FEDERAL REGISTER

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Washington, Friday, February 20, 1942

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER I—FARM CREDIT ADMINISTRATION

PART 27—FEDERAL LAND BANK OF SAINT PAUL

FEES FOR SUBORDINATION OF MORTGAGES AND CONTRACTS, ETC.

Section 27.10 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 27.10 *Fees for subordination of mortgages and contracts, grants of and consents to easements, partial releases of mortgage security, partial conveyances of contract security, releases of condemnation award funds, substitution of security and division of loans, Federal Land Bank and/or Land Bank Commissioner and/or Federal Farm Mortgage Corporation mortgages and land contracts.* The following fees and charges shall be paid to The Federal Land Bank of Saint Paul in connection with Federal Land Bank and/or Land Bank Commissioner and/or Federal Farm Mortgage Corporation Mortgages and Land Contracts:

(a) For subordination of mortgages and contracts, partial releases of mortgage security, partial conveyances of contract security and grants of and consents to easements:

(1) Where the consideration involved is $250, or less, no fee shall be charged;

(2) Where the consideration is $251 to $500, the fee shall be $5.00; and

(3) Where the consideration is over $500, the fee shall be $10.00.

(b) No fee shall be charged in any of the following cases:

(1) Condemnation of security.

(2) Release of acreage for highway purposes.

(3) Subordination of mortgage to oil and/or gas lease, including any allocation of royalty income.

(c) Where sales of gravel, timber, or other material constituting security, are hereafter made, there shall be charged a fee, as set out in paragraph numbered 1, above, based upon the aggregate consideration paid during the 12 months' period commencing with the date the first payment from such sale(s) is received by the Bank, or the date other disposition thereof is ordered by the Bank.

(d) Where sales of lots or other parcels of land, constituting security, are made hereafter, there shall be charged a fee, as set out in paragraph numbered 1, above, based upon the aggregate consideration paid during the 12 months' period commencing with the date the first payment from such sale(s) is received by the Bank, or the date other disposition thereof is ordered by the Bank.

(e) Where substitution of security is involved, there shall be charged an appraisal fee of $10.00 and a title determination fee of $10.00.

(f) Where new loans are made involving a part of the security underlying an existing loan, partial releases necessitated thereby shall be made without fees.

(g) Where division of Federal Land Bank and/or Land Bank Commissioner loans is involved, there shall be charged an appraisal fee of $15.00 and a title determination fee of $7.50 for each part into which the loan is divided.

(h) In any case arising hereunder, where no appraisal fee is specified, but the requested transaction is one which in the opinion of the Bank necessitates a new appraisal, an appraisal fee of $10.00 shall be charged in addition to the fee charges as stated above. (Secs. 4, 13 'Ninth', 39 Stat. 363, 372, Sec. 26, 48 Stat. 44, Sec. 32, 48 Stat. 48, as amended, Sec. 2, 48 Stat. 345; 12 U.S.C. 676 'Seventh', 781 'Ninth', 723 (e), 1016 (e) and Sup., 1020a; 6 CFR 19.4019) [Res. Bd. Dir., January 22, 1942]

[SEAL] THE FEDERAL LAND BANK OF SAINT PAUL,
By: F. W. PECK, *President.*

[F. R. Doc. 42-1475; Filed, February 19, 1942; 11:38 a. m.]

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Correction

A portion of the last line of paragraph (b) of § 04.7531–T appearing on page 986 of the issue for Saturday, February 14, 1942, reads "shall be at least $V_{s_0}^2$" instead of "shall be at least 0.04 $V_{s_0}^2$".

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4622]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF PINK OINTMENT 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 "Pink Ointment", or any other similar product, diseminating, 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 his said product, which advertisements (1) represent, directly or through inference, that respondent's preparation "Pink Ointment" is a cure or remedy for eczema, poison-ivy, ringworm, rash, itch, weed-poisoning, cuts, burns, bruises, athlete's foot, all kinds of skin irritations, chigger bites, mosquito bites, prickly heat, sunburn, hives, dust-poisoning, poison-oak, or sore, tender, itching, or burning feet, or that said preparation is a competent or effective treatment for such diseases and conditions or that it has any therapeutic value in excess of its antiseptic effect and its effect in affording temporary, local relief due to its counter-irritant, anti-pruritic, and analgesic properties; or which advertisements (2) fail to reveal that the use of said preparation may cause necrosis of the skin and tissues and systematic poisoning, including irritation of the kidneys, and that the danger of such injury will be increased if the skin to which it is applied is inflamed or broken; prohibited, subject to provision, however, as respects said second prohibition, that if the directions for use, wherever they appear on the label, in the labeling, or both on the label and in the labeling, contain a warning 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, Pink Ointment Company, Docket 4622, February 16, 1942]

In the Matter of John B. Armstrong, M. D., an individual trading as Pink Ointment Company

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

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That John B. Armstrong, M. D., an individual trading as Pink Ointment Company, or under any other name, his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of his product, Pink Ointment, or any other product containing the same or similar ingredients, whether sold under the same name or any other name, do forthwith cease and desist from:

(1) Disseminating, or causing to be disseminated, any advertisement (a) by means of the United States mails or (b) by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents directly or through inference that his preparation "Pink Ointment" is a cure or remedy for eczema, poison-ivy, ringworm, rash, itch, weed-poisoning, cuts, burns, bruises, athlete's foot, all kinds of skin irritations, chigger bites, mosquito bites, prickly heat, sunburn, hives, dust-poisoning, poison-oak, or sore,

tender, itching, or burning feet, or that said preparation is a competent or effective treatment for such diseases and conditions or that it has any therapeutic value in excess of its antiseptic effect and its effect in affording temporary, local relief due to its counter-irritant, antipruritic, and analgesic properties; or which advertisement fails to reveal that the use of said preparation may cause necrosis of the skin and tissues and systemic poisoning, including irritation of the kidneys, and that the danger of such injury will be increased if the skin to which it is applied is inflamed or broken: *Provided, however,* That if the directions for use, wherever they appear on the label, in the labeling, or both on the label and in the labeling, contain a warning 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 reveal the affirmative cautionary statement required in paragraph (1) hereof.

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

By the Commission:

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

[F. R. Doc. 42-1476; Filed, February 19, 1942; 11:41 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

Pursuant to the authority conferred by section 18 of the act of December 26, 1941 (Public No. 381, 77th Cong.), the regulations under the Federal Explosives Act heretofore promulgated (7 F.R. 305) are hereby amended as follows:

Section 301.2 *Definitions,* paragraph (b), is amended by changing the words:

"Nitrocellulose exceeding 10.18 percent nitrogen" to read as follows:

"Nitrocellulose exceeding 12.2 percent nitrogen"; and by changing the words:

"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)"; to read as follows:

"Nitroglycerin (except in pharmacopoeia solution, or in form of pills, or granules, containing not more than one-fiftieth of a grain each [1])."

Section 301.7 is amended by adding at the end thereof a new paragraph (f), as follows:

§ 301.7 *Applications for licenses, forms.*

* * * * *

(f) *Applications of associations, corporations, etc.* Applications of corporations, companies, or other associations or organizations operating through a board of directors, trustees, or similar officers, shall show the name, address, and nationality of all officers, directors, trustees, or persons exercising similar functions. Such applications shall show also the name, address, and the extent of interest in the voting stock or other beneficial voting holdings of the controlling stockholders or members, beginning with the holder of the largest voting interest and continuing in the order of the amount of the respective diminishing voting holdings, until not less than 50 per cent of all voting stock or other beneficial voting holdings is shown: *Provided,* That in any case at least the top three such holdings must be shown, and not more than ten need be shown. The nationality of each stockholder or member listed in the application must also be shown, except that in the case of applicants whose stock or beneficial voting interests are widely distributed among a large number of holders, the nationality of whom is not known or readily ascertainable and which for that reason cannot be shown, the application may contain a statement based upon, and stated to be based upon, belief and the best information available as to what the nationality of the controlling stockholders or members may be, and should contain any evidentiary facts thereof, such as facts of residence. This statement may be accepted in lieu of specific information in regard thereto.

If the controlling stockholders or members of the applicant are one or more corporations or other organizations, the name, address, and nationality of the officers, directors, trustees, or other similar officers, and of the controlling stockholders or members thereof, must be shown in the same manner and to the same extent as is required of the applicant itself.

In the case of organizations such as cooperatives, the individual voting interests in which are equal in amount, no list of stockholders or members need be included in the application, but the application shall contain a statement of the nationality of at least sixty per cent of the stockholders or members. If the nationality is not definitely known by reason of the number of stockowners or members, the statement may be based upon information and belief, as in the case of other corporations or associations in similar circumstances.

Section 301.8 (a) *Purchser's, vendor's or foreman's applications* is amended by adding at the end thereof two sentences as follows:

§ 301.8 *Filing of applications*—(a) *Purchaser's, vendor's, or foreman's applications.* * * *

Applications for purchaser's, vendor's, and foreman's licenses shall not be filed with the Director except for a special reason stated with the application. Any of such applications filed with the Director unaccompanied by such a statement, or accompanied by a statement deemed insufficient, will be returned to the applicant for filing with a local Licensing Agent.

* * * * *

There is hereby added to said regulations immediately following § 301.10 a new section, 301.10a as follows:

§ 301.10a *Fees for licenses and copies.* Before any license, whether original, duplicate, or certified copy, is issued by a Licensing Agent, he is entitled to receive from the applicant, and the applicant shall pay to the Licensing Agent, the sum of twenty-five cents for each license issued. In the case of applications filed with Licensing Agents for the purpose of forwarding to the Director, pursuant to § 301.8 (b), the Licensing Agent may collect the sum of twenty-five cents for each application to be forwarded, on account of his costs and fees. Licensing Agents will have and receive for their own account, as compensation for their services all fees paid to them. No fees are required to accompany applications filed with the Director, nor are any fees required for the issuance of a license by the Director.

Section 301.20 is hereby amended to read as follows:

§ 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 for retail sale.

Roman candles—not over ten-ball.

Rockets—not over a size commercially designated as eight-ounce.

Wheels—not over ten inches in diameter.

Torches and colored lights of all descriptions.

Snakes which do not contain any mercury salt.

Sparklers and dipped sticks.

Fountains.

Shells and mines in which no explosive is used except as a propellant or expellant.

Paper caps having an explosive content of not more than .15 grains of explosive in each cap.

Smoke pots.

(b) *Authority to sell existing stock.* Stock of the varieties above listed, although varying from the specifications in (a) *supra,* which was manufactured prior to January 1, 1942, may be sold under license.

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

[1] The foregoing amendment of § 301 2 and the amendments following are issued under authority contained in sec. 18, Public Law 381, 77th Cong.

(d) *Purchase of fireworks at retail.* No license will be required for the purchase at retail of the varieties permitted to be manufactured pursuant to paragraph (a) of this section.

R. R. SAYERS,
Director, Bureau of Mines.

Approved: February 17, 1942.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 42-1467; Filed, February 19, 1942; 11:27 a. m.]

CHAPTER VI—SELECTIVE SERVICE SYSTEM

[No. 54]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Paragraph 163 and Appendix A to Volume One of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 301,[1] entitled "Application by Alien for Relief from Military Service," effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing addition shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of Appendix A to Volume One, Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

JANUARY 13, 1942.

[F. D. Doc 42-1453; Filed, February 19, 1942; 10:15 a. m.]

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 921—ALUMINUM

Supplementary Order No. M-1-f to Conserve the Supply and Direct the Distribution of Aluminum

Whereas national defense requirements have created a shortage of aluminum; and

Whereas the restrictions and requirements relating to the use of aluminum hereinafter set forth are necessary to conserve the supply and direct the distribution thereof in the interest of national defense;

Now, therefore, it is ordered, That:

§ 921.8 *Supplementary Order M-1-f*—(a) *Definitions.* For the purposes of this Order:

(1) "Aluminum" means any material the principal individual ingredient of which by either weight or volume is metallic aluminum, in ingot or similar raw form or in the form of finished or semi-finished parts, assemblies, or products of any kind; but as provided in (n) below, this Order does not apply to aluminum in certain forms and uses.

(2) "Person" means any individual, partnership, association, business trust, corporation, Governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(3) "Producer" means the Aluminum Company of America, the Reynolds Metals Company, and any other Person who may be so designated by the Director of Industry Operations.

(4) "Approved smelter" means any Person whose name appears on Schedule A attached to this Order, as the same may be amended from time to time by the Director of Industry Operations.

(5) "Fabricator" means any Person (including machine shops, pattern shops, and foundries) who manufactures Aluminum products from raw Aluminum or from Aluminum scrap, also any Person who manufactures Aluminum foil, forgings, impact extrusions, tubing, rivets, or powder.

(6) "Essential item" means any Aluminum to be used in conformity with Supplementary Order M-1-e as the same may be amended from time to time.

(b) *Allocation of output of producers, approved smelters, and fabricators.* No Producer, Approved Smelter, or Fabricator shall deliver any Aluminum except pursuant to allocation or as the Director of Industry Operations may otherwise specifically authorize. Each Producer, Approved Smelter, and Fabricator shall file a shipping schedule for each month, on or before the 15th day of the preceding month on Form PD-26A or on such other form as may be prescribed for the purpose. The Director of Industry Operations will thereupon issue to him specific allocations authorizing the deliveries which he may make during that month.

(c) *Requirements relating to placement of orders with, and acceptance of orders by, producers, approved smelters, and fabricators.* Except as the Director of Industry Operations may specifically authorize, a Producer, Approved Smelter, or Fabricator shall include, in his shipping schedule for any month subsequent to February 1942, Essential Items only; and no item shall be included unless the customer, on or before the 5th day of the preceding month (1) shall have definitively requested the delivery thereof, and (2) shall have filed with the supplier information as to the exact part to be made from the Aluminum, the product in which such part is to be incorporated or assembled, and the end use to be made of such product, also, any further information which may be necessary to enable the supplier to fill out his shipping schedule: *Provided, however*, That where the customer is a Fabricator or Producer or Approved Smelter he need only indicate to the supplier that he has filed such information on his own shipping schedule. No customer shall order or acquire Aluminum from a Producer, Approved Smelter, or Fabricator for the manufacture of any item or use permitted by paragraph (b) of Supplementary Order M-1-e as the same may be amended from time to time, unless the acquisition of such Aluminum has been specifically authorized by a preference rating certificate issued subsequent to October 31 1941.

(d) *Operations restricted to the fulfillment of purchase orders for essential items.* Aluminum in the hands of any Person other than a Producer, Approved Smelter, or Fabricator, may be acquired and disposed of without specific authorization from the Director of Industry Operations, but only in the fulfillment of rated purchase orders for Essential Items: *Provided, always*, That any Aluminum received pursuant to an allocation or other specific authorization shall be used and disposed of only for the particular purpose so authorized: *And provided, further*, That, except in the case of a Producer or Approved Smelter or as the Director of Industry Operations may specifically authorize, no Person shall acquire any Aluminum which he could use only by smelting or melting the same. Except as provided above or as the Director of Industry Operations may specifically authorize, no Aluminum shall be acquired or disposed of by any Person.

(e) *Inventory of and scheduling of orders for aluminum.* (1) No Person shall order Aluminum except in amounts and for delivery at such times, as may be necessary to maintain the minimum working inventory which he requires for the fulfillment of rated purchase orders, on hand, for Essential Items. Where appropriate, he shall reduce or defer his outstanding orders for Aluminum so that his inventory shall be reduced to the practicable minimum.

(2) Each Producer, Approved Smelter, Fabricator, and other Person (other than a Governmental corporation or agency) who uses Aluminum in manufacture shall, on or before the 20th of April, 1942, and thereafter quarterly, file an inventory report on Form PD-40A or such other form as may be prescribed for the purpose.

(f) *Dead stocks.* (1) All Aluminum which is not being used in, or which is in excess of immediate needs for, the fulfillment of purchase orders for Essential Items shall, promptly (i) be sold upon certification in writing to the seller by the buyer that he will use, promptly, the Aluminum in question in the fulfillment of rated purchase orders for Essential Items, or (ii) be scrapped and disposed of as provided in Supplementary Order M-1-d. No such Aluminum shall be acquired or disposed of in any other way except as the Director of Industry Operations may specifically authorize or direct. The provisions of paragraphs (b), (c), and (d) above shall not apply to any transaction required by this subparagraph and specific authorization from the Director of Industry Operations is not required for any such transaction: *Provided, however*, That, except in the case of a Producer or Approved Smelter or as the Director of Industry Operations may specifically authorize, no Person shall acquire any Aluminum which he could use only by smelting or melting the same.

(2) Each Person who owns any Aluminum shall, on or before March 31, 1942,

[1] Filed as part of the original document.

report the amount and kind of all Aluminum owned by him: *Provided, however,* That no such report need be filed (i) as regards any Aluminum to which this Order does not apply as provided in (n) below, or (ii) by a Governmental corporation or agency or any Person who is required to file inventory reports pursuant to (e) above. No special form is prescribed for such report. Failure to make such report on the part of any such Person shall be deemed a representation to the War Production Board, subject to the penalties of Section 35–A of the United States Criminal Code, that such person does not own any Aluminum.

(g) *Tolling.* Except as the Director of Industry Operations may specifically authorize, no Aluminum shall be delivered for processing or returned under any toll, repurchase, or similar arrangement.

(h) *No acquisition or delivery in violation of order.* No Person shall acquire or deliver Aluminum or products made therefrom if he has reason to believe that such material has been or is to be used in violation of the terms of this or any other order of the Director of Industry Operations: *Provided,* That, pursuant to the provisions of (f) above, any Person may freely acquire Aluminum at any time irrespective of the status under this Order of the Person disposing of the same.

(i) *Reports and communications.* All reports required to be filed hereunder, and all communications concerning this Order shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: M–1–f.

(j) *Operation of same person in different capacities.* Any Person who, in the use of Aluminum in manufacture, operates in more than one capacity (for example, both as a Producer and Fabricator) shall, in each such capacity, be subject to the applicable obligations and restrictions imposed by this Order. The initial putting into fabrication or other use of raw Aluminum by a Producer or Approved Smelter who produced the same shall be deemed a delivery thereof hereunder.

(k) *Hardship clause.* Where, under the peculiar circumstances of an individual case, disposition of Aluminum as required by (f) above cannot be effected at regularly established prices and terms of sale or payment, or would otherwise impose an unreasonable hardship or sacrifice, the Person required to dispose of the same may apply to the Director of Industry Operations for exemption in whole or in part from the operation of such provision. Such application shall specify the nature and extent of exemption applied for and shall fully set forth the facts alleged to prove unreasonable hardship or sacrifice. Except as the Director of Industry Operations may otherwise specifically direct, pending determination by him of the merits of any case in which exemption has been so applied for, the filing of the application therefor shall be effective to afford the applicant a temporary exemption, to the extent applied for, from the operation of (f) above: *Provided, however,* That such filing of the application shall not have any such effect if, at any time, the Director of Industry Operations shall find that such application was not filed in good faith.

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

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

(n) *Scope of the Order.* (1) This Order shall govern the acquisition and disposition of all Aluminum, but, anything herein to the contrary notwithstanding, shall not apply (i) to Aluminum products which are being used by the ultimate consumer, (ii) to Aluminum products after completion which are being disposed of to, or for resale to, the ultimate consumer, in the normal channels of trade, or (iii) to "Aluminum Scrap" as defined in Supplementary Order M–1–d.

(2) No preference rating order or certificate, outstanding or hereafter issued, shall constitute, hereunder, sufficient authorization for any delivery or acquisition of Aluminum except (i) preference ratings or certificates assigned and applied to purchase orders for Essential Items, and (ii) preference rating certificates issued subsequent to October 31, 1941, which specifically authorize the acquisition of Aluminum: *Provided, however,* That, in addition, specific authorization for delivery is obtained from the Director of Industry Operations where required by the provisions of (b), (d), or (f) above.

(o) *Revocation.* General Preference Order M–1 and Supplementary Order M–1–a as extended, and all authorizations and directions issued pursuant thereto, are hereby terminated effective immediately, except that the following, if operative immediately prior to the effective date of this Order, shall remain effective:

(1) Any allocation issued subsequent to October 31, 1941;

(2) Any approval of any toll arrangement issued subsequent to October 31, 1941;

(3) Any preference rating certificate issued subsequent to October 31, 1941; and

(4) Insofar as concerns completion of delivery of Aluminum which is in transit as of the effective date of this Order, any other applicable authorization issued prior to the effective date of this Order.

(p) *Effective date.* This Order shall take effect immediately upon its issuance and unless sooner terminated by the Director of Industry Operations shall expire on the 31st day of December 1942. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 17th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

SCHEDULE A—APPROVED ALUMINUM SMELTERS

State, Smelter and Address

California: Federated Metals Div. (Am. Smelting & Refining), Los Angeles, Calif.; Federated Metals Div. (Am. Smelting & Refining), San Francisco, Calif.; Berg Metal Co., 2652 Long Beach Ave., Los Angeles, Calif.; Morris P. Kirk and Sons, Inc., 2717 South Indiana St., Los Angeles, Calif.

Illinois: Apex Smelting Co., 2537 W. Taylor St., Chicago, Ill.; Aurora Refining Co., P. O. Box 88, Aurora, Ill.; Wm. F. Jobbins, Inc., Chicago, Ill.; R. Lavin & Sons, Inc., 3426 South Kedzie Ave., Chicago, Ill.; U. S. Reduction Co., East Chicago and Melville Aves., Chicago, Ill.

Indiana: Federated Metals Div. (Am. Smelting & Refining), Whiting, Ind.

Kansas: Sonken-Galamba, Riverview at 2d St., Kansas City, Kans.

Michigan: Federated Metals Div. (Am. Smelting & Refining), Detroit, Mich.; Bohn Aluminum and Brass Corporation, Detroit, Mich.

Missouri: Federated Metals Div. (Am. Smelting & Refining), St. Louis, Mo.

New Jersey: Federated Metals Div. (Am. Smelting & Refining), Barber, N. J.

New York: Alloys and Products, Inc., Oak Point Ave. and Barry., Bronx, N. Y.; Electro Refractories and Alloys Co., Willet Rd., Lackawanna, N. Y.; Samuel Greenfield Co., Inc., 31 Stone St., Buffalo, N. Y.; Niagara Falls Smelt. & Ref. Co., 2204 Elmwood Ave., Buffalo, N. Y.

Ohio: Aluminum Smelting and Refinery Co., 5463 Dunham Rd., Maple Heights, Ohio; Aluminum & Magnesium Inc., 1 Huron St., Sandusky, Ohio; Cleveland Electro Metals Co., 2391 West 38th St., Cleveland, Ohio; National Bronze & Aluminum Foundry, Cleveland, Ohio; National Smelting Co., P. O. Box 1791, Cleveland, Ohio.

Pennsylvania: General Smelting Co., 2901 East Westmoreland St., Philadelphia, Pa.; North American Smelting Co., Edgemont and Tioga Sts., Philadelphia, Pa.; George Sall Metals Co., Westmoreland and Tulip Sts., Philadelphia, Pa.

[F. R. Doc. 42–1481; Filed, February 19, 1942; 11:55 a. m.]

PART 933—COPPER

Interpretation No. 1 of February 6, 1942 Amendment to General Preference Order No. M–9–a [1]

The following official interpretation is hereby issued by the Director of Industry Operations with respect to § 933.2 (*General Preference Order No. M–9–a*) as amended February 6, 1942:

General Preference Order No. M–9–a, paragraph (d) as amended February 6, 1942, reads as follows:

(d) *Deliveries by all others except refiners.* Except as otherwise specifically

[1] 6 F.R. 3889; 7 F.R. 68, 162, 809.

authorized by the Director, orders for Copper from Dealers and orders for Copper Base Alloy and Copper Products from any Brass Mill, Wire Mill, Warehouse or foundry must be accepted and filled by them in accordance with Priority Regulation No. 1 as the same shall be amended from time to time except that no such order shall be accepted or filled by any such Person which does not bear a preference rating of A-10 or higher.

In applying this paragraph, a Warehouse should note that it is only covered to the extent that its operations come within those of a Warehouse as defined by Order M-9-a as amended. That Order defines a Warehouse as "any Person regularly engaged in the wholesale business who maintains stocks of Brass Mill or Wire Mill Products and sells or holds the same for sale without change in form". Thus, paragraph (d) as amended as applied to a Warehouse only prohibits the acceptance or filling of a wholesale order for Brass Mill Products or Wire Mill Products not bearing a preference rating of A-10 or higher. Order M-9-a defines "Brass Mill Products" to mean "sheets, wire, rod or tube made from Copper or Copper Base Alloy", and "Wire Mill Products" to mean "bare or insulated wire for electrical conduction made from Copper or Copper Base Alloy". (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 19th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42 1482; Filed, February 19, 1942; 11:54 a. m.]

PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

Amendment No. 4 to Supplementary Order No. M-15-b[1] To Restrict the Use and Sale of Rubber

Section 940.3 (*Supplementary Order No. M-15-b*) is hereby amended as follows: By striking out subparagraph (a) (1) thereof and substituting therefor the following:

(1) "Rubber" means all forms and types of crude rubber (including crepe rubber for soles or any other purpose) but does not include balata, gutta-percha, gutta siak, gutta jelutong, pontianac, reclaimed rubber, scrap rubber or Latex. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

This Order shall take effect upon the date of its issuance. Issued this 19th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1484; Filed, February 19, 1942; 11:55 a. m.]

PART 1032—DIRECT-CONSUMPTION SUGAR

Amendment No. 1 to General Preference Order M-55,[1] as Amended January 24, 1942, to Conserve the Supply and Direct the Distribution of Direct-Consumption Sugar.

Section 1032.1 (General Preference Order M-55, as amended January 24, 1942), paragraph (d) providing for "Quota Restrictions and Exceptions Thereto", is hereby amended by adding thereto paragraph (d) (6), reading as follows:

(d) *Quota restrictions and exceptions thereto.*

* * * * *

(6) *Further Deliveries Not Charged Against Quotas.* Notwithstanding the foregoing limitations, any Receiver who sells Direct-Consumption Sugar to household consumers may accept delivery of Direct-Consumption Sugar from household consumers without charging it against his quota. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong. 1st Sess.)

This amendment shall take effect immediately. Issued this 19th day of February, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1483; Filed, February 19, 1942; 11:54 a. m.]

PART 1032—DIRECT-CONSUMPTION SUGAR

§ 1032.3 *Supplementary Order No. M-55-b.* (a) The Director of Industry Operations hereby determines that during the Month of March 1942 the quota of Direct-Consumption Sugar Permitted Receivers under Paragraph (d) of Order No. M-55, as amended, shall be 80 percent of use or resale during the base period of 1941 as prescribed by the said Order No. M-55.

(b) This Order 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. 4453; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 19th day of February, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1480; Filed, February 19, 1942; 11:56 a. m.]

PART 1107—TRACK-LAYING TRACTORS AND AUXILIARY EQUIPMENT

Limitation Order No. L-53 To Direct the Distribution of Track-laying Tractors and Auxiliary Equipment

Whereas, the manufacture of Track-laying Tractors and Auxiliary Equipment consumes large quantities of materials; the requirements of national defense have resulted in a shortage in the supply of such materials and of Track-laying Tractors and Auxiliary Equipment for defense, for private account and for export; it is essential to the national defense program that such materials be conserved and an adequate supply of Track-laying Tractors and Auxiliary Equipment be produced and distributed to essential defense and civilian uses; and to this end it has become necessary that certain restrictions be placed on the distribution of Track-laying Tractors and Auxiliary Equipment;

Now, therefore, it is hereby ordered, That:

§ 1107.1 *Limitation Order L-53*—(a) *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.

(b) *Definitions.* For the purpose of this Order:

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

(2) "Producer" means any person engaged in the manufacture of Track-laying Tractors and Auxiliary Equipment.

(3) "Track-laying tractor" means a vehicle powered by an internal combustion engine, used for pushing or pulling heavy loads and obtaining traction from a crawler or track-type device.

(4) "Auxiliary equipment" means bull-dozers, angle-dozers, power winches and power control units produced for mounting on Track-laying Tractors.

(5) "Unused" when applied to Track-laying Tractors or Auxiliary Equipment means any Track-laying Tractor or Auxiliary Equipment which has never been delivered to an ultimate consumer.

(c) *Prohibition of sale of track-laying tractors.* Until further order of the Director of Industry Operations, no Pro-

[1] 6 F.R. 6406, 6644, 6792; 7 F.R. 511.

[1] 6 F.R. 6427, 6650, 6651; 7 F.R. 71, 581.

ducer, dealer or other authorized channel of distribution of Track-laying Tractors or Auxiliary Equipment shall sell, lease, trade, lend, deliver, ship or transfer any unused Track-laying Tractor or unused Auxiliary Equipment except to other producers, dealers or other authorized channels of distribution for resale; and no person (with the exception of other producers, dealers or other authorized channels of distribution for resale) shall accept any such sale, lease, trade, loan, delivery, shipment or transfer of any unused Track-laying Tractor or unused Auxiliary Equipment.

(d) *Exceptions from prohibition of sale.* Nothing in this Order shall prevent any person from making a sale, lease, trade, loan, delivery, shipment or transfer

(i) of Track-laying Tractors or Auxiliary Equipment to or for the account of any person who prior to the effective date of this Order has received an order or certificate of the Director of Industry Operations assigning a preference rating higher than A-2 specifically to the delivery of a Track-laying Tractor or of Auxiliary Equipment and issued to and designating the person seeking to purchase said Track-laying Tractor or Auxiliary Equipment; or

(ii) of Auxiliary Equipment to be mounted on a Track-laying Tractor in the possession of an ultimate consumer.

(e) *Transfer of title and retaking of possession under conditional sale, chattel mortgage, bailment lease or similar installment contracts.* Nothing in this Order shall prevent any person from transferring title to a Track-laying Tractor or to Auxiliary Equipment pursuant to the terms of a conditional sale, chattel mortgage sale, bailment lease or similar installment contract entered into prior to the effective date of this Order or from retaking, repossessing or obtaining re-delivery of any vehicle upon default, breach or other contingency under the terms of a conditional sale, chattel mortgage sale, bailment lease or similar installment contract entered into prior to such date.

(f) *Records.* All persons affected by this Order shall keep and preserve for not less than 2 years accurate and complete records concerning inventories, purchases, production and sales.

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

(h) *Reports.* All persons affected by this Order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(i) *Violations or false statements.* Any person who violates this Order or who willfully falsifies any records which he is required to keep by the terms of this Order, or otherwise willfully furnishes false information to the War Production Board may be deprived of priorities assistance or may be prohibited by the War Production Board from obtaining any further deliveries of materials subject to allocation. The War Production Board 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).

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

(k) *Communications.* All communications concerning this Order shall be addressed to War Production Board, Washington, D. C., Ref.: L-53.

(l) *Effective date.* This Order shall take effect at 9 a. m., Eastern War Time, of the date of its issuance. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 19th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1479; Filed, February 19, 1942; 11:54 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1340—FUEL

AMENDMENT NO. 4 TO PRICE SCHEDULE NO. 88 [1]—PETROLEUM AND PETROLEUM PRODUCTS

Section 1340.159 (b) (6) (ii) is amended to read as set forth below.[2]

§ 1340.159 *Maximum prices for petroleum and petroleum products.*

* * * * *

(b) *Petroleum products.*

* * * * *

(6) (ii) Where the maximum price for products at a given shipping or delivery point cannot be determined under (i) above, sellers may sell such products at the market price prevailing at the time of the sale: *Provided*, That notice of the sale and the price thereof is furnished to this Office, within fifteen days after the sale, when the price is in excess of the price of the last sale of a product of similar quality made by the seller prior to November 7, 1941. (Pub. No. 421, 77th Cong., 2d Sess.)

This Amendment No. 4 shall become effective as of February 2, 1942.

Issued this 17th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1452; Filed, February 18, 1942; 5:04 p. m.]

[1] 7 F.R. 718, 821, 906, 934.

[2] A statement of Considerations supporting the issuance of this Amendment No. 4 has been prepared and filed with the Division of the Federal Register.

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 5—RULES AND REGULATIONS GOVERNING EXPERIMENTAL RADIO SERVICES

The Commission, on February 17, 1942, effective April 2, 1942, amended § 5.32 (a), *License period*, to read as follows:

§ 5.32 *License period.* (a) Licenses for class 1 and class 2 experimental stations will be issued for a period of 1 year unless otherwise stated in the instrument of authorization. The dates of expiration of licenses for class 1 experimental stations and class 2 experimental stations operating in a service other than broadcast shall be the 1st day of October and the 1st day of November, respectively, of each year. The date of expiration of licenses of class 2 experimental stations operating in the broadcast service will be governed by the rules and regulations governing that service. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—sec. 307 (d), 48 Stat. 1084; 47 U.S.C. 307 (d))

By the Commission:

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-1492; Filed, February 19, 1942; 12:03 p. m.]

PART 6—RULES GOVERNING FIXED PUBLIC RADIO SERVICES

The Commission on February 17, 1942, effective April 2, 1942, amended § 6.29, *License period*, to read as follows:

§ 6.29 *License period.* Licenses for stations operating in the fixed public service will be issued for a period of 2 years unless otherwise stated in the instrument of authorization and except insofar as provided by section 2.45. The date of expiration of such licenses shall be the 1st day of December. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—sec. 307 (d), 48 Stat. 1084; 47 U.S.C. 307 (d))

By the Commission:

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-1491; Filed, February 19, 1942; 12:03 p. m.]

PART 7—RULES GOVERNING COASTAL AND MARINE RELAY SERVICES

The Commission on February 17, 1942, effective April 2, 1942, amended § 7.41, *License period*, to read as follows:

§ 7.41 *License period.* Licenses for coastal stations will be issued for a period of 2 years unless otherwise stated in the instrument of authorization and except insofar as provided by section 2.46. The date of expiration of such licenses shall be the 1st day of February. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—Sec. 307 (d), 48 Stat. 1084; 47 U.S.C. 307 (d))

By the Commission:

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

[F. R. Doc. 42-1490; Filed, February 19, 1942; 12:03 p. m.]

PART 9—RULES AND REGULATIONS GOVERNING AVIATION SERVICES

The Commission on February 17, 1942, effective April 2, 1942, amended § 9.21, *License period*, to read as follows:

§ 9.21 *License period.* The normal license periods and dates of expiration of license for all stations in the aviation service, unless otherwise stated in the instrument of authorization, shall be as follows:

(a) For stations in the aviation service, other than aircraft stations and stations in Alaska, a license period of 2 years expiring on the 1st day of March.

(b) For scheduled aircraft stations in the aviation service other than in Alaska, a license period of 2 years expiring on the 1st day of April.

(c) For all classes of stations in the aviation service in Alaska, a license period of one year expiring on the 1st day of January.

(d) For non-scheduled aircraft stations in the aviation service other than in Alaska, a license period of 1 year expiring on the 1st day of August for licenses issued to persons within the alphabetical group A to L, both inclusive, and a license period of 1 year expiring on the 1st day of September for licenses issued to persons within the alphabetical group M to Z both inclusive. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—sec. 307 (d), 48 Stat. 1084; 47 U.S.C. 307 (d))

By the Commission:

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

[F. R. Doc. 42-1487; Filed, February 19, 1942, 12:02 p. m.]

PART 9—RULES AND REGULATIONS GOVERNING AVIATION SERVICES

ORDER EXTENDING LICENSES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of February, 1942;

The Commission having under consideration the matter of extending the term of certain outstanding station licenses in the aviation service, which licenses would normally expire on March 1st, next;

It is ordered, That the terms of outstanding licenses for aeronautical and aeronautical fixed stations located in continental United States be, and the same are hereby, extended for a period of one year from March 1, 1942.

By the Commission:

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

[F. R. Doc. 42-1495; Filed, February 19, 1942; 12:02 p. m.]

PART 9—RULES AND REGULATIONS GOVERNING AVIATION SERVICES

ORDER EXTENDING LICENSES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of February, 1942;

The Commission having under consideration the matter of extending the term of certain outstanding station licenses in the aviation service, which licenses would normally expire on April 1st, next;

It is ordered, That the terms of outstanding licenses for scheduled aircraft stations located in continental United States be, and the same are hereby, extended for a period of one year from April 1, 1942.

By the Commission.

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

[F. R. Doc. 42-1496; Filed, February 19, 1942; 12:02 p. m.]

PART 10—RULES GOVERNING EMERGENCY RADIO SERVICES

The Commission on February 17, 1942, effective April 2, 1942, amended § 10.81, *License period*, to read as follows:

§ 10.81 *License period.* Licenses for all stations in the emergency service will be issued for a period of 2 years unless otherwise stated in the instrument of authorization. The dates of expiration of license for all stations in the emergency service, unless otherwise specified, shall be as follows:

(a) For special emergency stations, the 1st of May.

(b) For forestry and marine fire stations, the 1st of December.

(c) For police stations in the States of Alabama, Arizona, Arkansas, California, Colorado, Connecticut, District of Columbia, Delaware and Florida, the 1st of February.

(d) For police stations in the States of Georgia, Idaho, Illinois, Indiana, Iowa, Kansas and Kentucky, the 1st of March.

(e) For police stations in the States of Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri and Montana, the 1st of April.

(f) For police stations in the States of Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina and North Dakota, the 1st day of May.

(g) For police stations in the States of Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina and South Dakota, the 1st day of June.

(h) For police stations in the States of Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming and the Territories and Possessions of the United States other than Alaska, the 1st day of July. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—sec. 307 (d), 48 Stat. 1084; 47 U.S.C. 307 (d))

By the Commission.

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

[F. R. Doc. 42-1489; Filed, February 19, 1942, 12:04 p. m.]

PART 11—RULES GOVERNING MISCELLANEOUS RADIO SERVICES

The Commission on February 17, 1942, effective April 2, 1942, amended § 11.41, *License period*, to read as follows:

§11:41 *License period.* Licenses for stations operating in the miscellaneous service, other than provisional stations (see section 11.121) and motion picture stations, will be issued for a period of 2 years unless otherwise stated in the instrument of authorization. Licenses for motion picture stations normally will be issued for a period of 1 year. The date of expiration of license for stations in the miscellaneous service, unless otherwise specified, shall be the 1st day of May. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—sec. 307 (d), 48 Stat. 1084; 47 U.S.C. 307 (d))

By the commission.

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

[F. R. Doc. 42-1493; Filed, February 19, 1942, 12:03 p. m.]

PART 11—RULES GOVERNING MISCELLANEOUS RADIO SERVICES

ORDER EXTENDING LICENSES

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 17th day of February, 1942;

The Commission having under consideration the matter of extending the term of certain outstanding station licenses in the miscellaneous services, which licenses would normally expire on October 1, 1942;

It is ordered, That the terms of outstanding licenses for stations operating in the miscellaneous services (other than stations operating in the intermittent service), located in the continental United States, be, and the same are hereby, extended for an additional period of eight (8) months, so that the expiration dates for such licenses will be May 1, 1943.

By the Commission.

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

[F. R. Doc. 42-1494; Filed, February 19, 1942; 12:03 p. m.]

[Order No. 91]

PART 13—RULES GOVERNING COMMERCIAL RADIO OPERATORS

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of February, 1942;

The Commission having under consideration the request of the Defense Communications Board that the Commission consider relaxation of its rules and regulations governing the requirements for operators of broadcast stations; and

It appearing that the demand of the military services for operators holding radiotelephone first class licenses has increased as a result of the war, and that such demand has decreased the number of operators qualified for operation of broadcast stations, resulting in a shortage of such operators;

It is ordered, That until further order of the Commission a broadcast station of any class, which by reason of actual inability to secure the services of an operator or operators of the proper class could not otherwise be operated, may be operated by holders of radiotelegraph first or second class operator licenses, or radiotelephone second class operator licenses, notwithstanding the provisions of § 13.61, paragraphs (a), (c) (1) and (d) (1) of the Commission's Rules and Regulations Governing Commercial Radio Operators;

Provided, however, That these classes of operator licenses shall be valid for the operation of broadcast stations upon the condition that one or more first class radiotelephone operators are employed who shall be responsible at all times for the technical operation of the station and shall make all adjustments of the transmitting equipment other than minor adjustments which normally are needed in the daily operation of the station:

Provided further, That nothing contained herein shall be construed to relieve a station licensee of responsibility for operation of the station in exact accordance with the Rules and Regulations of the Commission; and

Provided, further, That § 13.61 of the Commission's Rules and Regulations Governing Commercial Radio Operators shall remain in full force and effect except as modified by this Order.

By the Commission.

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

[F. R. Doc. 42-1486; Filed, February 19, 1942; 12:02 p. m.]

PART 14—RULES GOVERNING RADIO STATIONS IN ALASKA OTHER THAN AMATEUR AND BROADCAST

The Commission on February 17, 1942, effective April 2, 1942, adopted a new § 14.4, *License period*, to read as follows:

§ 14.4 *License period.* Licenses for all classes of stations operating in Alaska will be issued for a period of 1 year unless otherwise stated in the instrument of authorization. The date of expiration of such licenses shall be the 1st day of January of each year. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—sec. 307 (d), 48 Stat. 1084; 47 U.S.C. 307 (d))

By the Commission.

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

[F. R. Doc. 42-1488; Filed, February 19, 1942; 12:04 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1308]

THE PETITION OF DISTRICT BOARD NO. 8 FOR A PROVISION IN THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8, FOR ALL SHIPMENTS EXCEPT TRUCK, PERMITTING THE ABSORPTION OF THE C. & O. RAILWAY SWITCHING CHARGE APPLICABLE ON SHIPMENTS FROM FREIGHT ORIGIN GROUP NO. 63 TO THE C. C. & O. RAILROAD FOR OFF-LINE RAILWAY LOCOMOTIVE FUEL

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 17, 1942 at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are 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 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 all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 12, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 8 for an order establishing an addition to the Special Prices established by Price Schedule No. 1—District No. 8—High Volatile section IV, Page 46, Paragraph A 2 (c) (2) as follows: Mines in Freight Origin Group No. 63 (C. & O. only) may deduct $6.93 per car switching charge on coal sold for off-line railway locomotive fuel to the C. C. O. Railroad.

Dated: February 17, 1942.

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

[F. R. Doc. 42-1454; Filed, February 19, 1942; 10:24 a. m.]

[Docket No. A-1307]

PETITION OF DISTRICT BOARD NO. 8 FOR A CHANGE IN MINIMUM PRICES, SEAM AND COUNTY DESIGNATIONS FOR CERTAIN MINES IN DISTRICT NO. 8, FOR TRUCK SHIPMENT

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 17, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, N. W., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are 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 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 all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 12, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board seam and county designations of certain No. 8 for a change in minimum prices, mines in District No. 8, and more specifically for a change in minimum prices of Mine Index Nos. 246, 2356, 5022, 24, 250, 451, 353 and 581; for a change in seam designations of Mine Index Nos. 3163, 2120, 2127, 821, 2135, 2133, 2141, 2134, 2290, 2295, 2360, 2351, 2316, 3567, 237, 2343, 2695, 2308, 2690, 2364, 2341, 2372 and 2299; for a change in minimum prices and seam designations of Mine Index Nos. 2336, 2300, 4046, 2303, 2331, 2378, 2328, 2344, 2349, 2350, 2352, 2355, 2368, 2374, 594 and 2674; for a change in county location of Mine Index Nos. 2315, 2139 and 2337; and for a change in minimum prices, seam designation and county location of Mine Index No. 2244.

Dated: February 17, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1455; Filed, February 19, 1942; 10:24 a. m.]

[Docket No. B-86]

IN THE MATTER OF REYNOLDS, LATTIER & SCHIED, ALSO KNOWN AS CHARLES REYNOLDS, DAVID LATTIER AND JOHN SCHIED, INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF REYNOLDS, LATTIER & SCHIED, CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 7, 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 15, 1941, by 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 March 26, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Terre Haute, 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 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: (a) that the defendants Reynolds, Lattier & Schied, also known as Charles Reynolds, David Lattier and John Schied, individually and as co-partners, doing business under the name and style of Reynolds, Lattier & Schied, code member, whose address is Staunton, Indiana, sold to various purchasers during the period from October 7, 1940, to April 26, 1941, both dates inclusive, a substantial amount of 1¼" lump coal (Size Group No. 6) produced at their Happy Hollow Mine (Mine Index No. 270), located in Posey Township, Clay County, Indiana, in District No. 11, at a price of $1.70 per net ton f. o. b. said mine, whereas the effective price established for said coal was $2.10 per net ton f. o. b. said mine as shown in the Schedule of Effective Minimum Prices for District No. 11 For Truck Shipments, resulting in violation of the effective minimum prices established therefor.

(b) that the aforesaid defendants intentionally represented, invoiced, and recorded in the sales records of said defendants the above said coal as run of mine, whereas said coal was, in fact, 1¼" lump coal, Size Group No. 6, resulting in violation of section 4 II (j), paragraph 8 of the Act, and Rule 8 of section XIII of the Marketing Rules and Regulations.

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: February 17, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1456; Filed, February 19, 1942; 10:24 a. m.]

[Docket No. A-1065]

PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR A MIXTURE OF THE COALS PRODUCED AT MINES NOS. 2, 3, AND 6 OF C. H. MEAD COAL CO., A CODE MEMBER IN DISTRICT NO. 7

MEMORANDUM OPINION AND ORDER DENYING PETITION FOR RECONSIDERATION OR FOR A FURTHER HEARING

This proceeding was instituted upon a petition filed with the Bituminous Coal Division by District Board 7, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment of certain price classifications and minimum prices for a mixture of coals produced at the No. 2 & 3 Mine (Mine Index No. 117) of C. H. Mead Coal Company, operating in the Pocahontas No. 3 Seam, and at the No. 6 Mine of Mead in the Pocahontas No. 4 Seam. Thereafter, a hearing in this matter was held before a duly designated Examiner of the Division, at which District Board 7 appeared. The preparation and filing of a report by the Examiner was waived and the record in the proceeding was thereupon submitted to the undersigned.

On January 24, 1942, the undersigned issued his Findings of Fact, Conclusions of Law, and Opinion in this matter and entered an Order amending the District

7 price schedules by establishing certain classifications and effective minimum prices for the coals produced at the No. 6 Mine (Mine Index No. 240) of Mead. On February 7, 1942, District Board 7 filed a petition for reconsideration of said Order or, in the event reconsideration is denied, for a further hearing.

The mixture classifications and prices sought by the petitioner in this proceeding were identical with the classifications and prices presently applicable to the coals of the Mead No. 2 & 3 Mine. The classifications and prices established herein by the Order of January 24, 1942, for the Mead No. 6 Mine were, in the absence of evidence to indicate that the coal of said mine was different in characteristics or quality from any other Pocahontas No. 4 Seam coal in subdistrict 5 of District 7, the same as those established for other Pocahontas No. 4 Seam coals in Subdistrict 5. To the extent that the classifications and prices established for the coals of the No. 6 Mine are identical with the effective classifications and prices for the coals of the No. 2 & 3 Mine, the relief sought herein by the petitioner was thus, in effect, granted, since a mixture of two identically priced coals will take the price of either of the component coals. To the extent that prices were established for the Mead Pocahontas No. 4 Seam coals different from those in effect for the Mead Pocahontas No. 3 Seam coals, the sought for relief was not granted. Such disparity in prices occurs in Size Groups 2, 3, and 4 only. In these size groups the classifications of Mead's Pocahontas No. 3 Seam coals are lower than the classifications of its Pocahontas No. 4 Seam coals. The effect is thus to increase slightly the minimum prices at which a mixture of the coals of the No. 2 & 3 Mine and the No. 6 Mine may be sold over the requested mixture price for those size groups.

While the petitioner, in its petition for reconsideration, emphasizes that there was "merely requested a change in the present classifications to show the coal to be a mixture produced from Mead Mine #2, 3, & 6 in Pocahontas No. 3 and No. 4 seams rather than from Mead Mine #2 & 3 in Pocahontas No. 3 seam alone," the fact remains that the record contains insufficient evidence to warrant granting the relief sought by the petitioner to the extent that it involves establishing but one set of classifications and prices for a mixture of coals produced at the No. 2 & 3 Mine and at the No. 6 Mine. It is clear that Mead's No. 6 Mine coals are produced from a seam different from that in which its No. 2 & 3 Mine coals are found. In these circumstances, and in the absence of other evidence, the No. 6 Mine must be considered to be a separate mine and classified accordingly. In substance, however, as pointed out above and in the Findings of Fact herein, by virtue of the application of Price Exception 3, such separate classification of the No. 6 Mine will nevertheless afford Mead the mixture price sought by the petitioner except, as indicated above and in the Findings of Fact, with respect to Size Groups 2, 3, and 4.

It is thus clear that it is to the coals in Size Groups 2, 3, and 4 that the petitioner presently addresses itself. Mead desires to be able to sell a mixture of Pocahontas No. 3 and Pocahontas No. 4 Seam coals in Size Groups 2, 3, and 4 at the same prices now applicable to the Pocahontas No. 3 Seam coals in those size groups. However, the classifications of Mead's Pocahontas No. 3 Seam coals in those size groups were reduced in Docket No. A–701 from D, C, and A, the classifications presently established for Mead's Pocahontas No. 4 Seam coals, to F, E, and D, respectively. There is no evidence in this proceeding to indicate justification for such reduced classifications in these sizes for the Mead Pocahontas No. 4 Seam coals, a reduction necessary to afford Mead the mixture price for those size groups that the petitioner seeks. The only specific additional evidence which the petitioner, in its petition for reconsideration, states that it will offer in the event a further hearing is granted it, relates to "the inferiority of the coals contained within Size Groups 2, 3, and 4." In these circumstances, it appears that the petitioner's remedy lies in filing a new petition, pursuant to section 4 II (d) of the Act, for the purpose of reducing the classifications of the Mead Pocahontas No. 4 Seam coal in Size Groups 2, 3, and 4. Since the record in this proceeding is devoted almost entirely to the establishment of a special mixture price, I do not consider it advisable to reopen this proceeding for that purpose. I accordingly find that the petition for reconsideration or for further hearing, filed herein by District Board 7 on February 7, 1942, should be denied.

It is so ordered.

Dated February 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–1457; Filed, February 19, 1942; 10:25 a. m.]

[Docket No. A–1284]

PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR CERTAIN COALS OF MINE INDEX NO. 637 FOR ALL SHIPMENTS EXCEPT TRUCK AND FOR TRUCK SHIPMENT AND FOR THE REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS OF SUCH MINE IN SIZE GROUPS 3, 5 AND 6, FOR TRUCK SHIPMENTS

NOTICE OF AND ORDER FOR HEARING AND ORDER GRANTING TEMPORARY RELIEF

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 18, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, 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 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 all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 13, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to:

1. The establishment of a "B" classification in Size Groups 1, 2, and 6 to 9, inclusive, and an "A" classification in Size Groups 3 to 5, inclusive, for the coals of the Stover Fork Mine (Mine Index No. 637) of Henry H. Miller, for all shipments except truck.

2. The establishment of a minimum price of $3.15 per net ton in Size Group 1 and $2.50 per net ton in Size Group 2 for the coals of such mine, for truck shipments.

3. The revision of the effective minimum prices from $2.80, $1.95, and $1.90, to $2.60, $1.90, and $1.85 per net ton, respectively, in Size Groups 3, 5, and 6, respectively, for the coals of such mine, for truck shipments.

It appears that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth, that no petitions of intervention have been filed with the Division in the above-entitled matter, and that the following action is necessary in order to effectuate the purposes of the Act.

It is further ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the Schedules of Effective Minimum Prices for District No. 7, For All Shipments Except Truck, and For Truck Shipments, are supplemented to include the price classifications and minimum prices set forth in the Schedules marked "Temporary Supplement R" and "Temporary Supplement T," annexed hereto and hereby made a part hereof.[1]

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.

Dated: February 12, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1458; Filed, February 19, 1942; 10:26 a. m.]

[Docket No. A-1266]

IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO 11 FOR THE ESTABLISHMENT OF A PROVISION IN THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11, FOR ALL SHIPMENTS EXCEPT TRUCK, PERMITTING THE ABSORPTION OF THE ES&N RAILWAY SWITCHING CHARGE APPLICABLE ON SHIPMENTS FROM THE STAR HILL NO. 2 MINE (MINE INDEX NO. 81) OF THE BOONVILLE COAL SALES CORPORATION, A CODE MEMBER IN DISTRICT NO. 11

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

This proceeding was instituted upon a petition of District Board 11 filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, on January 12, 1942, and its motion to amend the same, filed January 15, 1942, requesting temporary and final relief granting to the Boonville Coal Sales Corporation, a code member producer in District 11, permission to absorb the railway switching charge assessed by the Evansville, Suburban & Newburgh Railway Company ("ES&N") on shipments of coal from the Star Hill No. 2 Mine (Mine Index No. 81) (1) to all destinations except those located on or reached via the Chicago & Eastern Illinois Railroad Company ("C&EI"), the Chicago, Indianapolis and Louisville Railway Company ("CI&L"), The New York Central Railroad Company-CCC&StL ("NYC-CCC&StL"), the Illinois Central Railroad Company ("IC"), or The Pennsylvania Railroad Company ("Penna."), and (2) for shipments of locomotive fuel for use by the Southern Railway Company ("Southern").

Pursuant to telegraphic notice to District Boards 9, 10, and 11, and the Statistical Bureaus for those districts, and notice by memorandum to the Bituminous Coal Consumers' Counsel, and after notice by District Board 11 to all rail mines in that district, an informal conference was held on January 30, 1942, in accordance with Section 301.106 of 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. District Boards 8 and 11, the Consumers' Counsel, and the Boonville Coal Sales Corporation were represented at the conference, none voicing opposition to the requested relief.

At the conference, the petitioner represented that the Star Hill No. 2 Mine, located in the Boonville Subdistrict, operates in the Fifth Vein and ships by rail. When it was last operated, prior to June 1938, it was served by the ES&N and Southern railways, although due to a tipple arrangement it could load only limited sizes on the Southern's track. Thereafter, the Southern removed a spur track which served the mine and the mine is now served only by the ES&N. Cars are hauled by the ES&N a distance of about three miles from the mine to Boonville, Castle Garden, or perhaps Chandler, Indiana, where they are switched onto the Southern for shipment to destinations on that or intersecting carriers. For this service the ES&N makes a switching charge of $8.80 per car. When shipments are consigned to points beyond the rails of the Southern, located on or reached via the C&EI, CI&L, NYC-CCC&StL, IC and Penna., the Southern absorbs this switching charge, but for all other points, including those on the Southern, it does not. To compete in these latter markets, Boonville Coal would have to absorb the switching charge.

It was admitted that the markets Boonville Coal seeks to reach on which it would absorb the switching charge would be new to it, probably because when the Star Hill No. 2 Mine was previously operated, prices were too depressed to permit the switching absorption by the producer. But it was stated that the new markets are primarily District 11 markets, are generally nearer to the mine and have larger consumption than its present markets, and include Charlestown, Indiana, about 115 miles from the mine, where large plants of du Pont and Goodyear are now located. It was stated that Star Hill No. 1 Mine, which by Order of July 25, 1941, in Docket No. A-743, received permanent relief similar to that sought herein, is identically situated with Star Hill No. 2 Mine, produces the same quality of coal, has the same freight rates, and is owned by the same interests. Likewise, in Docket No. A-195 the Director allowed freight rate absorptions so as to permit all other Fifth Vein mines to deliver coals in Charlestown upon a competitive basis.

Regarding the necessity for relief on shipments of railroad locomotive fuel, the petitioner represented that production of Star Hill No. 2 Mine may reach an estimated maximum of 1,500 tons per day, while the ES&N, the only railroad to which it is on-line, uses only two or three cars of locomotive fuel per month, now supplied by Star Hill No. 1 Mine. A larger outlet for the Star Hill No. 2 Mine is necessary in order to balance its production. The Southern is expected to make reciprocal purchases of locomotive fuel at a price equalized with on-line mines; it now makes such purchases from the Star Hill No. 1 Mine.

It appears, from the representations made at the conference, that without the relief sought, Star Hill No. 2 Mine cannot reopen with marketing opportunities equal to those available to other mines.

In view of the foregoing, the undersigned is of the opinion that a reasonable showing of the necessity for the temporary relief prayed for has been made.

Now, therefore, it is ordered, That commencing forthwith and pending final disposition of the above-entitled matter temporary relief be and the same hereby is granted by amending the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck, by the establishment of the following Price Instruction and Exception:

"On all shipments from the Star Hill No. 2 Mine, Mine Index No. 81, to destinations located on, or reached via, the Southern Railway Company, except those located on, or reached via, the Chicago & Eastern Illinois Railroad Company, the Chicago, Indianapolis and Louisville Railway Company, The New York Central Railroad Company-CCC&StL, the Illinois Central Railroad Company, or The Pennsylvania Railroad; and on all shipments of locomotive fuel for use by the Southern Railway Company, the charge assessed by the Evansville, Suburban & Newburgh Railway Company for switching to the interchange with the Southern Railway Company may be absorbed, such absorption not to exceed $8.80 per car."

Nothing herein contained shall be taken or construed as an expression of opinion concerning the final disposition of this proceeding.

Dated: February 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1459; Filed, February 19, 1942, 10:26 a. m.]

[Docket No. B-25]

IN THE MATTER OF A. H. MCCRARY, DEFENDANT

CEASE AND DESIST ORDER

District Board 18 having filed a complaint with the Bituminous Coal Division on June 30, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violation by A. H. McCrary, a code member in District 18, of the Bituminous Coal Code and the rules and regulations thereunder as follows:

That the defendant during January, 1941, sold substantial quantities of 2½"

[1] Not filed with the original document.

x 1" nut coal, produced by the defendant at his mine (Mine Index No. 127) located in Sandoval County, New Mexico, at a price $1.65 below the effective minimum price for such coal;

Pursuant to an Order of the Director and after due notice to all interested persons, a hearing in this matter having been held on December 2, 1941, before a duly designated Examiner of the Division at a hearing room thereof in Albuquerque, New Mexico, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The parties to this proceeding having waived the preparation and filing of a report by the Examiner and the record in the proceeding thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That the defendant, his representatives, agents, servants, employees, attorneys, successors or assigns, and all persons acting or claiming to act in his behalf, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal produced by the defendant at less than the applicable effective minimum price established therefor, contrary to the Bituminous Coal Act of 1937 or any rules and regulations promulgated thereunder, the Bituminous Coal Code, the Schedule of Effective Minimum Prices for District No. 18 For All Shipments, and the Marketing Rules and Regulations.

Dated: February 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1460; Filed, February 19, 1942; 10:26 a. m.]

[Docket No. A-1193]

IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 11 FOR ALL SHIPMENTS EXCEPT TRUCK. PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER OF DISMISSAL

The original petitioner having moved for the dismissal of the part of the petition in the above-entitled matter relating to the coals of the Catlin Mine of the Catlin Coal Company, and it appearing that there is no objection thereto:

Now, therefore, it is ordered, That the part of the petition in the above-entitled matter relating to the coals of the Catlin Mine of the Catlin Coal Company be, and the same hereby is, dismissed.

Dated: February 17, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1461; Filed, February 19, 1942; 10:27 a. m.]

[Docket No. 1729-FD]

IN THE MATTER OF BLUE LABEL COAL COMPANY, A PARTNERSHIP, DEFENDANT

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A written complaint having been filed on June 12, 1941, by the Bituminous Coal Producers Board for District No. 15, as complainant, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act") alleging wilful violation by Eldon J. Daugherty, Alfred Epperson, Claude Schroeder, Henry Rosewald, and W. A. Ford, a partnership, trading as Blue Label Coal Company ("Blue Label Coal Company"), of the Bituminous Coal Code and rules and regulations thereunder; and

An Order having been entered herein on January 24, 1942, cancelling and revoking the code membership of Blue Label Coal Company, effective fifteen (15) days from the date thereof; and

Said Order of Cancellation and Revocation having been duly served upon Blue Label Coal Company on January 30, 1942; and

The Blue Label Coal Company having filed with the Division its application, dated February 4, 1942, for restoration of its code membership to become effective as of the date of said application; and

It appearing from said application that Blue Label Coal Company on February 4, 1942, paid to the Collector of Internal Revenue at Kansas City, Missouri, the sum of $1,075.93 as provided in said Order dated January 24, 1942, as a condition precedent to the restoration of its code membership.

Now, therefore, it is ordered, That said application of the Blue Label Coal Company dated February 4, 1942, for restoration of its code membership be, and the same hereby is granted; and

It is further ordered, That the code membership of the Blue Label Coal Company be, and the same hereby is restored as of February 8, 1942.

Dated: February 17, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1462; Filed February 19, 1942; 10:27 a. m.]

[General Docket No. 21]

IN THE MATTER OF DETERMINING THE EXTENT OF CHANGE, IF ANY, IN EXCESS OF 2 CENTS PER NET TON IN THE WEIGHTED AVERAGE OF THE TOTAL COSTS OF ANY OF THE MINIMUM PRICE AREAS: AND OF REVISING THE EFFECTIVE MINIMUM PRICES AS MAY BE REQUIRED BY REASON OF ANY SUCH CHANGE IN COSTS

ORDER GRANTING CERTAIN REQUESTS FOR REVIEW

FEBRUARY 18, 1942.

By an "Order for Procedure" issued by the Acting Director of the Bituminous Coal Division on January 27, 1942, and approved by me on January 28, 1942, it was provided that parties to the above-entitled proceeding might file with the Secretary of the Interior requests for review of specific questions of law and policy that pertain to the determinations embodied in the Order of the Acting Director in this proceeding dated January 27, 1942, such requests to be filed by February 10, 1942.

Pursuant to this Order for Procedure the following parties to this proceeding have filed requests: District Boards No. 1, 2, 3, 4, 6, 7, 8, 10, and 11, Associated Industries of New York, and the Bituminous Coal Consumers' Counsel.[1]

Now, therefore, after full consideration of the merit and importance of the questions of law and policy raised in these requests, review is hereby granted of the following specific questions of law and policy:

1. The question whether the divisor to be used in computing the per ton reasonable selling costs should be the total ascertainable tonnage or the total tonnage sold on the open market.

2. The question whether the criteria employed by the Acting Director in determining "reasonable costs of selling" were correct.

3. The question whether the Bituminous Coal Act permits the adjustment of the weighted average of the total costs ascertained for 1940 in order to reflect changes established to have occurred in 1941.

4. The question of what the standards of quantity and quality of proof shall be to establish anticipated changes in cost occurring in 1941.

Review of all other questions raised is hereby denied.

It is further provided, in accordance with the Order for Procedure approved January 28, that all parties desiring to do so may, not later than two weeks from this day, file briefs on the above enumerated questions of law and policy.

Dated: February 18, 1942.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 42-1463; Filed, February 19, 1942; 10:27 a. m.]

General Land Office.

STOCK DRIVEWAY WITHDRAWAL NO. 1, COLORADO NO. 1, REDUCED

FEBRUARY 9, 1942.

The departmental order of July 23, 1917, creating Stock Driveway Withdrawal No. 1, Colorado No. 1, under section 10 of the act of December 29, 1916, as amended by the act of January 29, 1929, 39 Stat. 865, 45 Stat. 1144, 43 U.S.C. 300, is hereby revoked so far as it affects the following-described lands, which are within Colorado Grazing District No. 5, established August 7, 1940:

NEW MEXICO PRINCIPAL MERIDIAN

T. 49 N., R. 9 E.,
Sec. 10, E½SW¼.
Sec. 15, NE¼NW¼ and W½W½;
aggregating 280 acres.

[1] A request for review was also filed by District Board 22 and was subsequently withdrawn.

SIXTH PRINCIPAL MERIDIAN

T. 20 S., R. 71 W.,
Sec. 19, lots 2 and 3, E½SW¼, W½SE¼, and SE¼SE¼,
Sec. 20, S½S½,
Sec. 21, S½SW¼,
Sec. 22, S½SE¼,
Sec. 23, S½SW¼,
Sec. 27, N½NW¼,
Sec. 28, N½N½,
Sec. 29, N½N½,
Sec. 30, NE¼NE¼,
aggregating 1,117.60 acres.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 42-1464; Filed, February 19, 1942; 10:28 a. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

[Docket No. AO 122-A 2]

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO THE TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 48, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE SIOUX CITY, IOWA, MARKETING AREA

Notice is hereby given of a hearing to be held in the United States Post Office Building, Sioux City, Iowa, beginning at 10:00 a. m., central war time (9:00 a. m., c. s. t.), February 26, 1942, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and Order No. 48, as amended, regulating the handling of milk in the Sioux City, Iowa, 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:

A. Amendments Proposed by the Sioux City Milk Producers' Cooperative Association

1. Delete subparagraph (1) of § 948.4 (a) and substitute therefor the following:

(1) Class I milk—$2.85 per hundredweight: *Provided*, That with respect to Class I milk disposed of by a handler under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be $2.40 per hundredweight.

2. Delete subparagraph (2) of § 948.4 (a) and substitute therefor the following:

(2) Class II milk—$2.50 per hundredweight: *Provided*, That in no event shall the Class II price be less than the Class III price, plus 25 cents.

3. Delete subparagraph (3) of § 948.4 (a) and substitute therefor the following:

(3) Class III milk—The price per hundredweight for Class III milk shall be the price resulting from the following computation by the market administrator: Determine the average of the basic, or field, prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat received during the same period in the immediately preceding month at the following plants:

Company and location of plants. Roberts Dairy Company, Sioux City, Iowa; Carnation Milk Company, Northfield, Minnesota; Carnation Milk Company, Waverly, Iowa; Borden Milk Products Company, Sterling, Illinois; Libby, McNeill, & Libby, Morrison, Illinois.

Provided, That if the price so determined is less than the price per hundredweight computed by the market administrator in accordance with the following formula, such formula price shall be the price for Class III milk for the delivery period: Multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market as reported by the United States Department of Agriculture for the delivery period during which such milk was received, add 20 percent thereof, and add 10 cents.

4. Delete paragraph (b) of § 948.8 and substitute therefor the following:

(b) *Butterfat differential.* If the milk of any producer or new producer has an average butterfat content other than 3.5 percent, such handler shall add to the uniform price for such producer, or to the new producer price for such new producer, for each one-tenth of 1 percent of average butterfat content in milk above 3.5 percent not less than, or shall deduct, respectively, from such prices for each one-tenth of 1 percent of average butterfat content in milk below 3.5 percent, not more than an amount per hundredweight determined as follows:

Three cents if the average butter price used in § 948.4 (a) (3) is less than 30 cents;

Three and one-half cents if the average butter price used in § 948.4 (a) (3) is 30 cents but less than 35 cents;

Four cents if the average butter price used in § 948.4 (a) (3) is 35 cents but less than 40 cents;

Four and one-half cents if the average butter price used in § 948.4 (a) (3) is 40 cents but less than 45 cents; and

Five cents if the average butter price used in § 948.4 (a) (3) is 45 cents or more.

5. Delete in the first line of subparagraph (6) of § 948.7 (b) the term "6th" and substitute therefor the term "7th."

B. Amendments Proposed by the Dairy Division: 1. Delete paragraph (b) of § 948.4.

2. Delete § 948.6 and substitute therefor the following:

§ 948.6 *Application of provisions*—(a) *Handlers who are also producers.* (1) In the case of a handler who is also a producer and who purchases or receives no milk from other producers, the market administrator shall exclude from the computations made pursuant to section 948.7 the quantity of milk disposed of by such handler.

(2) In the case of a handler who is also a producer and who purchases or receives milk from other producers, the market administrator shall, before making the computations pursuant to § 948.7, (i) exclude from the Class I milk, Class II milk, and Class III milk, the milk purchased or received by such handler in the respective classes from other handlers, and (ii) exclude pro rata from the remaining Class I milk, Class II milk, and Class III milk, the milk received from such handler's own production.

(b) *Purchases of milk from a handler who is also a producer.* In the case of a handler who purchases or receives milk in bulk from a handler who is also a producer, the market administrator, in making the computations pursuant to section 948.7 for such purchasing handler, shall add an amount equal to the difference between the value of such milk (i) at the price for the class in which such milk was classified and (ii) at the price for Class III milk.

(c) *Payments for excess butterfat.* (1) In the case of a handler who disposes of butterfat in excess of the butterfat which, on the basis of his reports, has been received, the market administrator, in making the computations pursuant to section 948.7, shall add an amount equal to the value of such butterfat in accordance with its classification.

2. Delete paragraph (a) of § 948.7 and substitute therefor the following:

(a) *Computation of the amount to be paid producers by each handler.* For each delivery period the market administrator shall compute, subject to the provisions of section 948.6, the amount to be paid producers by each handler for milk received from them, by (i) multiplying the hundredweight of such milk in each class by the price applicable pursuant to § 948.4, (ii) adding together the resulting values of each class, and (iii) adding any amounts pursuant to § 948.6 (b) and § 948.6 (c).

3. Reconsider, revise, redesignate, or delete any other provision of the order necessitated by the foregoing proposals for the purpose of clarification or administration.

Additional copies of this notice of hearing and copies of Order No. 48, as amended, now in effect, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0312, South Building, Washington, D. C., or may be there inspected.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

Dated: February 19, 1942.

[F. R. Doc. 42-1468; Filed, February 19, 1942; 11:29 a. m.]

[Docket No. AO 123-A 2-RO 1]

NOTICE OF REOPENING OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO THE TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 46, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE LOUISVILLE, KENTUCKY, MILK MARKETING AREA

Notice is hereby given that the hearing, which was held in Louisville, Kentucky, on November 18, 1941, on certain proposed amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, milk marketing area, will be reopened at the Brown Hotel, Louisville, Kentucky, at 10:00 a. m., c. d. s. t., February 26, 1942.

This notice is given pursuant to the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 1940 ed. 601 et seq.) and to 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 further evidence as to the proposed amendments upon which the hearing was held November 18, 1941, and for the additional purpose of receiving evidence with respect to other amendments which have been proposed by the Falls Cities Cooperative Milk Producers' Association, by the market administrator, and by the Louisville Milk Dealers' Association.

The proposed amendments as to which evidence was received at the hearing on November 18, 1941, are as follows:

A. Amendments Proposed by Producers' Association: 1. Delete § 946.4 and substitute therefor the following:

§ 946.4 *Minimum prices.*—(a) *Class prices.* Each handler shall pay producers, at the time and in the manner set forth in § 946.8, not less than the following prices for the respective quantities of milk in each class computed pursuant to § 946.3 (d) (5):

(1) Class I milk—The prices as shown in the schedule below for the butter price range in which falls the average wholesale price of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received: *Provided*, That for the delivery periods of December 1941 and January, February, and March 1942, the minimum price for Class I milk shall be not less than $3.20 per hundredweight for any month for which the applicable price as shown in the schedule below is less than $3.20 per hundredweight: *And provided further*, That for Class I milk (i) delivered by such handler to the residence of a relief client certified by a recognized relief agency, (ii) charged to such an agency, or (iii) disposed of by such handler under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, such handler shall pay not less than $2.23 per hundredweight or the Class III price computed under subparagraph (3) of this paragraph, whichever is higher.

Butter price range (cents per lb.):	*Class I price del. per cwt.*
17–17.999	2.10
18–18.999	2.14
19–19.999	2.18
20–20.999	2.22
21–21.999	2.26
22–22.999	2.31
23–23.999	2.36
24–24.999	2.41
25–25.999	2.46
26–26.999	2.51
27–27.999	2.56
28–28.999	2.61
29–29.999	2.66
30–30.999	2.71
31–31.999	2.75
32–32.999	2.79
33–33.999	2.83
34–34.999	2.87
35–35.999	2.91
36–36.999	2.95
37–37.999	2.99
38–38.999	3.03
39–39.999	3.07
40–40.999	3.11
41–41.999	3.15
42–42.999	3.19
43–43.999	3.23
44–44.999	3.27
45–45.999	3.31
46–46.999	3.35
47–47.999	3.39
48–48.999	3.43
49–49.999	3.47
50–50.999	3.51

(2) Class II milk—$2.23 per hundredweight, except that for the months of December 1941 and January, February, and March 1942, the Class II price shall be $2.40 per hundredweight.

(3) Class III milk—The price per hundredweight resulting from the following computation by the market administrator: Subtract 2 cents from the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, add 30 percent thereof, and multiply the resulting amount by 4: *Provided*, That the market administrator shall ascertain, on the basis of milk of 4 percent butterfat content, the highest price per hundredweight established by handlers for ungraded milk received during such delivery period, and if such price for ungraded milk, as ascertained by the market administrator, exceeds the price computed in accordance with the formula contained herein, such price for ungraded milk shall be the price for Class III milk for such delivery period.

(b) *Sales outside the marketing area.* The price to be paid producers by a handler for Class I milk disposed of outside the marketing area, in lieu of the price otherwise applicable pursuant to this section, shall be the price which, as ascertained by the market administrator, is being paid by processors, in the market where such milk is disposed of, for milk of equivalent use.

B. Amendment Proposed by Dairy Division:

1. Delete § 946.4 (b).

C. Amendment Proposed by Fenley's Model Dairy: 1. Delete subparagraphs (1), (2), (3) and (4) of § 946.7 (b) and substitute therefor the following:

(1) Divide the amount computed pursuant to subparagraph (2) of this paragraph by the total hundredweight of milk received from producers by such handler.

2. Renumber § 946.7 (b) (5) as § 946.7 (b) (2).

3. Delete paragraphs (b), (c), and (d) of § 946.8.

4. Renumber paragraphs (e) and (f) of § 946.8 as paragraphs (b) and (c) of § 946.8.

The other proposed amendments are as follows:

A. Amendments Proposed by Producers' Association: 1. Delete § 946.3 and substitute therefor the following:

§ 946.3 *Classification of milk.*—(a) *Milk to be classified.* Milk of a producer caused to be delivered by a cooperative association which is a handler to a plant from which no milk is disposed of in the marketing area and all milk received by each handler, including milk produced by him, if any, at plants from which milk is disposed of in the marketing area, shall be classified by the market administrator in the classes set forth in paragraph (b) of this section, subject to the provisions of paragraph (c) of this section.

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I–A milk shall be all milk disposedposed of as milk and all milk not specifically accounted for as Class I–B milk and Class II milk.

(2) Class I–B milk means all milk disposed of as cream (for consumption as cream), cottage cheese, flavored milk, buttermilk, and skim milk.

(3) Class II milk shall be all milk accounted for (i) as actual plant shrinkage, but not to exceed 2 percent of the total receipts of milk from producers and (ii) as used to produce a milk product other than those specified as Class I–A milk and Class I–B milk.

(c) *Interhandler and nonhandler sales.* Milk disposed of by a handler to another handler, or to a person who is not a handler but who distributes milk or manufactures milk products, shall be classified as Class I–A milk, and cream, cottage cheese, flavored milk, buttermilk and skim milk so disposed of shall be classified as Class I–B milk: *Provided*, That if the selling handler and the purchaser, on or before the 5th day after the end of the delivery period, each furnish to the market administrator similar signed statements that such milk or cream was disposed of in another class, such milk or cream shall be classified accordingly, subject to verification by the market administrator.

(d) *Computation of milk in each class.* For each delivery period, the market administrator shall compute for each handler the hundredweight of milk in each class to which the prices set forth in § 946.4 apply, as follows:

(1) Determine the total hundredweight of milk received as follows: add into one sum (i) the hundredweight of milk received from producers, (ii) the

hundredweight of milk, including buttermilk and skim milk received from other handlers, if any, (iii) the hundredweight of milk produced by such handler, if any, (iv) the hundredweight of milk including buttermilk and skim milk received from any other source, if any, and (v) the hundredweight of emergency milk, if any.

(2) Determine the total hundredweight of Class I–A milk as follows: (i) Convert to quarts the quantity of milk disposed of as milk and multiply by 0.0215 and (ii) if the quantity of milk so computed, when added to the quantity of Class I–B milk and Class II milk determined pursuant to subparagraphs (3) and (4) of this paragraph, is less than the total quantity of milk received, determined in accordance with subparagraph (1) of this paragraph, an amount equal to the difference shall be added to the quantity of milk computed pursuant to (i) of this paragraph.

(3) Determine the total hundredweight of Class I–B milk as follows: (i) multiply the actual weight of each of the several products of Class I–B milk by its average butterfat test and add together the resulting amounts, (ii) divide the total pounds of butterfat thus found by the average test of all milk received from producers, and (iii) divide by 100: *Provided, however,* That the resulting amount shall in no case, be less than the sum of the actual hundredweight of all of the several products of Class I–B milk as enumerated in subparagraph (2) of paragraph (b) of this section.

(4) Determine the hundredweight of Class II milk as follows: (i) add into one sum the hundredweight of all milk, cream, and skim milk sold and used to produce Class II milk products, (ii) deduct the hundredweight of milk determined in Class I–B which is in excess of the actual hundredweight of all of the products of Class I–B milk, if there be any such excess, (iii) add an allowance for plant shrinkage, if any, not to exceed 2 percent of the total hundredweight of milk received from producers, and (iv) the remaining difference, if any, shall be added to the hundredweight of Class I–A milk computed pursuant to (a) of subparagraph (2) of this paragraph.

(5) Determine the total hundredweight of milk of producers in each class as follows:

(i) Subtract from the total hundredweight of milk in each class the total hundredweight of milk (and milk equivalent of cream converted at the average test of milk received from producers by the receiving handler) received from other handlers and used in such class;

(ii) In the case of a handler who also distributes milk of his own production, subtract from the total hundredweight of milk in each class a further amount which shall be computed as follows: divide the total hundredweight of milk in each class by the total hundredweight of milk in all classes and multiply the percentage for such class by the total hundredweight of milk produced by him;

(iii) Subtract from the hundredweight of milk in each class the hundredweight of milk (and milk equivalent of cream converted at the average test of milk received from producers by the receiving handler), except emergency milk, received from sources other than producers or handlers and used in such class; and

(iv) In the case of a handler who has received emergency milk during the delivery period, subtract from the total hundredweight of milk in each class an amount which shall be computed as follows: divide the total hundredweight of milk in each class by the total hundredweight of milk in all classes and multiply the percentage for such class by the total hundredweight of emergency milk received.

2. Delete § 946.4 and substitute therefor the following:

§ 946.4 *Minimum prices*—(a) *Class prices.* Each handler shall pay producers, at the time and in the manner set forth in § 946.8, not less than the following prices for the respective quantities of milk in each class computed pursuant to § 946.3 (d) (5):

(1) Class I–A milk and Class I–B milk. The prices shall be determined as follows:

(i) For the months of January, February, and March, add $1.05 per hundredweight to the price for Class II milk as determined under subparagraph (2) of this paragraph;

(ii) For the months of April, May, June, July, August, and September, add $0.95 per hundredweight to the price for Class II milk as determined under subparagraph (2) of this paragraph; and

(iii) For the months of October, November, and December, add $1.05 per hundredweight to the price for Class II milk as determined under subparagraph (2) of this paragraph: *Provided,* That for Class I–A milk delivered by a handler to the residence of a relief client and charged to a recognized relief agency, or disposed of by a handler under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, such handler shall pay not less than the price for Class II milk plus twelve cents per hundredweight.

(2) Class II milk. The price per hundredweight shall be ascertained by the market administrator, and shall be the average of the maximum prices per hundredweight, on the basis of 4 percent butterfat content, established by handlers for ungraded milk received during such delivery periods at Springfield, Lawrenceburg, and Elizabethtown in the State of Kentucky and Salem and Orleans in the State of Indiana.

B. Amendments Proposed by Market Administrator: 1. Delete paragraph (d), § 946.3, and amend to read as follows:

(d) *Computation of milk in each class.* For each delivery period, the market administrator shall compute for each handler the total pounds of milk in each class, as defined in paragraph (b) of this section, as follows:

(1) Determine the total pounds of milk (i) received from producers, (ii) produced by him, if any, (iii) received from other handlers, if any, (iv) received from other sources, if any, (v) received as emergency milk, if any, and (vi) add together the resulting amounts.

(2) Determine the total pounds of milk in Class I as follows: (i) convert to quarts the quantity of milk disposed of in the form of milk and multiply by 2.15, and (ii) if the quantity of milk so computed when added to the quantities of Class II milk and Class III milk computed pursuant to subparagraphs (3) and (4) of this paragraph, is less than the total quantity of milk received, computed in accordance with subparagraph (1) of this paragraph, an amount equal to the difference shall be added to the quantity of milk computed pursuant to (a) of this subparagraph.

(3) Determine the total pounds of milk in Class II milk, as follows: (i) multiply the actual weight of each of the several products of Class II milk by its average butterfat test and add together the resulting amounts, and (ii) divide the result obtained in (i) of this subparagraph by the average test of all milk received from producers and classified in Class II and Class III milk: *Provided,* That in no event shall the result obtained in (ii) of this subparagraph be less than the actual total pounds of all of the several products classified as Class II milk, pursuant to subparagraph (2) of paragraph (b) of this section.

(4) Determine the total pounds of milk in Class III, as follows: (i) multiply the actual weight of each of the several milk products of Class III milk by its average butterfat test, (ii) add together the resulting amounts, and (iii) divide the result obtained in (ii) of this subparagraph by the average of all milk received from producers by the handler and classified as Class II and Class III milk, (iv) subtract from the result obtained in (iii) of this subparagraph the total pounds of the excess milk, weight of Class II milk, if any, computed pursuant to subparagraph (3) (ii) of this paragraph, (v) subtract the total pounds of Class I milk and Class II milk computed pursuant to subparagraphs (2) (i) and (3) (ii) of the paragraph and the total pounds of milk computed pursuant to (iv) of this subparagraph from the total pounds of milk computed pursuant to subparagraph (1) of this paragraph, which resulting quantity shall be allowed as plant shrinkage and classified as Class III milk (but in no event shall such plant shrinkage allowance exceed 2 percent of the total pounds of milk received from producers by the handler computed pursuant to subparagraph (1) (i) (ii) of this paragraph): *Provided,* That if the total pounds of milk computed pursuant to subparagraphs (2) (i), (3) (ii), and (4) (iv) of this paragraph does not equal the total pounds of milk computed pursuant to subparagraph (1) of this paragraph, the difference shall be added to the quantity of Class I milk.

2. Amend subparagraph (2) paragraph (b) of § 946.3 to read as follows:

(2) Class II milk shall be all milk, disposed of in the form of flavored milk and flavored milk drinks, buttermilk and skim milk and all milk, the butterfat from which is disposed of in the form of sweet or sour cream (for consumption as cream), cottage cheese and buttermilk.

3. Amend subparagraph (3) of paragraph (b) of § 946.3 to read as follows:

(3) Class III shall be all milk, and milk, the butterfat from which is used to produce a milk product other than one of those specified in Class II, and all milk accounted for as actual plant shrinkage, but not to exceed 2 percent of the total receipts of milk from producers and handler's own production.

4. Amend subparagraph (c) of § 946.3 to read as follows:

(c) *Responsibility of handlers in establishing the classification of milk.* In establishing the classification of milk as required in paragraph (b) of this section the responsibilities of handlers in establishing the classification of milk received by them shall be as follows:

(1) In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who received the milk from producers to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.

(2) With respect to milk, or skim milk, disposed of to another handler, the burden rests upon the handler who purchased the milk from producers to account for the milk, or skim milk, and to prove to the market administrator that such milk, or skim milk, should not be classified as Class I milk.

(3) Milk disposed of by a handler to another handler, or to a person who is not a handler but who distributes milk or manufactures milk products, shall be classified as Class I milk, and cream so disposed of shall be classified as Class II milk: *Provided*, That if the selling handler and the purchaser, on or before the 5th day after the end of the delivery period, each furnish to the market administrator similar signed statements that such milk or cream was disposed of in another class, such milk or cream shall be classified accordingly, subject to verification by the market administrator.

C. Amendments Proposed by Louisville Milk Dealers' Association: 1. Section 946.3 (b) shall be amended to read as follows:

(b) *Classes of utilization.* (1) Class I milk shall be all milk disposed of as milk, and all milk not specifically accounted for as Class II milk, Class III milk, or Class IV milk.

(2) Class II milk shall be all milk, except skim milk disposed of in the form of flavored milk and flavored milk drinks; and all milk the butterfat from which is disposed of in the form of cream, creamed cottage cheese, and creamed buttermilk.

(3) Class III milk shall be all milk the butterfat from which is used to produce a milk product other than one of those specified in Class II and Class IV.

(4) Class IV milk shall be all milk the butterfat from which is used to produce butter, and all milk accounted for as actual plant shrinkage: *Provided*, That such plant shrinkage shall not exceed 2 percent of total receipt of milk from producers and from the handler's own production. No handler shall be permitted in any delivery period to report an amount of milk utilized as Class IV in excess of an amount equal to 10 percent of said handler's reported Class I sales for said delivery period.

2. It is suggested that § 946.4 be amended to read as follows:

§ 946.4 *Minimum prices*—(a) *Class prices.* Each handler shall pay producers at the time and in the manner set forth in § 946.8 not less than the following prices for the respective quantities of milk in each class computed pursuant to § 946.3 (d) (5).

(1) *Class I milk.* The price per hundredweight for Class I milk during each delivery period for the months of August, September, October, November, December, January, February, and March, shall be the price determined pursuant to paragraph (3) of this section, plus 90 cents, and during the delivery periods of April, May, June, and July, the price per hundredweight for Class I milk shall be the price determined pursuant to paragraph (3) plus 70 cents: *Provided*, That with respect to Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be the price determined pursuant to subsection (3), or the Class III price.

(2) *Class II milk.* The price per hundredweight for Class II milk during each delivery period for the months of August, September, October, November, December, January, February, and March, shall be the price determined pursuant to subsection (3), or the Class III price plus 45 cents, and during the delivery periods of April, May, June, and July the price per hundredweight for Class II milk shall be the price determined pursuant to subsection (3) of this section plus 35 cents.

(3) *Class III milk.* The price per hundredweight for milk containing 4 percent butterfat during each delivery period shall be the average computed by the market administrator of prices paid during such delivery period to farmers at each of the places or plants where milk is received or purchased listed in the subparagraph and for which prices are reported.

(4) *Location of plants.* Coryden, Indiana; Paoli, Indiana; Salem, Indiana; Madison, Indiana; Taylorsville, Kentucky; Elizabethtown, Kentucky; Owenton, Kentucky; Lawrenceburg, Kentucky; Springfield, Kentucky; Louisville, Kentucky; (Ewing Von Allmen plant—ungraded milk).

(5) *Class IV milk.* Multiply by 4 the average price per pound of 92-score butter at wholesale in the Chicago market as reported by the United States Department of Agriculture for the delivery period during which such milk is received, and add 10 percent.

Additional copies of this notice and copies of the order, as amended, now in effect, may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0312 South Building, Washington, D. C., or may be there inspected.

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

Dated: February 19, 1942.

[F.R. Doc. 42-1478; Filed, February 19, 1942; 11:52 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

EXEMPTION FROM THE PROVISIONS OF SECTION 1 OF THE WALSH-HEALEY PUBLIC CONTRACTS ACT TO PERMIT THE EMPLOYMENT OF FEMALE MINORS UNDER 18 YEARS OF AGE IN CERTAIN INDUSTRIES

NOTICE OF OPPORTUNITY TO SHOW CAUSE

Notice is hereby given to all interested parties that they have until March 2, 1942, in which to show cause if any they have why the Secretary of Labor should not grant an exemption from the provisions of section 1 (d) of the Public Contracts Act to permit the award of contracts to contractors in the industries named in the attached list, in amounts exceeding $10,000, without the inclusion in such contracts of the representation or stipulation

"That no * * * female person under eighteen years of age * * * will be employed by the contractor in the manufacture or production or furnishing of any of the materials, supplies, articles, or equipment included in [such] contract."

The Secretary of War has found that the inclusion of such stipulation as provided in section 1 (d) of the Public Contracts Act will seriously impair the conduct of government business by retarding essential production in these industries and has requested that an exemption be granted under section 6 of the Act to permit the employment of female persons between the ages of 16 and 18 on contracts which have been or which may be awarded subject to the Act to contractors in these industries. The matter will be presented to the Secretary of Labor on March 2, 1942, for decision as to whether or not justice or the public interest will be served by the granting of the exemption.

Briefs or telegraphic communications may be filed and will be considered if they are received on or before the date indicated above. No form for the briefs

[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)

is prescribed but an original and four copies must be submitted.

L. METCALFE WALLING,
Administrator.

Industries in Which It Is Requested That Exception Be Granted To Allow the Employment of Female Persons Between the Ages of 16 and 18 on Contracts Subject to the Public Contracts Act

Food Processing.
Wearing Apparel & Allied Products.
Textile Products (including yarn fabrics, knitted goods & other fiber products).
Leather Products (including luggage & saddlery).
Boots & Shoes.
Rubber Products.
Photographic Equipment & Supplies.
Chemical, Drug & Allied Products.
Surgical & Scientific Instruments.
Optical Instruments.
Arms & Ammunition.
Electrical Manufacturing.
Plastic Products.
Safety Appliances.
Machinery & Allied Products.
Converted Paper Products.
Fabrication of Metal Products (including nonferrous metal products).

[F. R. Doc. 42-1477; Filed, February 19, 1942; 11:50 a. m.]

Wage and Hour Division.

[Administrative Order No. 141]

APPOINTMENT OF INDUSTRY COMMITTEE NO. 42 FOR THE GRAIN PRODUCTS INDUSTRY

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Thomas W. Holland, Administrator of the Wage and Hour Division, U. S. Department of Labor, do hereby appoint and convene for the grain products industry (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

For the public: James M. Herring, Chairman, Philadelphia, Pennsylvania; John T. Caldwell, Nashville, Tennessee; Donald J. Cowling, Northfield, Minnesota; Edward Everett Hale, Austin, Texas; John Ise, Lawrence, Kansas; Joseph A. McClain, Jr., St. Louis, Missouri; Robert D. Patton, Columbus, Ohio.

For the employees: Arthur Bliss, Cedar Rapids, Iowa; Ted Hopkins, Tacoma, Washington; S. P. Ming, St. Louis, Missouri; Sellers Pittman, Houston, Texas; A. W. Rader, Keokuk, Iowa; Harold Schneider, Oklahoma City, Oklahoma; W. A. Younker, Minneapolis, Minnesota.

For the employers: P. W. Chichester, Frederick, Maryland; Hubert E. Foster, Gueydan, Louisiana; Charles B. Long, Shelbyville, Kentucky; J. J. Mullen, Kankakee, Illinois; H. L. McGeorge, Memphis, Tennessee; Walter Vanderploeg, Battle Creek, Michigan; Harold Yoder, Auburn, Indiana.

Such representatives having been appointed with due regard to the geographical regions in which such industry is carried on.

2. For the purpose of this order the term "grain products industry" means: The handling, warehousing, and storing of grain when performed in conjunction with milling operations, and the processing of grain or alfalfa into food products or feeds. It includes, but without limitation, the production of flour, prepared or blended flours, breakfast cereals, coffee substitutes, pearl barley, hominy, flakes, grits, rice, meal, feeds and prepared or mixed feeds, including those made wholly or in part from such products as cottonseed, soy beans, or peanuts (but not the crushing of such products), except those made principally from meat products. It does not include the production of bakery products such as bread, cakes, pastries, and macaroni.

3. The definition of the grain products industry covers all occupations in the industry which are necessary to the production of the products covered by the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however,* That such clerical, maintenance, shipping, and selling occupations when carried on in a wholesaling or selling department physically segregated from other departments of a manufacturing establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale, shall not be deemed to be covered by this definition; and *provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

4. The industry committee herein created shall report at 10:00 A. M. on March 10, 1942, in the office of the Administrator of the Wage and Hour Division, located at 1560 Broadway, New York, New York, and, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14.

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

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42-1451; Filed, February 18, 1942; 1:59 p. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 299]

IN THE MATTER OF THE COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT, THE FACILITIES USED AND USEFUL THEREFOR, AND THE SERVICES CONNECTED THEREWITH OF CANADIAN COLONIAL AIRWAYS, INC.

NOTICE OF POSTPONEMENT OF CRAL ARGUMENT

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly Sections 406 and 1001 of said Act, in the above-entitled proceeding, that oral argument now assigned to be held on February 19, 1942, is hereby postponed to February 25, 1942, 10 a. m. (eastern standard time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW) Washington, D. C., before the Board.

Dated Washington, D. C., February 17, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1465; Filed, February 19, 1942; 10:28 a. m.]

CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS SATURDAY, FEBRUARY 14, 1942

Important. Although the apportioned classified Civil Service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his state of original residence. Certifications of eligibles are first made from states which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Puerto Rico	1,222	48
2. Virgin Islands	16	1
3. Hawaii	277	24
4. Alaska	48	14
5. California	4,517	1,440
6. Louisiana	1,546	680
7. Michigan	3,437	1,558
8. Texas	4,195	2,244
9. Arizona	326	175
10. Georgia	2,043	1,209
11. Kentucky	1,861	1,128
12. Alabama	1,852	1,130
13. South Carolina	1,242	766
14. Ohio	4,517	2,999
15. Mississippi	1,428	950
16. North Carolina	2,335	1,636

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS—Continued		
17. Arkansas	1,275	946
18. New Jersey	2,720	2,007
19. Nevada	72	54
20. New Mexico	347	263
24. Indiana	2,241	1,822
22. Tennessee	1,907	1,601
23. Florida	1,241	1,051
24. Illinois	5,164	4,410
25. Delaware	174	152
26. Oregon	713	630
27. Connecticut	1,118	1,025
28. Wisconsin	2,052	1,901
29. Idaho	343	318
30. Washington	1,135	1,130
IN EXCESS		
31. Pennsylvania	6,474	6,483
32. Rhode Island	466	471
33. Vermont	235	239
34. West Virginia	1,244	4,287
35. Missouri	2,475	2,610
36. Massachusetts	2,823	3,003
37. New Hampshire	321	345
38. Utah	360	399
39. Maine	554	621
40. Oklahoma	1,528	1,748
41. Colorado	735	887
42. Minnesota	1,826	2,293
43. Iowa	1,660	2,090
44. New York	8,814	11,253
45. Wyoming	164	217
46. Montana	366	485
47. Kansas	1,178	1,691
48. North Dakota	420	646
49. Virginia	1,751	2,750
50. South Dakota	420	705
51. Nebraska	860	1,625
52. Maryland	1,191	2,803
53. District of Columbia	434	9,621
GAINS		
By appointment		3,583
By transfer		90
By reinstatement		1
Total		3,674
LOSSES		
By separation		633
By transfer		536
By correction		7
Total		1,176
Total appointments		87,663

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Sec. 3, Rule VII, and the Attorney General's Opinion of August 25, 1934, 20,589.

By direction of the Commission.

L. A. MOYER,
Executive Director and Chief Examiner.

[F. R. Doc. 42-1466; Filed, February 19, 1942; 11:03 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6274]

IN THE MATTER OF INCREASED RATES OF POSTAL TELEGRAPH-CABLE COMPANY (N. Y.) AND MACKAY RADIO AND TELEGRAPH COMPANY (DEL.) FOR ORDINARY PRESS TELEGRAPH MESSAGES FROM UNITED STATES TO FRANCE

ORDER

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 17th day of February, 1942,

It appearing that there have been filed with the Commission tariffs containing schedules stating increased charges for ordinary press telegraph messages, to become effective on the 20th and 25th days of February 1942, designated as follows:

Postal Telegraph-Cable Company (New York); F. C. C. No. 43, Tenth Revised Page 8.

Mackay Radio and Telegraph Company (Del.); F. C. C. No. 2, Tenth Revised Page 136.

It further appearing that said schedules make certain changes in rates for the transmission of press communications in foreign commerce, and the rights and interests of the public appear to be injuriously affected thereby, and it being the opinion of the Commission that the effective dates of the said schedules should be postponed pending hearing and decision thereon:

It is ordered, That the Commission, on its own motion, without formal pleading, enter upon a hearing concerning the lawfulness of the charges contained in said tariffs: viz., 10th Revised Page 8 of Postal Telegraph-Cable Company (N. Y.) Tariff F. C. C. No. 43 and 10th Revised Page 136 of Mackay Radio and Telegraph Company (Del.) Tariff F. C. C. No. 2;

It is further ordered, That the operation of the said schedules contained in said tariffs be suspended, and that the use of the rates and charges therein stated be deferred until three months beyond the time when they would otherwise go into effect, unless otherwise ordered by the Commission, and no change shall be made in such rates and charges during the said period of suspension, unless authorized by special permission of the Commission;

It is further ordered, That the rates and charges thereby sought to be altered shall not be changed by any subsequent tariff or schedule, until this investigation and suspension proceeding has been disposed of or until the period of suspension has expired, unless authorized by special permission of the Commission;

It is further ordered, That a copy of this order be filed with said schedules in the office of the Federal Communications Commission, and that copies hereof be forthwith served upon the carrier parties to such schedules, and that said carrier parties to said schedules be, and they are hereby made respondent to this proceeding; and

It is further ordered, That this proceeding be, and the same is hereby assigned for hearing at 10:00 a. m. beginning on the 5th day of March at the offices of the Federal Communications Commission, in Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-1485; Filed, February 19, 1942; 12:04 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-503]

IN THE MATTER OF PHILADELPHIA ELECTRIC COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of February, 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 Philadelphia Electric Company. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Philadelphia Electric Company, a subsidiary of The United Gas Improvement Company, a registered holding company, proposes to issue and sell privately 48,221 shares of 4.4% preferred stock at $1.10 per share plus accrued dividends thereon from February 1, 1942 to March 2, 1942. The proceeds of $5,304,310 are proposed to be used to discharge a like amount of presently outstanding 1½% promissory notes payable to banks and maturing July 28, 1942.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on February 27, 1942 at 10:00 o'clock, A. M., at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarant and applicant and to all interested persons, said notice to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

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

It is further ordered, That without limiting the scope of issues presented by

said declaration or application (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

(1) The appropriateness, in the public interest and for the protection of investors and consumers, of exempting the proposed issue and sale from the competitive bidding requirements of Rule U-50;

(2) The appropriateness of the price at which the securities are proposed to be sold;

(3) Whether and to what extent it is appropriate, in the public interest or for the protection of investors and consumers, to attach terms and conditions with respect to said issue and sale.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1469; Filed, February 19, 1942; 11:40 a. m.]

[File No. 70-498]

IN THE MATTER OF THE ALBION GAS LIGHT COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of February, 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 Albion Gas Light Company. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

The Albion Gas Light Company, a gas utility company at Albion, Michigan, proposes to extend to March 1, 1945 the maturity date of $150,000 principal amount of it First Mortgage Seven Percent Twenty Year Gold Bonds, due March 1, 1942, and to solicit the consent of the holders of said bonds to such extension in maturity date. Effective with the semi-annual interest payment of September 1, 1933, by consent of the holders of $149,900 principal amount of the bonds the interest rate thereon was heretofore reduced from 7% to 5% unless 7% is actually earned.

The company represents that the extension is desired as a temporary measure for dealing with the imminent maturity, pending a contemplated merger with Michigan Gas and Electric Company; that in any event it hopes some program for paying the bonds in full may be worked out before expiration of the proposed three-year extension period.

The company reports a deficit in surplus, per books, of $87,336 as of November 30, 1941, after recording a net loss of $11,847 for the twelve months ended November 30, 1941.

The Middle West Corporation, a registered holding company, owns all outstanding common and preferred stock of the company, $29,900 of the said bonds, and a 5% demand note of the company in the amount of $141,249.99 (including $41,249.99 accrued interest). Michigan Gas and Electric Company, a subsidiary company of The Middle West Corporation, owns $36,700 principal amount of the said bonds and a 6% demand note of the company in the amount of $4,000. Both of these affiliated holders of the bonds have joined in the application requesting authorization to effect the extension.

The application states that authorization for the extension will be sought from the Michigan Public Service Commission. Total expenses of the transactions contemplated are estimated at $1,215.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission:

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on February 24, 1942 at 10:00 o'clock, A. M., at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarants and applicants and to all interested persons, said notice to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

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

It is further ordered, That without limiting the scope of issues presented by said declaration or application (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed form and manner of solicitation of bondholders, and the disclosures made in connection therewith, will be in the public interest and provide for the protection of investors or consumers.

2. Whether in the public interest or for the protection of investors or consumers the proposed extension should be limited to a term shorter than three years.

3. Whether the aforesaid bonds, or as they are proposed to be extended in maturity, are or will be reasonably adapted to the security structure of the company, and whether they are or will be reasonably adapted to its earning power.

4. Whether the proposed extension of maturity will result in an unfair or inequitable distribution of voting power among the holders of the securities of the company.

5. The circumstances under which The Middle West Corporation and Michigan Gas and Electric Company, and their predecessors in interest, acquired their ownership of securities of The Albion Company, and whether the interests of said owners as bondholders should be subordinated, in whole or in part, to the claims of the public bondholders.

6. Whether in the public interest or for the protection of investors or consumers any terms or conditions should appropriately be included in any order of the Commission permitting the proposed transactions to be effected.

7. Generally, whether the proposed transactions comply with the applicable provisions of sections 6, 7, and 12 (e) of the Act and the Rules of the Commission promulgated thereunder.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1470; Filed, February 19, 1942; 11:34 a. m.]

[File No. 70-501]

IN THE MATTER OF SOUTHWESTERN DEVELOPMENT COMPANY, WEST TEXAS GAS COMPANY, AMARILLO 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 19th day of February, 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 parties; and

Notice is further given that any interested person may, not later than March 6, 1942 at 4:30 P. M., E. W. T. request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 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:

Southwestern Development Company, a registered holding company (subsidiary of The Mission Oil Company a reg-

istered holding company) and its wholly-owned subsidiary companies, the West Texas Gas Company and the Amarillo Gas Company, propose as follows:

To extend the maturity dates and revise the installments maturing on various dates (without changing the aggregate amount outstanding) of certain 3% promissory notes of Southwestern Development Company (aggregating $4,418,065.77), West Texas Gas Company (aggregating $2,400,000) and Amarillo Gas Company (aggregating $170,000), presently held by Guaranty Trust Company of New York, pursuant to the terms of Loan Agreements dated August 1, 1939, August 9, 1939 and March 2, 1937, as subsequently amended, respectively, between Guaranty Trust Company of New York and each of the aforementioned companies.

To reduce the interest rate on said 3% promissory notes so that all installments of principal maturing prior to January 1, 1947 shall bear interest from February 1, 1942 at the rate of 2½% per annum and the installments of principal maturing on and after January 1, 1947 shall bear interest from February 1, 1942 at the rate of 2¾% per annum.

Sections 7 and 10 of the Act are designated as being applicable to the proposed transaction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1471; Filed, February 19, 1942; 11:34 a. m.]

[File No. 70-502]

IN THE MATTER OF MOUNTAIN STATES POWER 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 18th day of February, 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 February 25, 1942, at 4:45 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 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:

Mountain States Power Company, a subsidiary of Standard Gas and Electric Company, a registered holding company, proposes to issue to the Provident Trust Company of Philadelphia eleven unsecured serial notes in the principal amount of $30,000 each, or in the aggregate principal amount of $330,000, dated April 1, 1942 bearing interest at the rate of 1¾ per centum per annum and maturing serially at the end of each successive three months period thereafter and to use the proceeds therefrom, together with other corporate funds, to pay the principal and interest and a premium of ¾ of 1% of the unpaid principal on its unsecured serial notes dated January 1, 1940 payable to The Chase National Bank of the City of New York bearing interest at the rate of 3% per annum upon which there remains due and unpaid the aggregate principal amount of $360,000.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1472; Filed, February 19, 1942; 11:34 a. m.]

[File No. 70-103]

IN THE MATTER OF ARKANSAS-MISSOURI POWER CORPORATION

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

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

The above named company having filed a supplemental declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 7 thereof, regarding the following:

Arkansas-Missouri Power Corporation, a subsidiary of John E. Dwyer, Trustee of Inland Power & Light Corporation, a registered holding company, has negotiated with Harris Trust and Savings Bank (Chicago, Illinois) a reduction, effective January 23, 1942, from 3½% to 2¾% in the interest rate payable on $180,000 principal amount of unsecured 3½% Serial Notes due July 23, 1942–January 23, 1945. The consideration for said reduction in interest rate was the payment on or about January 23, 1942 of the $30,000 3½% Serial Note maturing July 23, 1945, which note has been paid.

Under date of July 18, 1940 the Commission permitted the original declaration herein, as amended, to become effective with respect to the issue and sale by the Company (among other securities) of $300,000 principal amount of the subject notes to the said Harris Trust and Savings Bank, Chicago, Illinois, said notes being payable in ten semi-annual installments of $30,000 each in the years 1941–1945. The Company has paid at maturity $90,000 principal amount of said notes, in addition to the $30,000 note maturing July 23, 1945, mentioned above.

Said supplemental declaration having been filed on January 26, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said supplemental declaration under section 7 of said Act that the requirements of section 7 (c) of said Act are satisfied and that no adverse findings are necessary under section 7 (d) of said Act;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be and hereby is permitted to become effective.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1473; Filed, February 19, 1942; 11:35 a. m.]

[File No. 70-465]

IN THE MATTER OF PENNSYLVANIA ELECTRIC COMPANY; THE CLARION RIVER POWER COMPANY; ERIE LIGHTING COMPANY; SOLAR ELECTRIC COMPANY; YOUGHIOGHENY HYDRO-ELECTRIC CORPORATION; ASSOCIATED MARYLAND ELECTRIC POWER CORPORATION; AND ASSOCIATED ELECTIRC COMPANY

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

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

The above named parties, having filed applications and declarations, as amended, with the Commission, pursuant to sections 6 (b), 9 (a), 10, 12 (c), 12 (d), and 12 (f) of the Public Utility Holding Company Act of 1935, and Rules U-42, U-43, and U-50 of the Rules and Regulations, promulgated thereunder, covering proposed transactions that are part of a general program.

(1) For the issue and sale by Pennsylvania Electric Company, a subsidiary of Associated Electric Company, a registered holding company, and an indirect subsidiary of the Trustees of Associated Gas and Electric Corporation, of $32,500,000 principal amount of First Mortgage Bonds, due January 1, 1972, and $3,400,000 par value of Cumulative Preferred Stock, proceeds of which are to be used in part for the redemption and retirement of the long term indebtedness and bank loans presently outstanding and to be assumed by Pennsylvania Electric Company;

(2) For the acquistion by Pennsylvania Electric Company of the assets of The Clarion River Power Company and Erie Lighting Company, subsidiaries of Penn-

sylvania Electric Company, of Associated Maryland Electric Power Corporation, Solar Electric Company, Youghiogheny Hydro-Electric Corporation, subsidiaries of Associated Electric Company, and of Logan Light, Heat & Power Company, a subsidiary of NY PA NJ Utilities Company, and an indirect subsidiary of the Trustees of Associated Gas and Electric Corporation; and

(3) For the reclassification by Pennsylvania Electric Company of its common stock and the making of certain accounting and other adjustments, including the creation by Pennsylvania Electric Company of a "Reserve for Amount in Excess of Original Cost of Utility Plant", in the amount of $10,100,046, to be set up by appropriations from earned surplus as at December 31, 1941, and from capital surplus, augmented by transfers from stated capital for common stock.

A hearing with respect to the said applications and declarations, as amended, having been held after appropriate notice; and the Commission having considered the record of the proceedings and having entered its Findings and Opinion herein;

It is hereby ordered, That the aforesaid declarations, as amended, be and hereby are permitted to become effective and the aforesaid applications, as amended, be and hereby are granted forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 and to the following additional terms and conditions:

(1) That, prior to the time of settlement with the underwriters or purchasers of the bonds or preferred stock, Pennsylvania Electric Company shall obtain all necessary approval from the Pennsylvania Public Utility Commission for, and shall effect, the reduction of the par value of its common stock from $25 per share to $20 per share;

(2) That Pennsylvania Electric Company shall report to the Commission the results of the competitive bidding, as required by Rule U-50 (c) and comply with such supplemental order as the Commission may enter in view of the facts disclosed thereby.

It is further ordered, That jurisdiction be and is hereby reserved

(1) To determine whether and the extent to which the indebtedness of The Clarion River Power Company to Pennsylvania Electric Company should be subordinated to the publicly-held Participating Capital Stock and the extent to which payments should be made by Pennsylvania Electric Company, as acquirer of the assets of The Clarion River Power Company, to said holders of Participating Capital Stock in satisfaction of their interests;

(2) To pass upon the accounting entries proposed or hereafter to be made by Associated Electric Company in connection with the proposed transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1474; Filed, February 19, 1942; 11:35 a. m.]