FEDERAL REGISTER

VOLUME 7 NUMBER 98

Washington, Wednesday, May 20, 1942

Regulations

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine

[B.E.P.Q. 499—Supplement 5]

PART 301—DOMESTIC QUARANTINE NOTICES

JAPANESE BEETLE ADMINISTRATIVE INSTRUCTIONS MODIFIED

Introductory note: Experience and further experiments in paradichlorobenzene fumigation for the treatment of plants after digging to free them from infestation by Japanese beetle permit modification of treating requirement approved June 9, 1939, without increasing risk of spread. The instructions authorizing the use of this method are accordingly revised to reduce the period of treatment from 5 to 3 days.

Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by § 301.48-6, Chapter III, Title 7, Code of Federal Regulations [regulation 6 of the rules and regulations supplemental to Notice of Quarantine No. 48 on account of the Japanese beetle], paragraph (l) (4) of § 301.48b [see page 11 of the mimeographed edition of circular B.E.P.Q. 499, issued June 9, 1939] is hereby modified effective May 18, 1942, to read as follows:

§ 301.48b *Administrative instructions to inspectors on the treatment of nursery products, fruits, vegetables, and soil, for the Japanese beetle.* * * *

TREATMENT OF SOIL ABOUT THE ROOTS OF PLANTS

(l) *Treatment of plants after digging* * * *

(4) *Paradichlorobenzene fumigation*—(i) *Season.* The treatment must be applied between October 1 and May 1.

(ii) *Varieties of plants.* Many different kinds of plants have been successfully treated experimentally. The list of plants which have been treated without injury is subject to such continual expansion that it cannot be appropriately included in these instructions. Experience has shown that possible plant injury is associated at least to some extent with the condition and growth of the plants at time of treatment. It is suggested, therefore, that trial tests be made before large numbers of plants are treated.

(iii) *Preparation of plants.* Excess soil should be removed and the mass reduced as much as possible without injuring the roots. The plant ball should be moist, but not wet. Pots must be removed from potted plants. When burlap on balled plant is of coarse weave, it may be left on the balls, but when it is closely woven, it must be removed.

(iv) *Preparation of plunging soil.* The paradichlorobenzene must be thoroughly mixed with a light sandy loam, or sand, which is moist but not wet, and free from lumps, stones, and debris. It must be mixed immediately before using.

(v) *Care of plants during treatment.* If it is necessary to water the plants during the treatment to prevent desiccation, the operation must be limited to a light syringing, under the supervision of an inspector. During the treating period care should be used to assure that the natural air movement will aid in reasonably rapid dispersal of the fumigant that escapes from the soil to prevent it from being held about the foliage of the treated plants.

(vi) *Care of plants after treatment.* It is advisable to avoid excessive watering of the plants after treatment in order to permit any residual gas to escape from the plant balls.

(vii) *Complete coverage—(a) Temperature.* The temperature of both the treating soil and the soil ball must not be less than 50° F. during the period of treatment. To prevent injury to the plants, it should not go above 65°.

(b) *Dosage.* Ten pounds per cubic yard of mixing soil (6 ounces per cubic foot) for soil balls up to 6 inches in diameter at the narrowest dimension. Twenty pounds per cubic yard of mixing soil (12 ounces per cubic foot) for soil balls from 6 to 8 inches in diameter at the narrowest dimension.

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FEDERAL REGISTER

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(c) *Application.* Spread a layer of the treated plunging soil on a smooth hard surface, such as a floor or bench, and then place a row of plants, with the balls spaced at least 1 inch apart, on this soil. Fill the spaces between the plant balls with treated soil and cover the plant balls to a depth of 1 inch. Then place about 1 inch of treated soil against the row of plants. This operation is repeated until all the plants are plunged.

(d) *Period of treatment.* The plants must be left undisturbed for a period of 3 days.

(viii) *Side application*—(a) *Temperature, dosage, period of treatment.* The various combinations of dosage and exposure which may be used at different temperatures are given in table 1. It is desirable to maintain the temperature fairly constant. The temperatures given at the head of the column in table 1 are the minimum temperatures during the period of treatment.

* * * * *

(b) *Application.* Spread a layer of the treated plunging soil on a smooth hard surface, such as a floor or bench, and then place a row of plants, with the balls spaced at least 1 inch apart, on this soil. Fill the spaces between the plant balls with treated soil, taking care not to get the treated soil in contact with the stems of the plants, and cover the upper side of the plant balls with treated soil to within 2 inches of the stems. Then, place about 1 inch of treated soil against the row of plants. The operation is repeated until all the plants are plunged. (7 CFR § 301.48; sec. 6, 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161)

Done at Washington, D. C., this 15th day of May 1942.

[SEAL] P. N. ANNAND, *Chief.*

[F. R. Doc. 42-4550; Filed, May 18, 1942; 4:09 p. m]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, AND CHAPLAINS

OFFICERS APPOINTED IN THE ARMY OF THE UNITED STATES UNDER THE PROVISIONS OF THE ACT OF SEPTEMBER 22, 1941

Paragraph (c) of § 73.207 is hereby amended to read as follows:

§ 73.207 *Qualifications for initial appointments.*

* * * * *

(c) Appointments for Table of Organization positions in approved authorized affiliated units of the Medical Department, Ordnance Department, Corps of Engineers, Quartermaster Corps, or Signal Corps, and appointments for the electronics training group, Signal Corps, that formerly would have been made in the Officers' Reserve Corps, will be made in the Army of the United States without regard to the restrictions enumerated herein, provided the individuals so appointed meet the requirements and regulations for such appointments formerly applicable to the Officers' Reserve Corps. (Act of Sept. 22, 1941, Public Law 252, 77th Cong.) [Sec. III, Cir. 136, W.D., May 7, 1942]

* * * * *

[SEAL] J. A. ULIO, *Major General, The Adjutant General.*

[F. R. Doc. 42-4545; Filed, May 18, 1942; 2:23 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

PART 15—AIRCRAFT EQUIPMENT AND AIRWORTHINESS

AMENDING THE BRAKE REQUIREMENTS FOR TRANSPORT AND NONTRANSPORT CATEGORY AIRPLANES

Corrections

In § 15.1040 (b), 7 F.R. 3585, the word "wheel-rake" should read "wheel-brake".

In § 15.1045, 7 F.R. 3585, the formula "1.6R/B" should read "1.6WR/B".

[Amendment 24-9, Civil Air Regs.]

PART 24—MECHANIC CERTIFICATES

POSTPONEMENT OF OPERATIVE DATE OF REQUIREMENT FOR IDENTIFICATION CARD

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 12th day of May 1942.

Acting pursuant to sections 205 (a), 601 and 602 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective May 12, 1942, Part 24 of the Civil Air Regulations is amended as follows:

By striking the words "May 15, 1942" as they appear in § 24.54, and inserting in lieu thereof the words "June 15, 1942".

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-4575; Filed, May 19, 1942; 11:43 a. m.]

[Amendment 27-7, Civil Air Regs.]

PART 27—AIRCRAFT DISPATCHER CERTIFICATES

POSTPONEMENT OF OPERATIVE DATE OF REQUIREMENT FOR IDENTIFICATION CARD

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 12th day of May 1942.

Acting pursuant to sections 205 (a), 601 and 602 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective May 12, 1942, Part 27 of the Civil Air Regulations is amended as follows:

By striking the words "May 15, 1942" as they appear in § 27.29, and inserting in lieu thereof the words "June 15, 1942".

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-4576; Filed, May 19, 1942; 11:43 a. m.]

TITLE 24—HOUSING CREDIT

Chapter III—Federal Savings and Loan Insurance Corporation

[Bulletin No. 3]

PART 301—INSURANCE OF ACCOUNTS

ADVERTISING BY INSURED INSTITUTIONS

MAY 18, 1942.

No hearing having been requested in accordance with the provisions of paragraph (d) of § 301.22 of the Rules and Regulations for Insurance of Accounts after opportunity therefor was allowed in accordance with paragraph (b) thereof, § 301.7 of the Rules and Regulations for Insurance of Accounts is hereby amended, effective May 19, 1942, as follows:

Paragraph (g) of § 301.7 of the Rules and Regulations for Insurance of Accounts is relettered as paragraph (h).

Paragraph (g) of § 301.7 of the Rules and Regulations for Insurance of Accounts is amended to read as follows:

§ 301.7 *Sales plans and practices.* * * *

(g) *Name of association.* No insured institution shall advertise under a name which includes the word "Insured" in the name.

(Sec. 403 (b) of N.H.A., 48 Stat. 1257, sec. 23, 49 Stat. 298; 12 U.S.C. 1726 (b); E.O. 9070, 7 F.R. 1529)

O. R. KREUTZ,
General Manager.
HAROLD LEE,
General Counsel.
ORMOND E. LOOMIS,
Executive Assistant to the Commissioner.

[F. R. Doc. 42-4554; Filed, May 19, 1942; 9:20 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1412]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

TEMPORARY RELIEF GRANTED

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 1 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 1.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

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

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

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

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof; and commencing forthwith the shipping point appearing in the aforesaid Supplement R for Mine Index No. 3384 is effective in place of the shipping point heretofore assigned to this mine.

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

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

Dated: May 7, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifi cations, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group Nos.]

Mine Index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
3384	Hefflick Coal Mine (E. Ruth Winebark)	Hefflick Coal	12	D	Savan, Pa.[1]	B&O	112	(†)	(†)	(*)	(†)	(†)
3469	Henderson, Basil F	Henderson #1	14	B	Brisbin, Pa	PRR	45	(†)	(†)	E	(†)	(†)
2337	Lansberry & Son, Abbie E	Lansberry #7	8	C	Woodland, Pa	NYC	44	F	(†)	(*)	F	(†)
1653	Lanzendorfer, George	Lanzendorfer	26	B	Twin Rocks, Pa	PRR	53	(†)	(†)	C	(†)	(†)
747	Lumsted, Incorporated c/o George H. Lum	Lumsted #5	11	D	Echo, Pa	B&O	112	H	H	H	J	J
2546	Meyers & Hottle (Ross W. Meyers)	Custer	36	D	Friedens, Pa	B&O	100	(†)	(†)	E	(†)	(†)
748	Ott, Dewey	Otts Coal Co	33	B	Windber, Pa	PRR	49	(†)	(†)	A	(†)	(†)
1902	Pleskovich, August	Green Hill	29	B	Johnstown, Pa	B&O	100	(†)	(†)	F	(†)	(†)
188	Rice Mine (John Rice)	Goshen #6	8	B	Surveyor, Pa	NYC	44	(†)	(†)	E	(†)	(†)
3427	Ridings & Sisler Coal Co. (James A. Ridings)	Ridings & Sisler	44	E	Gorman, Md	WM	68	D	D	D	D	D
3005	Stark, John	Stark's	8	A	Morrisdale, Pa	NYC	44	(†)	(†)	H	(†)	(†)
617	Strickler Coal Company (Edward J. Cross)	Bernard Three [2]	44	E	Harrison, W. Va	WM	68	H	(†)	(*)	K	K
2036	Thomas Brothers Mine (Alvin Thomas)	Thomas Brothers	24	D	St. Benedict, Pa	NYC	44	(†)	(†)	E	(†)	(†)
3485	Walker, Ray S. (Bradford Coal Company)	Cooper Smokeless #2	8	B	Morrisdale, Pa	NYC	44	(†)	(†)	E	E	E

[1] Denotes new shipping point. Shipping point at Juneau, Pa., shall no longer be applicable.
[2] The mine name "No. 1" previously assigned this mine is no longer applicable.
*When shown under a Size Group Number, this symbol indicates coals previously classified for this size group.
†When shown under a Size Group Number, this symbol indicates no classification effective for this size group.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modified R/M	2" and under slack	¾" and under slack
						1	2	3	4	5
Elkin, E. B	3393	Elkin	11	Indiana	E	(†)	(†)	215	(†)	(†)
Henderson, Basil F	3469	Henderson #1	14	Clearfield	B	(†)	(†)	225	(†)	(†)
Lansberry & Son, Abbie E	2337	Lansberry #7	8	Clearfield	C	245	(†)	(*)	210	(†)
Lumsted, Incorporated c/o George H. Lum.	747	Lumstead #5	11	Armstrong	D	235	210	210	195	185
Ott, Dewey	748	Otts Coal Co	33	Somerset	B	(†)	(†)	245	(†)	(†)
Rice Mine (John Rice)	188	Goshen #6	8	Clearfield	B	(†)	(†)	225	(†)	(†)
Ridings & Sisler Coal Co. (James A. Ridings).	3427	Ridings & Sisler	44	Garrett	E	255	230	(*)	220	210
Schaeffer, Jesse	3302	Cherry Run	10	Armstrong	E	(†)	(†)	215	(†)	(†)
Strickler Coal Company (Edward J. Cross).	617	Bernard Three [1]	44	Mineral	E	235	(†)	(*)	190	180
Walker, Ray S. (Bradford Coal Company).	3485	Cooper Smokeless #2.	8	Clearfield	B	(†)	(†)	225	215	205

[1] The mine name "No. 1 mine" previously assigned this mine is no longer applicable.
*When shown under a Size Group Number, this symbol indicates coals previously classified for this size group.
†When shown under a Size Group Number, this symbol indicates no classification effective for this size group.

[F. R. Doc. 42-4528; Filed, May 18, 1942; 10:18 a. m.]

[Docket No. A-1416]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

TEMPORARY RELIEF GRANTED

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 11, for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 11, for truck shipments.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 11, for truck shipments; and

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

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

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

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

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

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

Dated: May 2, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																										
				1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28, 29	30	31	32, 33	34
CLAY COUNTY																														
Cooper, Mason	1312	Cooper Rib	B	310	285	265	255	250	245	215	215	195	185	155	145	80	50	---	---	---	---	---	---	---	---	---	---	---	---	---
DUBOIS COUNTY																														
Olinger, R. P	1318	Rose Bank #3	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
MARTIN COUNTY																														
Dillon, Dan W	1309	Dillon	5	275	270	265	255	250	245	215	215	195	185	165	155	110	80	---	---	---	---	---	---	---	---	---	---	---	---	---
PIKE COUNTY																														
Blackburn & Whitney Mine	1314	Blackburn & Whitney	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---

[F. R. Doc. 42-4529; Filed, May 18, 1942; 10:18 a. m.]

[Docket No. A-1398]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

TEMPORARY RELIEF GRANTED

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of district Board No. 15 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 15.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 15; and

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

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

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

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 335.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 335.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

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

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

Dated: May 1, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and supplements thereto.

DISTRICT NO. 15 (RAIL)

§ 335.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for domestic, commercial and industrial use]

Code member	Mine Index No.	Mine name	Production Group No.	Shipping point	Railroad	Freight Origin Group No.	Price classification by size group
Hicks, A. L.	1609	Hicks #2	12	Briartown, Okla.	MV	50	Special Purpose Coal—Blacksmithing (See Schedule Below)
Perry Coal Co. (Frank C. Perry)	1612	Perry #3	12	Briartown, Okla.	MV	50	Special Purpose Coal—Blacksmithing (See Schedule Below)

SPECIAL PURPOSE COAL SCHEDULE—PART 2 (§ 335.8 IN MINIMUM PRICE SCHEDULE)
OKLAHOMA "SMITHING COAL" FROM PRODUCTION GROUP NO. 12

[Minimum prices f. o. b. mine for coal shipped by rail to destinations as shown]

Size	To Minneapolis & St. Paul, Minn. & M. A. No. 40	To all other destinations
Crushed Mine Run—Bulk	465	500
Crushed Mine Run—Sacked	[1] 615	[1] 650
Lump—Over 2½"	515	550

[1] 130 cents per ton may be deducted when buyer furnishes sacks.

FOR TRUCK SHIPMENTS

§ 335.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Production group No.	County	3" lump	½" up	10" x 1½"	10" x 1¼"	3" x 2"	3" x 1¼"	2" x 1¼"	1¼" x 1"	Mine run	3" x 0	1¼" x ⅜"	1¼" x ¼ (R)	1¼" x 0 (W)	1¼" x 0 (R)	¼" x 0
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Hicks, A. L.	1609	Hicks #2	12	Muskogee, Okla.	------	550	------	------	------	------	------	------	[1] 500	------	------	------	------	------	------
Hutchison & Blakely (Clarence Blakely)	1604	------	2	Vernon, Mo.	250	250	250	250	225	210	195	190	210	185	185	170	170	150	35
Jones Coal Co., Inc., Tom	1605	Tom Jones #2	9	Coal, Okla.	435	435	435	385	------	335	------	210	295	165	------	------	------	140	------
Jones Coal Co., Inc., Tom	1611	Tom Jones #3	9	Coal, Okla.	435	435	435	385	------	335	------	210	295	165	------	------	------	140	------
Perry Coal Co. (Frank C. Perry)	1612	Perry #3	12	Muskogee, Okla.	------	550	------	------	------	------	------	------	[1] 500	------	------	------	------	------	------

[1] When sacked price of $6.50 per ton applies from which price $1.30 may be deducted when buyer furnishes the sacks.

[F. R. Doc. 42-4530; Filed, May 18, 1942; 10:18 a. m.]

[Docket No. A-1283]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

AMENDMENT OF RELIEF ORDER

Order amending order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8.

In an Order Granting Temporary Relief and Conditionally Providing for Final Relief dated March 5, 1942, 7 F.R. 2218, in the above entitled matter, relief was granted for the coals of the Riverton No. 3 Mine (Mine Index No. 5308) of the Riverton Coal Company.

The following note was inadvertently omitted from the supplements attached to and made a part of that order: Mine Index No. 5308 shall be added to the footnote in § 328.13 (*Special prices*—(a) *Prices for river (free alongside deliveries) and ex-river shipments*—(2) *Price tables*) in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck, which reads as follows:

Applicable only when floating equipment is loaded on the Kanawha River. Instead of the adjustment shown for Freight Origin Group 123, the following specific adjustments shall apply to the following mines only: Mines with Index Nos. 412, 413, 523, 533 add 30 cents.

It appears that this omission should be corrected and that Mine Index No. 5308 be added to the above quoted footnote.

Accordingly, it is so ordered.

Dated: May 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4562; Filed, May 19, 1942; 10:16 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amendment No. 50, 2d ed.]

PART 623—CLASSIFICATION PROCEDURE

PHYSICAL EXAMINATION

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (d) of § 623.33 to read as follows:

§ 623.33 *Physical examination by examining physician.* * * *

(d) When the examining physician knows or learns of a history of mental disease in the family of the registrant, of social maladjustment, poor work record, other mental or personality conditions of the registrant, or any physical condition which might cause the armed forces to ultimately reject the registrant, further information bearing on the personal, social, and health history of the registrant shall be sought from local social agencies, school systems, state hospitals, training schools for defectives, and any other sources, and the examining physician shall review the information thus received and shall enter an abstract thereof on the Report of Physical Examination and Induction (Form 221) under "Remarks" or on a memorandum attached thereto.

* * * * *

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

MAY 15, 1942.

[F. R. Doc. 42-4547; Filed, May 18, 1942; 2:38 p. m.]

Chapter IX—War Production Board

Subchapter B—Division of Industry Operations

[Interpretation 3 of Conservation Order M-9-c as Amended]

PART 933—COPPER

CURTAILMENT OF USE OF COPPER IN HAND SAWS

Copper Conservation Order M-9-c [1] as amended May 7, 1942 provides that no manufacturer may continue the manufacture of any article omitted from Lists "A" and "A-1" thereof, if such article is to contain copper products or copper base alloy products where the use of any less scarce material is practicable (see paragraph (d) (1)). Hand saws are not on Lists "A" or "A-1".

The Director of Industry Operations hereby interprets paragraph (d) (1) of Conservation Order M-9-c to mean that no copper or copper base alloy screw, nut or washer and no other copper or copper base alloy product may be used to attach saw blades to the handles of hand saws. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub.

[1] 7 F.R. 3424, 3660.

Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4578; Filed, May 19, 1942; 11:37 a. m.]

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S-3—ENTERPRISE OIL CO.

It is hereby ordered that the provisions of § 1010.3 *Suspension Order S-3* are terminated, and shall no longer have any force or effect.

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

Issued this 18th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4548; Filed, May 18, 1942; 3:09 p. m.]

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S-13—STEARNS-MISHKIN CONSTRUCTION COMPANY

Suspension Order No. S-13[1] was issued against Stearns-Mishkin Construction Company, Inc., Washington, D. C., on March 21, 1942, because of this company's violations of Priorities Regulation No. 1 and of Preference Rating Order P-55 in stating in its application for priorities assistance that the proposed sale price of certain defense housing units was $6,000 each when the company had already contracted to sell and thereafter continued to contract to sell such housing units for prices in excess of $6,000 each. The suspension order provided that all priorities assistance be withheld from the company for a period of one year but expressly provided that within 60 days after the effective date of the order the company might apply for the termination thereof by submission of proof that it had modified the contracts of sale entered into prior to the company's application for priorities assistance so as to reduce the sale price provided for in each such contract by 5 per cent, that the company had modified the contracts of sale entered into after the date of the application for priorities assistance so as to reduce the sale price provided for in each such contract to $6,000 and that it had contracted to sell each of the houses remaining unsold at prices not in excess of $6,000 per unit. Within 60 days after the effective date of the order and in accordance with the provisions thereof, the company made restitution and entered into contracts for the sale of the remaining houses at a price of $6,000 each. The company thereupon applied for the termination of the order.

In view of the foregoing,
It is hereby ordered, That

Section 1010.13 *Suspension Order S-13*, issued the twenty-first day of March 1942, is revoked.

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

Issued this 18th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.
JOHN P. GREGG,
Deputy Chief, Bureau of Priorities.

[F. R. Doc. 42-4549; Filed, May 18, 1942; 3:09 p. m.]

Chapter XI—Office of Price Administration

PART 1302—ALUMINUM

[Amendment No. 2 to Revised Price Schedule No. 2[1]]

ALUMINUM SCRAP AND SECONDARY ALUMINUM INGOT

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

A new paragraph (c) is added to § 1302.6, a new paragraph (d) to § 1302.8, and a new paragraph (b) to § 1302.9a, and paragraph (a) of §§ 1302.6 and 1302.8 respectively is amended to read as follows:

§ 1302.6 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 2 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

* * * * *

(c) The provisions of Supplementary Order No. 5—Licensing are applicable to every dealer, subject to this Revised Price Schedule No. 2, selling aluminum scrap to a consumer. "Dealer" shall have the meaning given to it by Supplementary Order No. 5.

* * * * *

§ 1302.8 *Definitions.* * * *

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

(d) "Consumer" includes any person whose business consists in whole or in part of smelting, refining, melting or otherwise processing aluminum scrap into a form other than scrap or of having such scrap so processed for his account by another person under a toll or conversion agreement. Any parent or subsidiary of a consumer and any person owned, operated, affiliated with, under common control with, or otherwise controlled by, a consumer, and any person owned, operated or otherwise controlled by an officer, director, partner, or proprietor of a consumer shall also be considered to be a consumer for the purposes of this Revised Price Schedule No. 2.

§ 1302.9a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1302.6 (a) and (c), 1302.8 (a) and (d) and 1302.9a (b)) to Revised Price Schedule No. 2 shall become effective May 20, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 19th day of May, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4572; Filed, May 19, 1942; 11:03 a. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[Amendment No. 1 to Revised Price Schedule No. 26[1]]

DOUGLAS FIR LUMBER

A statement of the considerations involved in the issuance of this amendment has been filed with the Division of the Federal Register.

Section 1312.59 is amended by adding paragraph (e) and § 1312.58a is added, to read as set forth below.

§ 1312.59 *Appendix A.* * * *

(e) Maximum prices for sales of No. 1 Common Douglas fir dimension, S4S, 2'' x 12'' x 20', made at Portland, Oregon, on April 18, 1942, pursuant to Inquiry No. 4362 of the U. S. Engineer Corps, U. S. War Department, shall be $30.50 per MBM instead of $28.50 as provided in paragraph (a) of this section.

§ 1312.58a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1312.59 (e) and 1312.58a) shall become effective May 19, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 19th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4568; Filed, May 19, 1942; 11:01 a. m.]

PART 1314—RAW MATERIALS FOR SHOES AND LEATHER PRODUCTS

[Maximum Price Reg. No. 145]

PICKLED SHEEPSKINS

In the judgment of the Price Administrator the prices of pickled sheepskins have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained

[1] 7 F.R. 2236.

[1] 7 F.R. 1203, 1600, 1836, 2132.

[1] 7 F.R. 1255.

and given due consideration to the prices of pickled sheepskins prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Maximum Price Regulation No. 145 is hereby issued.

AUTHORITY: §§ 1314.151 to 1314.163, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1314.151 *Maximum prices for pickled sheepskins.* On and after May 23, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver pickled sheepskins, and no person shall buy or receive pickled sheepskins in the course of trade or business, at prices higher than the maximum prices established herein; and no person shall agree, offer, solicit or attempt to do any of the foregoing. Notwithstanding the provisions of this section, deliveries pursuant to contracts executed prior to May 23, 1942, may be made at the contract prices if, in the case of domestic pickled sheepskins, such deliveries are made prior to June 23, 1942, and if, in the case of imported pickled sheepskins, such deliveries are made prior to August 23, 1942. Pickled sheepskins shall be deemed delivered when they have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(a) *Domestic pickled sheepskins.* The maximum prices for domestic pickled sheepskins shall be the highest price contracted for or received by the seller and a sale or delivery during the period between January 1, 1942 and March 31, 1942, inclusive,[2] of pickled sheepskins of the same grade, quality and type,[3] reduced in accordance with paragraph (a) of Appendix A hereof, incorporated herein as § 1314.163: *Provided,* That where

(1) The seller made no sales or deliveries of a particular grade, quality or type during the base period; or

(2) The highest price at which the seller sold or delivered a particular grade, quality or type is out of line with the customary differentials between his grades, qualities and types; or

(3) The seller, subsequent to the base period, changes the quality of his grades or types or selects grades, qualities or types which he did not sell during the base period; or

(4) The highest price at which the seller sold or delivered a particular grade, quality or type was obtained on a sale of more than one grade in combination at a flat price for the grades;

the maximum price for a grade, quality or type of domestic pickled sheepskins shall be a price in line with the general level of pickled sheepskin prices prevailing during the base period, giving consideration to the relative market value of comparable grades, qualities and types of pickled sheepskins, reduced in accordance with paragraph (a) of Appendix A: *Provided,* That the maximum price for any grade, quality or type mentioned in subparagraphs (1), (2), (3), and (4) shall be submitted to the Office of Price Administration before such grade, quality or type is sold, together with a description of the manner in which such maximum price was computed. In the event that the price so computed is deemed to be in excess of the general level of pickled sheepskin prices prevailing during the base period, giving consideration to the relative market value of comparable grades, qualities and types of pickled sheepskins, reduced in accordance with paragraph (a) of Appendix A, the Office of Price Administration will issue an order specifying the maximum price for such grade, quality or type.

(b) *Imported pickled sheepskins sold after arrival or subject to arrival in the United States.* The maximum prices for imported pickled sheepskins sold after arrival or subject to arrival in the United States, i. e., spot or ex dock, shall be the highest price contracted for or received by the seller for a sale or delivery during the base period of pickled sheepskins of the same brand, grade, quality and type,[3] reduced in accordance with the paragraph (b) of Appendix A: *Provided,* That where

(1) The seller made no sales or deliveries of a particular brand, grade, quality or type during the base period; or

(2) The highest price at which the seller sold or delivered a particular brand, grade, quality or type is out of line with the customary differentials between his brands, grades, qualities and types; or

(3) The seller, subsequent to the base period, changes the quality of his brands, grades and types or selects brands, grades, qualities or types which he did not sell during the base period; or

(4) The highest price at which the seller sold or delivered a particular brand, grade, quality or type was obtained on a sale of more than one grade in combination at a flat price for the grades; the maximum price for a brand, grade, quality or type of imported pickled sheepskins shall be a price in line with the general level of pickled sheepskin prices prevailing during the base period, giving consideration to the relative market value of comparable brands, qualities and types of pickled sheepskins, reduced in accordance with paragraph (b) of Appendix A: *Provided,* That the maximum price for any brand, grade, quality or type mentioned in subparagraphs (1), (2), (3), and (4) shall be submitted to the Office of Price Administration before such brand, grade, quality or type is sold, together with the manner in which such maximum price was computed. In the event that the price so computed is deemed to be in excess of the general level of pickled sheepskin prices prevailing during the base period, giving consideration to the relative market value of comparable brands, grades, qualities and types of pickled sheepskins, reduced in accordance with paragraph (a) of Appendix A, the Office of Price Administration will issue an order specifying the Maximum price for such brand, grade, quality or type.

(c) *Imported pickled sheepskins imported by or for the account and risk of a tanner.* The maximum price at which pickled sheepskins may be imported by or for the account and risk of a tanner, or a person having such skins tanned for his own account, shall be:

(1) Where the contract of sale is made through an agent of the seller located in the United States, the highest price contracted for or received by such seller through such agent or any other agent located in the United States for the sale or delivery during the base period of pickled sheepskins of the same brand, grade, quality and type[3] reduced in accordance with paragraph (c), subparagraph (1) of Appendix A: and

(2) Where the contract of sale is entered into by the purchaser directly with a foreign seller or his agent located abroad, the maximum price shall be the highest price contracted for or paid by the purchaser for a purchase or delivery during the base period of pickled sheepskins of the same brand, grade, quality and type,[3] reduced in accordance with paragraph (c), subparagraph (2) of Appendix A:

Provided, That in cases when no such sale, purchase or delivery was made during the base period or when the highest price contracted for, received or paid for such sale, purchase or delivery during the base period was out of line with the customary differentials between brands, grades, qualities or types, the maximum price shall be a price in line with the general level of pickled sheepskin prices prevailing during the base period, giving consideration to the relative market value of comparable brands, grades, qualities and types of pickled sheepskins, reduced in accordance with paragraph (c), subparagraph (2) of Appendix A.

§ 1314.152 *Maximum prices for grades sold in combination.* Any seller who has maximum prices for individual brands, grades, qualities or types may sell such

[1] 7 F.R. 971.

[2] Hereinafter, this period is referred to as the base period.

[3] If a brand or grade designation embraces pickled sheepskins of more than one quality or type and such qualities or types have customarily been sold or purchased at different prices, the skins sold or purchased at each price shall constitute a separate grade.

brands, grades, qualities or types in combination only if (a) the aggregate price for the lot does not exceed the sum which would have been received from a sale of each brand, grade, quality or type included in the lot at the applicable maximum price for cash; and (b) an invoice or similar document is delivered to the purchaser setting forth the quantity and price of each brand, grade, quality or type sold.

§ 1314.153 *Maximum prices for resales by tanners.* The maximum price for resales by tanners, or persons having skins tanned for their own account, of pickled sheepskins unsuitable for their use shall be the price paid therefor plus freight from production point to the seller's point of shipment in the case of domestic pickled sheepskins, or freight from the United States port of entry to the seller's point of shipment in the case of imported pickled sheepskins. The provisions of §§ 1314.154 and 1314.158 shall not be applicable to such resales.

§ 1314.154 *Availability to purchasers of seller's lists of maximum prices.* After May 22, 1942, there shall be maintained at the principal office, each branch office, and in the possession of each salesman of each seller of pickled sheepskins located in the continental United States, including agents selling for a foreign principal, a complete list of the seller's maximum prices determined in accordance with this Maximum Price Regulation No. 145. Such lists shall be sworn to by the seller before a notary public, or other person authorized by law to take oaths, to be a true and correct list of the seller's maximum prices and shall be made available to any person to whom sales or offers of sales of pickled sheepskins are made.

§ 1314.155 *Less than maximum prices.* Lower prices than those established by Maximum Price Regulation No. 145, may be charged. demanded, paid or offered.

§ 1314.156 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1314.157 *Evasion.* (a) The price limitations set forth in this Maximum Price Regulation No. 145, shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to pickled sheepskins, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited: upgrading, changing customary standards of grading or pickling or in any way manipulating grades so as to enable the seller to secure a greater net return than would have been secured had established practices been continued.

§ 1314.158 *Records and reports.* (a) Every person making a purchase or sale of pickled sheepskins in the course of trade or business, or otherwise dealing therein, after May 22, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than two years, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and of the seller, the price contracted for or received, the quantity and a description of each quality and grade of pickled sheepskins.

(b) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraph (a) of this Section as the Office of Price Administration may from time to time require.

(c) On or before June 23, 1942, each seller of pickled sheepskins located in the continental United States, including agents selling for a foreign principal, shall submit to the Office of Price Administration: (1) a list of his base period prices for pickled sheepskins determined in accordance with § 1314.151 of this Regulation, with a description of all brands, grades, qualities and types of pickled sheepskins sold during the base period and of all grades, qualities and types customarily selected which were not sold during the base period; (2) the following data regarding each sale or delivery made during the base period: date, name and address of purchaser, the quantity, price and a description of each grade, quality and type of pickled sheepskins; and (3) any other data relevant to the determination of the maximum prices for pickled sheepskins: *Provided,* That if the seller customarily sells pickled sheepskins through a broker, the above report may be supplied by such broker.

§ 1314.159 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 145 are subject to the civil and criminal penalties and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 145 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1314.160 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 145 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by this Office of Price Administration.

§ 1314.161 *Definitions.* (a) When used in this Maximum Price Regulation No. 145, the term:

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

(2) "Pickled sheepskin" means dewooled sheep or lamb pelts which have been immersed in a chemical solution to preserve and condition them for tannage.

(3) "Domestic pickled sheepskins" means pickled sheepskins which are produced in the continental United States including pickled sheepskins produced from imported woolskins.

(4) "Imported pickled sheepskins" means pickled sheepskins imported in the pickled state.

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

§ 1314.162 *Effective date.* This Maximum Price Regulation No. 145 (§§ 1314.151 to 1314.163, inclusive) shall become effective May 23, 1942.

§ 1314.163 *Appendix A: Maximum prices for pickled sheepskins*—(a) *Domestic pickled sheepskins.* The maximum prices for domestic pickled sheepskins are prices per dozen skins f. o. b. *production point,* including all commissions and other charges. The maximum price is determined in the following way: The seller determines the highest price at which he sold or delivered a grade, quality or type during the base period and deducts freight and all other charges paid by him or for his account, except brokerage. The seller then determines the bracket in Column I into which his resulting base period price falls. His maximum price is the price in the corresponding line under Column II. For example, if the seller's highest price during the base period for a grade, quality or type were $6.25 per dozen and freight and other charges, except commissions amount to 12½¢, his base period price would be $6.125 and would fall within the $6.00–$6.24 bracket in Column I. His maximum price under the Regulation would be $5.125 f. o. b. production point.

(b) *Imported pickled sheepskins sold after arrival or subject to arrival in the United States.* The maximum prices for these pickled sheepskins are prices per dozen skins c. and f. port of entry, including all commissions and other charges except that the charge actually paid for war risk and marine insurance may be added. In determining the base period price for these skins the seller shall deduct war risk and marine insurance, freight paid from port of entry, and all other charges paid by him or for his account, except brokerage, incurred after the entry of the skins into the United States. The seller then determines the bracket under Column I within which his base period price falls. His maximum price is the price in the corresponding line under Column II.

(c) *Imported pickled sheepskins imported by or for the account and risk of*

a tanner or a person having skins tanned for his own account. (1) The maximum prices at which a seller or agent located in the United States may deliver pickled sheepskins imported by or for the account and risk of a tanner or a person having skins tanned for his own account, are prices per dozen skins c. and f. port of entry into the United States, including all commissions and other charges, except that the charge actually paid for war risk and marine insurance may be added. In determining the base period price for these skins the seller shall deduct war risk and marine insurance, freight paid from port of entry, and all other charges incurred after the entry of the skins into the United States, but shall include commissions, freight and other charges incidental to discharge at a port of entry, based on the rates prevailing at the time the tanner or person having skins tanned for his own account purchased the skins. The seller then determines the bracket under Column I into which his base period price falls. His maximum price is the price in the corresponding line under Column III.

(2) The maximum prices at which a tanner or a person having skins tanned for his own account may import pickled sheepskins directly from a foreign seller or his agent located abroad are prices per dozen skins c. and f. port of entry into the United States, including all commissions and other charges, except that the charge for war risk and marine insurance may be added. All such commissions, charges, and war risk and marine insurance shall be based on the rates prevailing at the time the sale was made. In determining the base period price for these skins the tanner or person having skins tanned for his own account shall exclude war risk and marine insurance, freight paid from port of entry, and all other charges incurred after the entry of the skins into the United States, but shall include commissions, freight and other charges incidental to discharge at a port of entry, based on the rates prevailing at the time the purchase was made. The purchaser then determines the bracket under Column I into which his base period price falls. His maximum price is the price in the corresponding line under Column III.

Base period price	Maximum price under regulation	
Column I	Column II	Column III
$0.00–$0.99	$0.75	$0.625
$1.00–$1.24	.875	.75
$1.25–$1.49	1.125	1.00
$1.50–$1.74	1.375	1.25
$1.75–$1.99	1.625	1.50
$2.00–$2.24	1.75	1.625
$2.25–$2.49	2.00	1.875
$2.50–$2.74	2.25	2.125
$2.75–$2.99	2.50	2.375
$3.00–$3.24	2.625	2.50
$3.25–$3.49	2.875	2.75
$3.50–$3.74	3.125	3.00
$3.75–$3.99	3.375	3.23
$4.00–$4.24	3.50	3.34
$4.25–$4.49	3.75	3.575
$4.50–$4.74	3.875	3.685
$4.75–$4.99	4.125	3.92
$5.00–$5.24	4.25	4.03
$5.25–$5.49	4.50	4.265
$5.50–$5.74	4.75	4.50
$5.75–$5.99	5.00	4.73
$6.00–$6.24	5.125	4.84
$6.25–$6.49	5.375	5.075
$6.50–$6.74	5.625	5.31
$6.75–$6.99	$5.875	$5.545
$7.00–$7.24	6.00	5.655
$7.25–$7.49	6.25	5.89
$7.50–$7.74	6.50	6.125
$7.75–$7.99	6.75	6.355
$8.00–$8.24	6.875	6.465
$8.25–$8.49	7.125	6.70
$8.50–$8.74	7.375	6.935
$8.75–$8.99	7.625	7.17
$9.00–$9.24	7.75	7.28
$9.25–$9.49	8.00	7.315
$9.50–$9.74	8.25	7.75
$9.75–$9.99	8.50	7.98
$10.00–$10.24	8.75	8.215
$10.25–$10.49	9.00	8.45
$10.50–$10.74	9.25	8.685
$10.75–$10.99	9.50	8.92
$11.00–$11.24	9.75	9.155
$11.25–$11.49	10.00	9.39
$11.50–$11.74	10.25	9.635
$11.75–$11.99	10.50	9.85
$12.00–$12.24	10.75	10.09
$12.25–$12.49	11.00	10.325
$12.50–$12.74	11.25	10.56
$12.75–$12.99	11.50	10.795
$13.00–$13.24	11.75	11.03
$13.25–$13.49	12.00	11.265
$13.50–$13.74	12.25	11.50
$13.75–$13.99	12.50	11.73
$14.00–$14.24	12.75	11.955
$14.25–$14.49	13.00	12.20
$14.50–$14.74	13.25	12.435
$14.75–$14.99	13.50	12.67
$15.00 and over	13.75	12.905

Issued this 18th day of May, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–4570; Filed, May 19, 1942; 11:01 a. m.]

PART 1340—FUEL

[Amendment No. 1 to Maximum Price Regulation No. 137 [1]]

MOTOR FUEL SOLD AT SERVICE STATIONS

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

Section 1340.90 (a) (5) is amended; a new paragraph (c) is added to § 1340.91; a new subparagraph (11) is added to § 1340.90 (a), and a new § 1340.93a is added as set forth below:

§ 1340.90 *Definitions.* (a) When used in this Maximum Price Regulation No. 137, the term: * * *

(5) *Seller.* (i) Where a seller makes sales through more than one service station, each separate service station shall be deemed to be a separate seller, except that for the purposes of § 1499.16 of the General Maximum Price Regulation,[2] granting licenses to sellers subject to this Maximum Price Regulation No. 137, the owner of the business shall be considered the seller regardless of the number of separate places of business he owns.

(ii) "Seller of the same class" means a seller (*a*) performing the same function, (*b*) of similar type, (*c*) dealing in the same type of commodity, and (*d*) selling to the same class of purchaser.

* * * * *

(11) "Curtailment area" means:

(i) The entire eastern part of the continental United States up to and including all of the counties of Wayne, Ontario and Steuben in the State of New York; Tioga, Lycoming, Clinton, Centre, Blair and Bedford in the State of Pennsylvania; Allegany in the State of Maryland; Mineral, Grant and Pendleton in the State of West Virginia; Highland, Bath, Alleghany, Craig, Giles, Pulaski, Wythe and Grayson in the State of Virginia; Ashe, Watauga, Avery, Mitchell, Yancey, Madison, Haywood, Swain, Graham and Cherokee in the State of North Carolina; Fannin, Murray, Whitfield, Catoosa, Dade, Walker, Chattooga, Floyd, Polk, Haralson, Carroll, Heard, Troup, Harris, Muscogee, Chattahoochee, Stewart, Quitman, Clay, Early, Seminole and Decatur in the State of Georgia; and Gadsden, Liberty and that part of Franklin which lies east of the Appalachicola River in the State of Florida: *Provided,* That if any part of any incorporated or unincorporated city, town or village or if any part of any service station is located within the aforementioned area, all of such city, town, village or service station shall be considered as within the said area.

(ii) The States of Oregon and Washington.

§ 1340.91 *Appendix A: Maximum prices for motor fuel sold at service stations.* * * *

(c) Where the maximum price for any grade of motor fuel at a service station in the curtailment area results in a difference of less than 3 cents per gallon between the price charged to the operator of the service station for the motor fuel and the maximum price so calculated, the maximum price for such grade of motor fuel at such service station shall be 3 cents higher than the price charged to the service station operator: *Provided,* That persons calculating maximum prices under this paragraph shall submit to the Office of Price Administration, within five days after adjusting prices under this paragraph, a certified statement of the price charged them for each grade of motor fuel and the maximum prices otherwise applicable.

§ 1340.93a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1340.90 (a) (5) and (11), 1340.91 (c), 1340.93a) to Maximum Price Regulation No. 137 shall become effective May 19, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 18th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–4571; Filed, May 19, 1942; 11:02 a. m.]

PART 1411—COMPENSATORY ADJUSTMENTS

[Compensatory Adjustment Regulation No. 1]

WARTIME INCREASES IN THE COST OF TRANSPORTING BITUMINOUS COAL

AUTHORITY: § 1411.1 to 1411.6, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1411.1 *Persons eligible to apply for compensatory adjustments.* (a) A person who, prior to January 1, 1942, normally purchased and received at a busi-

[1] 7 F.R. 3165.
[2] 7 F.R. 3153, 3330.

ness establishment southern bituminous coal transshipped from Hampton Roads, via tidewater, to an unloading port on the Atlantic Coast north of and including New York Harbor, and who, on or after May 18, 1942, is a receiver of bituminous coal transported to the same business establishment (1) at a greater cost than the cost of transporting such southern bituminous coal to the same establishment, via tidewater transshipment from Hampton Roads, during the period December 15–31, 1941, and (2) by a method which does not include such transshipment in cargo boats of 1,000 gross tons or more, may file an application with the Office of Price Administration for a compensatory adjustment on account of wartime increases in the cost of transporting bituminous coal.

(b) Such an application may also be filed by any bituminous coal dealer who (1) prior to January 1, 1942, normally handled at a business establishment southern bituminous coal transshipped from Hampton Roads, via tidewater, to an unloading port on the Atlantic Coast north of and including New York Harbor, (2) during the period January 1, 1942, to May 17, 1942, inclusive, purchased bituminous coal transported to the same establishment at a higher cost than was such southern bituminous coal prior to January 1, 1942, and (3) prior to May 18, 1942, has not disposed of the bituminous coal transported at such higher cost, or of an equivalent amount of inventory, at prices adjusted upwards over his selling prices during the period December 15–31, 1941.

(c) Such an application may also be filed by any person who (1) normally purchased oil prior to January 1, 1942, but has converted from the burning of oil to the burning of bituminous coal at his business establishment, (2) on or after May 18, 1942, is a receiver of bituminous coal at the same establishment by a method of transportation which does not include tidewater transshipment from Hampton Roads in cargo boats of 1,000 gross tons or more, and (3) demonstrates to the satisfaction of the Price Administrator that the location of the establishment at which such coal is received is such that southern bituminous coal transported via tidewater transshipment from Hampton Roads to the nearest unloading port north of and including New York Harbor would have involved lower transportation costs, but was unavailable.

§ 1411.2 *Filing of application for compensation*—(a) *Time for filing.* (1) Applications pursuant to the provisions of § 1411.1 (a) and (c) may be filed on or before June 20, 1942, and on or before the 20th day of each month thereafter. Such applications may request compensation in connection with costs actually incurred during the preceding calendar month for the transportation of bituminous coal.

(2) Applications pursuant to § 1411.1 (b) shall be filed on or before July 20, 1942.

(b) *Contents of application.* Applications filed pursuant to § 1411.1 shall set forth:

(1) The name and address of the applicant and the location of each establishment at which he received the bituminous coal for the cost of whose transportation an adjustment is requested;

(2) Each kind and size of bituminous coal for the cost of whose transportation an adjustment is requested, specifying as to each:

(i) The tonnage;

(ii) The origin (including the originating mine, if known);

(iii) The identity of the person from whom the coal was purchased;

(iv) The method, route and cost per net ton of transportation, separately specifying on a per net ton basis any costs respectively incurred for freight and insurance on water-borne coal (unless the insurance costs are included in the freight costs and cannot be separately identified): *Provided,* That an applicant proceeding under § 1411.1 (b) who is unable to specify any or all of such information, because such bituminous coal was purchased by him from another person by whom such bituminous coal was initially received, may so state, if the name and address of such other person is stated;

(v) The identity of the persons to whom such transportation costs and insurance costs (if any) were paid;

(vi) If the transportation which is the basis of the application occurred after May 15, 1942 and involved water shipment in cargo boats of less than 1,000 gross tons or in barges, the rate charged by the water carrier employed for a similar haul on May 15, 1942, or the nearest earlier date in 1942.

(3) A copy of the invoice rendered by the seller of the bituminous coal, the transportation of which is the basis of the application, and a copy of the freight bill, and insurance bill (if any), actually paid in connection with the transportation thereof: *Provided,* That an applicant proceeding under § 1411.1 (b) who is unable to furnish copies of the freight or insurance bills, because such bituminous coal was purchased by him from another person by whom such bituminous coal was initially received, may so state, if the name and address of such other person is stated;

(4) Each kind and size of bituminous coal received by the applicant at every establishment listed pursuant to paragraph (b) (1) of this section, during the entire calendar year 1941 and during the month of December 1941, specifying as to each such kind and/or size, the information required under subdivisions (i) to (v), inclusive, of paragraph (b) (2) of this section, *Provided:*

(i) That an applicant who is unable, in part, to specify such information, because such bituminous coal purchased by him from another person by whom such bituminous coal was initially received, may so state, if the name and address of such other person is stated;

(ii) That an applicant proceeding under § 1411.1 (c) shall describe in detail the nature, origin, quantity, method and cost of transportation, and source (including the identity of the seller) of the fuel received during the entire calendar year 1941 by him at each establishment listed pursuant to subparagraph (1) of this paragraph; and

(iii) That the information required under this subparagraph (4) need not be restated after such information has once been included in a previous application filed pursuant to this regulation;

(5) A declaration that the bituminous coal the transportation of which is the basis of the application was received at an establishment maintained by the applicant and for use by the applicant in the regular course of business, which declaration shall specify the purpose for which the coal was purchased;

(6) A statement of the appropriate standard adjustment for the haul on which the application is based, as set forth in Appendix A, incorporated in this regulation as § 1411.5;

(7) A declaration that the applicant has complied in all respects with the provisions of Maximum Price Regulation No. 122 and the provisions of any other Maximum Price Regulations issued by the Office of Price Administration which are applicable to any commodity or service sold by the applicant;

(8) In the case of any application filed under § 1411.1 (b), an inventory control statement, the form for which shall be provided by the Office of Price Administration upon request by the applicant.

§ 1411.3 *Special applications*—(a) *Requests for special adjustment.* An application filed by a bituminous coal dealer pursuant to this regulation may include a request for a special adjustment in addition to a request for the applicable standard adjustment which is set forth in Appendix A, incorporated in this regulation as § 1411.5. A request for a special adjustment shall relate exclusively to differences between the cost of transporting bituminous coal to which the applicant was subject during the period December 15–31, 1941, or the nearest date in 1941 on which he incurred such costs, and the cost of transporting bituminous coal to which he is subject on or after May 18, 1942. Such a request shall be specifically designated in the application as a "request for special adjustment", shall set forth the exact amount of the special adjustment requested, and shall set forth a detailed statement of the special facts deemed to justify such request.

(b) *Special applications.* Any person who prior to January 1, 1942, normally purchased southern bituminous coal transshipped from Hampton Roads, via tidewater, to an unloading port on the Atlantic Coast, north of and including New York Harbor, and who on and after May 18, 1942 receives southern bituminous coal so transshipped in cargo boats of 1,000 gross tons or more, and who is nevertheless subjected to a tidewater transportation cost exceeding that to which he was subject during the period December 15–31, 1941 (or if he received no shipments during that period, then on the nearest date in 1941 on which he received bituminous coal transported via tidewater) may file a special application requesting the Price Administrator to take or sponsor appropriate action.

Such an application shall be designated as a "special application filed pursuant to Compensatory Adjustment Regulation No. 1," and shall set forth a detailed statement of the facts deemed to justify such application, which shall include the information required by § 1411.2 (b).

§ 1411.4 *Definitions.* (1) When used in this regulation, the term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, but shall not include the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) The term "receiver" means the purchaser of bituminous coal who first incurs the cost of transporting it from the mine.

(3) The term "southern bituminous coal" means bituminous coal produced in bituminous coal producing Districts Nos. 7 and 8, as defined in the Bituminous Coal Act of 1937, and as modified by orders heretofore or hereafter issued, pursuant to that Act, by the Bituminous Coal Division of the United States Department of the Interior, except that coal shipped from origin points in District No. 8 on the Baltimore and Ohio Railroad and its lateral short-line connections will not be considered as "southern bituminous coal," within the meaning of this regulation.

§ 1411.5 *Appendix A: Standard adjustments to be stated in applications—*(a) *All-rail haul.* (1) In the case of an all-rail haul of any bituminous coal other than southern bituminous coal, the standard adjustment set forth in the application shall be the amount by which the Clearfield freight rate from Pennsylvania, which is in effect at the time of shipment, to the actual destination exceeds the cost for a combined rail and tidewater movement of southern bituminous coal, from the Pocahontas or New River Districts, to the same destination, via transshipment from Hampton Roads in cargo boats of 1,000 gross tons or more, as determined by the Office of Price Administration and set forth in the Bulletin of Standard Adjustments under Compensatory Adjustment Regulation No. 1, which will be furnished by the Office of Price Administration to an applicant upon request.

(2) In the case of an all-rail haul of southern bituminous coal, except coal originating in the Big Sandy and Eastern Kentucky freight rate districts, to a point to which the lowest published freight rate from the Pocahontas or New River Districts for such a haul is $6.77 per gross ton or less, the standard adjustment set forth in the application shall be the amount by which the lowest published freight rate for the actual shipment to the actual destination exceeds the cost, as shown in the aforementioned Bulletin of Standard Adjustments, of a combined rail and tidewater movement of the same coal to such destination via transshipment from Hampton Roads in cargo boats of 1,000 gross tons or more.

(3) In the case of an all-rail haul of any bituminous coal (including southern bituminous coal) to a point to which the lowest published freight rate from the Pocahontas or New River Districts for an all-rail haul of southern bituminous coal exceeds $6.77 per gross ton, the standard adjustment set forth in the application shall be the amount by which the Clearfield freight rate from Pennsylvania, which is in effect at the time of shipment, to the actual destination exceeds the cost, as shown in the aforementioned Bulletin of Standard Adjustments, for a combined rail and tidewater movement of southern bituminous coal to the same destination, via transshipment from Hampton Roads in cargo boats of 1,000 gross tons or more;

(b) *Combined hauls (other than via Hampton Roads in cargo boats of 1,000 gross tons or more.)* In the case of a combined rail and water haul of bituminous coal, which does not include transshipment via Hampton Roads in cargo boats of 1,000 gross tons or more, the standard adjustment set forth in the application shall be the amount by which the transportation costs, based upon the rates charged by the smaller vessels or barges employed, but in no event to exceed their rates on May 15, 1942, exceed the cost, as shown in the aforementioned Bulletin of Standard Adjustments for a combined rail and tidewater movement of southern bituminous coal to the same destination, via transshipment from Hampton Roads in cargo boats of 1,000 gross tons or more.

§ 1411.6 *Effective date.* This Compensatory Adjustment Regulation No. 1 shall become effective May 19, 1942.

Issued this 18th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4551; Filed, May 18, 1942; 5:12 p. m.]

PART 1499—COMMODITIES AND SERVICES

AMENDMENT NO. 1 TO SUPPLEMENTARY REGULATION NO. 2 TO GENERAL MAXIMUM PRICE REGULATION

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

The headnote and paragraph (a) of § 1499.27 are amended to read as set forth below and a new paragraph (c) is added:

§ 1499.27 *Postponement of effective dates.* (a) The provisions of the General Maximum Price Regulation, other than § 1499.11 (a), shall not apply

(1) Until May 18, 1942, to contracts with the United States or any agency thereof, except contracts with the War Department or the Department of the Navy of the United States;

(2) Until June 15, 1942, to deliveries under contracts with the United States or any agency thereof entered into prior to May 18, 1942, except deliveries under contracts with the War Department or the Department of the Navy of the United States;

(3) Until July 1, 1942, to sales or deliveries to or contracts with the War Department or the Department of the Navy of the United States;

(4) To any sale or delivery of any machine or part as defined in § 1390.13 (a) (1) of Maximum Price Regulation No. 136; or

(5) To any work on material furnished by a customer, such as cutting, abrading, shaping, forming, piercing, joining, plating, painting, enameling, japanning, galvanizing or heat treating, if such material after machining constitutes a machine or part as defined in §1390.13 (a) (1) of Maximum Price Regulation No. 136.

(b) Supplementary Regulation No. 2 (§ 1499.27) to the General Maximum Price Regulation shall become effective May 11, 1942.

(c) Amendment No. 1 to Supplementary Regulation No. 2 (§ 1499.27) to the General Maximum Price Regulation shall become effective May 19, 1942. (Pub. Law 421, 77th Cong.)

Issued this 18th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4569; Filed, May 19, 1942; 11:01 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

Pursuant to the provisions of section 5 of the River and Harbor Act approved August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), the following regulations are prescribed to govern the operation of the Dakota County bridge across the Missouri River, 764.4 miles above the mouth between Sioux City, Iowa, and South Sioux City, Nebraska:

§ 203.608 *Missouri River; Dakota County bridge between Sioux City, Iowa, and South Sioux City, Nebraska.* (a) the owner of, or agency controlling, the bridge will not be required to keep a draw tender in constant attendance at the above-named bridge.

(b) Whenever a vessel, unable to pass under the closed bridge, desires to pass through the draw, at least 2 hours' advance notice of the time the opening is required shall be given to the authorized representative of, or agency controlling, the bridge.

(c) Upon receipt of such notice, the authorized representative of, or agency controlling, the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of, or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such manner that it can easily be read at any time, a copy of these regulations together with a notice stating exactly how the representative specified in paragraph (b) may be reached.

(e) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw opened and closed frequently enough to make certain that the machinery is in proper order for satisfactory operation. (28 Stat. 362; 33 U.S.C. 499) [Regs. May 10, 1942 (CE 6371 (Dakota County—Mo. R.—Sioux City)—SPEON)]

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), the following regulations are prescribed to govern the operation of drawbridges across the Columbia River above Celilo Falls, and previously approved regulations under this section are hereby revoked:

§ 203.760 *Columbia River above Celilo Falls; bridges.* (a) The drawspans of the Northern Pacific Railway bridge across the Columbia River between Kennewick and Pasco, and of the Union Pacific Railroad Company bridge across Columbia River below the mouth of Snake River, shall be opened promptly for the passage of steamboats or other watercraft upon the following signal, which shall be sounded 10 minutes in advance of the time of the desired passage through the drawspan: One long blast of a whistle or horn, followed quickly by one short and one long blast.

Provided, That the drawbridges may be held closed for the passage of any train which, before the opening signal has been given by the watercraft, has passed a block signal located not more than one-half mile from the end of the railroad bridge. After the passage of the train, the bridge shall immediately be opened for the passage of the boat. Trains shall in no event stand in such location as to prevent operation of the draw.

(b) In case the draw is being held closed for a train or cannot immediately be opened when the signal from an approaching vessel is given, the tender of the draw shall so indicate by sounding four short blasts in quick succession upon a whistle or horn immediately after receiving the boat signal, and shall repeat such signal several times at short intervals. (28 Stat. 362; 33 U.S.C. 499) [Regs. May 2, 1942 (CE 6374 (Columbia River—Tributaries)—7 SPEON)]

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat 362; 33 U.S.C. 499), the following regulations are prescribed to govern the operation of drawbridges across the Snake River, Washington and Idaho:

§ 203.762 *Snake River, Wash. and Idaho; bridges.* (a) The owner of, or agency controlling, any drawbridge will not be required to keep a draw tender in constant attendance.

(b) Whenever a vessel unable to pass under any closed bridge desires to pass through the draw, at least 12 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of, or agency controlling, the bridge.

(c) Upon receipt of such notice, the authorized representative of the owner of, or agency controlling, the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of, or agency controlling, each bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a manner that it can be easily read at any time, a copy of these regulations, together with a notice stating exactly how the representative stated in paragraph (b) may be reached. A list giving the name and address of the representative now in charge of the operation of each existing drawbridge follows:

(1) Drawbridge across Snake River at Ainsworth: Notify A. M. Partch, Assistant Supervisor, Northern Pacific Railway, Pasco, Washington.

(2) Drawbridge across Snake River at Riparia: Notify the Agent, Union Pacific Railroad Company, Kennewick, Washington.

(3) Drawbridge across Snake River at Lewiston: Notify City Engineer, or Fire Department, City of Lewiston, Idaho.

(e) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

(f) In pursuance of the provisions of paragraph (c), the drawbridges across the Snake River at Ainsworth and Riparia, Washington, and Lewiston, Idaho, shall open for the passage of vessels or other watercraft upon the following signal, which signal shall be sounded when 20 minutes run from the bridge: One long, one short, and three long blasts.

Provided, however, That railroad drawbridges may be held closed for the passage of any mail or passenger train which is expected to arrive within 30 minutes after giving the signal for opening and then shall be immediately opened for the passage of the boat.

(g) In case the draw is being held closed for a train or cannot be immediately opened when the signal from an approaching vessel is given, a red flag by day shall be conspicuously displayed above the superstructure, and a red light shall be conspicuously waved at night. (28 Stat. 362; 33 U.S.C. 499) [Regs. May 2, 1942 (CE 6374 (Columbia River—Tributaries)—7 SPEON)]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-4546; Filed, May 18, 1942; 2:24 p. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Order No. 96]

REGISTRATION OF DIATHERMY APPARATUS

Pursuant to the authority conferred on it by Order No. 4, dated April 16, 1942, of the Defense Communications Board, the Federal Communications Commission hereby orders every person or organization in possession of apparatus designed, constructed, or used for generating radio frequency energy for therapeutic purposes (hereinafter referred to as "diathermy apparatus") to apply for registration of such apparatus with the Federal Communications Commission within 20 days from the date of this order in accordance with the following provisions:

(a) Application for registration shall be made on forms furnished by the Federal Communications Commission.

(b) Such application forms shall be obtainable from the Federal Communications Commission, Washington, D. C., or from any of the field offices of the Commission, as set out in Appendix A attached to this Order.

(c) Individual applications must be made for each set of diathermy apparatus to be registered; therefore, all requests for application forms should state the number of sets to be registered.

(d) All application forms should be returned to the Secretary, Federal Communications Commission, Washington, D. C. (*not to the field offices*).

(e) If, upon receipt of an application for registration, the Commission finds that sufficient and reliable information has been furnished, it will issue a nontransferable certificate of registration to the applicant.

(f) The applicant shall be responsible for having the certificate of registration conspicuously affixed to the diathermy apparatus for which it is issued.

(g) Any person or organization in any manner coming into possession of apparatus required to be registered under the terms of this order shall apply to the Commission for a certificate of registration within 15 days after obtaining such possession.

(h) If diathermy apparatus for which a certificate of registration has been issued should be transferred, sold, assigned, leased, loaned, stolen, destroyed, or otherwise removed from the possession of the registrant (holder of a certificate of registration) he shall notify the Commission within five days thereafter of such loss, disposal, or disappearance, furnishing the name of the recipient of the diathermy apparatus if such person is known to the registrant.

(i) (1) Whenever the registrant of diathermy apparatus shall be the manufacturer thereof, he shall stamp on each set of such apparatus in his possession the name of the manufacturer and a serial number.

(2) Whenever any set of diathermy apparatus has impressed upon it, or it is in any way marked with the name of

the manufacturer and a serial number, the registrant in possession shall be responsible for preserving such marking from obliteration, removal, or alteration.

(j) Any apparatus required to be registered for which there is no valid registration certificate outstanding, and any apparatus from which the name of the manufacturer and serial number shall have been obliterated, removed, or altered after the date of this order, shall be subject to closure and removal in such manner as shall be prescribed at the time by the Commission.

(k) The following apparatus shall not be subject to the registration provisions of the order:

Apparatus which is in the possession of the United States Government, its officers or agents; or apparatus which is under contract for delivery to the United States Government.

(l) Any person or organization having in his possession diathermy apparatus which is exempt from registration under paragraph (k) of this order, shall immediately apply for registration of such apparatus if for any reason such exemption shall cease to apply to such apparatus.

Dated at Washington, D. C., May 18, 1942.

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

APPENDIX A—FIELD OFFICES

DISTRICT NUMBERS AND ADDRESSES

No. 1: Inspector in Charge, Federal Communications Commission, Customhouse, 7th Floor, Boston, Mass.

No. 2: Inspector in Charge, Federal Communications Commission, 748 Federal Building, 641 Washington Street, New York, N. Y.

No. 3: Inspector in Charge, Federal Communications Commission, Room 1200, New U. S. Customhouse, 2nd & Chestnut Streets, Philadelphia, Pa.

No. 4: Inspector in Charge, Federal Communications Commission, Fort McHenry, Baltimore, Md.

No. 5: Inspector in Charge, Federal Communications Commission, Room 402, New Post Office Bldg., Norfolk, Va.

No. 6: Inspector in Charge, Federal Communications Commission, 411 Federal Annex, Atlanta, Ga.

Suboffice: Radio Inspector, Federal Communications Commission, P. O. Box 77 (208 Post Office Bldg.), Savannah Ga.

No. 7: Inspector in Charge, Federal Communications Commission, P. O. Box 150 (312 Federal Bldg.), Miami, Fla.

Suboffice: Radio Inspector, Federal Communications Commission, 203 Post Office Building, Tampa, Fla.

No. 8: Inspector in Charge, Federal Communications Commission, 308–309 Customhouse, New Orleans, La.

No. 9: Inspector in Charge, Federal Communications Commission, Room 404, Federal Building, Galveston, Texas.

Suboffice: Radio Inspector, Federal Communications Commission, P. O. Box 1527 (329 Post Office Bldg.), Beaumont, Texas.

No. 10: Inspector in Charge, Federal Communications Commission, P. O. Box 5373 (500 U. S. Terminal Annex Bldg.), Dallas, Texas.

No. 11: Inspector in Charge, Federal Communications Commission, 539 U. S. Post Office & Courthouse Bldg., Temple & Spring Streets, Los Angeles, Calif.

Suboffice: Radio Inspector, Federal Communications Commission, 307 U. S. Customhouse & Courthouse Bldg., Union & "F" Streets, San Diego, Calif.

No. 12: Inspector in Charge, Federal Communications Commission, 328 Customhouse, San Francisco, Calif.

No. 13: Inspector in Charge, Federal Communications Commission, 805 Terminal Sales Building, Portland, Oreg.

No. 14: Inspector in Charge, Federal Communications Commission, 808 Federal Office Building, Seattle, Wash.

No. 15: Inspector in Charge, Federal Communications Commission, 504 Customhouse, Denver, Colo.

No. 16: Inspector in Charge, Federal Communications Commission, 208 Uptown Post Office & Fed. Cts. Bldg., 5th & Washington Streets, St. Paul, Minn.

No. 17: Inspector in Charge, Federal Communications Commission, 809 U. S. Court House, Kansas City, Mo.

No. 18: Inspector in Charge, Federal Communications Commission, 246 U. S. Courthouse, Chicago, Ill.

No. 19: Inspector in Charge, Federal Communications Commission, 1029 New Federal Building, Detroit, Mich.

Suboffice: Radio Inspector, Federal Communications Commission, 541 Old Post Office Building, Cleveland, Ohio.

No. 20: Inspector in Charge, Federal Communications Commission, 526 Federal Building, Buffalo, N. Y.

No. 21: Inspector in Charge, Federal Communications Commission, Aloha Tower, Honolulu, T. H.

No. 22: Inspector in Charge, Federal Communications Commission, P. O. Box 2987 (322–323 Federal Bldg.), San Juan, P. R.

No. 23: Inspector in Charge, Federal Communications Commission, P. O. Box 1421 (7–8 Shattuck Bldg.), Juneau, Alaska.

[F. R. Doc. 42–4565; Filed, May 19, 1942; 10:43 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Amendment 2 to General Order O.D.T. 1]

PART 500—CONSERVATION OF RAIL EQUIPMENT

USE OF CARS WITHIN MUNICIPALITIES

By virtue of the authority vested in me by Executive Order No. 8989 dated December 18, 1941, General Order O.D.T. No. 1,[1] as amended, Chapter II of this Title, Part 500, Subpart A, §§ 500.2a, 500.7, and 500.8 are hereby amended to read as follows:

[1] 7 F.R. 3046, 3213.

§ 500.2a *Use of cars within municipalities.* No carrier by railroad, on and after the effective date hereof, shall accept for shipment or forwarding, load or forward, between points in the same municipality, or between contiguous municipalities, or within a zone adjacent to and commercially a part of, any such municipality or municipalities, any railway closed freight car containing merchandise, as described in § 500.1 (b) of this subpart, except:

(a) Where necessary to relieve carriers' freight house facilities because of inability to obtain transportation by motor vehicle of the merchandise contained in such car;

(b) Where motor vehicles are not available with which to move the merchandise contained in such car;

(c) Where the carriers' freight house or transfer facilities, or the consignor's or consignee's facilities are so located or constructed as to make it impracticable to transport by motor vehicle the merchandise contained in such car, and then only if such car contains at least ten (10) tons of merchandise;

(d) When authorized by special or general permit of this Office.

§ 500.7 *Records and reports.* Each carrier by railroad shall record for convenient inspection and report within thirty (30) days after the close of each calendar month to the undersigned:

(a) The number of freight cars loaded or forwarded with l. c. l. freight over each of its merchandise car lines or routes, and the number of tons loaded therein;

(b) A detailed statement of the origin, destination and weight of all cars handled during such calendar month loaded or forwarded with less than ten (10) tons of less-than-carload freight, with an indication of the particular section or paragraph of this subpart authorizing such movement;

(c) A statement of all intra-terminal cars handled during the preceding calendar month under paragraphs (a), (b), (c), or (d) of § 500.2a.

§ 500.8 *Effective dates.* This part shall become effective on May 1, 1942: *Provided,* That (without modifying § 500.7) unless and until otherwise ordered:

(a) Between May 1, 1942, and July 1, 1942, a minimum load of 6 tons per car may be observed in lieu of the load of 10 tons per car otherwise required by §§ 500.2 and 500.2a.

(b) Between July 1, 1942, and September 1, 1942, a minimum load of 8 tons per car may be observed instead of a minimum load of 10 tons per car required under the provisions of §§ 500.2 and 500.2a.

This amendment shall take effect on May 15, 1942, and except as amended hereby, General Order O.D.T. No. 1, as amended, shall remain in full force and effect.

Issued at Washington, D. C., this 15th day of May 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42–4579; Filed, May 19, 1942; 11:45 a. m.]

[General Permit O.D.T. 1–1]

PART 520—CONSERVATION OF RAIL EQUIPMENT—EXCEPTIONS AND PERMITS

MERCHANDISE SHIPMENTS OF ARMED FORCES

Notwithstanding the provisions of General Orde. O.D.T. No. 1,[1] as amended, Chapter II of this Title, Part 500, Subpart A, § 500.2a, and in accordance with the provisions of paragraph (d) of § 500.2a of said subpart,

§ 520.1 *Merchandise shipments of armed forces.* Any carrier by railroad is hereby authorized to accept for shipment or forwarding, load or forward, between points in the same municipality, or between contiguous municipalities, or within a zone adjacent to and commercially a part of, any such municipality, or municipalities, any railway closed freight car containing merchandise destined to or shipped from any depot, warehouse, or other facility of the Army, Coast Guard, Marine Corps, or Navy, of the United States.

This general permit shall take effect May 15, 1942, and remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this 15th day of May 1942 (E.O. 8989, 6 F.R. 6725)

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42–4580; Filed, May 19, 1942; 11:45 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B–249]

PENROD AND KNIGHT

NOTICE OF AND ORDER FOR HEARING

In the matter of William Penrod and O. A. Knight, individually and as co-partners, doing business under the name and style of Penrod and Knight, Code Member.

A complaint dated April 16, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on April 23, 1942, by Bituminous Coal Producers Board for District No. 9, a District Board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by William Penrod and O. A. Knight, individually and as co-partners, doing business under the name and style of Penrod and Knight, (the "Code member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on June 19, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Post Office building, Owensboro, Kentucky.

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

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

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

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

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violations by the above named Code member as follows:

That said code member, whose address is Central City, Kentucky, whose code membership became effective as of December 20, 1939, and who operates the Penrod & Knight Mine, Mine Index No. 571, located in Muhlenberg County, Kentucky, District No. 9, has wilfully violated:

1. The Director's Order in General Docket No. 19, dated October 9, 1940, by selling for rail shipment, subsequent to October 14, 1940, coal produced at the aforesaid mine including the sale during the period from October 14, 1940, to May 22, 1941, both dates inclusive, of approximately 151.9 net tons of 1¼" screenings to the Pacific Coal Company, Louisville, Kentucky, at a price of approximately 63 cents per net ton delivered into railroad cars, whereas rail classifications or prices temporary or final, had not been established for said mine;

2. Order of the Division No. 296, dated September 23, 1940, and Order of the Division No. 297, dated October 22, 1940, during the period from October 1, 1940, to December 31, 1940, both dates inclusive, in that said code member failed to maintain proper records and file with the Division reports of all coal sold and shipped by truck or wagon within the time and the manner prescribed by said Orders;

3. Order of the Division No. 307, dated December 11, 1940, and Order of the Division No. 312, dated February 24, 1941, during the period from January 1, 1941 to November 19, 1941, both dates inclusive, in that said code member failed to maintain proper records of all coal sold to be shipped by truck or wagon within the time and in the manner prescribed by said Orders.

Dated: May 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–4556; Filed, May 19, 1942; 10:14 a. m.]

[Docket No. B–232]

BURNS MINE

ORDER POSTPONING HEARING AND REDESIGNATING TRIAL EXAMINER

In the matter of Robert Burns and Irvin R. Burns, individually and as co-partners, doing business under the name and style of the Burns Mine, (Burns Mine, Robert Burns, Mgr., Irvin R. Burns), Code Member.

The above-entitled matter having been heretofore scheduled for hearing on May 18, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Billings Commercial Club, Billings, Montana; and

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

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed from May 18, 1942, at 10 a. m. to June 30, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Billings Commercial Club, Billings, Montana; and

It is further ordered, That Trial Examiner Joseph A. Huston or any other officer of the Bituminous Coal Division that may be designated shall preside at said hearing vice Edward J. Hayes.

Dated: May 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–4557; Filed, May 19, 1942; 10:14 a. m.]

[1] 7 F.R. 3046, 3213.

[Docket No. B-242]

ROWELL & ROWELL

ORDER RESCHEDULING HEARING

In the matter of Fred Rowell and Audebee Rowell, also known as Audibee Rowell, individually and as co-partners, doing business under the name and style of Rowell & Rowell, code member.

The above-entitled matter having been scheduled for hearing on June 1, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Tutwiler Hotel, Birmingham, Alabama, before Travis Williams or any other officer or officers of the Division duly designated for that purpose, by Notice of and Order for hearing dated April 27, 1942, and said hearing having been postponed by Order dated May 9, 1942, to a date and at a hearing room to be thereafter designated by an appropriate order; and

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

Now, therefore, it is ordered, That the hearing in the above-entitled matter be held on June 17, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Tutwiler Hotel, Birmingham, Alabama, before the officer or officers previously designated to preside at such hearing; and

It is further ordered, That the Notice of and Order for Hearing dated April 27, 1942, herein shall, in all other respects, remain in full force and effect.

Dated: May 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4558; Filed, May 19, 1942; 10:14 a. m.]

[Docket No. B-243]

LOUIS FABEC

NOTICE OF AND ORDER FOR HEARING

1. Under the provisions of the Bituminous Coal Act of 1937 (the "Act"), district boards are authorized in appropriate cases to file complaints of violations of the Act, the Bituminous Coal Code (the "Code"), and the rules and regulations of the Bituminous Coal Division (the "Division").

2. The Division, on October 29, 1941, referred to District Board No. 17 information in its possession bearing on whether or not wilful violations of the Act, the Code, and rules and regulations thereunder had been committed by Louis Fabec, the code member above-named (hereinafter referred to as the "code member"), who operates the Sunrise Mine, Mine Index No. 267, located in Las Animas County, Colorado, Subdistrict No. 7 of District No. 17, as follows:

(a) By selling and delivering, during the months of July and August, 1941 to Lou Penn, owner of the Trinidad National Bank Building, Trinidad, Colorado, approximately 60.08 tons of straight run of mine coal produced at said mine, and delivered to the purchaser at said National Bank Building, a distance of approximately 20 miles from said mine, at a delivered price of $3.50 per net ton, whereas said coal was classified as Size Group 17, as shown in the Schedule of Effective Minimum Prices for District No. 17 For Truck Shipment, and priced at $3.40 per net ton f. o. b. said mine, thereby failing to add to the applicable minimum f. o. b. mine price provided in said schedule an amount at least equal, as nearly as practicable, to the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character, from the transportation facilities at the mine to Trinidad, Colorado, as required by Price Instruction No. 14 of said schedule, resulting in wilful violations of section 4 II (e) and (g) of the Act and Part II (e) and (g) of the Code; and

(b) By failing to comply with the provisions of Orders Nos. 312 and 317, during the months of July and August, 1941, in that said code member failed to maintain proper records of sales of coal produced at said mine and file with the Division reports of all coal sold and shipped by truck or wagon within the time and in the manner prescribed by said orders, resulting in wilful violations of Orders of the Division Nos. 312 and 317, dated February 24, 1941.

3. By letter dated January 15, 1942, the Division notified said Board that unless it took action on this matter within fifteen (15) days from the date of said notification, the Division would take action in lieu of the Board, if it deemed it to be appropriate.

4. District Board No. 17 has not taken any action on this matter.

5. Section 6 (a) of the Act provides in part that in the event a district board shall fail for any reason to take action authorized or required by the Act, then the Division may take such action in lieu of the district board.

6. District Board No. 17 having failed to take action as authorized or required by the Act on the matters hereinabove described, the Division finds it necessary in the proper administration of the Act to take action thereon in lieu of the Board, as in this Notice of and Order for Hearing provided, pursuant to section 6 (a) and other pertinent provisions of the Act for the purpose of determining:

(a) Whether or not the code member has wilfully violated section 4 II (e) and (g) of the Act and Part II (e) and (g) of the Code and Orders of the Division Nos. 312 and 317 in connection with the transactions referred to above; and

(b) Whether or not in the event the code member is found to have so violated the Act and the Code and said orders, an order should be entered revoking the code membership of Louis Fabec or directing Louis Fabec to cease and desist from violating the Act and the Code and the rules and regulations thereunder.

Now, therefore, it is hereby ordered, That a hearing, pursuant to sections 4 II (j), 5 (b) and 6 (a) and other pertinent provisions of the Act to determine whether or not the aforesaid code member has committed the violations in the respects heretofore described and whether or not the code membership of said code member should be revoked or an order should be entered directing the code member to cease and desist from violating the Act and the Code and the rules and regulations thereunder, be held on June 23, 1942, 10 a. m., at a hearing room of the Division at the Circuit Court of Appeals, Post Office Building, Denver, Colorado.

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

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

Notice is hereby given that an answer setting forth the position of the code member with reference to the matters herein described must be filed with the Division at its Washington Office or with one of the statistical bureaus of the Division within twenty (20) days after the date of service of a copy hereof on the code member; and that any failure to file an answer within said period, unless otherwise ordered, shall be deemed to be an admission by the code member of the commission of the violations hereinabove described and a consent to the entry of an appropriate order thereon.

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

Dated: May 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4559; Filed, May 19, 1942; 10:15 a. m.]

[Docket No. B-248]

WALTRIP & SONS

NOTICE OF AND ORDER FOR HEARING

In the matter of D. H. Waltrip, N. H. Waltrip and D. H. Waltrip, Jr., individually and as co-partners, doing business

under the name and style of Waltrip & Sons, Code Member.

A complaint dated April 16, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on April 23, 1942, by Bituminous Coal Producers Board for District No. 9, a District Board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by D. H. Waltrip, N. H. Waltrip and D. H. Waltrip, Jr., individually and as co-partners, doing business under the name and style of Waltrip & Sons (the "Code member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on June 19, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Post Office Building, Owensboro, Kentucky.

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

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

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

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

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violations by the above named Code member as follows:

That said code member, whose address is Calhoun, Kentucky, whose code membership became effective as of December 12, 1940, and who is operating the Waltrip Mine, Mine Index No. 823, located in Daviess County, Kentucky, District No. 9, has wilfully violated section 4 II (e) of the Bituminous Coal Act of 1937 and Part II (e) of the Bituminous Coal Code promulgated thereunder, by selling, subsequent to December 13, 1940, below the effective minimum price therefor, approximately 84.40 tons of ¾'' screenings Size Group 14) produced at the aforesaid mine, on or about October 6, 7 and 8, 1941, to Thurman Vanover, Utica, Kentucky, at 37½ cents per net ton f. o. b. said mine, whereas the effective minimum price for said coal was $1.10 per net ton f. o. b. said mine, as set forth in Temporary Supplement to the Schedule of Effective Minimum Prices For Truck Shipment annexed to and made a part of Order dated December 13, 1940, Granting Temporary Relief in Dockets Nos. A–401 and A–424 which price was made permanent by Order of the Director dated September 8, 1941.

Dated: May 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–4560; Filed, May 19, 1942; 10:15 a. m.]

[Docket No. B–26]

J. M. McDONALD

CEASE AND DESIST ORDER

District Board No. 18 having filed a complaint with the Bituminous Coal Division on June 30, 1941, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging that J. M. McDonald, a code member in District No. 18, operating Mine Index No. 136, had wilfully violated the Bituminous Coal Code and rules and regulations thereunder by selling and delivering to various purchasers a large quantity of 1½'' lump coal at $3.00 per ton f. o. b. the mine, whereas the applicable minimum price set forth in the Schedule of Effective Minimum Prices for District No. 18 for All Shipments was $3.65 per ton f. o. b. the mine;

After due notice, a hearing in this matter having been held December 5, 1941, before Scott A. Dahlquist, a duly designated Examiner of the Division at a hearing room thereof in Albuquerque, New Mexico, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard; appearances having been entered by code member and District Board No. 18; the preparation and filing of a report by the Examiner having been waived and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made findings of fact, conclusions of law and having rendered an opinion;

Now, therefore, it is ordered, That code member, J. M. McDonald, his representatives, agents, servants, employees, successors or assignees and all persons acting or claiming to act in his behalf or interest, cease and desist, and they are hereby permanently enjoined and restrained from offering for sale or selling coal produced by code member at prices less than the applicable effective minimum price established in the Schedule of Effective Minimum Prices for District No. 18 for All Shipments, or from otherwise violating the Bituminous Coal Act of 1937, the Bituminous Coal Code and the Marketing Rules and Regulations.

It is further ordered, That code member be notified that if he fails or refuses to comply with this Order, the Division may forthwith apply to a Circuit Court of Appeals of the United States or take other appropriate action for the enforcement of this Order.

Dated: May 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–4561; Filed, May 19, 1942; 10:16 a. m.]

Bureau of Reclamation.

GENERAL INVESTIGATIONS, COLORADO-UTAH

FIRST FORM RECLAMATION WITHDRAWAL

Corrections

Under Township 20 South, Range 24 East (7 F.R. 3687), Section 35 should read "N½S½" instead of "N¼S½". Under Township 23 South, Range 24 East, Section 1 should read "S½N½" instead of "S½W½". In Section 23 under Township 10 South, Range 104 West, a comma should appear after "NE¼".

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

[P. & S. Docket No. 435]

AMERICAN COMMISSION COMPANY ET AL.

ORDER AND NOTICE OF REOPENING OF PROCEEDING UPON PETITION FOR MODIFICATION

On March 31, 1942, the petitioners, The American Commission Company, a corporation; The A. A. Blakley Livestock Commission Company, Inc., a corporation; Frank H. Connor, Alan F. Wilson, Maxwell B. Morgan, and Chas. G. Smith, partners, doing business as John Clay & Company; The Denver Live Stock Com-

mission Company, a corporation; Drinkard & Emmert, Inc., a corporation; H. H. Klecker, an individual, doing business as Hinie Klecker Sheep Commission Company; Michael F. Hayes, an individual, doing business as Mike Hayes; Sol Felsen, Al Cooper, and Harry Hoyt, partners, doing business as The Farmers Livestock Commission Company; J. R. Lowell, and Morey M. Miller, partners, doing business as Lowell and Miller; Milton M. Mann and C. J. Mann, partners, doing business as Mann, Boyd and Mann Livestock Commission Company; J. Lee Merrion, Russell Wilkins, Edna W. Merrion, and Lillian W. Wilkins, partners, doing business as Merrion and Wilkins; J. C. (Clark) Eastes, John Smith, A. K. Miller, C. E. Coyle, and Gerald Desmond, partners, doing business as Wm. R. Smith and Son; and Roy Standish, an individual, doing business as Roy Standish Commission Company, market agencies registered under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 1940 ed. 181), operating at the Denver Union Stockyards, Denver, Colorado, filed a petition requesting a modification of the orders heretofore entered in this docket on September 27, 1934, and November 26, 1937, in which maximum rates and charges were prescribed for the services of the petitioners for selling and buying livestock on commission. The petitioners by their petition seek (1) an increase in rates for their services of selling and buying livestock upon commission, and (2) a change in the structure of their tariff.

The reasons alleged by petitioners are, in substance, that there has been a substantial change in economic conditions, costs of living, costs of doing business and increased costs of labor, and that the tariffs under which petitioners are now operating were based upon a consideration of operating costs of market agencies on the Denver market for the year 1933 and from other information developed at a public hearing held in 1934. The petitioners further allege that any tariff established on the basis of 1933 costs of operation or economic conditions existing in 1933 is no longer just, reasonable, and nondiscriminatory.

It is estimated by the petitioners that the increased rates which they propose and which they ask the Secretary to prescribe will produce 19.03 percent more revenue from the sale of cattle, and 7.91 percent more revenue from the sale of sheep than that producible under their present tariffs.

The new tariff structure proposed by the petitioners is predicated solely upon a headage basis instead of partly on a carlot and partly on a headage basis, and it is proposed to eliminate the tariff classification covering the yearling-weight class of cattle. The rates which petitioners propose are, in substance, as follows:

All modes of arrival

	Per head
Cattle and Calves:	
Calves:	
Consignments of one head	$0.50
Consignments of more than one head:	
1 head to 20 head, inclusive	.35
Each head over 20	.25
Cattle:	
Consignments of one head	1.00
Consignments of more than one head:	
1 head to 20 head, inclusive	.75
Each head over 20	.60
Hogs:	
Consignments of one head	.50
Consignments of more than one head:	
1 to 40 head, inclusive	.30
Each head over 40	.10
Sheep:	
Consignments of one head	.50
Consignments of more than one head:	
For the first 10 head in 250 head	.25
For the next 50 head in each 250 head	.15
For the next 60 head in each 250 head	.05
For the next 130 head in each 250 head	.03
Milch Cows with or without calf at side	1.00
Purebred or Registered Cows, Heifers and Bulls	5.00
Rams for breeding purposes	1.00

Extra service charges

For each weight on account of sales classification	$0.05
For each additional check, each additional account of sales, each proceeds deposited or bank credits, over 1	.05

It appears that an opportunity for a hearing should be afforded to the petitioners and to all other interested persons, including patrons of the petitioners, for the purpose of determining whether the orders heretofore entered in this proceeding should be modified.

It is, therefore, ordered, That Packers and Stockyards Docket No. 435 be reopened for the purpose of affording the petitioners and all other interested persons, including patrons of the petitioners, an opportunity to appear and present such evidence as may be relevant and material to the matters alleged in the petition.

It is further ordered, That all interested persons who desire to be heard shall notify the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C., within 20 days from the date of the publication of this order.

It is further ordered, That a copy of this order and notice shall be served upon the petitioners by registered mail.

It is further ordered, That this order and notice shall be published in the FEDERAL REGISTER.

Done at Washington, D. C., this 18th day of May 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] THOMAS J. FLAVIN,
Assistant to the Secretary of Agriculture.[1]

[F. R. Doc. 42-4574; Filed, May 19, 1942; 11:10 a. m.]

Rural Electrification Administration.

[Administrative Order No. 693]

ALLOCATION OF FUNDS FOR LOANS

MAY 2, 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*
Missouri 2043T2 Laclede	$60,500

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-4573; Filed, May 19, 1942; 11:10 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

MEN'S HAT AND CAP INDUSTRY—MINIMUM WAGES

NOTICE OF OPPORTUNITY TO SHOW CAUSE

In the matter of an amendment to the minimum wage determinations for the Men's Hat and Cap Industry under the Walsh-Healey Public Contracts Act.

Notice is hereby given to all interested parties that they have until May 29, 1942, to show cause why the Secretary of Labor should not amend the determinations of the prevailing minimum wage in the Men's Hat and Cap Industry (2 F.R. 1335 and 3 F.R. 224) issued on July 28, 1937, and on January 24, 1938, under the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C., sec. 35) to include women's hats and caps of similar design and construction to those now covered by the determinations.

All briefs or telegraphic communications should be addressed to the Administrator, Division of Public Contracts, United States Department of Labor, Washington, D. C. No form of the brief is prescribed, but an original and four copies must be submitted.

Dated: May 19, 1942.

WM. R. MCCOMB,
Assistant Administrator.

[F. R. Doc. 42-4577; Filed, May 19, 1942; 11:43 a. m.]

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[1] Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 7 F.R. 2650).

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6320]

PRESS WIRELESS, INC.

ORDER FOR INVESTIGATION AND HEARING

In the matter of charges of Press Wireless, Inc., for Government toll service between New York, N. Y., Washington, D. C., Los Angeles, California, and Cuba, Russia, and Chungking, China.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 12th day of May 1942;

It appearing that there have been filed with the Commission tariffs containing schedules stating new rates, charges, regulations, classifications and practices for and in connection with Government toll service between Los Angeles, California, on the one hand, and Cuba and Russia on the other hand, and from New York, N. Y., Los Angeles, California, and Washington, D. C., to Chungking, China; said tariffs to become effective May 20, 1942, designated as follows:

Press Wireless, Inc. Tariff F. C. C. No. 14,
First Revised page 5,
Second Revised page 21,
Second Revised page 22,
Original page 23;

It further appearing that said tariff schedules state rates and charges in interstate and foreign commerce which may be unjust and unreasonable; that the rights and interests of the public may be injuriously affected thereby; that it being the opinion of the Commission that the effective dates of such tariff schedules should be postponed pending hearing and decision thereon;

It is ordered, That the Commission, on its own motion, enter upon a hearing concerning the lawfulness of the rates, charges, regulations, classifications and practices contained in said tariff schedules, viz: Press Wireless, Inc. Tariff F. C. C. No. 14, First Revised page 5, Second Revised page 21, Second Revised page 22, and Original page 23;

It is further ordered, That the operation of said tariff schedules be suspended; and that the use of the rates, charges, regulations, classifications and practices therein stated be deferred until August 20, 1942, unless otherwise ordered by the Commission; and during said period of suspension, no change shall be made in such rates, charges, regulations, classifications and practices, or in the rates, charges, regulations, classifications and practices sought to be altered, unless authorized by special permission of the Commission;

It is further ordered, That an investigation be, and the same is hereby, instituted into the lawfulness of the rates, charges, classifications, regulations, practices and services of Press Wireless, Inc. for and in connection with Government toll service between New York, N. Y., Washington, D. C., Los Angeles, California, and Cuba, Russia, and Chungking, China;

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

It is further ordered, That this proceeding be, and the same is hereby, assigned for hearing at 10:00 a. m., on the 28th day of May 1942, at the offices of the Federal Communications Commission, in Washington, D. C.

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 42-4564; Filed, May 19, 1942; 10:43 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC-27]

CANNED FRUIT COCKTAIL, ETC.

PROPOSED DEFINITION AND STANDARD OF IDENTITY, STANDARD OF QUALITY, AND STANDARD OF FILL OF CONTAINER

Proposed Order

It is proposed that, by virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046, 21 U.S.C. 1940 ed. 341 and sec. 701, 52 Stat. 1055, 21 U.S.C. 1940 ed. 371); the Reorganization Act of 1939 (53 Stat. 561–565, 5 U.S.C. 1940 ed. 133–133r); Reorganization Plans Nos. I and IV (53 Stat. 1423, 5 U.S.C. 1940 ed. Plan No. I and 54 Stat. 1234, 5 U.S.C. 1940 ed. Plan No. IV); and on the basis of the evidence received at the above-entitled hearing duly held pursuant to notice thereof issued by the Federal Security Administrator on December 11, 1940 (5 F.R. 4899), the following order be promulgated:

Proposed Findings of Fact

1. The food, canned fruit cocktail, was originated for commercial distribution by a California canner about 1930 and he applied the name, fruit cocktail, to it. (R., pp. 57, 60, 88–9, 95, 103–4, 105–6)[1]

2. The food was designed for use, either alone or in combination with other ingredients, as a cocktail, salad or dessert. One of these uses was as a fruit base to which other fruits may be added in the preparation of the food for table use. (R., pp. 89–90, 103–4, 105–6, 233, 287)

3. The original fruit cocktail was marketed after extensive experimentation with component fruits and packing media. (R., pp. 59–60, 108)

4. As first marketed it consisted of certain fixed fruits within certain fixed ranges of proportions, packed in sugar sirups so controlled as to obtain certain fixed ranges of density in the finished product. (R., pp. 103–4, 108, 131)

5. The component fruits were peach, pear, grape, pineapple and cherry. (R., pp. 106–7, 108, 117)

6. The fruit units used were of suitable sizes and shapes and were mixed prior to or during canning. (R., pp. 105–6, 117)

7. The sugar sirups used were of two densities, each designed to contribute a particular degree of sweetness to the finished fruit cocktail. The liquid drained from the finished fruit cocktail fell within the following density ranges, as measured by the Brix hydrometer:

Not less than 18° but less than 22°;
22° or more but not more than 35°.

(R., pp. 131–3, O.P. Exh. 2)

8. Following such commercial introduction other canners commenced the manufacture and sale of canned fruit cocktail, and its sales have increased until the product ranks high among canned fruits in point of quantity canned. (R., pp. 58–9, 94, 103–4, 105–6)

9. When other canners began to make canned fruit cocktail they adopted the name, the fruits used, the relative proportions of the fruits, and the densities of the sugar sirups used, all as established by the originator of the product. (R., pp. 59–60, 89, 103–4, 105–6, 118, 131–3, 143)

10. Throughout the life of the food it has been known as and labeled "fruit cocktail" without exception other than the occasional, synonymous use of the terms "fruits for cocktail" and "cocktail fruits" (R., pp. 89, 99–100, 103–4, 118, 143–5, 152); and such names are common or usual names of the food.

11. Except as noted in finding 50, such names have never been employed to designate any other commercial canned food. (R., pp. 90, 96–7, 152)

12. Throughout the life of the product it has been prepared from a mixture of peach, pear, grape, pineapple and cherry and from no other fruits, except as noted in finding 50. (R., pp. 59–60, 108, 110, 117, 118, 157)

13. Such fruits, when in forms of units suitable for fruit cocktail, are sufficiently firm to withstand mixing and heating processes necessary in the preparation of the food under good canning technology as it now exists; whereas, all the other available fruits which are otherwise suitable are not so adapted. (R., pp. 90–1, 96, 106, 112–4, 115)

14. Each of such fruits contributes its distinctive flavor to the flavor combination originally desired and since maintained. (R., pp. 106–7, 110, 124–5)

15. Such combination of fruit flavors is an essential identifying characteristic of canned fruit cocktail. (R., pp. 87, 106–7, 110, 124–5, 152, 227)

16. Although many housewives prefer to serve fruit cocktails of a more zestful flavor induced by the use of such fresh fruits as oranges, grapefruit, bananas and apricots, and frequently add these

[1] The page references to certain relevant portions of the record are for the convenience of the reader. However, the findings are based upon a consideration of all the evidence of record at the hearing and not solely on that portion of the record to which reference is made.

fruits to canned fruit cocktail before serving it, nevertheless, canning technology has not yet developed to the point that such fruits, when included in the canned product, retain the characteristics desired by such housewives. (R., pp. 94–8, 111–5, 226–8, 232, 233, 236, 266–76, 281–3, 288–9, 291–2)

17. Each of the fruits used in canned fruit cocktail contributes to the combination of colors considered desirable in this food for its use as a cocktail, salad, or dessert. (R., pp. 85–6, 106–7, 110, 124–5)

18. Such combination of colors is an essential identifying characteristic of fruit cocktail. (R., pp. 84–6, 106–7, 110, 120, 124–5, 152, 159, 227)

19. Peaches of any yellow variety are suitable for use in canned fruit cocktail. Peaches of white varieties are unsuitable because they do not contribute the essential orange-yellow color. (R., pp. 112–3, 120–1, 124, 159)

20. Pears of any variety are suitable for use in canned fruit cocktail. (R., pp. 121, 159–60)

21. Any grapes of a "white" (pale green), seedless variety are suitable for use in canned fruit cocktail. Dark-colored varieties of grapes are not suitable for the reason that they would stain the other fruits. The seed of varieties having seed are objectionable in the product. (R., pp. 117, 121–3)

22. Pineapple of any variety is suitable for use in canned fruit cocktail. (R., pp. 124, 161–2)

23. Cherries of any light, sweet variety, cherries artificially colored red, and cherries artificially colored red and artificially flavored are each suitable for use in canned fruit cocktail. Cherries of red sour and dark sweet varieties are unsuitable for use because they would stain the other fruits. (R., pp. 107, 117, 123–4, 126, 162–70)

24. In the preparation of cherries artificially colored red and cherries artificially colored red and artificially flavored the cherries are subject to processes which eliminate most, if not all, of the natural juices, color and flavor, so that the finished product differs in color, flavor and food value from natural cherries. (R., pp. 125–6, 163–70)

25. The presence of cherries artificially colored red or cherries artificially colored red and artificially flavored is a significant factor in consumers' preference for and choice of canned fruit cocktail. (R., pp. 123–4, 156–8)

26. The varieties of fruits specified in findings 19–23, inclusive, are the only varieties used in canned fruit cocktail, and the presence of fruits of such varieties is an essential identifying characteristic of canned fruit cocktail. (R., pp. 60, 84, 109–10, 124–5, 126, 156–8, 185)

27. Each of the fruits used in canned fruit cocktail must be mature. (R., p. 118)

28. Such fruits are suitable for use in canned fruit cocktail when fresh or when previously canned. (R., pp. 119)

29. It is necessary that the fruits used in canned fruit cocktail be prepared as follows: The peaches are peeled, pitted, and diced; the pears are peeled, cored and diced; the grapes are stemmed; the pineapple is peeled, cored and cut into sectors or dice; and the cherries are stemmed, pitted and cut into approximate halves. (R., pp. 117, 126–7, 138–9, 158–70, 228)

30. Except as noted in finding 51 the fruits in canned fruit cocktail have always been used in such forms of units. (R., pp. 66–68, 109–110, 126–7)

31. Such forms of units are an essential identifying characteristic of canned fruit cocktail. (R., pp. 109–110, 126–7, 227)

32. In addition to the identity of the fruits present, a factor essential in maintaining the characteristic flavor and color combinations of canned fruit cocktail is the proportion of each fruit present. (R., pp. 60–1, 84, 87, 108, 109–11, 124–5, 127–9, 228)

33. Canned fruit cocktail is customarily divided into individual servings, the number being proportionate to the size of the container; 4½ ounces represents an ordinary serving. (R., pp. 142, 173–8, 228)

34. It is essential to the maintenance of the characteristic blend of flavors and colors in each individual serving that each 4½ ounces of the food, and any fraction thereof greater than two ounces contain not less than two sectors or 3 dice of pineapple and not less than one-half cherry, these being the more expensive fruit ingredients. (R., pp. 142–3, 173–7)

35. Throughout the life of the food, except as noted in finding 53, the fruits therein have been mixed within the following ranges of proportions by weight of the fruit in the finished food, from which the packing medium has been drained:

Peach, not less than 30 nor more than 50 percent.

Pear, not less than 25 nor more than 45 percent.

Grape, not less than 6 nor more than 20 percent.

Pineapple, not less than 6 nor more than 16 percent.

Cherry, not less than 2 nor more than 6 percent.

(R., pp. 108, 124–5, 127–9, O. P. Exh. 2)

36. Such ranges are necessary because of the impossibility of obtaining uniformity of the mixture by the methods employed in good manufacturing practice. (R., pp. 170–3, 177–8, 187–8)

37. Combination of the fruits within such ranges of proportions is an essential identifying characteristic of canned fruit cocktail. (R., pp. 84, 87, 108, 109–11, 124–5, 127–9, 185, 227)

38. The presence of a liquid packing medium in canned fruit cocktail is essential to permit it to be processed by heat so as to prevent spoilage. (R., pp. 130, 139, 335, 1300, 1534)

39. The presence of a liquid packing medium is an essential identifying characteristic of canned fruit cocktail. (R., pp. 130–1, 228)

40. The liquid packing medium used throughout the life of the product, except as noted in finding 53, has been one of two optional sugar sirups, which are distinguished by the density and sweetness of the liquids in the finished product. (R., pp. 131–3, 179–82, 228, 621, 635, 651, 675, 1521; O. P. Exh's. 1–1 BB., incl., S, 55–64)

41. Consistent with trade practice previously established in connection with other canned fruits packed in sirups of similar sweetness and densities, such sirups were designated in the industry and are commonly known to consumers as "heavy" and "extra heavy". (R., pp. 131–3, 179–83, 228–9)

42. The sirup of lighter density and sweetness is that in which the liquid, 15 days or more after canning, is not less than 18° Brix but less than 22° Brix. (R., pp. 131–3)

43. The sirup of heavier density and sweetness is that in which the cut-out liquid, 15 days or more after canning, is not less than 22° Brix but not more than 35° Brix. (R., pp. 131–3)

44. The density of any such packing medium, before it is mixed with the fruit ("ingoing"), differs from its density as present in the finished canned fruit cocktail ("cut-out"), by reason of the blending of such packing medium with the liquid from the fruit. (R., pp. 404–5, 685, 1298)

45. The change in density of the packing medium in the sealed and heat-processed can progresses to an equilibrium which is reached within fifteen days from the date of sealing in the can. (R., pp. 1348, 2472; Govt. Ex's. 15, 16, 17, 18, 19, 20)

46. By following accepted commercial practices, at least the minimum of the desired density range of the cut-out liquid can be obtained with certainty. (R., pp. 407–8, 1299, 1673, 2423)

47. Canned fruit cocktail is sealed in a container and is so processed by heat as to prevent spoilage. (R., pp. 140–1)

48. The liquid in the finished canned fruit cocktail does not have a density of more than 35° Brix. Such a limitation is necessary to distinguish the food from other sweetened fruit products, such as preserves, and is an essential identifying characteristic of canned fruit cocktail. (R., p. 141)

49. Based upon experience with and understanding of the composition of canned fruit cocktail, the purchaser thereof understands it to be a food composed of the kinds and varieties of fruits hereinbefore stated, in the forms of units and in the proportions hereinbefore stated, and in one of the two optional sirups hereinbefore designated. (R., pp. 62–3, 67, 97, 118, 124–5, 127–9, 131–3, 152, 179–80, 227–8, 230)

50. Occasionally in the past and recently more frequently, fruit mixtures of degraded and cheaper composition have been sold under the name of canned fruit cocktail in order to take advantage of the increasing popularity of that food at the expense of the purchasing public. (R., pp. 66–7, 91–2, 99, 108–9, 152–8, 228)

51. Such frauds have been of three kinds: (a) the substitution of cheaper fruits; (b) the use of large proportions of the cheaper fruits recognized as ingredients of canned fruit cocktail, and therefore of smaller proportions of the expensive fruits than the proportions

necessary for the customary uses of the product; (c) the use of slivers, fragments, or other misshapen units of fruit commonly regarded as unsuitable for use in canned fruit cocktail. (R., pp. 66–71, 99, 108–9, 152–8, 228)

52. The growing tendency toward these debasing practices causes other canners to engage in similar practices in order to meet competition. This leads to the reasonable expectation that a continuation of the trend will result in the further degradation and loss of identity of the product known to the consumer as canned fruit cocktail; all at the expense of honesty and fair dealing in the interest of consumers. (R., pp. 66–71, 108–9, 152–8, 230)

53. Since 1937 various new packing media have been used in relatively small portions of the pack of canned fruit cocktail. (R., pp. 133, 135–7)

54. The special dietary uses of foods low in carbohydrates have recently led to the use of water as the sole packing medium of some canned fruit cocktail. (R., pp. 133, 135–7, 178–9)

55. Water may be added directly to the mixture of fruits, through the use of the packing media of such fruits originally canned in water. Whenever any quantity of water is introduced into fruit juice, directly or indirectly, the entire liquid of the packing medium is considered to be water and not fruit juice for the purposes of a packing medium in canned fruit cocktail, because of the inherent opportunities for fraud in introducing water into fruit juices. (R., pp. 134, 135–7, 146–7, 178, 188–9)

56. There has recently been a growing increase of the use as packing media of the juices of the fruits present in fruit cocktail. Such juices may be expressed from one or more of such fruits or they may be drained from such fruits originally canned in such juice. (R., pp. 133–7, 147–8, 178)

57. Such juices sometimes require straining or filtering to remove insoluble fruit solids which would cloud the liquid of the canned fruit cocktail. (R., pp. 133–4)

58. There have also been introduced sirups in which sugar has been replaced by invert sugar sirup, or in part by dextrose or corn sugar, corn sirup, or corn sirup solids, as well as sirups in which water is replaced by the fruit juices specified in finding 56. Such sirups, including sugar sirups, may be prepared for direct addition to the fruits or drained from any of the fruits previously canned in the respective ingredients of such sirups. If any water is used, directly or indirectly, in the preparation of such sirups, according to established trade practice they are considered to be plain sirups and not fruit juice sirups. (R., pp. 133–7, 147–8)

59. Equal quantities of the solids of all such saccharine agents yield sirups of practically equivalent specific gravities. Therefore, densities of the new sirups have consistently followed the traditional densities of the sugar sirups used as packing media in canned fruit cocktail, under the same designations as to density of "heavy" and "extra heavy". (R., pp. 131–3, 147–8, 188)

60. Sugar is the refined product in crystallized form commonly obtained from sugar cane or sugar beet; it is chemically known as sucrose. (R., pp. 346, 400, 433, 586, 594, 618, 625, 629, 637, 651, 666, 670, 675, 988)

61. When sugar in solution is subjected to certain treatments with the enzyme invertase or certain acids, it is wholly or partly converted into levulose and dextrose, the quantities of levulose and dextrose produced being equal. This chemical reaction is commonly known as the inversion of sugar. (R., pp. 420, 576, 603, 1853)

62. Invert sugar sirup is an aqueous solution of sugar or partly refined sugar which has been wholly or in large part inverted with the enzyme invertase or with hydrochloric or other acid, and which, if acid is used, has been neutralized with a carbonate. (R., pp. 1852, 1853, 1881)

63. The quantity of ash present in invert sugar sirup is in general indicative of the degree of refinement of the sugar in such sirup. (R., p. 1902)

64. An invert sugar sirup which is insufficiently refined and which has an abnormally high ash content contributes a characteristic flavor, odor, and color which renders it unsuitable for use as a saccharine substance in preparing packing media for canned fruit cocktail. (R., pp. 1866–68)

65. An invert sugar sirup which is sufficiently refined to be suitable for use as a saccharine substance in preparing a packing medium for canned fruit cocktail contains not more than 0.3 percent ash in its solids, and is colorless, odorless and flavorless except for sweetness. (R., pp. 1905–6, 1910, 2365)

66. When a sugar solution is used as the packing medium for canned fruit cocktail, the natural acids of the fruits, aided by the heat processing, invert a part of the sugar. (R., pp. 346–7, 357, 504, 990, 1948)

67. When sugar is used in a packing medium, it is immaterial whether its inversion occurs before or after the addition of the packing medium to the fruit, and immaterial whether it is the dry substance or a concentrated aqueous solution. For all practical purposes in the preparation of canned fruit cocktail, therefore, such refined invert sugar sirups, when diluted to the proper density, are the same as sugar sirups prepared by dissolving sugar in water. (R., pp. 1883–4)

68. Dextrose is the anhydrous or hydrated, refined monosaccharide obtained by complete hydrolysis of any starch, including cornstarch. (R., pp. 960–1)

69. Corn sirup is the product obtained by incomplete hydrolysis of cornstarch and is a concentrated aqueous solution of dextrose and maltose, which are members of the class of substances known as reducing sugars, and the non-sugar substance dextrin. When sufficiently hydrolized for use as a saccharine substance in a packing medium for canned fruit cocktail, its solids contain not less than 58 percent reducing sugars. (R., pp. 957, 1104–5)

70. Corn sirup solids is dried corn sirup; it differs from corn sirup only in that water is removed by drying. When sufficiently hydrolized for use as a saccharine substance in a packing medium for canned fruit cocktail, its solids contain not less than 58 percent reducing sugars. Since the liquid component of corn sirup is water and since added water is necessary in the preparation of fruit cocktail it is immaterial whether the corn sirup is in a liquid or dry state and, for all practical purposes in the preparation of canned fruit cocktail, corn sirup may be considered to include dried corn sirup. (R., pp. 960, 968)

71. Important factors on the basis of which packing media of different packs of canned fruit cocktail are differentiated from each other are their density, flavor, food value, and sweetness; each of such factors is a significant element in the production cost and sale price of canned fruit cocktail, and in consumers' preference. (R., pp. 335, 352–3, 393–4, 399, 637, 898–9, 1226–7, 1309, 1322–4, 2549)

72. The density, and hence the degree of sweetness, of a sweetened packing medium is not fixed precisely but only within a specified range. Therefore the same kind of packing medium may vary in density and sweetness within its own range to a noticeable degree irrespective of the saccharin substance from which it is made. (R., pp. 393–4, 397, 399, 423–4, 440, 447, 484–5, 491–2, 683, 691–2, 1484, 2009–10)

73. Different varieties of the same fruit, and fruits of the same variety of different degrees of maturity, and fruits of the same variety and substantially the same degree of maturity but obtained from different localities or from different parts of the same tree, frequently differ in acidity, sugar content, and other properties, and such differences affect the sweetness of the sweetened packing media of the different packs of canned fruit cocktail containing such fruits, so that even though a packing medium of a fixed density made from the same saccharin substance is used for each of such packs of canned fruit cocktail there is some detectable difference in sweetness between such finished packs of canned fruit cocktail. (R., pp. 348–9, 357–8, 365, 989, 993–4, 1074–8, 1403)

74. One of the differences, among others, between the saccharin substances used in the preparation of the packing media for canned fruit cocktail is a difference in their degree of sweetness, sugar being the sweetest, dextrose being about two-thirds as sweet as sugar, and corn sirup being about one-half as sweet as sugar. (R., pp. 354–5, 429–31, 472, 511–12, 680–1, 693–6, 1068–70, 1110–13, 1286, 1623–4, 1722, 1970–1, 2213, 2211–14, 2458)

75. When equal weights of the solids of sugar (whether inverted or not), of dextrose, and of corn sirup (whether added as corn sirup or as dried corn sirup), are each dissolved in water to make solutions of the same volume, the densities and

calorific food values of such solutions are not materially different from each other. (R., pp. 413, 416, 427–31, 469–70, 484–5, 515, 517, 524, 535, 569–70, 1003–45, 1017, 1214–18, 1228–31, 1743–4)

76. There are slight differences in the cost of the different saccharin substances from which sweetened packing media are made, but such differences are not of material significance to consumers. (R., pp. 2088–9, 2694–6)

77. By reason of their lesser sweetening properties, dextrose or corn sirup, or any mixture of these, are always used in combination with sugar when used in preparing sweetened packing media for canned fruit cocktail and the quantity of dextrose or corn sirup used is always limited to such amounts that the packing medium in the finished canned fruit cocktail is substantially of the same degree of sweetness as one of like density prepared from sugar alone. (R., pp. 439, 450, 460, 482–3, 487, 501–2, 509, 515–16, 522–3, 554, 1295–7, 1332–7, 1358–9, 1373, 1384–5, 1395–7, 1458–60, 1576–81, 1712–25, 1729–33)

78. The degree of sweetness of any packing medium in which dextrose or corn sirup, or any mixture of these, is used in combination with sugar becomes progressively less in relation to the density of such packing medium as the quantity of dextrose or corn sirup, or any mixture of these, is increased, so that, in the absence of a limitation of such quantity, the density within the range specified for any given packing medium would cease to provide a basis for identifying such packing medium as to sweetness. (R., pp. 354–5, 429–32, 472–3, 511–12, 513–17, 1117–37, 1300–1)

79. A sweetened packing medium prepared from a mixture of sugar and dextrose in a proportion of two parts of sugar and one part of dextrose, or from a mixture of sugar and corn sirup in a proportion of three parts of sugar and one part of corn sirup, or from a mixture of sugar, dextrose, and corn sirup in such proportion that the weight of the dextrose multiplied by two plus the weight of the corn sirup multiplied by three equals the weight of the sugar, is substantially as sweet as a finished packing medium of like density prepared from sugar alone. (R., pp. 438–9, 450; 460, 482–3, 501–2, 513–14, 522–4, 539–40, 544, 548, 550, 554, 556, 1296–7, 1334–5, 1357–9, 1373, 1385, 1392, 1395–7, 1542, 1576–81, 1693–4, 1712–5, 1721–6, 1729–33)

80. There is no substantial difference in the degree of sweetness between canned fruit cocktail packed in any one of the packing media specified in finding 79 and the same kind of canned fruit cocktail packed in any one of the other packing media therein specified. Such difference as may exist between such packing media is ordinarily not noticeable to consumers in the finished packs of canned fruit cocktail unless they make comparative tasting tests and some consumers cannot distinguish between them upon making such tests. (R., pp. 517, 535, 1295–7, 1336–7, 1373, 1386, 1458–60, 1715–16, 1729–40, 2630. Govt. Exs. 1–7, incl., 8–14, incl.; O.P.'s Exs. 19–24 incl., 25–30, incl., 29–32, incl., 34–37, incl., 46–48, incl., 74–76, incl.)

81. When sugar is replaced with dextrose or corn sirup, or any mixture of these, in proportions greater than those specified in finding 79, so as to produce a packing medium equivalent in sweetness to one prepared from sugar alone, the relationship between density and sweetness normally expected in sweetened packing media is destroyed. (R., pp. 513–17, 1117–37, 1300–1, 1339–40, 1395–7, 1400–1, 1557–9)

82. Cherries artificially colored red, cherries artificially colored red and artificially flavored, water, fruit juice, heavy sirup, extra heavy sirup, heavy fruit juice sirup and extra heavy fruit juice sirup, prepared as described in the preceding findings, are optional ingredients permissible in canned fruit cocktail, the common names of which are the terms whereby they are herein listed.

Upon the basis of the foregoing detailed findings of fact, it is found that the promulgation of the attached proposed regulation fixing and establishing a definition and standard of identity for canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail, and requiring certain optional ingredients thereof to be named on the label will promote honesty and fair dealing in the interest of consumers.

Proposed regulation

§ 27.040 *Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail—identity; label statement of optional ingredients.* (a) Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail, is the food prepared from the mixture of fruit ingredients prescribed in paragraph (b), in the forms and proportions therein prescribed, and one of the optional packing media specified in paragraph (c). It is sealed in a container and is so processed by heat as to prevent spoilage.

(b) The fruit ingredients referred to in paragraph (a), the forms of each, and the percent by weight of each in the mixture of drained fruit from the finished canned fruit cocktail are as follows:

(1) Peaches of any yellow variety, which are pitted, peeled, and diced, not less than 30 percent and not more than 50 percent;

(2) Pears of any variety, which are peeled, cored, and diced, not less than 25 percent and not more than 45 percent;

(3) Whole grapes of any seedless variety, not less than 6 percent and not more than 20 percent;

(4) Pineapples of any variety, which are peeled, cored, and cut into sectors or into dice, not less than 6 percent and not more than 16 percent; and

(5) One of the following optional cherry ingredients, each of which is stemmed, pitted, and cut into approximate halves, not less than 2 percent and not more than 6 percent;

(i) Cherries of any light, sweet variety;
(ii) cherries artificially colored red; or
(iii) cherries artificially colored red and artificially flavored.

Each such fruit ingredient is prepared from mature fruit which is fresh or canned. Notwithstanding the preceding provisions of this paragraph, each 4½ ounces avoirdupois of the finished canned fruit cocktail and each fraction thereof greater than 2 ounces avoirdupois contain not less than 2 sectors or 3 dice of pineapple and not less than 1 approximate half of the optional cherry ingredient.

(c) The optional packing media referred to in paragraph (a) are as follows:

(1) Water;
(2) Fruit juice;
(3) Heavy sirup;
(4) Extra heavy sirup;
(5) Heavy fruit juice sirup; and
(6) Extra heavy fruit juice sirup.

Each of packing media (3) and (4) is prepared with water as its liquid ingredient, and each of packing media (5) and (6) is prepared with fruit juice as its liquid ingredient. Except as provided in paragraph (d) (6), each of packing media (3) to (6), inclusive, is prepared with any one of the following saccharine ingredients; sugar; or any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; or any combination of sugar and corn sirup in which the weight of the solids of the corn sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup in which the weight of the solids of the dextrose used multiplied by 2, added to the weight of the solids of the corn sirup used multiplied by 3, is not more than the weight of the solids of the sugar used. Packing media (3) to (6), inclusive, are of such densities, respectively, that their measurements on the Brix hydrometer, fifteen days or more after the fruit cocktail is canned, fall within the range set forth after each in the following list:

Number of packing medium:	*Brix measurement*
(3) and (5)	18° or more but less than 22°.
(4) and (6)	22° or more but not more than 35°.

(d) For the purposes of this section—

(1) The term "water" means, in addition to water, both the liquid drained from any fruit ingredient previously canned in water as its sole packing medium and any mixture of water and fruit juice, including the liquid drained from any fruit ingredient previously canned in such mixture.

(2) The term "fruit juice" means the fresh or canned, expressed juice or juices of one or more of the mature fruits named in subsection (b), including the liquid drained from any fruit ingredient previously canned in such juice or juices as its sole packing medium, to which no water has been added, directly or indirectly. Fruit juice may be strained or filtered.

(3) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous sirup of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash and which is

colorless, odorless and flavorless except for sweetness.

(4) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(5) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of corn starch and includes dried corn sirup; the solids of corn sirup and dried corn sirup contain not less than 58 percent by weight of reducing sugars.

(6) When the optional packing medium is prepared with fruit juice and invert sugar sirup or corn sirup other than dried corn sirup, it shall be considered to be heavy sirup or an extra heavy sirup, as the case may be, and not a heavy fruit juice sirup or an extra heavy fruit juice sirup.

(7) A heavy sirup or extra heavy sirup, which conforms in all other respects to the provisions of this section, includes a sirup in the preparation of which there is used the liquid drained from any fruit ingredient previously canned in a packing medium consisting wholly of the liquid and saccharine ingredients of a heavy sirup or extra heavy sirup.

(8) Except as provided in subparagraph (6) of this paragraph, a heavy fruit juice sirup or extra heavy fruit juice sirup, which conforms in all other respects to the provisions of this section, includes a sirup in the preparation of which there is used the liquid drained from any fruit ingredient previously canned in a packing medium consisting wholly of the liquid and saccharine ingredients of heavy fruit juice sirup or extra heavy fruit juice sirup.

(e) (1) The optional ingredient specified in paragraphs (b) (5) (ii) and (iii) and (c) (1) to (6), inclusive, are hereby designated as optional ingredients which, when used, shall be named on the label by the name whereby each is so specified.

(2) Such names shall immediately and conspicuously, without intervening written, printed, or graphic matter, precede or follow the name "fruit cocktail", "cocktail fruits", or "fruits for cocktail" wherever it appears on the label so conspicuously as to be easily seen under customary conditions of purchase.

Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk of the Federal Security Agency, Office of the Assistant General Counsel, Room 2242, South Building, 14th Street and Independence Avenue SW., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed order, and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied with a memorandum or brief in support thereof.

[SEAL] PAUL V. MCNUTT,
Administrator.

MAY 16, 1942.

[F. R. Doc. 42-4563; Filed, May 19, 1942; 10:34 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4657]

PACIFIC COAST PAPER MILLS, INC.

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

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

In the Matter of Pacific Coast Paper Mills, Inc., a corporation.

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

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

It is further ordered, That the taking of testimony in this proceeding begin on Monday, June 29, 1942, at ten o'clock in the forenoon of that day (Pacific Standard Time) in the Superior Court Room, Court House, Bellingham, Washington.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-4566; Filed, May 19, 1942; 10:43 a. m.]

OFFICE OF PRICE ADMINISTRATION.

ORDER REVOKING EXCEPTION TO CENTRAL IRON AND STEEL COMPANY

ORDER NO. 9 UNDER REVISED PRICE SCHEDULE NO. 6 [1] IRON AND STEEL PRODUCTS

On May 22, 1941, Central Iron and Steel Company, Harrisburg, Pennsylvania, was granted permission to charge a maximum price for steel plates, base grade, at established basing points, of $2.35 per hundred pounds. This permission was expressly made subject to revision on subsequent investigation. Subsequent investigation has been made. Due consideration has been given to this matter, and an opinion in support of this Order No. 9 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

That the Central Iron and Steel Company, Harrisburg, Pennsylvania, shall not sell, offer to sell, deliver or transfer any iron or steel product, and no person shall accept delivery of any such product, at prices higher than the maximum prices set forth in Revised Price Schedule No. 6: *Provided*, That with respect to contracts entered into prior to the effective date of this order, shipments may be made, until May 30, 1942, at prices not in excess of those established by the letter dated May 22, 1941, granting permission to charge $2.35 per hundred pounds, base grade, at established basing points, to the Central Iron and Steel Company.

This Order No. 9 shall become effective May 23, 1942.

Issued this 18th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4553; Filed, May 18, 1942; 5:13 p. m.]

ORDER REVISING EXCEPTION TO ECKELS-NYE STEEL CORPORATION

ORDER NO. 10 UNDER REVISED PRICE SCHEDULE NO. 6 [1]—IRON AND STEEL PRODUCTS

On September 17, 1941, Eckels-Nye Steel Corporation, Syracuse, New York, was granted an exception from the terms of Price Schedule No. 6. The exception permits Eckels-Nye Steel Corporation to charge prices not in excess of $2.50 per hundred pounds for rail steel merchant bars, base grade, at established basing points. In the letter in which the said exception was granted, the right to reconsider the exception upon subsequent investigation was reserved to the Administrator. An investigation has presently been completed. Due consideration has been given to the matters raised by the exception and by the investigation, and an opinion in support of this Order No. 10 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

(a) That the exception previously granted to the Eckels-Nye Steel Corporation, Syracuse, New York, in a letter dated September 17, 1941, is hereby revoked except insofar as this revocation is subject to the terms of paragraph (e) herein. Except insofar as is dated in paragraph (b) herein, the Eckels-Nye Steel Corporation shall not sell or deliver, or agree, offer, solicit or attempt to sell or deliver, any iron or steel products at prices in excess of those established by Revised Price Schedule No. 6, and no person shall buy or receive, or agree, offer, solicit or attempt to buy or receive, any iron or steel products at any prices in excess of those stated herein from the Eckels-Nye Steel Corporation.

(b) Eckels-Nye Steel Corporation, may sell and deliver, and agree, offer, and solicit and attempt to sell and deliver rail steel merchant bars, at a maximum price not in excess of $2.40 per hundred

[1] 7 F.R. 1215, 1836, 2132, 2153, 2299, 2997, 3115.

pounds, base grade, at established basing points, and any person may buy and receive, and agree, offer, solicit and attempt to buy and receive, rail steel merchant bars at such prices from the Eckels-Nye Steel Corporation.

(c) The Eckels-Nye Steel Corporation is to submit monthly data covering cost of production of rail steel merchant bars, tonnage shipped, and monthly profit and loss data. This information shall be filed with the Office of Price Administration not later than the fifteenth day of the next succeeding month.

(d) This Order No. 10 may be revoked or amended by the Price Administrator at any time.

(e) Until May 31, 1942, the Eckels-Nye Steel Corporation, may slip and invoice steel at prices in accordance with the terms of the exception granted in the letter of the Price Administrator, dated September 17, 1941.

This Order No. 10 shall become effective May 23, 1942.

Issued this 18th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4552; Filed, May 18, 1942; 5:12 p. m.]

EXCEPTION GRANTED TO L. NORRIS HALL, INC.

ORDER NO. 7 UNDER REVISED PRICE SCHEDULE NO. 49 [1]—RESALE OF IRON OR STEEL PRODUCTS

On February 9, 1942, L. Norris Hall, Inc., 3520 Indian Queen Lane, Philadelphia, Pennsylvania, filed an application for an exception to Revised Price Schedule No. 49. The application has been considered as a petition for an exception. Due consideration has been given to the application, and an opinion in support of this Order No. 7 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, it is hereby ordered:

(a) That L. Norris Hall, Inc., 3520 Indian Queen Lane, Philadelphia, Pennsylvania, may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds and grades of steel set forth in paragraph (b) at prices not in excess of those stated therein. Any person may buy and receive, and agree, offer, solicit and attempt to buy and receive, such kinds of steel at such prices from L. Norris Hall, Inc.

(b) Structural carbon steel shapes, base grade, at a price not in excess of 20¢ per hundred pounds above the otherwise maximum delivered price applicable to sales of such structural carbon steel shapes.

(c) L. Norris Hall, Inc. is to submit quarterly data indicating the proportion of structural carbon steel shapes which it purchased from the Phoenix Iron Company, Phoenixville, Pennsylvania.

(d) This Order No. 7 may be revoked or amended by the Price Administrator at any time.

(e) On all sales made pursuant to the terms of this exception, the invoice shall clearly be marked or stamped: "Price as subject to exception granted by Office of Price Administration." The terms of this exception shall be disclosed by L. Norris Hall, Inc. to any purchaser upon inquiry by such purchaser.

This Order No. 7 shall become effective May 23, 1942.

Issued this 19th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4567; Filed, May 19, 1942; 11:01 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 68-7]

NORTHERN STATES POWER COMPANY (MINNESOTA)

ORDER CONSENTING TO WITHDRAWAL OF DECLARATION

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

Northern States Power Company (Minnesota), a registered holding company, having filed a declaration on March 2, 1942, pursuant to the Public Utility Holding Company Act of 1935 and the Rules promulgated thereunder regarding a proposal to solicit proxies to secure the quorum necessary to conduct its annual stockholders' meeting scheduled to be held on May 13, 1942, and to expend approximately $6,000 in connection with such solicitation; and notice of such filing having been duly given in the form and manner prescribed by the Rules promulgated pursuant to said Act; and declarant having requested a postponement of the effective date of said declaration until it could determine whether or not the proposed solicitation would be necessary; and declarant by an amendment filed May 13, 1942, having advised us that sufficient proxies for the aforesaid meeting had been received and that the proposed solicitation would not be necessary, and having requested permission to withdraw said declaration; and

It appearing to the Commission that it is appropriate to grant such request;

It is hereby ordered, That Northern States Power Company (Minnesota) be, and it is hereby granted permission to withdraw the declaration in the above styled and numbered matter, and the same is hereby deemed withdrawn.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-4555; Filed, May 19, 1942; 9:56 a. m.]

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[1] 7 F.R. 1300.

[2] 7 F.R. 971.