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Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION

PART 411—1942 COTTON CROP INSURANCE CONTRACT REGULATIONS [1]

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act of 1938, approved February 16, 1938, as amended, the 1942 Cotton Crop Insurance Contract Regulations are amended as follows:

(1) Section 411.1 of said regulations is amended to read as follows:

§ 411.1 *Application for insurance.* Application for insurance on a form prescribed by the Corporation for such purpose, may be made by any person to cover his interest as landlord, owner, tenant, or sharecropper in cotton to be grown in 1942. An application shall cover each insurance unit in the county, in which the applicant has an interest in the cotton crop at the beginning of the planting thereof: *Provided, however,* That if an applicant has an interest in both American Upland cotton and American Egyptian cotton, such applicant may elect to omit from the insurance contract the insurance units on which American Egyptian cotton will be planted. Applications must be submitted to the office of the county committee on or before the closing date. Secs. 506 (e), 507 (c), 509, 516 (b); 52 Stat. 73, 74, 75, 77; 7 U.S.C. 1506 (e), 1507 (c), 1508, 1509, 1516 (b), as amended by 55 Stat. 255.)

(2) Section 411.30 of said regulations is amended by the addition of the following new paragraph which is as follows:

§ 411.30 *Determination of farm average yields per acre of lint cotton.*

* * * * *

(f) Notwithstanding the provisions of paragraphs (a), (b), (c), (d), and (e) of this section, the average yield of American Egyptian cotton per acre for the farm shall be determined without reference to the years 1934 or 1935. If reliable and applicable records of the actual average yield of American Egyptian cotton are available for at least four years of the period 1936–40, the county committee shall appraise the yield for one year in conformity with the method for appraising yields provided for in paragraph (a) of this section and determine the simple average of the annual yields per acre for such period. If reliable and applicable records of actual average yields are not available for at least four of the years 1936–40, the average yield shall be determined by comparison with a "key farm" in conformity with the method for such comparison provided for in paragraph (b) of this section. (Secs. 506 (e), 507 (c), 509, 516 (b); 52 Stat. 73, 74, 75, 77; 7 U.S.C. 1506 (e), 1507 (c), 1508, 1509, 1516 (b), as amended by 55 Stat. 255)

(3) Section 411.31, paragraph (a) of said regulations is amended to read as follows:

§ 411.31 *Determination of premium rates for insurance.* (a) For all farms in the county for which the average yield is established under paragraph (a), (c), (d), or (f) of § 411.30 the premium rate, for lint cotton insurance only, shall be determined (1) by obtaining the average loss cost, that is, the simple average of the extent to which the yield on the farm during each year of the period 1934–40 (or the period 1936–40 where determining premium rates for insurance on American Egyptian cotton) fell below 75 percent of the average yield for the farm to be insured, and (2) by averaging such figure with the county check premium rate for 75-percent insurance of the average yield, giving a weight of three to the average farm loss cost and a weight of one to the county check premium rate, or equal weights to each such figure where the Corporation determines that such procedure more adequately reflects the risks to be incurred on the farms in the county. The same method of weighting shall be used for all farms in

[1] 6 F.R. 6442.

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FEDERAL REGISTER

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the county, unless the Corporation determines that cotton farming conditions within a county are so different as to warrant the use of one method of weighting in one or more administrative areas within the county and the other method in the other administrative area or areas within the county. (Secs. 506 (e), 507 (c), 509, 516 (b); 52 Stat. 73, 74, 75, 77; 7 U. S. C. 1940 ed. 1506 (e), 1507 (c), 1508, 1509, 1516 (b), as amended by 55 Stat. 255)

(4) § 411.36, paragraph (o) of said regulations is amended to read as follows:

§ 411.36 *Meaning of terms.*

* * * * *

(o) *Maximum insurable acreage* means the largest number of acres of cotton which may be insured on an insurance unit. Such acreage shall be the cotton acreage allotment for the insurance unit under the 1942 Agricultural Conservation Program. In the event that the insurance unit is a part of the farm for which such cotton acreage allotment is established under the 1942 Agricultural Conservation Program, the total of the maximum insurable acreages for all units constituting the farm shall not exceed such allotment, and, if the cotton planted on all such units does exceed such allotment, the maximum insurable acreage for each such unit shall be the same percentage of the acreage planted to cotton on the unit as the cotton acreage allotment for the farm is of the total acreage planted to cotton on all such units. The term cotton acreage allotment shall also mean permitted acreage where applicable. The maximum insurable acreage of American Egyptian cotton shall be 80 percent of the cropland on the farm, or the intended acreage to be planted, as indicated on the application, whichever is the smaller. (Secs. 506 (e), 507 (c), 509, 516 (b); 52 Stat. 73, 74, 75, 77; 7 U.S.C. 1506 (e), 1507 (c), 1508, 1509, 1516 (b), as amended by 55 Stat. 255)

Adopted by the Board of Directors on March 2, 1942.

[SEAL] R. M. EVANS,
Chairman of Board.

Approved: March 4, 1942.

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-1903; Filed, March 4, 1942; 12:48 p. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

PART 04—AIRPLANE AIRWORTHINESS

ORDER RENUMBERING CERTAIN AMENDMENTS TO PART 04 AND REPEALING OTHERS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 27th day of February 1942.

Whereas the Civil Aeronautics Board heretofore on February 6, 1942, at a regular session at its office in Washington, D. C., adopted amendments numbered 04–03 to 04–13 inclusive, and on February 21, 1942, adopted amendments numbered 04–14 and 04–15; and

Whereas the Civil Aeronautics Board finds it desirable to make certain changes in the aforesaid amendments and the numbers which have been assigned to such amendments:

Now, therefore, the Civil Aeronautics Board, acting pursuant to sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended:

Orders, (1) that amendments 04–4, 04–9, 04–10, 04–11, and 04–13 to the Civil Air Regulations as adopted on February 6, 1942, be, and the same hereby are, repealed; and

(2) That those amendments now bearing amendment numbers 04–5, 04–6, 04–7, 04–8, 04–12, 04–14, and 04–15 be, and the same hereby are, renumbered respectively as follows: 04–4, 04–5, 04–6, 04–7, 04–8, 04–9, and 04–10.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1929; Filed March 5, 1942; 12:00 m.]

[Amendments 04–12 and 04–13, Civil Air Regs.]

PART 04—AIRPLANE AIRWORTHINESS

PERFORMANCE REQUIREMENTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 4th day of March 1942.

Acting pursuant to sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective July 1, 1942, Part 04 of the Civil Air Regulations is amended as follows:

1. By amending the first full paragraph of § 04.70 to read as follows:

§ 04.70 *Performance requirements.* All airplanes shall comply with the performance requirements set forth in §§ 04.707 and 04.708. All airplanes except those certificated in the transport category shall comply with §§ 04.700 through 04.7061, inclusive. Compliance with such performance requirements shall be shown in standard atmosphere, at all weights up to and including the standard weight (§ 04.102) and under all loading conditions within the center of gravity range certified (§ 04.742): *Provided,* That demonstration of compliance with landing-speed requirements, and with those relating to take-off time and distance, may be limited to an intermediate range of center of gravity positions if it can be shown that it is possible for the airplane to continue flight with one engine inoperative, and that passengers or other load can be easily and rapidly shifted while in flight to permit the realization, at the pilot's discretion, of a center of gravity position within the range covered by this demonstration. There shall be no flight or handling characteristics which, in the opinion of the Administrator, render the airplane unairworthy.

2. By amending the table of contents of Part 04 by striking the section heading as now set forth in the table of contents opposite the number 04.01 and inserting in lieu thereof "Airplane categories", by striking 04.75 together with the section heading opposite such number and inserting in lieu thereof the fol-

lowing: "04.75-T Performance requirements for transport category airplanes", and by striking the number 04.76 together with the section heading now opposite such heading.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1930; Filed, March 5, 1942; 12:00 m.]

[Amendment 04-11, Civil Air Regs.]

PART 04—AIRPLANE AIRWORTHINESS

PROVISIONAL WEIGHT FOR AIR CARRIER AIRPLANES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 27th day of February 1942.

Acting pursuant to sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective February 27, 1942, Part 04 of the Civil Air Regulations is amended as follows:

By amending the first full paragraph of § 04.71 to read as follows:

§ 04.71 *Modified performance requirements for air carrier airplanes not certificated in the transport category.* The weight of any multi-engine air carrier aircraft manufactured pursuant to a type certificate issued prior to January 1, 1941, and which aircraft is being operated in accordance with the requirements of Part 61, may be increased beyond the values corresponding to the landing speed specified in § 04.700 and take-off requirements of § 04.701, subject to the following conditions:

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1928; Filed, March 5, 1942; 12:00 m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER III—FEDERAL TRADE COMMISSION

[Docket No. 4569]

PART 1—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF PARFUMS RONNI, INC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of respondent's "Ronni Mascara," "Ronni Cream Mascara," "Mascara by Ronni," and "Mascara", or any other similar cosmetic preparation, disseminating, etc., any advertisements by means of United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or through inference, that respondent's said cosmetic preparation is "smudge proof", or "waterproof," or "run-proof", or "tearproof" by the use of any of the terms stated or by the use of any other words or terms of similar import or meaning; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Parfums Ronni, Inc., Docket 4569, March 2, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2d day of March, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, testimony and other evidence in support of the allegations of said complaint taken before an examiner of the Commission theretofore duly designated by it, and report of the trial examiner, 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 respondent Parfums Ronni, Inc., a corporation, its officers, directors, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of the cosmetic preparation variously designated as "Ronni Mascara," "Ronni Cream Mascara," "Mascara by Ronni," and "Mascara," or any other cosmetic preparation which is substantially similar in composition, or possesses substantially similar properties, whether sold under the same name or any other name or names, do forthwith cease and desist from directly or indirectly:

(1) Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or through inference, that respondent's said cosmetic preparation is "smudge proof," or "waterproof," or "runproof," or "tearproof" by the use of any of the terms stated or by the use of any other words or terms of similar import or meaning;

(2) Disseminating or causing to be disseminated, by any means, any advertisement 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 cosmetic preparation, which advertisement contains any of the representations prohibited in Paragraph (1) hereof.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1924; Filed, March 5, 1942; 11:19 a. m.]

TITLE 24—HOUSING CREDIT

CHAPTER IV—HOME OWNERS' LOAN CORPORATION

[Administrative Order No. 3-232]

PART 402—LOAN SERVICE DIVISION

INSURANCE

Amending Part 402, Chapter IV, Title 24 of the Code of Federal Regulations.

Section 402.25-23 [1] is amended to read as follows:

§ 402.25-23 *Reinstatement after loss.* Reinstatement of Insurance is required as follows:

(a) In cases where the loss is partially or entirely covered by direct policies, the home owner shall be requested to furnish reinstatement of that part of the loss covered by direct policies if such part of the loss is in excess of $200 and the remaining insurance in force is not sufficient to fulfill the requirements of the Corporation.

(b) In cases where the loss is partially or entirely covered by certificates, the insurer under contract will reinstate insurance for that part of the loss covered by certificates up to the amount of the certificates without order from the Corporation.

Where the home owner has a Tax and Insurance Account and part of the loss is covered by direct policies, and reinstatement is not made of this part because the amount involved is $200 or less, the Regional Manager, if necessary, may issue a new Form 198 to reflect the change in the amount of insurance required.

Cancellation of reinstatement endorsements. In any case where insurance is reinstated by the insurer under contract without order from the Corporation, if it is found that the circumstances are such that the reinstatement of insurance should not have been made, the reinstatement endorsement should be returned to the insurer under contract for cancellation. Insurance so reinstated should not be in excess of the Corporation's requirements.

(Effective March 1, 1942)

(Above procedure promulgated by the General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a) and 4 (k) of Home Owners' Loan Act of 1933, 48

[1] 6 F.R. 5646.

Stat. 129, 132, as amended by sections 1 and 13 of the Act of April 27, 1934, 48 Stat. 643 and 647: 12 U.S.C. 1463 (a), (k).)

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 42-1906; Filed, March 4, 1942; 4:09 p. m.]

TITLE 29—LABOR

CHAPTER VI—NATIONAL WAR LABOR BOARD

PART 802—RULES OF PROCEDURE [1]

AMENDMENT 1 TO ADMINISTRATIVE REGULATION NO. 2

Section 802.10 is amended by adding at the end thereof the following new sentence:

§ 802.10 *Hearings before the Board.* * * * The Hearings Sessions of the Board shall be open to the public unless in particular cases the Board rules otherwise. However, there shall be no public hearings before any agency of the Board prior to the Public Hearings Sessions of the Board. (E.O. 9017, 7 F.R. 237)

Dated: February 24, 1942.

GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42-1904; Filed, March 4, 1942; 2:27 p. m.]

[Amendment 2 to Administrative Regulation No. 2]

PART 802—RULES OF PROCEDURE [1]

Section 802.5 is amended by adding to the first sentence.

§ 802.5 *Appointment of mediators.* * * * or from the Board's special list of public, industry, and labor mediators. (E.O. 9017, 7 F.R. 237)

Dated: March 3, 1942.

GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42-1927; Filed, March 5, 1942; 11:52 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER A—GENERAL PROVISIONS

PART 904—PROCUREMENT

Directive No. 2

Pursuant to the authority vested in me by Executive Order No. 9024 of January 16, 1942, and Executive Order No. 9040 of January 24, 1942, the following policy is prescribed for all Departments and Agencies now or hereafter authorized by the President to exercise the powers set forth in Title II, section 201 of the First War Powers Act, 1941 (Public No. 354, 77th Congress):

[1] 7 F.R. 600.

§ 904.1 *Placing supply contracts.* (a) Except as hereinafter provided, all such Departments and Agencies shall place all supply contracts relating to war procurement by negotiation: *Provided*, That where consistent with the required speed of war procurement, notification of the proposed procurement shall be given to qualified possible contractors and quotations secured from them. The procedure provided by section 3709 of the Revised Statutes (41 U.S.C. section 5) shall be used only upon the specific authorization of the Director of Purchases of the War Production Board, or of such person or persons as he may designate.

(b) (1) In placing such contracts, particular regard shall be paid to the following considerations:

(i) Primary emphasis shall be upon securing delivery in the time required by the war program.

(ii) In so far as it will effectuate the policy set forth in subparagraph (i) above, such contracts shall be placed so as to conserve, for the more difficult war production problems, the facilities of concerns best able, by reason of engineering, managerial, and physical resources, to handle them. Accordingly, contracts for standard or other items which involve relatively simple production problems shall be placed with concerns, normally the smaller ones, which are less able to handle the more difficult war production problems.

(iii) Subject to the considerations stated in subparagraphs (i) and (ii), such contracts shall be placed with concerns needing to acquire the least amounts of additional machinery and equipment for performance of the contracts. Accordingly, as an essential part of each negotiation, procurement officials shall secure from prospective contractors statements listing all additional machinery and equipment which will be needed for performance of the contract.

(2) Authority to depart from this policy may, upon specific request, be granted by the Director of Purchases of the War Production Board, or by such person or persons as he may designate for this purpose. (E.O. 9024, Jan. 16, 1942, 7 F.R. 329, E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 201, Pub. Law 354, 77th Cong., 1st Sess.)

D. M. NELSON,
Chairman.

MARCH 3, 1942.

[F. R. Doc. 42-1907; Filed, March 4, 1942; 5:02 p. m.]

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Amendment No. 1 to Limitation Order No. L-35 [1]

Paragraph (a) (5) (Definition of replacement parts) of § 976.11 (General Limitation Order L-35, issued January 22, 1942) is hereby amended to read as follows:

§ 976.11 *General Limitation Order L-35*—(a) *Definitions.*

* * * * *

(5) "Replacement parts" means only the following parts (including components entering into such parts) used for the repair or maintenance of heavy trucks, medium trucks, truck trailers, passenger carriers, and school bus bodies: engine, clutch, transmission, power dividers and take offs, transfer cases, propeller shafts, universal joints, axles, braking system, wheels, starting apparatus, frame and spring suspension assemblies, shock absorbers, speedometers, fusees and flares directional signals, driving mirrors, windshield wiper assemblies, steering apparatus, coupling devices, trailer landing gears; exhaust, cooling, fuel, lubricating and electrical systems, including generators, starters, motors, lights, reflectors, signal horns, batteries; seats, fenders, hoods, doors and door hardware, radiator guards, defroster heaters; truck refrigeration units, liquid measuring gauges; and, but only as to parts for passenger carriers and school bus bodies, body structural repair parts, sash, destination signs, fare boxes, guards and grab rails, door operating mechanisms, signaling devices, heating and ventilating equipment.

* * * * *

Paragraph (b) (1) (General restrictions) of said § 976.11 is hereby amended to read as follows:

(b) *General restrictions.* (1) Notwithstanding the provisions of Extension No. 2 of Limitation Order L-1-a, issued November 6, 1941:

(i) During the period commencing January 1, 1942, and ending June 30, 1942, a producer shall not manufacture more than 75% of that number of each of the replacement parts named in § 976.11 (a) (5) hereinabove, sold by him for replacement purposes during the base period from January 1, 1941 to December 31, 1941;

(ii) During the period commencing January 1, 1942 and ending September 30, 1942, a producer shall not manufacture more than 112½% of the number of said replacement parts sold by him for replacement purposes during said base period;

(iii) During the calendar year 1942 a producer shall not manufacture more than 150% of the number of said replacement parts sold by him for replacement purposes during said base period.

* * * * *

Paragraph (b) (General restrictions) of § 976.11 is hereby amended by adding thereto, immediately following subparagraph (2) thereof, the following:

(3) No producer shall accept delivery of any material which will cause his inventory thereof to exceed an amount necessary to complete his succeeding 90 days' production scheduled in accordance with section (b) (1) hereof. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R.

[1] 7 F.R. 470.

561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Effective date. This Order shall take effect immediately. Issued this 5th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1909; Filed, March 5, 1942; 11:13 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Amendment No. 1 to Preference Rating Order No. P-107 [1]

Paragraph (a) (5) (Definition of replacement parts) of § 976.12 (Limited Preference Rating Order No. P-107, issued January 22, 1942) is hereby amended to read as follows:

§ 976.12 *Limited Preference Rating Order P-107.* * * *

(a) *Definitions.*

* * * * *

(5) "Replacement parts" means only the following parts (including components entering into such parts) used for the repair or maintenance of heavy trucks, medium trucks, truck trailers, passenger carriers, and school bus bodies: engine, clutch, transmission, power dividers and take offs, transfer cases, propeller shafts, universal joints, axles, braking system, wheels, starting apparatus, frame and spring suspension assemblies, shock absorbers, speedometers, fusees and flares, directional signals, driving mirrors, windshield wiper assemblies, steering apparatus, coupling devices, trailer landing gears; exhaust, cooling, fuel, lubricating and electrical systems, including generators, starters, motors, lights, reflectors, signal horns, batteries; seats, fenders, hoods, doors and door hardware, radiator guards, defroster heaters; truck refrigeration units, liquid measuring gauges; and, but only as to parts for passenger carriers and school bus bodies, body structural repair parts, sash, destination signs, fare boxes, guards and grab rails, door operating mechanisms, signaling devices, heating and ventilating equipment.

* * * * *

Paragraph (b) (Assignment of preference rating) of said § 976.12 is hereby amended to read as follows:

(b) *Assignment of preference rating.* Subject to the terms of this Order preference rating A-2 is hereby assigned:

(1) To deliveries to a producer by his suppliers of materials to be physically incorporated by him in replacement parts: *Provided, however,* That when his production of the replacement parts is limited by Limitation Order No. L-35 or by any other order or direction of the Director of Industry Operations, no materials shall be obtained in quantity greater than required for this production as so limited: *And provided further,* That the preference rating assigned herein

(i) shall not be effective with respect to any deliveries to be made after June 30, 1942, if the producer has not prior to June 1, 1942, filed an application for priority assistance under the Production Requirements Plan on Form PD-25A (or such other form as may be prescribed in lieu thereof) and

(ii) shall be revoked or modified in whole or in part as to any producer if the Director of Industry Operations at any time after June 30, 1942, determines that such preference rating is not appropriate.

(2) To deliveries to any supplier of material which will ultimately be delivered by him or another supplier to the producer under the rating assigned above, or will be physically incorporated into material which will be so delivered.

* * * * *

Paragraph (e) (1) (Restrictions on application of rating—by a producer) is hereby amended to read as follows:

(e) *Restrictions on application of rating.* * * *

(1) By a producer to obtain deliveries of materials in excess of the amount needed for the production of the replacement parts, taking into consideration existing inventories of the producer, and subject to any limitation contained in Limitation Order L-35, or in any other Order or direction issued by the Director of Industry Operations; or to obtain more material than is required to produce (i e., to be physically incorporated into) 40% of the number of replacement parts permitted to be manufactured by Limitation Order L-35 which are capable of being used interchangeably in both (i) medium and/or heavy motor trucks, truck trailers, passenger carriers and school bus bodies and (ii) passenger cars (as defined in General Limitation Order L-2, issued September 13, 1941) and light trucks (as defined in Amendment No. 1 to General Limitation Order No. L-3, issued February 12, 1942). If a producer has sufficient material to produce the authorized number of replacement parts and still have a practicable minimum working inventory, he shall not make use of the rating to obtain delivery of such material.

* * * * *

Paragraph (e) (3) (Restrictions on Application of Rating—by a Producer or a Supplier) is hereby amended to read as follows:

(3) *By a producer or a supplier.* (i) Unless the Material to be delivered cannot be obtained when required without such rating,

(ii) To obtain deliveries earlier than required,

(iii) To deliveries of Materials on purchase orders calling for delivery after December 31, 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. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

* * * * *

Effective date. This Order shall take effect immediately and unless sooner revoked shall expire on the 31st day of December, 1942. Issued this 5th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1908; Filed, March 5, 1942; 11:13 a. m.]

PART 1080—TEAK

General Preference Order No. M-83 To Conserve the Supply and Direct the Distribution of Teak

Whereas the national defense requirements have created a shortage of teak, for defense, for private account, and for export, and it is necessary in the public interest and to promote the defense of the United States to conserve the supply and direct the distribution of teak:

Now, therefore, it is hereby ordered, That:

§ 1080.1 *General Preference Order M-83*—(a) Definitions. For the purposes of this Order:

(1) "Teak" means wood of the species *Tectona grandis* in the form of logs, hewn timbers, or lumber, including boards, planks, dimension, squares, cants, flitches, timbers and other sawed forms, whether rough or dressed.

(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) "Dealer" means any person selling teak.

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

(c) *Restrictions on use and delivery of teak.* Notwithstanding anything contained in Priorities Regulation No. 1 to the contrary, unless otherwise specifically authorized by the Director of Industry Operations, after the effective date of this Order, no dealer shall sell or deliver and no person, except an importer acting as such, shall buy or accept delivery of teak, and no person shall use or process into veneer, plywood or other products any teak, except upon orders by or on behalf of the Army or the Navy of the United States, or unless such teak is to be physically incorporated in material or equipment to be delivered to the Army or the Navy of the United States.

(d) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that

[1] 7 F.R. 471.

it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of teak conserved, or that compliance with this Order, would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board, Reference: M–83, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(e) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C., Ref.: M–83.

(f) *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).

(g) *Effective date.* This Order shall take effect immediately. Issued this 5th day of March 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. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1910; Filed, March 5, 1942; 11:13 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1362—CERAMIC PRODUCTS

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 75 [1]—DEAD-BURNED GRAIN MAGNESITE

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

Section 1362.1 is amended, a new paragraph (d) is added to § 1362.8 and a new § 1362.9a is added as set forth below:

§ 1362.1 *Maximum prices for maintenance grades of dead-burned magnesite.* (a) On and after January 28, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver maintenance grades of dead-burned grain magnesite, and no person shall buy or receive maintenance grades of dead-burned grain magnesite in the course of trade or business, at prices higher than the maximum price established in this Section; and no person shall offer, solicit or attempt to do any of the foregoing. The provisions of this Section shall not be applicable to sales or deliveries of maintenance grades of dead-burned grain magnesite to a purchaser if prior to January 23, 1942, such grain magnesite had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(b) The maximum price for domestic shipments of maintenance grades of domestic dead-burned grain magnesite in bulk shall be $22.00 a ton f. o. b. Chewelah, Washington. A delivered price in excess of the maximum f. o. b. Chewelah price may be charged, consisting of such maximum price plus the transportation charge computed at the carload rate from Chewelah to the point of delivery designated by the purchaser. Where the purchaser requests delivery from stocks accumulated at some point other than the place of production, a delivered price in excess of the maximum f. o. b. Chewelah price may be charged, consisting of such maximum price plus the transportation charge computed at the railroad carload rate from Chewelah to the point of accumulation and from such point to the place of delivery designated by the purchaser, and $1.00 a ton.

(c) The maximum price for domestic shipments of maintenance grades of domestic dead-burned grain magnesite in bags or sacks shall be the maximum price stated in paragraph (b) of this section, plus $4.00 a net ton.

(d) The maximum f. a. s. price for export shipments of maintenance grades of domestic dead-burned grain magnesite shall be the maximum price for delivery to the export dock computed in accordance with paragraph (b) hereof, plus $7.50 a net ton where the product is packed in double jute sacks or $12.50 a net ton where the product is packed in wooden barrels. Where the export sale is consummated on a c. i. f. or c. & f. basis, the maximum price shall be that price which yields the seller the same net realization as he is permitted by this paragraph when he sells on an f. a. s. basis.

(e) The following exception to the maximum price set forth in paragraph (b) of this section has been granted: In sales by the Westvaco Chlorine Products Corporation from its Patterson plant and stocks at Permanente to its regular customers located in California, the maximum price shall be $32.00 a ton f. o. b. Chewelah, Washington. Additions for delivered prices and sales in bags or sacks shall be the same as set forth in paragraph (c) of this section. This exception is subject to the terms and conditions contained in a letter from the Office of Price Administration to said company, dated February 9, 1942.

§ 1362.8 *Definitions.*

* * * * *

(d) "Maintenance grades of domestic dead-burned grain magnesite" means standard commercial grain magnesite which is virtually run of the kiln and which is not re-processed after leaving the kiln.

§ 1362.9a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1362.1, 1362.8 (d) and 1362.9a) to Revised Price Schedule No. 75, shall become effective March 5, 1942. Until such date Revised Price Schedule No. 75 continues in effect as if not amended by Amendment No. 1. Firm commitments entered into before March 5, 1942 for the sale of dead-burned grain magnesite at prices not exceeding the maximum prices established by Revised Price Schedule No. 75 prior to the effective date of Amendment No. 1 may be completed at contract prices.

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

Issued this 5th day of March 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–1918; Filed, March 5, 1942; 11:32 a. m.]

[1] 7 F.R. 1350.

[2] The statement of considerations has been filed with the Division of the Federal Register.

TITLE 36—PARKS AND FORESTS

CHAPTER II—FOREST SERVICE

PART 261—TRESPASS

ORDER FOR THE REMOVAL OF TRESPASSING CATTLE IN LOS PADRES NATIONAL FOREST—SISQUOC RIVER AND MANZANA ALLOTMENTS, SANTA MARIA RANGER DISTRICT

Whereas a number of cattle are trespassing and grazing on land in the Sisquoc River and Manzana Allotments, Santa Maria District, Los Padres National Forest, in the State of California; and

Whereas these cattle are consuming forage needed for game, are causing extra expense to an established permittee, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the Act of June 4, 1897 (30 Stat., 35; 16 U.S.C. 551) and the Act of February 1, 1905 (33 Stat., 628; 16 U.S.C. 472) the following order for the occupancy, use, protection, and administration of the Sisquoc River and Manzana Allotments, Santa Maria District, Los Padres National Forest, is issued:

§ 261.50 *Temporary closure from livestock grazing.* (a) The Sisquoc River and Manzana Allotments, Santa Maria District, Los Padres National Forest, are hereby closed for the period beginning February 15, 1942 and ending December 31, 1942, to the grazing of cattle, except those cattle that are lawfully grazing on or crossing land in such allotments pursuant to the regulations of the Secretary of Agriculture or that are used in connection with operations authorized by such regulations.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all cattle found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such cattle shall be given by posting notices in public places or advertising in a newspaper of general circulation

in the locality in which Los Padres National Forest is located.

Done at Washington, D. C., this 3d day of March 1942. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 42–1905; Filed, March 4, 1942; 12:48 p. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

NOTICE OF REPORT AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO THE MARKETING ORDER, AS AMENDED, AND THE TENTATIVELY APPROVED MARKETING AGREEMENT REGULATING THE HANDLING OF MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MILK MARKETING AREA, PREPARED BY THE ADMINISTRATOR OF THE AGRICULTURAL MARKETING ADMINISTRATION

Pursuant to § 900.12 (a) General Regulations, Surplus Marketing Administration, Department of Agriculture, notice is hereby given of the filing with the Hearing Clerk in the Solicitor's Office of the Department of this report of the Administrator of the Agricultural Marketing Administration of the Department with respect to proposed amendments to the marketing order, as amended, and the tentatively approved marketing agreement, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, milk marketing area. Interested parties may file exceptions to this report with the Hearing Clerk, Room 0312, South Building, Department of Agriculture, Washington, D. C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER.

Order No. 34, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area, was issued by the Secretary, February 6, 1939, and became effective February 12, 1939. Since that time, it has been amended on three separate occasions, effective dates being February 4, 1940, August 1, 1941, and November 1, 1941.

PRELIMINARY STATEMENT

This proceeding formally began with a petition dated December 1, 1941, from the New England Milk Producers' Association, asking that the Secretary hold a hearing on proposed amendments to the order. After receipt of this petition, all handlers and the Massachusetts Milk Control Board were notified by letter of the pending petition and were requested to submit any additional proposals for amendment not later than December 29, 1941. Notice of hearing was issued January 14 for a hearing that was held at Andover, Massachusetts, on January 21, 1942. The notice included ten separate proposed amendments to the order, some of which had been proposed by producers, some by handlers, and some by the Dairy Division.

The principal issues with which the taking of testimony was concerned were:

1. The request for an increase in Class I price;
2. Various proposals to revise the provisions of classifying milk including transferring buttermilk and cultured skim milk from Class II to Class I and two proposals allowing all normal plant shrinkage as Class II rather than Class I milk;
3. A proposal to change from the individual-handler to the market-wide type of pool; and
4. A proposal to revise the pricing of Class I milk sold outside of the marketing area.

From the testimony received, it is evident that producers are anxious to have a higher Class I price although the supply of milk for the market continues to be ample. The increasing impracticability of administering the present provision that requires handlers to pay the prevailing price for Class I milk sold outside of the marketing area indicates a need for revising this provision to provide for the pricing of all Class I milk wherever sold at the Lowell-Lawrence marketing area price. Handlers object strenuously to the provision made effective August 1, 1941, which requires them to pay the Class I price for plant shrinkage associated with the handling of Class I milk, principally, because it increases their handling costs slightly. No inequity among handlers was shown to result from the present arrangement.

It is concluded on the record that an amendment be issued and a marketing agreement offered to the handlers which will provide changes in Order No. 34 as follows:

1. Buttermilk and cultured skim milk to be Class I rather than Class II milk;
2. The present Class I price which will otherwise automatically be reduced 37 cents per hundredweight on April 1, 1942, to be continued through the flush production season of this year with no reduction and to April 1, 1943;
3. The formula providing a value for the skim milk portion of Class II milk to be revised to make use of price quotations for dry skim milk powder that are published by the U. S. Department of Agriculture rather than those published by the "Producers' Price Current"; and
4. The applicable marketing area Class I price to be paid for all Class I milk whether distributed within or outside the marketing area.

The proposed amendment and the proposed marketing agreement, as amended, are recommended as the detailed means by which the above conclusions may be put into effect.

This report filed at Washington, D. C., the 4th day of March 1942.

Approved:

[SEAL] ROY F. HENDRICKSON,
Administrator.

PROPOSED AMENDMENTS TO THE MARKETING ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA, AFFECTING §§ 934.3 AND 934.4, THEREOF [1]

It is found upon the evidence introduced at the public hearing held at Andover, Massachusetts, on January 21, 1942, such findings being in addition to the findings made upon the evidence introduced at the hearing on the order and the various amendments thereto, and being in addition to the other findings made prior to or at the time of the original issuance of the order or the various amendments thereto (which findings are hereby ratified and affirmed save only as such findings are in conflict with the findings hereinafter set forth):

Findings

1. That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to §§ 2 and 8 (e) of said act, 50 Stat. 246; 7 U.S.C. 602, 603e, are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk, and that the minimum prices set forth in this amendment to said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;
2. That the order, as amended by this amendment, regulates the handling of milk in the same manner as and is applicable only to handlers defined in a marketing agreement, as amended, upon which a hearing has been held; and
3. That the issuance of this amendment to the order, as amended, and all of the terms and conditions of the order, as so amended, tend to effectuate the declared policy of the act.

Provisions

1. Delete § 934.3 (b) (2) (i) and substitute therefor the following:

(i) as being sold, distributed, or disposed of other than as or in milk which contains ½ of 1 percent or more, but less than 16 percent of butterfat, and other than as chocolate or flavored whole or skim milk, buttermilk, and cultured skim milk, and.

2. In § 934.4 (b) (1) delete the date "1942" and substitute therefor the following: "1943".

3. Delete part (a) of the proviso in § 934.4 (c) (2) and substitute therefor the following:

(a) compute the average of all the dry skim milk powder quotations for "human

[1] These proposed amendments are prepared by the Administrator pursuant to § 900.12 (a) of the General Regulations, Surplus Marketing Administration, and have not received the approval of the Secretary of Agriculture.

food products (roller process) in barrels" and for "animal feed products (hot roller) in bags" (using midpoint of any range as one quotation), published during such delivery period by the United States Department of Agriculture for New York City, subtract 4.56 cents, multiply by 7; and.

4. Delete § 934.4 (d).

PROPOSED MARKETING AGREEMENT REGULATING THE HANDLING OF MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA PREPARED BY THE ADMINISTRATOR OF THE AGRICULTURAL MARKETING ADMINISTRATION, UNITED STATES DEPARTMENT OF AGRICULTURE [1]

Whereas the parties hereto, in order to effectuate the declared policy of the said act, desire to enter into this marketing agreement, as amended.

Now, therefore the parties hereto agree as follows:

1. The terms and provisions of § 934.1 through § 934.11 of Order No. 34, as Amended, Regulating the Handling of Milk in the Lowell-Lawrence, Massachusetts, Marketing Area, issued effective August 1, 1941, and as amended by Amendment No. 1, issued effective November 1, 1941, and as further amended by Amendment No. 2, to said order, as amended, issued effective _____, 1942, shall be the terms and provisions of this marketing agreement, as amended, with the exception that wherever the word "order" is used the words "marketing agreement" shall be substituted therefor; and

2. The following sections shall also be a part of the marketing agreement, as amended, in addition to § 934.1 through § 934.11 of said order, as amended:

§ 934.12 *Liability*—(a) *Liability of handlers.* The liability of the handlers hereunder is several and not joint and no handler shall be liable for the default of any other handler.

§ 934.13 *Counterparts and additional parties*—(a) *Counterparts of marketing agreement, as amended.* This agreement, as amended, may be executed in multiple counterparts, and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument, as if all such signatures were obtained in one original.

(b) *Additional parties to the marketing agreement, as amended.* After this agreement, as amended, first takes effect, any handler may become a party to this agreement, as amended, if a counterpart hereof is executed by him and delivered to the Secretary. This agreement, as amended, shall take effect as to such new contracting parties at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement, as amended, shall then be effective as to such new contracting party.

[1] This proposed marketing agreement is prepared by the Administrator pursuant to § 900.12 (a) of the General Regulations, Surplus Marketing Administration, and has not received the approval of the Secretary of Agriculture.

§ 934.14 *Record of milk handled during the month of May 1941, and authorization to correct typographical errors*—(a) *Record of milk handled during the month of May 1941.* The undersigned certifies that he handled during the month of May 1941, _____ hundredweight of milk covered by this agreement, as amended, and disposed of within the marketing area.

(b) *Authorization to correct typographical errors.* The undersigned hereby authorizes Otie M. Reed, Chief, Dairy Division, Agricultural Marketing Administration, to correct any typographical errors which may have been made in this marketing agreement, as amended.

§ 934.15 *Signature of parties.* In witness whereof, the contracting handlers, acting under the provisions of the act, for the purposes and subject to the limitations herein contained and not otherwise, have hereunto set their respective hands and seals.

[F. R. Doc. 42-1925; Filed, March 5, 1942; 11:28 a. m.]

NOTICE OF REPORT AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED AMENDMENT NO. 2 TO MARKETING ORDER NO. 4, AS AMENDED, AND THE TENTATIVELY APPROVED MARKETING AGREEMENT REGULATING THE HANDLING OF MILK IN THE GREATER BOSTON, MASSACHUSETTS, MILK MARKETING AREA, PREPARED BY THE ADMINISTRATOR OF THE AGRICULTURAL MARKETING ADMINISTRATION

Pursuant to § 900.12 (a) General Regulations, Surplus Marketing Administration, Department of Agriculture, notice is hereby given of the filing with the Hearing Clerk in the Solicitor's Office of the Department of this report of the Administrator of the Agricultural Marketing Administration of the Department with respect to a proposed amendment to Order No. 4 and the tentatively approved marketing agreement regulating the handling of milk in the Greater Boston, Massachusetts, milk marketing area. Interested parties may file exceptions to this report with the Hearing Clerk, Room 0312, South Building, Department of Agriculture, Washington, D. C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER.

Order No. 4, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, was issued by the Secretary, February 7, 1936, and became effective Febraury 9, 1936. The order was suspended on August 1, 1936, and reinstated and amended on July 1, 1937. Since that time, it has been amended on four separate occasions, effective dates being January 16, 1939, February 4, 1940, August 1, 1941, and October 28, 1941.

This proceeding formally began with a petition dated November 27, 1941, from several producers' cooperatives active in the Boston marketing area asking that the Secretary hold a hearing on proposed amendments to the order. After receipt of this petition all handlers and the State milk control boards that would be affected were notified by letter of the pending petition and were requested to submit, not later than December 29, 1941, petitions for any additional amendments desired. Notice was issued January 14 of a hearing that began at Montpelier, Vermont, on January 19, and which was continued in Boston, Massachusetts, January 20 and 26. The notice included twenty-one separate proposed amendments to the order, some of which had been proposed by producers, some by handlers, and some by the Dairy Division, either on its own behalf or on behalf of the administrator of Order No. 4.

The hearing, which lasted three days, covered 690 typewritten pages of testimony with 51 separate exhibits. The time for filing of briefs was set at the close of the hearing to expire at midnight, February 8, 1942.

The principal issues with which the taking of testimony was concerned were:

1. A request for an increase in Class I price;
2. Proposals to revise the classification provisions, which included a proposal to transfer buttermilk and cultured skim milk from Class II to Class I, and two proposals to classify all normal plant shrinkage as Class II rather than as Class I milk;
3. Several proposals to revise freight and receiving plant handling allowances on both Class I and Class II milk;
4. Proposals to revise the pricing of Class I milk sold outside of the marketing area;
5. Proposals to revise both the level of and the character of the Class II price formula;
6. Proposals to delete or revise the provisions pertaining to payments to cooperative associations for marketing services from the market-wide pool; and
7. A proposal to increase the maximum rate of assessment for costs of administering the order.

From the testimony received, it is evident that producers are anxious to have a higher Class I price although the supply of milk for the market continues to be ample. An increasing impracticability of administering the present provision that requires handlers to pay the prevailing price for Class I milk sold outside of the marketing area and the lack of justification for using the Federal order to require handlers to pay different Class I prices from those in effect for Boston for milk sold in other markets indicate a need for revising this provision to provide for pricing at the applicable Boston marketing area price of all Class I milk, wherever sold.

Handlers object strenuously to the provision made effective August 1, 1941, which requires them to pay the Class I price for plant shrinkage associated with the handling of Class I milk, principally, because it increases their handling costs slightly. No inequity among handlers was shown to result from the present arrangement. The arrangement made effective August 1, 1941, for allowing payments to cooperative associations that meet certain qualifications from the equalization funds used to balance the market-wide pool was strenuously opposed by several individual pro-

ducers, certain cooperatives who are not on the qualified list, and by the principal Boston handlers. In all the testimony objecting to the payment plan, little evidence was received which had not already been considered at one or more hearings held in the past.

It is concluded from the record that an amendment be issued and a marketing agreement offered to the handlers which will provide changes in Order No. 4 relating to seven of the proposed amendments as follows:

1. Buttermilk and cultured skim milk to be Class I rather than Class II milk;
2. The present Class I price which will otherwise automatically be reduced 37 cents per hundredweight on April 1, 1942, to be continued through the flush production season of this year with no reduction, and until April 1, 1943;
3. The Class II price for milk delivered directly from producers' farms to plants in the marketing area to be increased 14 cents per hundredweight to reflect the full amount of freight costs of transporting fluid milk from country plants to Boston;
4. The formula providing a value for the skim milk portion of Class II milk to be revised to make use of price quotations for dry skim milk powder that are published by the United States Department of Agriculture rather than those published by the "Producers' Price Current";
5. The Boston marketing area Class I price for the mileage zone of the plant where milk is first received to apply to all Class I milk whether distributed within or outside the marketing area;
6. The provisions pertaining to payments to cooperative associations from the market-wide pool to be revised for clarity and to facilitate the administration of the plan; and
7. The maximum assessment for cost of administration of the order to be increased from 2.0 cents to 2.5 cents per hundredweight of milk received from producers.

The proposed amendment No. 2 and the proposed marketing agreement are recommended as the detailed means by which the above conclusions may be put into effect.

This report filed at Washington, D. C., the 4th day of March 1942.

[SEAL] ROY F. HENDRICKSON,
Administrator.

PROPOSED AMENDMENT NO 2 TO THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE GREATER BOSTON, MASSACHUSETTS, MARKETING AREA, AFFECTING §§ 904.3, 904.4, 904.7, 904.8, 904.9, AND 904.10 THEREOF [1]

It is found upon the evidence introduced at the public hearing held in Montpelier, Vermont, on January 19, 1942, and at Boston, Massachusetts, on January 20 and 26, 1942, such findings being in addition to the findings made upon the evidence introduced at the hearings on the order and the various amendments thereto, and being in addition to the other findings made prior to or at the time of the original issuance of the order or the various amendments thereto (which findings are hereby ratified and affirmed save only as such findings are in conflict with the findings hereinafter set forth):

Findings

1. That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to Secs. 2 and 8 (e) of said act, 50 Stat. 246; 7 U.S.C. 602, 608e, are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk, and that the minimum prices set forth in this amendment to said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

2. That the order, as amended by this amendment, regulates the handling of milk in the same manner as and is applicable only to handlers defined in a marketing agreement, as amended, upon which a hearing has been held; and

3. That the issuance of this amendment to the order, as amended, and all of the terms and conditions of the order, as so amended, tend to effectuate the declared policy of the act.

Provisions

1. Delete § 904.3 (b) (2) (i) and substitute therefor the following:

(i) as being sold, distributed, or disposed of other than as or in milk which contains ½ of 1 percent or more, but less than 16 percent of butterfat, and other than as chocolate or flavored whole or skim milk, buttermilk, and cultured skim milk; and

2. In § 904.4 (a) (1) delete "1942" and substitute therefor the following: "1943."

3. In § 904.4 (b) (1) change "17 cents" to "31 cents."

4. Delete part (a) of the proviso in § 904.4 (b) (2) and substitute therefor the following:

(a) compute the average of all the dry skim milk powder quotations for "human food products (roller process) in barrels" and for "animal feed products (hot roller) in bags," (using midpoint of any range as one quotation), published during such delivery period by the United States Department of Agriculture for New York City, subtract 4.56 cents, multiply by 7.

5. Delete § 904.4 (c) and renumber § 904.4 (d) to § 904.4 (c).

6. Delete § 904.7 (b) (6) and substitute therefor the following:

(6) Subtract not less than 5½ cents nor more than 6½ cents for the purpose of retaining a cash balance in connection with the payments and reserves set forth in §§ 904.8 (b) (3) and 904.9 (b).

7. Delete § 904.9 and substitute therefor the following:

§ 904.9 *Payments to cooperative associations*—(a) *Eligibility of cooperative associations.* Upon application to the Secretary, any cooperative association duly organized under the laws of any State which he determines, after appropriate inquiry or investigation, to be conforming to the provisions of such laws and of the Capper-Volstead Act, as amended, as to character of organization, voting requirements, dividend payments, dealing in products of nonmembers; to be operating as a responsible producer-controlled marketing association exercising full authority in the sale of the milk of its members; to be systematically checking the weights and tests of milk delivered by its members to plants other than those which may be operated by itself; to guarantee payments to its producers; to be maintaining, either individually or in collaboration with other qualified cooperative associations, a competent staff for dealing with marketing problems and providing information to its members with whom close working relationships are constantly maintained; to be collaborating with other similar associations in activities incident to the maintenance and strengthening of collective bargaining by producers and the operation of a plan of uniform pricing of milk to handlers; and to be complying with all provisions of this order applicable to such cooperative association, shall be entitled to receive payments in the amount and under the conditions herein specified from the date of qualification, as fixed by the Secretary, until it has been found by the Secretary after notice and opportunity for a hearing, that it has failed to continue to meet any condition or to maintain and exercise the authority or to perform any of the functions required by this section for the receipt or use of such payments.

(1) Any such cooperative association shall receive an amount computed at not more than the rate of 1½ cents per hundredweight of milk marketed by it on behalf of its members in conformity with the provision of this order, the value of which is determined pursuant to § 904.7 (a), and with respect to which a handler has made payments as required by § 904.8 (b) (3) and § 904.10: *Provided,* That the amount paid with respect to milk received at a plant not operated by the cooperative association shall not exceed the amount which handlers are obligated to deduct from payments to members under paragraph (e) hereof. Such monies paid to such a cooperative association are not to be used in paying patronage dividends or other payments to members with respect to milk delivered except in fulfilling the guarantee of payments to

[1] This proposed amendment is prepared by the Administrator pursuant to § 900.12 (a) of the General Regulations, Surplus Marketing Administration, and has not received the approval of the Secretary of Agriculture.

producers; and that in cases where two or more of such cooperative associations participate in the marketing of the same milk, payment under this paragraph shall be available only to the association which the individual producer has made his exclusive agent in the marketing of such milk.

(2) Any such cooperative association shall receive an amount computed at the rate of 5 cents per hundredweight on Class I milk received from producers at a plant operated under the exclusive control of member producers or member associations which is sold to proprietary handlers and for which it accounts to the market administrator under § 904.8 (b) (3). This amount shall not be received on milk sold to stores, to handlers in which the cooperative, or any of its member or affiliated associations, or any other qualified association, has any ownership or control, or to a handler with which the cooperative has such sales arrangements that its milk not sold as Class I milk to such handler is not available for sale as Class I milk to other handlers.

(b) *Payment to qualified cooperative associations.* The market administrator shall, upon notice of the filing of an application, set aside each pay period from the cash balance credited pursuant to § 904.7 (b) (6) such sum as he estimates is ample to make payments to the applicant and hold it in reserve until the Secretary has ruled upon said application and shall, upon claim, in form as prescribed by him, submitted not later than the tenth day of the second month subsequent to the delivery period to which the claim applies or in which the Secretary's ruling is made, make payments authorized under paragraph (a), or issue credit therefor out of the said cash balance, subject to verification of the receipts and other items on which the amount of such payment is based.

(c) *Reports.* Each cooperative association qualified to receive payments pursuant to this section shall, from time to time, as requested by the market administrator, make reports to him with respect to the use of such payments and the performance of any service or function set forth as the basis for such payment, and shall file with him a copy of its balance sheet and operating statement at the close of each fiscal year.

(d) *Suspension.* The market administrator shall suspend payments upon request by the Secretary or such officer of the Department of Agriculture as he may designate, or upon his own initiative, by giving written notice to such association whenever there is reason to believe that a beneficiary of such payments is no longer qualified. Such suspended payments shall be segregated and held in reserve until the Secretary has, after notice and opportunity for a hearing, ruled upon the performance of the cooperative and either ordered the suspended payment to be paid to it in whole or in part, or disqualified such cooperative, in which event the balance of payments held in reserve shall be added to the cash balance, if any, in his hands pursuant to § 904.8 (b) (3).

(e) *Authorized member deductions.* In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members and which is qualified to receive payments pursuant to this section, each handler shall make such deductions from the payments to be made to such producers pursuant to § 904.8 as may be authorized by such producers and, on or before the 25th day after the end of each delivery period, pay over such deductions to the association in whose favor such authorizations were made.

8. In § 904.10, delete "2.0 cents" and substitute therefor the following: "2.5 cents."

PROPOSED MARKETING AGREEMENT REGULATING THE HANDLING OF MILK IN THE GREATER BOSTON, MASSACHUSETTS, MARKETING AREA PREPARED BY THE ADMINISTRATOR OF THE AGRICULTURAL MARKETING ADMINISTRATION, UNITED STATES DEPARTMENT OF AGRICULTURE [1]

Whereas the parties hereto, in order to effectuate the declared policy of the said act, desire to enter into this marketing agreement, as amended.

Now, therefore the parties hereto agree as follows:

1. The terms and provisions of § 904.1 through § 904.11 of Order No. 4, as Amended, Regulating the Handling of Milk in the Greater Boston, Massachusetts, Marketing Area, issued effective August 1, 1941, and as amended by Amendment No. 1, issued effective October 28, 1941, and as further amended by Amendment No. 2, to said order, as amended, issued effective ———— —, 1942, shall be the terms and provisions of this marketing agreement, as amended, with the exception that wherever the word "order" is used the words "marketing agreement" shall be substituted therefor; and

2. The following sections shall also be a part of the marketing agreement, as amended, in addition to § 904.1 through § 904.11 of said order, as amended:

§ 904.12 *Liability*—(a) *Liability of handlers.* The liability of the handlers hereunder is several and not joint and no handler shall be liable for the default of any other handler.

§ 904.13 *Counterparts and additional parties*—(a) *Counterparts of marketing agreement, as amended.* This agreement, as amended, may be executed in multiple counterparts, and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument, as if all such signatures were obtained in one original.

(b) *Additional parties to the marketing agreement, as amended.* After this agreement, as amended, first takes effect, any handler may become a party to this agreement, as amended, if a counterpart hereof is executed by him and delivered to the Secretary. This agreement, as amended, shall take effect as to such new contracting parties at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement, as amended, shall then be effective as to such new contracting party.

§ 904.14 *Record of milk handled during the month of May 1941, and authorization to correct typographical errors*—(a) *Record of milk handled during the month of May 1941.* The undersigned certifies that he handled during the month of May 1941, ——— hundredweight of milk covered by this agreement, as amended, and disposed of within the marketing area.

(b) *Authorization to correct typographical errors.* The undersigned hereby authorizes Otie M. Reed, Chief, Dairy Division, Agricultural Marketing Administration, to correct any typographical errors which may have been made in this marketing agreement, as amended.

§ 904.15 *Signature of parties.* In witness whereof, the contracting handlers, acting under the provisions of the act, for the purposes and subject to the limitations herein contained and not otherwise, have hereunto set their respective hands and seals.

[F. R. Doc. 42–1926; Filed, March 5, 1942; 11:28 a. m.]

[1] This proposed marketing agreement is prepared by the Administrator pursuant to § 900.12 (a) of the General Regulations, Surplus Marketing Administration, and has not received the approval of the Secretary of Agriculture.

Rural Electrification Administration.

[Administrative Order No. 671]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 19, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project Designation:	*Amount*
Minnesota 2003D1 Meeker	$58,500

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42–1911; Filed, March 5, 1942; 11:27 a. m.]

[Administrative Order No. 672]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 19, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Mississippi 2040D2 Smith	$60,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42–1912; Filed, March 5, 1942; 11:27 a. m.]

[Administrative Order No. 673]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 19, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Tennessee 2019L2 Rutherford	$51,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-1913; Filed March 5, 1942; 11:26 a. m.]

[Administrative Order No. 674]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 19, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Texas 2021A2 Milam	$13,000
Texas 2083C2 Fisher	16,000
Texas 2103B2 Polk	42,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-1914; Filed, March 5, 1942; 11:26 a. m.]

[Administrative Order No. 675]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 19, 1942.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Florida 2022S2 Escambia	$12,000
Idaho 2014S2 Valley	2,000
Illinois 2045S1 Clinton	5,000
Louisiana 2020S1 Concordia	10,000
Michigan 2020S2 Delta	5,000
Missouri 2040S3 Pettis	17,000
Missouri 2047S3 Cooper	15,000
Montana 2001S2 Ravalli	15,000
Nebraska 2071S2 Madison District Public	10,000
North Carolina 2052S2 Cumberland	15,000
South Carolina 2040S1 Hampton	15,000
Texas 2054S5 Wood	6,000
Washington 2032S2 Okanogan	10,000
Wisconsin 2014S3 Oconto	10,000
Wisconsin 2063S1 Bayfield	20,000
Wyoming 2006S1 Goshen	10,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-1915; Filed, March 5, 1942; 11:26 a. m.]

[Administrative Order No. 676]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 20, 1942.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Alabama 2026S3 Barbour	$10,000
Colorado 2031S3 Larimer	5,000
Colorado 2036S2 Routt	10,000
Florida 2029S3 Gadsden	15,000
Georgia 2031S3 Upson	10,000
Georgia 2042S1 Toombs	10,000
Georgia 2065S3 Irwin	13,000
Georgia 2067S5 Bacon	15,000
Georgia 2068S5 Grady	8,000
Illinois 2008S2 Coles	7,500
Illinois 2027S2 Edgar	5,000
Illinois 2037S1 Saline	10,000
Indiana 2027S2 Decatur	8,000
Indiana 2089S2 Harrison	15,000
Iowa 2032S2 Butler	4,500
Kansas 2026S2 Coffey	2,000
Kansas 2031S2 Crawford	15,000
Kentucky 2054S3 Wayne	5,000
Maine 2008S3 Aroostook	5,000
Michigan 2005S2 Lenawee	3,000
Missouri 2020S2 Marion	2,000
Missouri 2023S1 Lewis	10,000
Missouri 2041S4 Platte	10,000
Missouri 2043S2 Laclede	5,000
Missouri 2057S1 Lincoln	38,500
Montana 2010S2 Madison	5,000
Nebraska 2004S7 Polk District Public	5,000
Nebraska 2079S1 Redwillow District Public	5,000
North Carolina 2021S5 Sampson	2,000
North Carolina 2034S2 Anson	30,000
North Carolina 2039S2 Union	12,000
North Carolina 2046S2 Madison	25,000
Ohio 2039S4 Paulding	20,000
Ohio 2042S3 Darke	15,000
Ohio 2083S3 Huron	25,000
Oklahoma 2021S2 Washita	15,000
Oklahoma 2025S2 Rogers	15,000
Pennsylvania 2004S2 Crawford	5,000
South Carolina 2019S2 Laurens	20,000
South Carolina 2021S3 Lancaster	5,000
South Carolina 2024S3 Marion	10,000
South Carolina 2032S2 Calhoun	7,000
South Carolina 2036S3 Barnwell	10,000
Tennessee 2046S1 Warren	25,000
Texas 2069S3 Erath	7,000
Texas 2115S1 Grimes	5,000
Vermont 2008S4 Washington	5,000
Wisconsin 2037S5 Trempealeau	5,000
Wisconsin 2048S4 Waupaca	12,000
Wisconsin 2054S4 Polk-Burnett	10,000
Wyoming 2016S1 Hot Springs	10,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-1916; Filed, March 5, 1941; 11:26 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 436]

IN THE MATTER OF THE APPLICATION OF WEST COAST AIRLINES, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING SCHEDULED AIR TRANSPORTATION OF MAIL AND PROPERTY BY THE PICKUP METHOD

NOTICE OF HEARING

Correction

"Room 181" should read "Room 1851" in the document appearing on page 1705 of the issue for Wednesday, March 4, 1942.

FEDERAL COMMUNICATIONS COMMISSION.

[Docket Nos. 6252, 6253]

IN RE APPLICATIONS OF WJMS, INC.

NOTICE OF HEARING

In re application of WJMS, Incorporated (WJMS), dated September 24, 1941, for renewal of license; class of service, broadcast; class of station, broadcast; location, Ironwood, Michigan; operating assignment: Frequency, 1450 kc.; power, 250 w.; hours of operation, unlimited.

In re application of WJMS, Incorporated (WATW), dated September 24, 1941, for renewal of license; class of service, broadcast; class of station, broadcast; location, Ashland, Wisconsin; operating assignment: Frequency, 1400 kc.; power, 100 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described applications and has designated the matter for a consolidated hearing for the following reasons:

1. To determine the qualifications of the licensee, its officers, directors and stockholders, to continue the operation of Stations WJMS and WATW.

2. To determine whether the returns executed by the licensee pursuant to § 43.1, Federal Communications Commission Rules, and data reported in an application for modification of construction permit for Station WATW (B4-MP-920) truly and accurately reflected the facts with respect to the stock distribution of said licensee.

3. To determine whether the licensee has complied with § 43.1, Federal Communications Commission Rules.

4. To obtain in general full information respecting the failures of the licensee to comply with directions and requests of the Federal Communications Commission.

5. To determine whether the licensee, its officers, directors and stockholders exercise supervision and control over the operation of Stations WJMS and WATW.

6. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience and necessity would be served by the granting of these applications for renewal of licenses and the continued operation of Stations WJMS and WATW.

The applications involved herein will not be granted by the Commission unless

the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

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

The applicant's addresses are as follows: WJMS, Incorporated, Radio Station WJMS, 215 So. Suffolk St., Ironwood, Michigan.

WJMS, Incorporated, Radio Station WATW, 321 Second Street, W., Ashland, Wisconsin.

Dated at Washington, D. C., March 3, 1942.

By the Commission.

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

[F. R. Doc. 42-6252; Filed, March 5, 1942; 11:30 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59-38]

IN THE MATTER OF UNITED PUBLIC UTILITIES CORPORATION AND ITS SUBSIDIARY COMPANIES, RESPONDENTS

ORDER DIRECTING CERTAIN ACTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of March 1942.

The Commission having previously instituted these proceedings pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 and the Commission having included a statement of Tentative Conclusions therein setting forth the action which it believed should be taken by the respondents to comply with the provisions of section 11 (b) (1); and

Notice having been duly given to all interested persons and all such persons having been given an opportunity to be heard with respect to what action should be required to be taken by said respondents to comply with certain of the requirements of section 11 (b) (1); and

The Commission having filed its Findings and Opinion herein, in which the Commission finds, among other things, that the action hereafter directed to be taken by United Public Utilities Corporation is necessary and appropriate for the purpose of bringing about partial compliance by said company with section 11 (b) (1);

It is hereby ordered, pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, that: United Public Utilities Corporation shall divest itself of all of its interests in, and in the properties and assets owned or operated by, the following companies: Fort Smith Gas Company, Southern Gas Producing Company, Cap. F. Bourland Ice Company, Alabama United Ice Company, Louisiana Ice Service, Incorporated, and Texas Ice & Refrigerating Company.

It is further ordered, That the respondent shall proceed with due diligence to comply with the foregoing order and shall submit to the Commission for its approval in these proceedings appropriate applications or declarations for the purpose of complying with the provisions of this order in accordance with the applicable standards of the Act; and jurisdiction is hereby expressly reserved to enter such orders in these proceedings as may be necessary or appropriate for the purpose of carrying out the provisions of this order.

It is further ordered, That jurisdiction be and is hereby also reserved to enter such further orders as may be necessary or appropriate with respect to any of the remaining issues in these proceedings and particularly for the purpose of determining what further action should be ordered to be taken by the respondents pursuant to section 11 (b) (1) of the Act.

By the Commission.

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

[F. R. Doc. 42-1920; Filed, March 5, 1942; 11:43 a. m.]

[File No. 59-38]

IN THE MATTER OF UNITED PUBLIC UTILITIES CORPORATION AND ITS SUBSIDIARY COMPANIES, RESPONDENTS

ORDER CHANGING PLACE OF AND POSTPONING DATE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2d day of March 1942.

The Commission having on October 31, 1941 issued its Notice of and Order for Hearing instituting proceedings under section 11 (b) (1) of the Public Utility Holding Company Act of 1935 in the above-entitled matter, and hearings having been held pursuant to said Notice and Order on February 5, 1942; and said hearings having been adjourned until March 23, 1942 in the Hearing Rooms of the Securities and Exchange Commission at Washington, D. C.; and

It appearing to the Commission that it will be necessary to change the place and postpone the date of the foregoing described hearings;

It is ordered, That the date of the hearing in this matter set for March 23, 1942 be and is hereby postponed to April 15, 1942 at 10:00 o'clock A. M., and that the place of such hearing shall be changed to the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on said day by the Hearing Room Clerk.

It is further ordered, That the Secretary of this Commission shall serve notice of the entry of this order by mailing a copy thereof by registered mail to the respondents and intervenor and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

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

[F. R. Doc. 42-1919; Filed, March 5, 1942; 11:43 a. m.]

[File No. 70-155]

IN THE MATTER OF NORTHERN STATES POWER COMPANY (DEL.) AND NORTHERN STATES POWER COMPANY (MINN.)

INTERIM ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of March, A. D. 1942.

A joint declaration and amendments thereto having been filed pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-12B-1 promulgated pursuant thereto, by Northern States Power Company (Minnesota), a registered holding company and a public utility company, and by its parent, Northern States Power Company (Delaware), a registered holding company, regarding the waiver by the first-named company of the payment of interest charges accruing on and after July 1, 1940 on an open account indebtedness of $8,526,037.79 and the same as may be reduced from time to time by payment on the principal sum by Northern States Power Company (Delaware); and

A public hearing having been held after appropriate notice, and the Commission having considered the record and having made and entered its interim findings and opinion and interim order on December 30, 1940, permitting the declaration to become effective insofar as it related to the payment of interest due on December 31, 1940; and

The Commission having by an interim order dated May 21, 1941 permitted said declaration to become effective insofar as it related to the waiver of interest for the calendar year 1941; and

The Commission finding that said declaration should be permitted to become effective insofar as it relates to the waiver of interest for the calendar year 1942;

It is hereby ordered, That said declaration insofar as it relates to the waiver of interest for the calendar year 1942 be and the same is hereby permitted to become effective.

By the Commission.

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

[F. R. Doc. 42-1921; Filed, March 5, 1942; 11:44 a. m.]

[File No. 70-495]

IN THE MATTER OF CALIFORNIA WATER SERVICE COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of March, A. D. 1942.

California Water Service Company, a subsidiary of General Water Gas & Electric Company, in turn a subsidiary of International Utilities Corporation, both registered holding companies, having filed an application pursuant to the Public Utility Holding Company Act of 1935, particularly 6 (b) thereof, for an exemption from the provisions of section 6 (a) thereof, regarding the issue and sale to Northwestern Mutual Life Insurance Company and Equitable Life Insurance Company of Iowa of $350,000 principal amount of First Mortgage 4% Bonds, Series B, due May 1, 1961, at a price of 106.5% of the principal amount thereof, the proceeds to be used by California Water Service Company for the extension of its plant and the construction of additional facilities; and

Said application having been filed on February 3, 1942, and certain amendments having been filed thereto, the last of said amendments having been filed on February 27, 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 application within the period specified by said notice or otherwise and not having ordered a hearing thereon; and

The above-named party having requested that said application, as amended, be granted on or before March 4, 1942; and

The Commission finding that the proposed issue and sale has been expressly authorized by the Railroad Commission of the State of California, the State Commission of the State in which applicant is organized and doing business and that the proceeds of said issue and sale are solely for the purpose of financing the business of applicant, and finding that said application, as amended, furnishes no basis for imposing terms and conditions, other than the terms and conditions prescribed in Rule U-24, and that applicant is entitled to an exemption from the provisions of section 6 (a) of said Act with respect to said issue and sale, and being satisfied that the date of granting such application, as amended, should be advanced:

It is hereby ordered, Pursuant to said Rule U-23 and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application, as amended, be and it hereby is granted forthwith.

By the Commission (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940).

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1922; Filed, March 5, 1942; 11:44 a. m.]

[File No. 70-455]

IN THE MATTER OF NORTHEASTERN WATER AND ELECTRIC CORPORATION, DENIS J. DRISCOLL AND WILLARD L. THORP, AS TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORPORATION, APPLICANTS-DECLARANTS

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 3d day of March, A. D. 1942.

Northeastern Water and Electric Corporation, a registered holding company, and Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, also a registered holding company, having filed applications and declarations pursuant to the Public Utility Holding Company Act of 1935, particularly sections 9 (a), 10, 12 (d) and 12 (f) thereof, and Rules U-9, U-43 and U-44 of the General Rules and Regulations thereunder, with respect to the following transactions:

1. The sale by Northeastern Water and Electric Corporation and the acquisition by the Trustees of Associated Gas and Electric Corporation of all of the securities of General Utilities Company, The Ohio Northern Public Service Company, Western Reserve Power and Light Company, and New London Power Company, all incorporated under the laws of, and operating in, the state of Ohio, such securities to be acquired for a consideration of $1,500,000.

2. The sale by the Trustees of Associated Gas and Electric Corporation of 155,747 shares of the common stock of Northeastern Water and Electric Corporation, to John H. Ware, Jr. and Penn-Jersey Water Company.

The hearing with respect to said applications and declarations having been held after appropriate notice to all persons interested therein; and the Commission having considered the record of the proceedings and having entered its findings and opinion herein; and having found that upon consummation of the proposed transactions Northeastern Water and Electric Corporation will, under the provisions of Rule U-9 of the General Rules and Regulations, no longer be subject to the requirements of the Act;

Applicants-declarants having proposed the said disposition by Northeastern Water and Electric Corporation of the securities of its said four subsidiaries operating in the State of Ohio as a plan under section 11 (e) of the Act for the purpose of enabling Northeastern Water and Electric Corporation to comply with the provisions of section 11 (b) thereof, and the Commission finding that such plan as so submitted is necessary to effectuate the provisions of Subsection (b) of section 11 (b) (1) and is fair and equitable to the persons affected thereby, and that an order should be entered approving such plan and directing the carrying out of the steps required to be taken thereunder;

It is hereby ordered, That the aforesaid declarations pursuant to sections 12 (d) and 12 (f) of the Act and Rules U-43 and U-44 of the General Rules and Regulations thereunder, be and hereby are permitted to become effective forthwith and the aforesaid applications pursuant to sections 9 (a) and 10 of the Act be and hereby are granted forthwith subject, however, to the terms and conditions prescribed in Rule U-24, and subject to the further condition that a proposed sale by Northeastern Water and Electric Corporation of the preferred stock which it owns of Georgia Power and Light Company be consummated;

It is further ordered, That the said plan pursuant to section 11 (e) of said Act be and hereby is approved and that Northeastern Water and Electric Corporation be and is hereby ordered to take all steps necessary to carry out said plan.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1923; Filed, March 5, 1942; 11:44 a. m.]