of milk purchased from producers at the Class II price.

2. *Class I price.* Delete § 934.4 (b) (1) and substitute therefor the following:

For milk delivered from producers' farms to such handlers' plants located within 20 miles of the City Hall in Lowell or Lawrence, Massachusetts, the price per hundredweight shall be \$3.63 for delivery periods prior to October 1, 1942, and thereafter \$3.93.

Delete § 934.4 (b) (1) and substitute therefor the following:

For milk delivered from producers' farms to such handlers' plants located within 20 miles of the City Hall in Lowell or Lawrence, Massachusetts, the price per hundredweight shall be \$3.63 for the delivery periods of April, May, and June, and \$4.10 for other delivery periods.

3. *Class I price for milk sold outside the marketing area.* Delete § 934.4 (d) and substitute therefor the following:

For milk disposed of in areas outside of the marketing area, the applicable price shall be the price ascertained by the market administrator as the prevailing price paid by handlers for milk of equivalent use in the market where such Class I milk is utilized.

4. *Price quotations in the skim value formula.* Revise § 934.4 (c) (2) to provide for the use of "dry skim milk" quotations from either the *Producers' Price-Current* or the United States Department of Agriculture, wholesale, at New York, whichever is higher; and for the use of "domestic 20-30 mesh casein" quotations from either the *Oil, Paint, and Drug Reporter* or the United States Department of Agriculture, wholesale, at New York, whichever is higher.

5. *Type of pool.* Revise § 934.7 to provide for computation of a single composite price to be paid producers, based on the class use value of the milk of all handlers, and revise § 934.8 as necessary to provide for equalization of sales value of milk among handlers through the market administrator (market-wide pool).

6. *Allowance for cost of operating receiving plants.* Provide an allowance for cost of operating country receiving plants of 23 cents per hundredweight.

7. *Butter class.* Add in § 934.3 (b) a third class for milk manufactured into butter.

8. *Definition of Class I milk.* Revise § 934.3 (a) (2) to result in the classification, as Class I milk, of milk disposed of in the form of buttermilk and cultured skim milk.

9. *Class II freight allowance.* Revise § 934.4 (c) (2) to provide for an increase of 5.5 cents per hundredweight in the Class II price for milk delivered at plants located between 20 and 200 miles from the City Hall in Lowell or Lawrence, Massachusetts.

Additional copies of this notice of hearing and copies of Order No. 34, as amended, now in effect, may be procured from the Market Administrator, Room 118, Administration Building, Shawshen Village, Andover, Massachusetts, or from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0312, South Building, Washington, D. C.

[SEAL] ROBERT H. SHIELDS,
Assistant to the Secretary
of Agriculture.¹

JANUARY 14, 1942.

[F. R. Doc. 42-390; Filed, January 14, 1942;
12:44 p. m.]

[Docket No. AO 113-A 2]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND THE TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 47, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE FALL RIVER, MASSACHUSETTS, MARKETING AREA

Notice is hereby given of a hearing to be held at Watuppa Grange Hall, Westport, Massachusetts, beginning at 10:00 a. m., e. s. t., January 22, 1942, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and Order No. 47, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area.

This notice is given pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 et seq.), and in accordance with the General Regulations of the Surplus Marketing Administration, United States Department of Agriculture (7 CFR 900.4).

This public hearing is for the purpose of receiving evidence with respect to the amendments which are hereinafter set forth in detail. These amendments have not received the approval of the Secretary of Agriculture, and, at the hearing, evidence will be received relative to all aspects of the marketing conditions which are dealt with by the provisions to which such amendments relate. The amendments which have been proposed are as follows:

1. *Classification of milk transferred to Providence, Rhode Island.* Revise § 947.3 (c) to allow as Class II, milk transferred from Fall River to Providence.

2. *Class I price.* Delete § 974.4 (a) and substitute therefor the following:

Each handler shall pay producers or associations of producers for their milk, in the manner set forth in § 947.9, not less than \$4.25 per hundredweight for milk containing 3.7 percent butterfat.

3. *Class I price for milk sold outside of the marketing area.* Delete § 947.4 (d) (1) (ii) and substitute therefor the following:

For milk disposed of in areas outside of the marketing area, other than those

¹ Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 6 F.R. 5192).

specified pursuant to (1) of this subparagraph, the applicable price shall be the price ascertained by the market administrator as the prevailing price paid by dealers for milk of equivalent use in the market where such Class I milk is utilized.

4. *Class II price.* Delete § 947.4 (b) and substitute therefor the following:

Each handler shall pay producers or associations of producers in the manner set forth in § 947.9, for Class II milk delivered by them, containing 3.7 percent butterfat, not less than that price per hundredweight, calculated for each delivery period by the market administrator, as follows: divide by 33 the weighted average price per 40-quart can of bottling quality cream in the Boston, Massachusetts, market, as reported by the United States Department of Agriculture for the delivery period during which such milk is delivered, or the last such price reported for a delivery period if no such price is reported for the delivery period during which such milk is delivered, and multiply the result by 3.7.

5. *Base-rating plan.* Revise § 947.8 (a) (3) to provide that bases shall not be increased as long as the total of allotted bases equals or exceeds 115 percent of Class I sales in the marketing area.

6. *New producer provision.* Delete § 947.9 (a) (2) (iii).

Additional copies of this notice of hearing and copies of Order No. 47, as amended, now in effect, may be procured from the Market Administrator, Room 4, Jennings Building, 103 Pleasant Street, Fall River, Massachusetts, or from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0312, South Building, Washington, D. C.

[SEAL] ROBERT H. SHIELDS,
Assistant to the Secretary
of Agriculture.¹

JANUARY 14, 1942.

[F. R. Doc. 42-389; Filed, January 14, 1942;
12:44 p. m.]

DEPARTMENT OF COMMERCE.

Bureau of Marine Inspection and Navigation.

[Order No. 199]

PROPOSED AMENDMENTS TO THE GENERAL RULES AND REGULATIONS OF THE BOARD OF SUPERVISING INSPECTORS

NOTICE OF PUBLIC HEARINGS

JANUARY 14, 1942.

The statutory annual session of the Board of Supervising Inspectors will convene in Room 1851, Department of Commerce, Washington, D. C., on January 21, 1942, at which session a public hearing on the proposed amendments to the General Rules and Regulations for Tank Vessels will begin at 9 a. m., January 22, 1942, and a public hearing on proposals with respect to amending other classes of the General Rules and Regulations

will commence at 1:30 p. m., January 22, 1942.

The proposed amendments have been published and distributed to all known parties in interest. Any other persons interested may secure a copy of such proposed amendments by addressing the Director, Bureau of Marine Inspection and Navigation, Department of Commerce, Washington, D. C.

[SEAL] SOUTH TRIMBLE, Jr.,
Acting Secretary of Commerce.

[F. R. Doc. 42-393; Filed, January 14, 1942;
3:11 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NATIONAL CASH REGISTER CO.

NOTICE OF GRANTING OF EXCEPTION

Notice is hereby given that pursuant to Section 516.18 of the Record Keeping Regulations, Part 516, the Administrator of the Wage and Hour Division has granted the National Cash Register Company, Dayton, Ohio, relief from the necessity of preserving their employee piece-work tickets as required by § 516.15 of the Record Keeping Regulations.

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

Signed at Washington, D. C. this 13 day of January 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42-439; Filed, January 15, 1942;
11:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6228]

IN RE APPLICATION OF BERNARD N. WALKER (NEW)

NOTICE OF HEARING

Application dated March 27, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Concord, North Carolina; operating assignment specified: Frequency, 1,400 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the technical and other qualifications of the applicant to construct and operate the proposed station.
2. To determine the character of the proposed program service.
3. To determine the extent of the interference which would result from simultaneous operation of the proposed station and Station WHKY.
4. To determine the areas and population which may be expected to lose pri-

mary service, particularly from Station WHKY, Hickory, North Carolina, as a result of the operation of the station proposed herein, and what other broadcast service is available to these areas and populations.

5. To determine the extent of any interference which would result from the simultaneous operation of the station proposed herein and stations proposed by Lexington Broadcasting Company in application No. B3-P-3122 and R. B. Terry, G. A. Rawley, C. M. Waynick and H. A. Cecil, doing business as the High Point Broadcasting Company, in Docket No. 5958, as well as the areas and populations affected thereby, and what other broadcast service is available to these areas and populations.

6. To determine whether the operation of the station proposed herein would be consistent with the Standards of Good Engineering Practice, particularly as to the population residing within the "blanket area" (250 mv/m contour).

7. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and what other broadcast service is available to these areas and populations.

8. To determine whether the granting of this application and the operation of the station proposed herein would serve public interest, convenience and necessity better than the operation of a station by permittee, Wayne M. Nelson, as authorized in the grant of application B3-P-3007.

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

10. To determine whether in view of the facts adduced under the foregoing issues, the granting of this application will serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Bernard N. Walker, 418 Professional Building, Charlotte, North Carolina.

Dated at Washington, D. C., January 13, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-427; Filed, January 15, 1942;
11:23 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4493]

IN THE MATTER OF MARSHALL FIELD & COMPANY, A CORPORATION, TRADING AND DOING BUSINESS UNDER THE NAME KARASTAN RUG MILLS

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

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of January, A. D. 1942.

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

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

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, February 19, 1942, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-428; Filed, January 15, 1942;
11:42 a. m.]

[Docket No. 4645]

IN THE MATTER OF NU-TONE LABORATORIES, INC.

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

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of January, A. D. 1942.

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

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

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, February 26, 1942, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-429; Filed, January 15, 1942;
11:42 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

IN THE MATTER OF ERNST O. HOPF AND JOCHEM VON WIMMERSPERG DOING BUSINESS AS YORKVILLE KANZLEI, HOPF & VON WIMMERSPERG, 208 EAST 86TH STREET, NEW YORK, NEW YORK; AND ERNST O. HOPF AND JOCHEM VON WIMMERSPERG DOING BUSINESS AS DEUTSCHER HANDELS UND WIRTSCHAFTSDIENST, 17 BATTERY PLACE, NEW YORK, NEW YORK

ORDER CANCELLING REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 14th day of January 1942.

I

The Commission's public official files disclose that:

A. Ernst O. Hopf and Jochem von Wimmersperg filed application on January 7, 1936, under the name of Yorkville Kanzlei, Hopf & von Wimmersperg, hereinafter referred to as Yorkville Kanzlei, for registration pursuant to section 15 of the Securities Exchange Act of 1934 as a dealer transacting business on over-the-counter markets. Registration became effective January 14, 1936. The said application, as amended by a supplemental statement filed on August 10, 1940, discloses the address of the principal office of Yorkville Kanzlei and the business address of Hopf to be 208 East 86th Street, New York City, the residence address of Hopf to be 230 East 86th Street, New York City, and the business address and the residence address of von Wimmersperg to be, respectively, 17 Battery Place, New York City and 3900 Greystone Avenue, Riverdale, New York.

B. Ernst O. Hopf and Jochem von Wimmersperg filed application on January 7, 1936, under the name of Deutscher Handels und Wirtschaftsdienst, hereinafter referred to as Deutscher Handels, for registration pursuant to Section 15 of the Securities Exchange Act of 1934 as a dealer transacting business on over-the-counter markets. Registration became effective January 14, 1936. The said application, as amended by a supplemental statement filed on April 26, 1941, discloses the address of the principal office of Deutscher Handels and the business address of von Wimmersperg to be 17 Battery Place, New York City, the residence address of von Wimmersperg to be 3900 Greystone Avenue, Riverdale, New York, and the business address and the

residence address of Hopf to be, respectively, 17 Battery Place, New York City, and 5400 Fieldston Road, Riverdale, New York.

II

Members of its staff have reported to the Commission that for some time mail addressed to Yorkville Kanzlei and Deutscher Handels and to their members has been returned unclaimed with a notation "Removed. Left no address"; that, accordingly, a diligent search has been made to determine whether said firms are still engaged in business as brokers or dealers, and to determine their present whereabouts and the whereabouts of their members; that in such search the following information has been obtained: 208 East 86th Street, New York, New York, is no longer the business address of Yorkville Kanzlei or of Hopf; although Hopf occupied space at said address during the past six years, while acting as agent for a steamship company he vacated the premises in July or August, 1941, and has not returned; that 17 Battery Place, New York, New York, is no longer the business address of Deutscher Handels, von Wimmersperg, or Hopf; that von Wimmersperg occupied a portion of the suite of the German Consulate General at 17 Battery Place, New York, New York, but that said premises were vacated by the German Consulate General on or about July 10, 1941; that von Wimmersperg no longer resides at 3900 Greystone Avenue, Riverdale, New York; that he moved from said address to the residence of Hopf in the fall of 1940, but left soon thereafter; that Hopf vacated the premises at 5400 Fieldston Road, Riverdale, New York, some time in September, 1941; and that diligent search has failed to locate either of said firms or either of their members, although information has been obtained which tends to show that von Wimmersperg, at least, has returned to Germany.

III

Accordingly, we find that Hopf and von Wimmersperg have ceased to transact business as brokers and dealers under the name of Yorkville Kanzlei, Hopf & von Wimmersperg and also under the name of Deutscher Handels und Wirtschaftsdienst.

IV

It is therefore ordered, That the registration of Ernst O. Hopf and Jochem von Wimmersperg, under the name of Yorkville Kanzlei, Hopf & von Wimmersperg, and the registration of Ernst O. Hopf and Jochem von Wimmersperg, under the name of Deutscher Handels und Wirtschaftsdienst, be and they are hereby cancelled pursuant to section 15 (b) of the Securities Exchange Act of 1934, said cancellation, in each case, to be effective thirty days from the date hereof.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-434; Filed, January 15, 1942;
11:45 a. m.]

[File Nos. 59-32, 70-455]

IN THE MATTERS OF DENIS J. DRISCOLL AND WILLARD L THORP, TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORPORATION, DEBTOR, RESPONDENTS; AND NORTHEASTERN WATER AND ELECTRIC CORPORATION, DENIS J. DRISCOLL AND WILLARD L THORP, TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORPORATION, DEBTOR, APPLICANTS-DECLARANTS

ORDER GRANTING PETITIONS TO INTERVENE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of January A. D. 1942.

Northeastern Water and Electric Corporation, et al., a registered holding company and a subsidiary of the Trustees of Associated Gas and Electric Corporation, having filed an application (File No. 70-455) with this Commission with respect to various matters, including, among others, the disposition by said corporation of the securities which it owns of certain electric properties operating in the State of Ohio to the Trustees of Associated Gas and Electric Corporation, said proposed transaction being in connection with a proposed sale by said Trustees of their interest in the common stock of Northeastern Water and Electric Corporation to John H. Ware, Jr., and Penn-Jersey Water Company; and

The Commission by Order dated December 26, 1941 having consolidated said proceedings with certain matters in proceedings pending before the Commission under section 11 (b) (1) of said Act (File No. 59-32);

Norway Water District, a municipal corporation of Norway, Maine, and Presque Isle Water District, a municipal corporation of Presque Isle, Maine, having filed petitions to intervene in these proceedings;

It is ordered, That said petitions for leave to intervene be, and the same hereby are, granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-435; Filed, January 15, 1942;
11:45 a. m.]

IN THE MATTER OF HASKELL, SCOTT AND JENNINGS, INC., 120 So. LA SALLE STREET, CHICAGO, ILLINOIS

FINDINGS AND ORDER REVOKING REGISTRATION AS BROKER AND DEALER AND EXPELLING RESPONDENT FROM NATIONAL SECURITIES ASSOCIATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of January, A. D. 1942.

Appearances: Abe L. Hoffman and George W. Reutell, of the Chicago Regional Office of the Commission, for the Trading and Exchange Division; John Weaver, for the respondent.

Haskell, Scott and Jennings, Inc., is registered with the Commission as a broker and dealer under section 15 of the Securities Exchange Act of 1934 and

is also a member of the National Association of Securities Dealers, Inc., a registered national securities association under section 15A of the Act. We instituted this proceeding under sections 15 (b) and 15A (1) (2) to determine whether respondent's registration as a broker and dealer should be suspended or revoked, and whether respondent should be suspended or expelled from membership in the National Association of Securities Dealers, Inc.

The order for hearing recited that the staff had reported to the Commission information obtained as a result of an investigation of the respondent which tended to show that:

(a) During the past year, respondent has been transacting business in securities as a broker-dealer through the medium of a member of a national securities exchange;

(b) During the period since on or about May 1, 1941, respondent has had no net capital employed in its business and, at the same time, in the ordinary course of its business as a broker, respondent has owed substantial sums to various customers and banks;

(c) During this same period, respondent, directly and indirectly, hypothecated and arranged for and permitted the continued hypothecation of securities carried for the account of customers under circumstances (1) which permitted the commingling of such securities with securities carried for the account of other customers without first obtaining the written consent of each of such customers to such hypothecation, and (2) which permitted such securities to be commingled with the respondent's own securities under liens for loans made to the respondent;

(d) During the past year, respondent has not made, kept current, or preserved a complete set of books and records relating to its business and respondent falsified and made fictitious entries with respect to certain of the records it did keep, so that such records fail to indicate the actual financial condition of the respondent and the actual status of the accounts of various customers of the respondent.

A hearing was ordered to determine whether the facts reported by the staff are true; whether these facts, if they are true, require a finding that respondent wilfully violated sections 8 (b), 8 (c), 15 (c) (2), and 17 (a) of the Securities Exchange Act, and Rules X-8C-1, X-15C2-1, X-17A-3, and X-17A-4 of the Commission's Rules under the Act; and whether it is necessary or appropriate in the public interest or for the protection of investors to suspend or revoke respondent's registration as a broker and dealer and to suspend or expel respondent from membership in the National Association of Securities Dealers, Inc.

The respondent has not contested any of the allegations made in the order instituting the proceeding; it has filed an "Answer and Consent" which acknowledges receipt and service of adequate notice of the proceeding, states that respondent has ceased the transaction of

business as a broker and dealer in securities and is liquidating its business, admits "for the purpose of this proceeding, and for said purpose only, the existence of the facts set forth in the Commission's order for proceedings," and consents to the entry of an order by the Commission revoking its registration as a broker-dealer and expelling it from the National Association of Securities Dealers, Inc.

The trial examiner found that the facts are as stated in the order for hearing; and that the respondent has wilfully violated the above-noted provisions of the statute and of the Commission's Rules. Upon an independent review of the record, we adopt these findings of the trial examiner and we further find that it is necessary and appropriate in the public interest and for the protection of investors to revoke respondent's registration as an over-the-counter broker and dealer, and to expel respondent from the National Association of Securities Dealers, Inc.

It is therefore ordered, Pursuant to sections 15 (b) and 15A (1) (2) of the Securities Exchange Act of 1934, that the registration of Haskell, Scott and Jennings, Inc., as a broker and dealer be, and it hereby is, revoked, and that Haskell, Scott and Jennings, Inc., be, and it hereby is, expelled from the National Association of Securities Dealers, Inc., a registered national securities association.

By the Commission (Chairman Eicher, Commissioners Healy, Pike, Purcell, and Burke).

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-436; Filed, January 15, 1942;
11:46 a. m.]

[File No. 70-480]

IN THE MATTER OF KANSAS CITY GAS
COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of January A. D., 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may not later than January 26, 1942, at 4:30 P. M., E. S. 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, Securi-

ties and Exchange Commission, Washington, D. C.

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

Kansas City Gas Company, a subsidiary of Cities Service Company, a registered holding company, proposes to issue to Commerce Trust Company, Kansas City, Missouri, its promissory note in the principal amount of \$1,200,000 to evidence a bank loan from said trust company to applicant in like principal amount. The note will bear interest at the rate of 2% per annum, will be dated on or prior to January 31, 1942 and will mature nine months from its date.

The proceeds of the above described loan, namely, \$1,200,000, together with \$1,066,000 of the applicant's cash funds available for the purpose, are to be used by applicant to pay at maturity its First Mortgage Gold Bonds, Series A, 6% due February 1, 1942, presently outstanding in the aggregate principal amount of \$2,266,000.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-437; Filed, January 15, 1942;
11:46 a. m.]

[File No. 59-34]

IN THE MATTER OF NEW ENGLAND GAS AND
ELECTRIC ASSOCIATION, RESPONDENT

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of January, A. D. 1942.

The Commission by Order dated September 30, 1941 having instituted proceedings under section 11 (b) (2) of the Public Utility Holding Company Act of 1935 with respect to New England Gas and Electric Association and set said matter down for hearing on October 29, 1941; and the Commission by Order dated October 22, 1941 having postponed said hearing to November 24, 1941; and the Commission by Order dated November 25, 1941 having postponed said hearing to December 17, 1941, and said hearing having been held on that date and continued to January 9, 1942, at which time the hearing was adjourned to January 27, 1942 at the request of the respondent; and

The First National Bank of Boston, Old Colony Trust Company and State Street Trust Company, Trustees under certain indentures securing bonds of New England Gas and Electric Association, having filed requests through their counsel for a postponement of 60 days of the hearing scheduled for January 27, 1942; and

It appearing to the Commission that in view of the fact that the hearing in this matter has already been postponed numerous times as aforesaid, and that all security holders and other interested per-

sons have had ample notice of said proceedings and have had adequate opportunity for the preparation of evidence and to be heard in these proceedings; and that a postponement for 60 days as so requested would unduly delay said proceedings, but that it is appropriate that said request be granted to the extent hereinafter ordered;

It is ordered, That the requests for a postponement for a period of 60 days of the said adjourned hearing scheduled for January 27, 1942, be, and hereby are, denied.

It is further ordered, That the said adjourned hearing scheduled for January 27, 1942, be, and hereby is, postponed

to February 10, 1942 at the same time and place and before the same trial examiner heretofore designated.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-438; Filed, January 15, 1942;
11:46 a. m.]

