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FEDERAL REGISTER

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Washington, Tuesday, April 7, 1942

The President

PROCLAMATION 2545

FREE IMPORTATION OF JERKED BEEF

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS codfish constitutes one of the basic staples in the diet of the low-income groups in Puerto Rico; and

WHEREAS the supply of codfish in Puerto Rico, practically all of which is imported from Canada, Newfoundland, and Labrador, will probably be substantially reduced as a result of the war; and

WHEREAS it is imperative that a substitute low-cost food be made available; and

WHEREAS jerked beef is a satisfactory substitute for codfish; and

WHEREAS section 318 of the Tariff Act of 1930 (46 Stat. 590, 696) provides, in part as follows:

Whenever the President shall by proclamation declare an emergency to exist by reason of a state of war, or otherwise, he may authorize the Secretary of the Treasury to extend during the continuance of such emergency the time herein prescribed for the performance of any act, and may authorize the Secretary of the Treasury to permit, under such regulations as the Secretary of the Treasury may prescribe, the importation free of duty of food, clothing, and medical, surgical, and other supplies for use in emergency relief work:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the above-quoted statutory provisions, do hereby declare an emergency to exist by reason of the present war, and do hereby authorize the Secretary of the Treasury to permit, until it shall be determined by the President and declared by his Proclamation that the emergency has terminated, under such regulations and subject to such conditions as he may deem necessary, the importation of

jerked beef free of duty when imported by or directly for the account of any public agency or any relief organization, not operated for profit, for distribution to consumers in Puerto Rico, or by or directly for the account of any dealer in foodstuffs for sale or distribution to consumers in that area.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 1st day of April in the year of our Lord nineteen hundred and forty-
[SEAL] two, and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES,
Acting Secretary of State.

[F. R. Doc. 42-2987; Filed, April 4, 1942;
10:08 a. m.]

PROCLAMATION 2546

CANCER CONTROL MONTH—1942

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS Public Resolution No. 82, 75th Congress, approved March 28, 1938 (52 Stat. 148), authorizes and requests the President to issue annually a proclamation setting apart the month of April of each year as Cancer Control Month and to invite similar action on the part of the Governors of the several States, Territories, and possessions of the United States; and

WHEREAS the victims of cancer are, for the most part, mature men and women, valued custodians of our American way of life, whose loss is a costly drain upon national strength and morale; and

WHEREAS American men and women should be urged by every educational means to make use of available facilities

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for early diagnosis and treatment of cancer in their communities, with a view to reducing the annual toll of 160,000 lives taken by cancer, which now ranks second among the causes of death in the United States:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby set apart the month of April 1942 as Cancer Control Month, and I invite similar action on the part of the Governors of the several States, Territories, and possessions of the United States.

I call upon State and local agencies, the medical profession, scientific leaders, civic groups, and the informative instruments of press, radio, and screen, in cooperation with the Women's Field Army of the American Society for the Control of Cancer, to spread the knowledge of the early symptoms of cancer and disseminate information regarding the location and function of cancer clinics and other health facilities.

I also urge the men and women of the Nation, especially those over 35 years of age, in whom cancerous growths are most likely to occur, to set aside a specific time during the month of April to obtain a thorough physical examination, in order that any premonitory signs of cancer may be detected and eliminated. This simple act on the part of individuals will go far toward the prevention of suffering and of the many unnecessary deaths from cancer.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the City of Washington this 3rd day of April in the year of our Lord nineteen hundred and [SEAL] forty-two and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D. ROOSEVELT

By the President:
SUMNER WELLES,
Acting Secretary of State.

[F. R. Doc. 42-3038; Filed, April 6, 1942; 10:43 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Administration

[O-34-2]

PART 934—MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA

AMENDMENT NO. 2, TO THE ORDER,¹ AS AMENDED, REGULATING THE HANDLING OF MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA

The Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Law 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, issued, on July 28, 1941, and effective as of August 1, 1941, the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area.

There being reason to believe that amendment of said order, as amended, would tend to effectuate the declared policy of the act, a notice was given on the 20th day of August 1941, of a hearing which was held on August 28, at Lawrence, Massachusetts; at which time and place all interested parties were afforded an opportunity to be heard on proposed amendments to said order, as amended, and thereafter Amendment No. 1 was issued, effective November 1, 1941.

There being reason to believe that further amendment of said order, as amended, would tend to effectuate the declared policy of the act, notice was given on the 14th day of January 1942, of a hearing, which was held on January 21, at Andover, Massachusetts, at which time and place all interested parties were afforded an opportunity to be heard on proposed amendments to said order, as amended.

The requirements of section 8c (9) of the act have been complied with.

It is found, upon the evidence introduced at said latter hearing on proposed amendments, said findings being in addition to the findings made upon the evidence introduced at all prior hearings on said order and amendments thereto (which findings are hereby ratified and affirmed, save only as such findings are in conflict with findings hereinafter set forth):

§ 934.0 Findings.

(i) That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to Secs. 2 and 8 (e) of said act, 50 Stat. 246; 7 U.S.C. 602, 608e, are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such

milk, and that the minimum prices set forth in this amendment to said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

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

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

It is hereby ordered that the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Mass., marketing area, shall be, and it is hereby amended as follows:

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

(i) as being sold, distributed, or disposed of other than as or in milk which contains 1/2 of 1 percent or more, but less than 16 percent of butterfat; and other than as or in chocolate or flavored whole or skim milk, buttermilk, or cultured skim milk for human consumption, and

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

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

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

4. Add at the end of § 934.4 (d) a second proviso as follows:

Provided further, That in the event the Class I price pursuant to § 934.4 (b) becomes \$3.86 per hundredweight, as of the effective date of such price and for all delivery periods thereafter, § 934.4 (d) shall not apply and the applicable price pursuant to § 934.4 (b) shall apply.

(Amendments to §§ 934.0; 934.3 (b) (2); 934.4 (b), (c), and (d); issued under the authority contained in 48 Stat. 31, 670, 675 (1933); 49 Stat. 750 (1935); 50 Stat. 246 (1937); 7 U.S.C. and Sup. 601 et seq.)

Issued at Washington, D. C., this 3rd day of April 1942, to become effective on and after the 6th day of April 1942. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] **CLAUDE R. WICKARD,**
Secretary of Agriculture.

[F. R. Doc. 42-2982; Filed, April 3, 1942; 3:46 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Amendment No. 6 of Part 285]

PART 285—RULES OF PRACTICE

GRANTING OF EXTENSION OF TIME FOR FILING OF EXCEPTIONS AND BRIEFS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 1st day of April 1942.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 1001 thereof, and deeming its action necessary to carry out the provisions of said Act and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following regulation:

Effective May 1, 1942, § 285.5 [Rule 5] of the Economic Regulations is amended by adding at the end of paragraph (b) thereof the following:

§ 285.5 *Hearings, arguments, Examiner's report and proceedings subsequent thereto.*

* * * * *

(b) *Examiner's report.* * * * After a date has been set for the submission of proposed findings of fact or conclusions of law, or written briefs to the examiner, or the filing of exceptions to examiner's report or briefs thereon, such date may be postponed upon proper cause shown, but any such postponement shall not be granted by the examiner less than three days prior to the date originally set for the filing thereof except in cases involving unusual circumstances imposing substantial hardship upon the requesting party or parties.

By the Civil Aeronautics Board.

[SEAL] **DARWIN CHARLES BROWN,**
Secretary.

[F. R. Doc. 42-2988; Filed, April 4, 1942; 10:13 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4108]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF WAMILL QUILT FACTORIES

§ 3.6 (r) *Advertising falsely or misleadingly—Prices—Exaggerated as regular and customary:* § 3.6 (r) *Advertising falsely or misleadingly—Prices—Usual as reduced, special, etc.:* § 3.69 (c) *Misrepresenting oneself and goods—Prices—Exaggerated as regular and customary:* § 3.69 (c) *Misrepresenting oneself and goods—Prices—Usual as reduced or to be increased:* § 3.72 (n) *Offering deceptive inducements to purchase—Special offers, savings and discounts.* In connection with offer, etc., in commerce, of quilts, comforts, bedding, or other products, and among other things, as in order set forth, (1) representing as the customary or regular prices of quilts, bed coverings, or other products, prices

¹ 6 F.R. 3768, 5525.

which are in excess of the prices at which such products are regularly and customarily sold by respondent in the normal and usual course of business; and (2) representing that the prices at which respondent offers for sale and sells his products constitute a discount to the purchaser, or that such prices are special or reduced, or sale or introductory prices, or one-half price, or that such prices are applicable for a limited time only, when in fact such prices are the usual and customary prices at which respondent sells such products in the normal and usual course of business; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Wamill Quilt Factories, Docket 4108, March 31, 1942]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6

(n) *Advertising falsely or misleadingly—Nature—Product:* § 3.69 (b)

Misrepresenting oneself and goods—Goods—Composition: § 3.69 (b) *Misrepresenting oneself and goods—Goods—Nature:* § 3.96 (a) *Using misleading name—Goods—Composition:* § 3.96 (a) *Using misleading name—Goods—Nature.* In connection with offer, etc., in commerce, of quilts, comforts, bedding, or other products, and among other things, as in order set forth, (1) using the word "down", either alone or in combination with any other word or words, to designate feathers or feather products other than the undercovering of water fowl as distinguished from feathers; and (2) representing that any of said products are composed of 50% down, or any other percentage of down in excess of the actual percentage by volume of down in such product or products; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Wamill Quilt Factories, Docket 4108, March 31, 1942]

§ 3.6 (c) 5) *Advertising falsely or misleadingly—Condition of goods:* § 3.6

(m) 10) *Advertising falsely or misleadingly—Manufacture or preparation:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Condition of goods:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Manufacture or preparation:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Qualities or properties.* In connection with offer, etc., in commerce, of quilts, comforts, bedding, or other products, and among other things, as in order set forth, (1) representing that said quilts or other bed coverings are free from lint; or will last a lifetime, or any other period of time in excess of the time such products will last under ordinary conditions of use; and (2) representing that respondent's quilts or other products, by reason of special treatment or otherwise, are ren-

dered permanently mothproof or more than temporarily moth repellent; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Wamill Quilt Factories, Docket 4108, March 31, 1942]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Plant and equipment:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Laboratory status.* In connection with offer, etc., in commerce, of quilts, comforts, bedding, or other products, and among other things, as in order set forth, representing that respondent has, or maintains, a laboratory with the necessary facilities for experimenting with and testing quilts or bed coverings or the materials of which they are composed; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Wamill Quilt Factories, Docket 4108, March 31, 1942]

§ 3.6 (dd) 10) *Advertising falsely or misleadingly—Success, use or standing:* § 3.69 (b) *Misrepresenting oneself and goods—Success, use or standing.* In connection with offer, etc., in commerce, of quilts, comforts, bedding, or other products, and among other things, as in order set forth, representing that respondent has sold "Wamill Feather-Down Quilts", under that or any other name, to over 40,000 customers or any other number of customers in excess of the actual number of purchasers of such quilts; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Wamill Quilt Factories, Docket 4108, March 31, 1942]

In the Matter of Walter L. Miller, Individually, and Trading as Wamill Quilt Factories

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 31st day of March, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, and a stipulation as to the facts entered into between the respondent herein and Richard P. Whiteley, Assistant Chief Counsel for the Commission, which provides, among other things, that the Commission may issue and serve upon the respondent herein findings as to the facts and conclusions based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Walter L. Miller, individually and trading as Wamill Quilt Factories, or trading under any other name or names, his agents,

representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of quilts, comforts, bedding or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing as the customary or regular prices of quilts, bed coverings, or other products, prices which are in excess of the prices at which such products are regularly and customarily sold by respondent in the normal and usual course of business;

(2) Representing that the prices at which respondent offers for sale and sells his products constitute a discount to the purchaser, or that such prices are special or reduced, or sale or introductory prices, or one-half price, or that such prices are applicable for a limited time only, when in fact such prices are the usual and customary prices at which respondent sells such products in the normal and usual course of business;

(3) Using the word "down," either alone or in combination with any other word or words, to designate feathers or feather products other than the undercovering of water fowl as distinguished from feathers;

(4) Representing that any of said products are composed of 50% down, or any other percentage of down in excess of the actual percentage by volume of down in such product or products;

(5) Representing that said quilts or other bed coverings are free from lint; or will last a lifetime, or any other period of time in excess of the time such products will last under ordinary conditions of use;

(6) Representing that respondent has, or maintains, a laboratory with the necessary facilities for experimenting with and testing quilts or bed coverings or the materials of which they are composed;

(7) Representing that respondent has sold "Wamill Feather-Down Quilts", under that or any other name, to over 40,000 customers or any other number of customers in excess of the actual number of purchasers of such quilts;

(8) Representing that respondent's quilts or other products, by reason of special treatment or otherwise, are rendered permanently mothproof or more than temporarily moth repellent.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-3041; Filed, April 6, 1942; 11:02 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Administration, Agricultural Marketing Administration

PART 0—RULES OF PRACTICE

SUBPART A—RULES APPLICABLE TO PROCEEDINGS BEFORE THE SECRETARY OF AGRICULTURE

By virtue of the authority vested in the Secretary of Agriculture by the Commodity Exchange Act (42 Stat. 998, as amended; 7 U.S.C. 1940 ed. 1-17a), the following amendments to Title 17, Chapter I, Part 0, Subpart A, Code of Federal Regulations, published in the FEDERAL REGISTER on July 3, 1941 (6 F.R. 3223), are hereby promulgated:

Section 0.2 (d) is amended to read as follows:

§ 0.2 Definitions.

(d) The term "Administration" means the Agricultural Marketing Administration of the Department;

Section 0.2 (n) is amended by striking the period and the asterisk at the end thereof and substituting for them a semicolon.

Section 0.2 (o) is inserted after § 0.2 (n), to read as follows:

(o) The term "Administrator" means the Administrator of the Administration.

In §§ 0.3 (a), 0.23, 0.26 (a), and 0.27 (a), the words "Chief of the Administration" are stricken and the word "Administrator" substituted therefor.

(42 Stat. 998, as amended; 7 U.S.C., 1-17a)

Done at Washington, D. C., this 4th day of April 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-3052; Filed April, 6, 1942;
11:42 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division

PART 618—MINIMUM WAGE RATES IN THE RAILROAD AND PROPERTY CARRIER INDUSTRY OF PUERTO RICO

WAGE ORDER IN THE MATTER OF THE RECOMMENDATION OF THE INDUSTRY COMMITTEE FOR THE RAILROAD AND PROPERTY CARRIER INDUSTRY OF PUERTO RICO FOR A MINIMUM WAGE RATE IN THE RAILROAD AND PROPERTY CARRIER INDUSTRY OF PUERTO RICO

Whereas on December 9, 1941, pursuant to section 5 (e) of the Fair Labor Standards Act of 1938, hereinafter called the Act, the Administrator of the Wage and Hour Division of the United States

Department of Labor, by Administrative Order No. 134, appointed the Industry Committee for the Railroad and Property Carrier Industry of Puerto Rico, hereinafter called the Committee, and directed the Committee to proceed to investigate conditions and to recommend to the Administrator minimum wage rates for employees in the Railroad and Property Carrier Industry of Puerto Rico in accordance with the provisions of the Act and rules and regulations promulgated thereunder; and

Whereas the Committee included two representatives of the public and a like number representing employers and a like number representing employees in the Railroad and Property Carrier Industry of Puerto Rico, and was composed of residents of Puerto Rico and residents of the United States outside of Puerto Rico; and

Whereas on January 26, 1942, the Committee after investigating economic and competitive conditions in the Industry, filed with the Administrator a report containing its recommendation for a 20 cent minimum hourly wage rate in the Railroad and Property Carrier Industry of Puerto Rico; and

Whereas after notice published in the FEDERAL REGISTER on January 31, 1942, Major Robert N. Campbell, Presiding Officer, held a public hearing upon the Committee's recommendation at Washington, D. C., on February 24, 1942, at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer was transmitted to the Administrator; and

Whereas by notice given at the hearing, opportunity to request oral argument or submit written briefs was afforded all parties; and

Whereas no requests for oral argument having been received and no briefs were filed, oral argument on the Committee's recommendation was dispensed with in this proceeding; and

Whereas the Administrator upon reviewing all the evidence adduced in this proceeding and after giving consideration to the provisions of the Act with special reference to sections 5 and 8, concludes that the Industry Committee's recommendation for the Railroad and Property Carrier Industry of Puerto Rico, as defined, is made in accordance with law, is supported by the evidence adduced at the hearing, and taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of the Act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of the Industry Committee for the Railroad and Property Carrier Industry of Puerto Rico for a Minimum Wage Rate in the Railroad and Property Carrier Industry of Puerto Rico" dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department

of Labor, 1560 Broadway, New York, New York;

Now, therefore, it is ordered, That:

AUTHORITY: §§ 618.1 to 618.5, inclusive, issued under the authority contained in sec. 8, 52 Stat. 1064; 29 U.S.C. 208.

§ 618.1 *Approval of recommendation of Industry Committee.* The Committee's recommendation for the Railroad and Property Carrier Industry of Puerto Rico is hereby approved.

§ 618.2 *Wage rates.* Wages at a rate of not less than 20 cents an hour shall be paid under section 6 of the Act by every employer to each of his employees in the Railroad and Property Carrier Industry of Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 618.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Railroad and Property Carrier Industry of Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.

§ 618.4 *Definition of the Railroad and Property Carrier Industry of Puerto Rico.* (a) For the purpose of this part, the "Railroad and Property Carrier Industry of Puerto Rico" means:

The industry carried on in Puerto Rico by (1) any railroad carrier under public franchise which holds itself out to the general public to engage in the transportation for compensation of passengers and property in commerce, or, of passengers and property necessary to the production of goods for commerce, and which furnishes transportation service for passengers in an amount not less than \$25,000 annually or which derives at least ten percent of its total operating revenues from passenger transportation service; (2) any railway express company which holds itself out to the general public to engage in the transportation for compensation of property in commerce or of property necessary to the production of goods for commerce; (3) any trucking firm or company which holds itself out to the general public to engage in the transportation for compensation of property in commerce or of property necessary to the production of goods for commerce: *Provided*, That (i) it is not directly or indirectly owned or controlled by a company primarily engaged in manufacturing, processing, wholesaling or other non-transportation activity, and (ii) it does not perform any transportation functions for such company.

(b) The term "firm" or "company" means an individual, partnership, association, corporation or business trust.

§ 618.5 *Effective date.* This part shall become effective April 7, 1942. Signed at New York this 3d day of April, 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-3012; Filed, April 6, 1942;
10:01 a. m.]

all interested persons a hearing was held before D. C. McCurtain, a duly designated Examiner of the Division at a hearing Room of the Division in Washington, D. C. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The petitioner, District Board 4, appeared. The preparation and filing of a report by the Examiner was waived and the record was thereupon submitted to the undersigned. That portion of the petition of District Board No. 4 involved herein requested the establishment of additional loading points for certain code members in District No. 4, for which the Division by its order dated January 27, 1942, had established temporary shipping points as follows:

Mine index No.	Mine name	Shipping points requested by District Board	Railroad	Shipping point heretofore granted
2155	Black Hawk	{Mimerton, Ohio. {Wellston, Ohio. {Hobson, Ohio. {Pomeroy, Ohio. {Hobson, Ohio. {Pomeroy, Ohio. {Hobson, Ohio. {Rutland, Ohio. {Pomeroy, Ohio. {Rutland, Ohio. {Pomeroy, Ohio. {Hobson, Ohio. {Shawnee, Ohio. {New Stratsville, Ohio. {Pomeroy, Ohio. {Hobson, Ohio. {Hobson, Ohio. {Pomeroy, Ohio. {Hobson, Ohio.	C&O. B&O. NYC. C&O. C&O. NYC. NYC. NYC. C&O. NYC. C&O. NYC. B&O-NYC. C&O. NYC. C&O. NYC. C&O. NYC.	{Minerton, Ohio. {Hobson, Ohio. {Hobson, Ohio. {Rutland, Ohio. {Rutland, Ohio. {Pomeroy, Ohio. {New Stratsville, Ohio. {Hobson, Ohio. {Hobson, Ohio. {Pomeroy, Ohio.
2054	Carson	{Hobson, Ohio. {Pomeroy, Ohio. {Hobson, Ohio. {Rutland, Ohio. {Pomeroy, Ohio. {Rutland, Ohio. {Pomeroy, Ohio. {Hobson, Ohio. {Shawnee, Ohio. {New Stratsville, Ohio. {Pomeroy, Ohio. {Hobson, Ohio. {Hobson, Ohio. {Pomeroy, Ohio. {Hobson, Ohio.	C&O. B&O. NYC. C&O. C&O. NYC. NYC. C&O. NYC. B&O-NYC. C&O. NYC. C&O. NYC. C&O. NYC.	{Minerton, Ohio. {Hobson, Ohio. {Hobson, Ohio. {Rutland, Ohio. {Rutland, Ohio. {Pomeroy, Ohio. {New Stratsville, Ohio. {Hobson, Ohio. {Hobson, Ohio. {Pomeroy, Ohio.
1244	James Darst	{Hobson, Ohio. {Pomeroy, Ohio. {Hobson, Ohio. {Rutland, Ohio. {Pomeroy, Ohio. {Rutland, Ohio. {Pomeroy, Ohio. {Hobson, Ohio. {Shawnee, Ohio. {New Stratsville, Ohio. {Pomeroy, Ohio. {Hobson, Ohio. {Hobson, Ohio. {Pomeroy, Ohio. {Hobson, Ohio.	C&O. B&O. NYC. C&O. C&O. NYC. NYC. C&O. NYC. B&O-NYC. C&O. NYC. C&O. NYC. C&O. NYC.	{Minerton, Ohio. {Hobson, Ohio. {Hobson, Ohio. {Rutland, Ohio. {Rutland, Ohio. {Pomeroy, Ohio. {New Stratsville, Ohio. {Hobson, Ohio. {Hobson, Ohio. {Pomeroy, Ohio.
2008	Harrison #2	{Hobson, Ohio. {Pomeroy, Ohio. {Hobson, Ohio. {Rutland, Ohio. {Pomeroy, Ohio. {Rutland, Ohio. {Pomeroy, Ohio. {Hobson, Ohio. {Shawnee, Ohio. {New Stratsville, Ohio. {Pomeroy, Ohio. {Hobson, Ohio. {Hobson, Ohio. {Pomeroy, Ohio. {Hobson, Ohio.	C&O. B&O. NYC. C&O. C&O. NYC. NYC. C&O. NYC. B&O-NYC. C&O. NYC. C&O. NYC. C&O. NYC.	{Minerton, Ohio. {Hobson, Ohio. {Hobson, Ohio. {Rutland, Ohio. {Rutland, Ohio. {Pomeroy, Ohio. {New Stratsville, Ohio. {Hobson, Ohio. {Hobson, Ohio. {Pomeroy, Ohio.
2009	Harrison #3	{Hobson, Ohio. {Pomeroy, Ohio. {Hobson, Ohio. {Rutland, Ohio. {Pomeroy, Ohio. {Rutland, Ohio. {Pomeroy, Ohio. {Hobson, Ohio. {Shawnee, Ohio. {New Stratsville, Ohio. {Pomeroy, Ohio. {Hobson, Ohio. {Hobson, Ohio. {Pomeroy, Ohio. {Hobson, Ohio.	C&O. B&O. NYC. C&O. C&O. NYC. NYC. C&O. NYC. B&O-NYC. C&O. NYC. C&O. NYC. C&O. NYC.	{Minerton, Ohio. {Hobson, Ohio. {Hobson, Ohio. {Rutland, Ohio. {Rutland, Ohio. {Pomeroy, Ohio. {New Stratsville, Ohio. {Hobson, Ohio. {Hobson, Ohio. {Pomeroy, Ohio.
287	Romine	{Hobson, Ohio. {Pomeroy, Ohio. {Hobson, Ohio. {Rutland, Ohio. {Pomeroy, Ohio. {Rutland, Ohio. {Pomeroy, Ohio. {Hobson, Ohio. {Shawnee, Ohio. {New Stratsville, Ohio. {Pomeroy, Ohio. {Hobson, Ohio. {Hobson, Ohio. {Pomeroy, Ohio. {Hobson, Ohio.	C&O. B&O. NYC. C&O. C&O. NYC. NYC. C&O. NYC. B&O-NYC. C&O. NYC. C&O. NYC. C&O. NYC.	{Minerton, Ohio. {Hobson, Ohio. {Hobson, Ohio. {Rutland, Ohio. {Rutland, Ohio. {Pomeroy, Ohio. {New Stratsville, Ohio. {Hobson, Ohio. {Hobson, Ohio. {Pomeroy, Ohio.
827	Plummer Hill	{Hobson, Ohio. {Pomeroy, Ohio. {Hobson, Ohio. {Rutland, Ohio. {Pomeroy, Ohio. {Rutland, Ohio. {Pomeroy, Ohio. {Hobson, Ohio. {Shawnee, Ohio. {New Stratsville, Ohio. {Pomeroy, Ohio. {Hobson, Ohio. {Hobson, Ohio. {Pomeroy, Ohio. {Hobson, Ohio.	C&O. B&O. NYC. C&O. C&O. NYC. NYC. C&O. NYC. B&O-NYC. C&O. NYC. C&O. NYC. C&O. NYC.	{Minerton, Ohio. {Hobson, Ohio. {Hobson, Ohio. {Rutland, Ohio. {Rutland, Ohio. {Pomeroy, Ohio. {New Stratsville, Ohio. {Hobson, Ohio. {Hobson, Ohio. {Pomeroy, Ohio.
1270	Chas. Schuler	{Hobson, Ohio. {Pomeroy, Ohio. {Hobson, Ohio. {Rutland, Ohio. {Pomeroy, Ohio. {Rutland, Ohio. {Pomeroy, Ohio. {Hobson, Ohio. {Shawnee, Ohio. {New Stratsville, Ohio. {Pomeroy, Ohio. {Hobson, Ohio. {Hobson, Ohio. {Pomeroy, Ohio. {Hobson, Ohio.	C&O. B&O. NYC. C&O. C&O. NYC. NYC. C&O. NYC. B&O-NYC. C&O. NYC. C&O. NYC. C&O. NYC.	{Minerton, Ohio. {Hobson, Ohio. {Hobson, Ohio. {Rutland, Ohio. {Rutland, Ohio. {Pomeroy, Ohio. {New Stratsville, Ohio. {Hobson, Ohio. {Hobson, Ohio. {Pomeroy, Ohio.
1271	Shuler	{Hobson, Ohio. {Pomeroy, Ohio. {Hobson, Ohio. {Rutland, Ohio. {Pomeroy, Ohio. {Rutland, Ohio. {Pomeroy, Ohio. {Hobson, Ohio. {Shawnee, Ohio. {New Stratsville, Ohio. {Pomeroy, Ohio. {Hobson, Ohio. {Hobson, Ohio. {Pomeroy, Ohio. {Hobson, Ohio.	C&O. B&O. NYC. C&O. C&O. NYC. NYC. C&O. NYC. B&O-NYC. C&O. NYC. C&O. NYC. C&O. NYC.	{Minerton, Ohio. {Hobson, Ohio. {Hobson, Ohio. {Rutland, Ohio. {Rutland, Ohio. {Pomeroy, Ohio. {New Stratsville, Ohio. {Hobson, Ohio. {Hobson, Ohio. {Pomeroy, Ohio.
1314	Of A. R. Smith & Co.	{Hobson, Ohio. {Pomeroy, Ohio. {Hobson, Ohio. {Rutland, Ohio. {Pomeroy, Ohio. {Rutland, Ohio. {Pomeroy, Ohio. {Hobson, Ohio. {Shawnee, Ohio. {New Stratsville, Ohio. {Pomeroy, Ohio. {Hobson, Ohio. {Hobson, Ohio. {Pomeroy, Ohio. {Hobson, Ohio.	C&O. B&O. NYC. C&O. C&O. NYC. NYC. C&O. NYC. B&O-NYC. C&O. NYC. C&O. NYC. C&O. NYC.	{Minerton, Ohio. {Hobson, Ohio. {Hobson, Ohio. {Rutland, Ohio. {Rutland, Ohio. {Pomeroy, Ohio. {New Stratsville, Ohio. {Hobson, Ohio. {Hobson, Ohio. {Pomeroy, Ohio.

In the case of the Black Hawk Mine (Mine Index No. 2155), the Harrison No. 2 Mine (Mine Index No. 2968), Harrison No. 3 Mine (Mine Index No. 2969), Shuler Mine (Mine Index No. 1271) and the Romine Mine (Mine Index No. 267) and the mine of A. R. Smith & Co. (Mine Index No. 1314), the representative of the District Board testified that a letter had been written to the producer by the Board requesting advice as to which shipping points was preferred in the event that only one was established by the Division. The witness testified that no reply was received and that in the absence of such reply, the District Board assumed that the shipping points designated by the Division for these mines in the order dated January 27, 1942, were satisfactory.

The witness further testified that in the case of Mine Index No. 2954, the

Carson Mine; Mine Index No. 1244, the James Darst Mine; and Mine Index No. 1270, the Charles Schuler Mine, the producers in reply to letters written by the District Board had advised that in the event only one shipping point was obtainable, they would prefer Pomeroy on the Chesapeake and Ohio, rather than Hobson on the New York Central. It appears that each of these producers employs M. L. French as its sales agent, and that this sales agent has a tippie at Pomeroy and facilities for screening.

The witness testified that the District Board had written the producer operating the Plummer Hill Mine, Mine Index No. 827, and in reply the producer advised that Shawnee, Ohio, on the New York Central Railroad was preferable as a loading point and the District Board believed that the establishment of Shaw-

Mine index No.	Name of mine	Shipping point established by order dated Jan. 27, 1942	Shipping point preferred	Railroad
2954	Carson	Hobson	Pomeroy	C&O.
1244	James Darst	Hobson	Pomeroy	C&O.
827	Plummer Hill	New Stratsville	Shawnee	NYC.
1270	Charles Schuler	Hobson	Pomeroy	C&O.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof, § 324.7 (Alphabetical list of code members) is amended by adding thereto Supplement R-I, § 324.8 (Numerical list of mines) is amended by adding thereto Supplement R-II, § 324.2 (Seasonal discounts) is amended by adding thereto Supplement R-III, § 324.9 (Recapitulation of price classifications) is amended by adding thereto Supplement R-IV, and § 324.11 (Special prices—

(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel) is amended by adding thereto Supplement R-V, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: March 25, 1942.

[SEAL] DAN H. WHEELER, Acting Director.

PERMANENT EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 324.7 Alphabetical list of code members—Supplement R-I

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

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Type	Shipping points in Ohio	Railroad	Freight origin group Nos.	Price classifications by size group Nos.													
									1	2	3	4	5	6	7	8	9	10	11	12		
2155	Black Hawk Coal Mining Co. (Frank Denney)	Black Hawk	7	7	Deep	Mnerton	C&O	43	K	K	O	O	O	O	O	O	O	O	O	O	O	O
2054	Carson, Charles (Carson Coal Co.)	Carson	8	8A	Deep	Pomeroy	C&O	23	K	K	O	O	O	O	O	O	O	O	O	O	O	O
1244	Darst, James	James Darst	8	8	Deep	Pomeroy	C&O	23	K	K	O	O	O	O	O	O	O	O	O	O	O	O
2068	Harrison Coal Co. (Ernest Harrison)	Harrison #2	8	8	Deep	Rutland	NYC	25	K	K	O	O	O	O	O	O	O	O	O	O	O	O
2069	Harrison Coal Co. (Ernest Harrison)	Harrison #2	8	8	Deep	Rutland	NYC	25	K	K	O	O	O	O	O	O	O	O	O	O	O	O
207	Leading Creek Coal Co. (Worley Haley)	Romine	8	8	Deep	Pomeroy	C&O	23	K	K	O	O	O	O	O	O	O	O	O	O	O	O
827	Plummer Hill Coal Co., The	Plummer Hill	5	6	Deep	Shawnee	NYC	27	K	K	O	O	O	O	O	O	O	O	O	O	O	O
1270	Schuler, Charles	Chas. Schuler	8	8	Deep	Pomeroy	C&O	23	K	K	O	O	O	O	O	O	O	O	O	O	O	O
1271	Schuler, J. T.	Schuler	8	8	Deep	Hobson	NYC	25	K	K	O	O	O	O	O	O	O	O	O	O	O	O
1314	Smith & Co., A. R.	Shuler	8	8	Deep	Pomeroy	C&O	23	K	K	O	O	O	O	O	O	O	O	O	O	O	O

§ 324.8 Numerical list of mines—Supplement R-II

Mine index No.	Mine name	Code member	Freight origin districts	Freight origin group Nos.	Railroad	Sub-district No.
267	Romine	Leading Creek Coal Co. (Worley Haley)	Pomeroy	23	C&O	8
827	Plummer Hill	Plummer Hill Coal Co., The	Hocking	27	NYC	5
1244	James Darst	Darst, James	Pomeroy	23	C&O	8
1270	Chas. Schuler	Schuler, Charles	Pomeroy	23	C&O	8
1271	Shuler	Schuler, J. T.	Pomeroy	25	NYC	8
1314	Black Hawk	Smith & Co., A. R.	Pomeroy	23	C&O	8
2155	Black Hawk	Black Hawk Coal Mining Co. (Frank Denney)	Jackson	43	C&O	7
2054	Carson	Carson, Charles (Carson Coal Co.)	Pomeroy	23	C&O	8
2068	Harrison #2	Harrison Coal Co. (Ernest Harrison)	Pomeroy	25	NYC	8
2069	Harrison #3	Harrison Coal Co. (Ernest Harrison)	Pomeroy	25	NYC	8

§ 324.2 Seasonal discounts—Supplement R-III

[Seasonal discounts: On all shipments of coal in Size Groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all market areas except Market Areas 1 to 13, inclusive, 98 and 99 (Great Lakes), River Shipments, Vessel Fuel and Railroad Fuel]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Amount of discount for shipments during the month of—			
				Apr.	May	June	July
Hocking	21, 22, 26, 27, 28		1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 120, 130, 168, 170, 171	50	40	30	20
Pomeroy	23, 25		14, 22, 38, 70, 82, 100, 101, 105, 112, 113	50	40	30	20
Jackson	41, 42, 43		2, 131, 134	50	40	30	20

1 Seasonal discounts as shown in § 324.2 in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.9 Recapitulation of price classifications—Supplement R-IV

[Prices for all rail shipment from mines indexed below into market areas as shown. For shipment into all market areas—See Schedule of Effective Minimum Prices, § 324.9, and § 324.10. Also applies to Market Areas 98 and 99 (Great Lakes), § 324.11 (b), 324.11 (c), and Vessel Fuel, § 324.11 (d)]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.
Hocking	21, 22, 26, 27, 28		1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 120, 130, 168, 170, 171	Add Mine Index No. 827.
Pomeroy	23, 25		14, 22, 38, 70, 82, 100, 101, 105, 112, 113	Add Mine Index Nos. 267, 1244, 1270, 1271, 1314, 2054, 2068, 2069.
Jackson	41, 42, 43		2, 131, 134	Add Mine Index No. 2155.

1 Prices as shown in § 324.9, 324.10, 324.11 (b), 324.11 (c), 324.11 (d) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.11 Special prices—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel—Supplement R-V

[Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below. For shipment to railroads as shown—See Schedule of Effective Minimum Prices, § 324.11 (a)]

Name of railroad	Mine index Nos.	Additional mine index Nos.
Chesapeake & Ohio Railway Co.	14, 38, 41, 47, 61, 70, 72, 75, 76, 82, 86, 101, 105, 112, 113, 130, 131, 168, 170, 171	Add Mine Index Nos. 267, 1244, 1270, 1314, 2165, 2064.
New York Central System	1, 4, 6, 18, 22, 27, 28, 34, 35, 47, 54, 69, 64, 66, 73, 74, 83, 90, 91, 100, 107, 109, 125, 126, 138, 141, 143, 156, 158, 172	Add Mine Index Nos. 827, 1271, 2068, 2069.

1 Prices as shown in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.11 Special prices—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel—Supplement R-V—Continued

Name of railroad	Mine Index Nos.	Additional mine Index Nos.
Akron, Canton & Youngstown Railway Co.		
Ann Arbor Railroad Co.		
Canadian National Railways and Grand Trunk Railway System.		
Canadian Pacific Railway Co.		
Detroit and Mackinac Railway Company.		
Detroit & Toledo Shore Line Railroad Co.		
Erie Railroad		
Nickel Plate Road (New York, Chicago & St. Louis Railroad Co.)		
Pere Marquette Railway Co.		
For all Railroads not shown above.....		

From all Mine Index Nos. except those shown below.

From all Mine Index Nos. 267, 827, 1244, 1270, 1271, 1314, 2155, 2054, 2968, 2969.

From all Mine Index Nos. 267, 827, 1244, 1270, 1271, 1314, 2155, 2054, 2968, 2969.

[F. R. Doc. 42-2968; Filed, April 3, 1942; 11:15 a. m.]

[Docket No. A-1330]
PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13
ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 13

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 13; 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, § 333.6 (General Prices) is amended by adding thereto Supplement R-I, § 333.7 (Special Prices)—(a) Prices for shipment to all railroads and for exclusive use of railroads is amended by adding thereto Supplement R-II, § 333.7 (Special Prices)—(c) Prices for shipment by rail-

road, applicable to all coal sold for steamship vessel fuel) is amended by adding thereto Supplement R-III, § 333.34 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T-I, § 333.43 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T-II, 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.

No relief is granted herein for the coals of the Seaboard Mine (Mine Index No. 1472) of A. R. Disney (Disney Coal Company) for all shipments except truck and for truck shipments, or as to the coals of Mine Index No. 1453 in Size Group 24 for all shipments except truck because price classifications and minimum prices for these coals have been heretofore established.

The original petition lists the Big 4 Mine of Lee Powell (Hilcrest Coal Company) as Mine Index No. 775. This would appear to be a typographical error as records of the Division indicate that Mine Index No. 755 is the correct number for this mine. It is listed herein accordingly.

The original petition lists Mine Index Nos. 331, 755, and 1454 as being in the Nunnally seam. Records of the Division indicate that Mine Index No. 331 is operating in the Lower Nunnally seam and that Mine Index Nos. 755 and 1454 are operating in the Upper Nunnally seam. The mines are listed herein accordingly.

The original petition lists the Pierce & Olive Mine (Mine Index No. 1470) of Pierce & Olive (J. G. Pierce) as operating in the Pratt seam. Records of the

DISTRICT NO. 13

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 333, Minimum Price Schedule for District No. 13 and supplements thereto.

§ 333.6 General prices—Supplement R-I

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
1465	Blue Creek Coal Co., Inc.	Gray ¹	1	Blue Creek	31
1308	Beasley, Lander G.	L. G. Beasley ²	1	Black Creek	101
1449	Wheeler & Brooks (J. S. Wheeler)	Wheeler & Brooks ³	1	Carter	31
1338	Johnson Bros. (John M. Johnson)	Johnson ⁴	1	Mary Lee	100
1243	Kligoer, T. B. & Co.	Kligoer ⁵	1	Black Creek	112
1470	Pierce & Olive (J. G. Pierce)	Pierce & Olive ⁶	1	Pratt-America	120
1484	Poe, Spencer	Merrimac ⁷	1	Corona	120

¹ Shipping Point: Adger, Ala. Railroad: L&N. This mine shall have the same prices in size groups 1, 6, and 18 on all price tables as listed for mine with index No. 67. This mine shall have a price in size group 7 on all price tables, 10¢ under the price listed in size group 6 for mine with index No. 67. This mine shall have a price in size group 13 on all price tables, 10¢ under the price listed in size group 12 for mine with index No. 67. This mine shall have a price in size group 23 on all price tables, 10¢ under the price listed in size group 18 for mine with index No. 67.

² Shipping Point: Glen Allen, Ala. Railroad: SL&SF. This mine shall have the same prices in size groups 1, 4, 7, 13, 22, 23 and 26 on all price tables as listed for mine with index No. 1015 (Gray Aldridge, Wheeler #6 mine).

³ Shipping Point: Rock Castle, Ala. Railroad: L&N. This mine shall have the same price in size group 13 on all price tables as listed for mine with index No. 888 (H. M. Jenkins, Jenkins mine). This mine shall have the same prices in size groups 22 and 23 on all price tables as listed for mine with index No. 519 (C. L. Abston, C. L. Abston mine).

⁴ Shipping Point: Jasper, Ala. Railroad: Southern. This mine shall have the same prices in size groups 1 and 13 on all price tables as listed for mine with index No. 1156 (Ballenger & Taylor, Honeysuckle mine).

⁵ Shipping Point: Lynn, Ala. Railroad: Southern. This mine shall have the same prices in size groups 1 and 4 on all price tables as listed for mine with index No. 171 (L. B. Baird, Cross Road mine).

⁶ Shipping Point: Cordova, Ala. Railroad: Southern. This mine shall have the same price in size group 13 on all price tables as listed for mine with index No. 142 (Big Ridge Coal Co., Big Ridge mine).

⁷ Shipping Point: Corona, Ala. Railroad: Southern. This mine shall have the same price in size group 1 on all price tables as listed for mine with index No. 55. This mine shall have a price in size groups 13, 20 and 23 on all price tables, 10¢ under the prices listed in size groups 12, 15 and 18, respectively, for mine with index No. 55.

Division indicate that this mine is operating in the Pratt-America seam. It is listed herein accordingly.

No relief is granted herein for the coals of the Brewer No. 2 Mine (Mine Index No. 1473) of Paul Isbell Coal Company for all shipments except truck and for truck shipments or for the coals of Mary Frances Mine (Mine Index No. 331), the Big 4 Mine (Mine Index No. 755) and the Mary Ann Mine (Mine Index No. 1454) of Lee Powell (Hilcrest Coal Co.) for railroad locomotive fuel use for the reasons appearing in the order separating that portion of Docket A-1330 relating to these coals from the rest of the Docket and designating it as Docket A-1330 Part II.

Dated: March 25, 1942.

[SEAL]
 DAN H. WHEELER,
 Acting Director.

§ 333.7 Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads—Supplement R-II—Continued

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
1224	Brown, Watt T. (Coosa Coal Co.)	No. 6 ¹	1	Hammond	71

¹ The above mines in the various counties shall have the same prices for all sizes customarily furnished railroads for Locomotive Fuel on price tables as listed for mines with index Numbers 1, 2, 3, etc. (See § 333.7 (a) in Minimum Price Schedule.)
² Shipping Point: Wattsville, Ala. Railroad: S.A.L. This mine shall have the same prices for all sizes customarily furnished railroads for Locomotive Fuel on price tables as listed for mine with index Number 55. (See § 333.7 (a) in Minimum Price Schedule.)

§ 333.7 Special prices—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel subject to price for steamship vessel fuel—Supplement R-III

[Prices f. o. b. mines for shipment by railroad, applicable to all coal sold for steamship vessel fuel subject to price instructions and exceptions]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
1465	Blue Creek Coal Co., Inc.	Gray ¹	1	Blue Creek	31
640	Robbins, Sam	Robbins ¹	1	Pratt	120
1447 781	Gray, L. D., Jr. White, J. R.	Gray ¹ White ²	1 1	Black Creek Black Creek	111 111

¹ This mine shall have the same prices on price table as set forth in § 333.7 (c) in Minimum Schedule for District No. 13 as shown for mine with index No. 67.
² This mine shall have a price of \$2.05 for size group 13 for Steamship Vessel Fuel.
³ These mines shall have a price of \$2.85 for size group 13 for Steamship Vessel Fuel.

§ 333.6 General prices—Supplement R-I—Continued

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
649 1467 1453	Robbins, Sam Roberts & Early Stith Coal Co.	Robbins ¹ Roberts & Early ¹ America #5 ¹	1 1 1	Pratt Black Creek America	120 80 120
1447 781	Gray, L. D., Jr. White, J. R.	Gray II White II	1 1	Black Creek Black Creek	111 111

¹ Shipping Point: Oakman, Ala. Railroad: Southern. This mine shall have the same price in size group 1 on all price tables as listed for mine with index No. 55. This mine shall have a price in size groups 13 and 23 on all price tables, 10¢ under the prices listed in size groups 12 and 18, respectively, for mine with index No. 55.
² Shipping Point: Drummond, Ala. Railroad: S.L. & S.F. This mine shall have the same price in size group 18 on all price tables as listed for mine with index No. 583 (H. E. Drummond, Drummond mine).
³ Shipping Point: Lawspoor, Ala. Railroad: Southern. This mine shall have the same prices in size groups 12, 16, 17 and 22 on all price tables as listed for mine with index No. 1137 (Pratt-America Coal Co., America 1 & 2 mine).
⁴ Shipping Point: Natural Bridge, Ala. Railroad: Southern. These mines shall have the same prices in size groups 13, 23 and 26 on all price tables as listed for mine with index No. 1192 (A. J. Brimer, Sabara #2 mine).

§ 333.7 Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads—Supplement R-II

[Prices f. o. b. mines for shipment to all railroads and for the exclusive use of railroads]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
1465	Blue Creek Coal Co., Inc.	Gray ¹	1	Blue Creek	31
1449	Wheeler & Brooks (J. S. Wheeler)	Wheeler & Brooks ¹	1	Carter	31
1338 1484 649	Johnson Bros. (John M. Johnson) Poe, Spencer Robbins, Sam	Johnson ¹ Merrimac ¹ Robbins ¹	1 1 1	Mary Lee Corona Pratt	100 120 120

§ 333.34 General prices in cents per net ton for shipment into all market areas—Supplement T-1

FOR TRUCK SHIPMENTS

Code member index	Mine	Mine index No.	Sub-district	Seam	Lump: over 2"; egg: top size over 6"	Egg: top size 6" and under	Lump: 2" and under	Nut: top size 3" and over 1/2" bottom size		Chestnut: top size 3" and under; bottom size 1/2" and under		Run of mine; modified R/M		Resulants: 3" and under		Screenings: 1/4" and under		Industrial Coal	
								Wash	Raw	Wash	Raw	Wash	Raw	Wash	Raw	Wash	Raw		
ALABAMA																			
JEFFERSON COUNTY																			
	Blue Creek Coal Co., Inc.	1465	2	Blue Creek	290	290	(f)	300	(f)	310	(f)	300	(f)	265	(f)	250	(f)	265	265
	Brookside-Pratt Mining Co.	1480	2	Pratt	325	325	325	310	305	305	290	265	270	250	265	265	240	265	265
	Powell, Lee (Hillcrest Coal Co.)	1454	2	Upper Nunnally	290	280	275	(f)	(f)	270	250	230	235	200	230	230	180	230	230
MARION COUNTY																			
	Benefield, C. T.	1481	2	Black Creek	385	385	360	335	315	315	305	300	275	265	265	265	225	265	200
	Dodd, Sherman C.	1482	2	Black Creek	385	385	360	335	315	315	305	300	275	265	265	265	225	265	200
	O'Mary & Sons (J. A. O'Mary)	1478	2	Black Creek	385	385	360	335	315	315	305	300	275	265	265	265	225	265	200
	O'Mary & Sons (D. A. O'Mary)	1479	2	Black Creek	385	385	360	335	315	315	305	300	275	265	265	265	225	265	200
	Roberts, James P.	1463	2	Black Creek	385	385	360	335	315	315	305	300	275	265	265	265	225	265	200
	Rowell, Amos	1469	2	Black Creek	385	385	360	335	315	315	305	300	275	265	265	265	225	265	200
	New Black Diamond #2	1469	2	Black Creek	385	385	360	335	315	315	305	300	275	265	265	265	225	265	200
	Tidwell & May (W. D. Tidwell)	1455	2	Black Creek	385	385	360	335	315	315	305	300	275	265	265	265	225	265	200
TUSCALOOSA COUNTY																			
	Nicholson, James	1483	2	Milldale	365	355	340	345	325	310	300	285	285	275	265	265	230	265	265
WALKER COUNTY																			
	Carmichael, T. L.	1457	2	Mary Lee	275	275	275	295	275	280	260	225	235	200	200	230	180	265	225
	Pierce & Olive (J. G. Pierce)	1470	2	Pratt-America	325	325	325	320	310	310	295	265	270	250	265	265	220	265	200
	Poe, Spencer	1484	2	Corona	325	325	325	320	310	310	295	265	270	250	265	265	220	265	200
	Roberts & Early (John C. Roberts)	1467	2	Black Creek	385	385	360	335	315	315	305	300	275	265	265	265	225	265	200
	Sillavan, K. H.	1464	2	Pratt-America	325	325	325	320	310	310	295	265	270	250	265	265	220	265	200
WINSTON COUNTY																			
	Loyd, Elbert	1471	2	Black Creek	385	385	360	335	315	315	305	300	275	265	265	265	225	265	200
	McBroom, Dewey	1491	2	Black Creek	385	385	360	335	315	315	305	300	275	265	265	265	225	265	200

(f) Indicates no classification effective for these size groups.

FOR TRUCK SHIPMENTS
 § 333.43 General prices in cents per net ton for shipment into all market areas—Supplement T-II

Code member index	Mine	Mine Index No.	Subdistrict	Seam
TENNESSEE-GEORGIA MARION COUNTY, TENN. Webb Coal Co. (Forrester Webb).....	Webb.....	1468	4	Sewanee.....
RHEA COUNTY, TENN. Walter Lloyd Coal Co., c/o W. E. Nixon.....	No name.....	1477	4	Sewanee & Nelson.....

[F. R. Doc. 42-2969; Filed, April 3, 1942; 11:16 a. m.]

TITLE 31—MONEY AND FINANCE:
 TREASURY

Chapter I—Monetary Offices
 [1942 Department Circular No. 1]

PART 129—VALUES OF FOREIGN MONETIES
 APRIL 1, 1942.

§ 129.5 Calendar year 1942.

(b) *Quarter beginning April 1, 1942.*
 Pursuant to section 522, title IV of the
 Tariff Act of 1930, reenacting section 25
 of the act of August 27, 1894, as amended,
 the following estimates by the Director
 of the Mint of the values of foreign mon-
 etary units are hereby proclaimed to be
 the values of such units in terms of the
 money of account of the United States
 that are to be followed in estimating the

value of all foreign merchandise exported
 to the United States during the quarter
 beginning April 1, 1942, expressed in any
 such foreign monetary units: *Provided,*
however, That if no such value has been
 proclaimed, or if the value so proclaimed
 varies by 5 per centum or more from a
 value measured by the buying rate in
 the New York market at noon on the day
 of exportation, conversion shall be made
 at a value measured by such buying rate,
 as determined and certified by the Fed-
 eral Reserve Bank of New York and pub-
 lished by the Secretary of the Treasury
 pursuant to the provisions of section 522,
 title IV, of the tariff act of 1930.

[SEAL.] D. W. BELL,
 Acting Secretary of the Treasury.

Values of foreign monetary units

[At par as regards gold units; nongold units have no fixed par with gold]

Country	Monetary unit	Value in terms of United States money	Remarks
Argentina Republic.....	Peso.....	\$1.6335	Given valuation is of gold peso. Paper nominally convert- ible at 44% of face value. Conversion suspended Dec. 16, 1929.
Australia.....	Pound.....	8.2367	Control of gold stocks and exports authorized Dec. 17, 1929.
Belgium.....	Belga.....	.1095	By decree of Mar. 31, 1936. One belga equals 5 Belgian francs. The Anglo-Belgian financial agreement of June 7, 1940, fixed the rate of exchange of the Belgian franc and the franc of the Belgian Congo at 176.625 francs for £1 sterling.

Values of foreign monetary units—Continued

Country	Monetary unit	Value in terms of United States money	Remarks
Bolivia.....	Boliviano.....	\$0.6180	Conversion of notes into gold suspended Sept. 23, 1931.
Brazil.....	Milreis.....	.0006	Based upon official rate for milreis in terms of the dollar as announced by the Bank of Brazil. Conversion of Stabi- lization-Office notes into gold suspended Nov. 22, 1930.
British Honduras.....	Dollar.....	1.6931	Conversion of notes suspended Oct. 15, 1931.
Bulgaria.....	Lev.....	.0122	Exchange control established Oct. 19, 1931; redemption of Embargo on export of gold, Oct. 19, 1931; Dominion notes in gold suspended Apr. 10, 1933.
Canada.....	Dollar.....	1.6931	Given valuation is of gold peso. Gold pesos are received for conversion at the rate of 4 paper pesos for 1 gold peso.
Chile.....	Peso.....	.2000	Conversion of notes suspended July 30, 1931. Silver standard abandoned by decree of Nov. 3, 1935; bank notes made legal tender under Currency Board control; exchange rate for British currency primarily fixed at about 1s. 2½ d., or about 29½ U. S., per yuan.
China.....	Yuan.....		Treasury notes and notes of the tree banks of issue made legal tender by silver nationalization ordinance of Dec. 5, 1935; exchange fund created to control exchange rate.
Hong Kong.....	Dollar.....		Obligation to sell gold suspended Sept. 24, 1931. New gold content of .56424 grams of gold ¾ fine established by monetary law of Nov. 19, 1938, effective Nov. 30, 1938.
Colombia.....	Peso.....	.5714	Conversion of notes into gold suspended Sept. 18, 1914; exchange control established Jan. 16, 1932.
Costa Rica.....	Colon.....	.7879	By law of May 25, 1934.
Cuba.....	Peso.....	1.0000	Conversion of notes into gold suspended Sept. 29, 1931.
Czechoslovakia.....	Koruna.....	.4537	U. S. money is principal circulating medium.
Denmark.....	Krone.....	1.6931	Conversion of notes into gold suspended Feb. 9, 1932.
Dominican Republic.....	Dollar.....		Conversion of notes into gold suspended June 21, 1931.
Ecuador.....	Sucre.....	8.3692	Conversion of notes into gold suspended June 28, 1931.
Egypt.....	Pound (100 piasters).....	8.4537	Conversion of notes into gold suspended Oct. 12, 1931.
Estonia.....	Kroon.....	.4537	Provisions of monetary law of Oct. 1, 1936, providing for gold content of franc, superseded by decree of June 30, 1937, which stated that the gold content of the franc shall be fixed ultimately by a decree adopted by the Council of Ministers. Until issuance of such decree a stabilization fund shall regulate the relationship between the franc and foreign currencies.
Finland.....	Markka.....	.6426	
France.....	Franc.....		

Values of foreign monetary units—Continued

Country	Monetary unit	Value in terms of United States money	Remarks
Germany.....	Reichsmark.....	\$0.4033	Exchange control established July 13, 1931.
Great Britain.....	Pound Sterling.....	8.2397	Obligation to sell gold at legal monetary par suspended Sept. 21, 1931.
Greece.....	Drachma.....	.0220	Conversion of notes into gold suspended Apr. 26, 1932.
Guatemala.....	Quetzal.....	1.6931	Conversion of notes into gold suspended Mar. 6, 1933.
Haiti.....	Gourde.....	.2000	National bank notes redeemable on demand in U. S. dollars.
Honduras.....	Lempira.....	.8466	Gold exports prohibited Mar. 27, 1931; lempira circulates as equivalent of half of U. S. dollar.
Hungary.....	Pengő.....	.2961	Exchange control established July 17, 1931.
India [British].....	Rupee.....	.6180	Obligation to sell gold at legal monetary par suspended Sept. 21, 1931.
Indo-China.....	Plaster.....		Plaster pegged to French franc at the rate of 1 plaster=10 French francs; conversion of notes into gold suspended Oct. 2, 1936.
Ireland.....	Pound.....	8.2397	Conversion of notes into gold suspended Sept. 21, 1931.
Italy.....	Lira.....	.0526	New gold content of 46.77 milligrams of fine gold per lira established by monetary law of Oct. 5, 1936.
Japan.....	Yen.....	.8440	Embargo on gold exports Dec. 13, 1931.
Latvia.....	Lat.....		Currency pegged to sterling Sept. 28, 1936, at 2.522 lati=£100; on Sept. 13, 1939, a law was passed providing that if the pound sterling should depreciate by more than 5 percent with respect to the United States dollar, or the Swedish krona, the Bank of Latvia shall take steps to keep the rate of exchange of the lat stable by basing it on gold or some other monetary unit.
Liberia.....	Dollar.....	1.6931	British money is principal circulating medium.
Lithuania.....	Litas.....	.1693	Free export of gold suspended Oct. 1, 1935.
Mexico.....	Peso.....		Decree of Aug. 28, 1936, left the monetary unit, the peso, to be later defined by law.
Netherlands and colonies.....	Guilder (florin).....	.6806	Suspension of convertibility of notes into gold and restrictions placed on free gold exports—Sept. 26, 1936; gold export prohibition repealed by decree June 28, 1938; prohibition restored by act of Nov. 25, 1938. The Anglo-Netherlands financial agreement of June 14, 1940, established the official rate of exchange between the Netherlands Indies guilder and the pound sterling at 7.60 guilders for £1 sterling. By act of September 20, 1940, the Netherlands Indies Volksraad decided, subject to later ratification by law, that the Java Bank shall fix the value of its stocks of gold coin and bullion at Fl. 2.121 per kilogram fine.
Newfoundland.....	Dollar.....	1.6931	Newfoundland and Canadian notes legal tender.
New Zealand.....	Pound.....	8.2397	Conversion of notes into gold suspended and export of gold restricted, Aug. 5, 1914; exchange regulations Dec. 1931.
Nicaragua.....	Cordoba.....	1.6933	Embargo on gold exports Nov. 13, 1931.
Norway.....	Krone.....	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Panama.....	Balboa.....	1.0000	U. S. money is principal circulating medium.
Paraguay.....	Peso (Argentino).....	1.6335	Paraguayan paper currency is used; exchange control established June 28, 1932.
Persia (Iran).....	Rial.....	.0824	Obligation to pay out gold deferred Mar. 13, 1932; exchange control established Mar. 1, 1936.
Peru.....	Sol.....	.4740	Conversion of notes into gold suspended May 18, 1932.
Philippine Islands.....	Peso.....	.5000	By Act approved Mar. 16, 1935.
Poland.....	Zloty.....	.1899	Exchange control established Apr. 27, 1936.
Portugal.....	Escudo.....	.0749	Gold exchange standard suspended Dec. 31, 1931.
Rumania.....	Leu.....	.0101	Exchange control established May 18, 1932.
Salvador.....	Colon.....	.8466	Conversion of notes into gold suspended Oct. 7, 1931.
Spain.....	Peseta.....		
Straits Settlements.....	Dollar.....	.9613	British pound sterling and Straits dollar and half dollar legal tender.
Sweden.....	Krona.....	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Switzerland.....	Franc.....		Order of Federal Council enacted Sept. 27, 1936, instructed the Swiss National Bank to maintain the gold parity of the franc at a value ranging between 160 and 215 milligrams of fine gold.
Thailand (Siam).....	Baht (Tical).....	.7491	Conversion of notes into gold suspended May 11, 1932.
Turkey.....	Plaster.....	.0744	100 plasters equal to the Turkish £; conversion of notes into gold suspended 1916; exchange control established Feb. 26, 1930.
Union of South Africa.....	Pound.....	8.2397	Conversion of notes into gold suspended Dec. 28, 1932.
Union of Soviet Republics.....	Chervonetz.....	8.7123	
Uruguay.....	Peso.....	.6583	Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931. New gold content of .585018 grams of pure gold per peso established by monetary law of Jan. 12, 1938.
Venezuela.....	Bolivar.....	.3267	Exchange control established Dec. 12, 1936.
Yugoslavia.....	Dinar.....	.029	Exchange control established Oct. 7, 1931.

(Sec. 25, 28 Stat. 552; sec. 403, 42 Stat. 17; sec. 522, 42 Stat. 974; sec. 522, 46 Stat. 739; 31 U.S.C. 372)

APRIL 1, 1942.

[F. R. Doc. 42-2983; Filed, April 13, 1942; 4:11 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter III—Bureau of Mines

PART 303—GENERAL LICENSES PERTAINING TO EXPLOSIVES

EXTENSION OF EXPIRATION DATE OF GENERAL LICENSES NOS. 1, 2, 3, 4, AND 5

General License No. 1 (§ 303.1) for manufacturers; General License No. 2, (§ 303.2) for vendors; General License No. 3, (§ 303.3) for purchasers; General License No. 4, (§ 303.4) for foremen; and General License No. 5, (§ 303.5) for analysts, educators, inventors, and investigators, all published February 3, 1942,¹ are hereby reinstated in the Territory of Puerto Rico as of the close of business April 1, 1942, and are extended to the close of business on April 15, 1942. (Sec. 6, Pub. Law 381, 77th Cong., December 26, 1941)

R. R. SAYERS,
Director.

The foregoing reinstatement and extension are hereby approved and all the regulations inconsistent therewith are waived: April 3, 1942.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 42-3051; Filed, April 6, 1942; 11:35 a. m.]

Chapter VI—Selective Service System

[Order No. 27]

OKALOOSA COUNTY CAMP PROJECT

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Okaloosa County Camp project to be work of national importance, to be known as Civilian Public Service Camp No. 27. Said camp, located at Crestview, Okaloosa County, Florida, will be the base of operations for public health work in the State of Florida, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV-E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to said Crestview Camp will consist of the establishment of a program to provide acceptable means of waste disposal, protection of water sup-

¹ 7 F. R. 649.

plies and mosquito proofing of homes, and shall be under the technical direction of the Florida State Board of Health insofar as concerns the planning and direction of the work program. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

APRIL 1, 1942.

[F. R. Doc. 42-3054; Filed, April 6, 1942;
11:53 a. m.]

[Order No. 28]

JASPER-PULASKI CAMP PROJECT

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Jasper-Pulaski Camp project to be work of national importance, to be known as Civilian Public Service Camp No. 28. Said camp, located at Medaryville, Pulaski County, Indiana, will be the base of operations for forestry work in the State of Indiana, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to said Jasper-Pulaski Camp will consist of nursery work, fire suppression and fire fighting, and shall be under the technical direction of the Forest Service of the United States Department of Agriculture insofar as concerns the planning and direction of the work program. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

APRIL 1, 1942.

[F. R. Doc. 42-3055; Filed, April 6, 1942;
11:54 a. m.]

[Order No. 29]

LYNDHURST CAMP PROJECT

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Lyndhurst Camp project to be work of national importance, to be known as Civilian Public Service Camp No. 20. Said camp, located at Lyndhurst, Augusta County, Virginia, will be the base of operations for park and forestry work on the Blue Ridge Parkway, Virginia, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV-E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to said Lyndhurst Camp will consist of the construction, improvement and maintenance of park, parkway and recreational facilities, including roads, trails, utilities and park structures, and the restoration, conservation and protection of national resources by reforestation, erosion control and fire suppression, and shall be under the technical direction of the National Park Service of the United States Department of the Interior insofar as concerns the planning and direction of the work program. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

APRIL 1, 1942.

[F. R. Doc. 42-3056; Filed, April 6, 1942;
11:54 a. m.]

[Order No. 30]

WALHALLA CAMP PROJECT

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Walhalla Camp project to be work of national importance, to be known as Civilian Public Service Camp No. 30. Said camp, located at Walhalla, Mason County, Michigan, will be the base of operations for forestry

work in the State of Michigan, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV-E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to said Walhalla Camp will consist of truck trail construction, field planting, timber stand improvement and insect and plant disease control, and shall be under the technical direction of the Forest Service of the United States Department of Agriculture insofar as concerns the planning and direction of the work program. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

APRIL 1, 1942.

[F. R. Doc. 42-3057; Filed, April 6, 1942;
11:54 a. m.]

[Order No. 31]

PLACERVILLE CAMP PROJECT

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Placerville Camp project to be work of national importance, to be known as Civilian Public Service Camp No. 31. Said camp, located at Placerville, Eldorado County, California, will be the base of operations for forestry work in the State of California, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV-E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to said Placerville Camp will consist of transportation improvements, erosion control, forest culture, forest protection, range improvement and structural improvements, and shall be under the technical direction of the Forest Service of the United States Department of Agriculture insofar as concerns the planning and direction of the work program. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious

Objectors. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

APRIL 1, 1942.

[F. R. Doc. 42-3058; Filed, April 6, 1942; 11:54 a. m.]

[Order No. 32]

CAMPTON CAMP PROJECT

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Campton Camp project to be work of national importance, to be known as Civilian Public Service Camp No. 32. Said camp, located at Campton, Grafton County, New Hampshire, will be the base of operations for forestry work in the State of New Hampshire, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV-E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to said Campton Camp will consist of fire suppression, fire hazard reduction, fire fighting, telephone lines, stream bank protection, truck trails, recreational area development, construction of fire towers, and other work incidental to a National Forest area, and shall be under the technical direction of the Forest Service of the United States Department of Agriculture insofar as concerns the planning and direction of the work program. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

APRIL 1, 1942.

[F. R. Doc. 42-3059; Filed, April 6, 1942; 11:54 a. m.]

Chapter IX—War Production Board

Subchapter B—Division of Industry Operations

PART 1014—BURLAP AND BURLAP PRODUCTS

AMENDMENT NO. 4 TO CONSERVATION ORDER M-47¹

Section 1014.1 (Conservation Order M-47) is hereby amended in the following respects:

(1) Paragraph (g) is hereby amended to read as follows:

(g) *Quotas for non-importing bag manufacturers.* The quota of each Non-importing Bag Manufacturer for Burlap to be received from Importers or Importing Bag Manufacturers or directly by himself in each calendar year beginning with the year 1942, shall be an amount bearing the same ratio to the amount of all imports to continental United States during such calendar year not required to be set aside in accordance with paragraph (b) as the total deliveries to such Non-importing Bag Manufacturer by all Importers and Importing Bag Manufacturers during the years 1939 and 1940, bear to the total of the deliveries to all Non-importing Bag Manufacturers by all Importers and Importing Bag Manufacturers during 1939 and 1940, plus the total amount cut up into bags by Importing Bag Manufacturers during 1939 and 1940. No Non-importing Bag Manufacturer may receive delivery from any Importer or Importing Bag Manufacturer of any Burlap which will not actually be put into process by him for the manufacture of Agricultural Bags within thirty days after the receipt thereof. Each Non-importing Bag Manufacturer shall certify to each Importer or Importing Bag Manufacturer from whom he receives delivery of Burlap, as a condition to receiving such delivery, the following, on the purchase order for such Burlap:

The undersigned hereby certifies that the Burlap to be delivered to the undersigned pursuant to the above purchase order is needed by the undersigned to put into process for the manufacture of Agricultural Bags within thirty days after physical receipt thereof by the undersigned.

Name
By-----
Authorized official
Date-----

A Non-importing Bag Manufacturer may purchase the aggregate amount of his annual quota from any one or more Importers or Importing Bag Manufacturers or may arrange for the importation thereof directly. The term "Non-importing Bag Manufacturer" shall include any Importing Bag Manufacturer to the extent of his receipts, if any, of Burlap from Importers or other Importing Bag Manufacturers.

¹6 F.R. 6648; 7 F.R. 34, 251, 396, 1023.

(2) Paragraph (j) is hereby amended to read as follows:

(j) *Restrictions on inventory.* Except as provided in paragraph (b), no Bag Manufacturer shall hold in inventory any Burlap, other than Burlap directly imported by him, whether baled, cut, or otherwise, in excess of a thirty-day supply. No Bag Manufacturer shall hold in inventory any new Agricultural Bags in excess of a thirty-day supply, unless he is unable to secure a purchase order for the same at regularly established prices and terms of sale. Any such supply shall include Bags which are being accumulated in an orderly process of manufacture to meet a future peak demand, but shall not be in excess of the minimum amounts necessary to meet such peak, based upon past experience. No person dealing in Agricultural Bags shall withhold from sale a supply of new and/or secondhand bags in excess of the quantity he will use or sell within the following thirty days, taking into consideration existing inventories: *Provided, however,* That a dealer or other person accumulating secondhand bags may accumulate the same for resale, free of the foregoing restriction to the extent that he is unable to secure fair and reasonable purchase orders for the same. (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; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

This amendment shall take effect immediately.

Issued this 4th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3001; Filed, April 4, 1942; 12:40 p. m.]

PART 1032—DIRECT-CONSUMPTION SUGAR

INTERPRETATION NO. 2 OF GENERAL PREFERENCE ORDER NO. M-55,¹ AS AMENDED JANUARY 24, 1942

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

Paragraph (d) (5) (x) of General Preference Order M-55, as amended, permits quota exempt deliveries of sugar to "any canner or processor, to furnish supplies to enable him to pack fruits or vegetables". This exemption applies only to sugar needed for the first processing of fruits or vegetables by quick-freezing, cold-packing, canning, preserving or other methods. It does not apply to sugar needed for processing fruits or vegetables after they have been processed by any preserving method other than temporary refrigeration in bulk. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.E.

¹7 F.R. 581, 1106, 2169, 2386.

Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 4th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3009; Filed, April 4, 1942;
12:42 p. m.]

PART 1072—SOLE LEATHER

AMENDMENT NO. 1 TO GENERAL PREFERENCE ORDER M-80¹

Section 1072.1 (*General Preference Order M-80*) is hereby amended in the following respect:

Paragraph (b) (9) is amended to read as follows:

(b) * * *

(9) "Reserved cut soles" means all cut soles set aside pursuant to the terms of this Order and, in addition, 80% of all other manufacturers type cut outer and inner soles of military weight and quality on hand on the effective date of this Amendment in sole cutters' stocks or in the stocks of any other person, which were cut on any sole patterns which will fit the Army, Navy and Marine Corps lasts; *Provided, however*, That the term shall not include any cut soles certified by the Commanding Officer, Boston Quartermaster Depot, Boston, Massachusetts, as not suitable or necessary for military use. (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; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

This amendment shall take effect immediately.

Issued this 4th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3006; Filed, April 4, 1942;
12:41 p. m.]

PART 1076—PLUMBING AND HEATING SIMPLIFICATION

AMENDMENT NO. 1 TO SCHEDULE II TO LIMITATION ORDER NO. L-42²

Subparagraph (a) (2) of § 1076.3 (*Schedule II to Limitation Order L-42*) is hereby amended to read as follows: *

(2) "Pipe Fitting" means any threaded or flanged pipe fitting made from grey cast iron, malleable iron, brass or bronze, except:

(i) Those known as hydraulic or high pressure pipe fittings;

(ii) Those known as cast or forged steel fittings; or

(iii) Those known as brazed or soldered brass or bronze fittings, whether screwed or flanged at any outlet. (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;

¹ 7 F.R. 1977.

² 7 F.R. 1571, 2351.

E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

This amendment shall take effect immediately.

Issued this 4th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3005; Filed, April 4, 1942;
12:41 p. m.]

PART 1148—CLOSURE ENAMEL

CONSERVATION ORDER M-116

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Enamel, as hereinafter defined, and of the materials entering thereinto, for defense, for private account and for export, and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1148.1 *Conservation Order M-116—(a) Definitions.* For the purpose of this Order:

(1) "Enamel" means any organic protective coating, lacquer, or varnish containing tung, perilla or oiticica oils; phenolic, alkyd, vinyl, cellulose resins; or fossil gums or combinations thereof.

(2) "Closure" means any cap, crown, cover, lid or closure which is made of tinfoil, terneplate, or blackplate, or any combination thereof, for sealing, closing or capping glass containers.

(3) "Tinfoil" means blackplate coated on one or both sides by dipping in molten tin.

(4) "Terneplate" means blackplate coated on one or both sides with a lead-tin alloy.

(5) "Blackplate" means any sheet steel plate suitable for manufacture into a closure, and, for the purpose of this Order, shall also include any waste tinfoil, terneplate, or scrap produced in the ordinary course of manufacturing closures out of tinfoil or terneplate.

(b) *Prohibition of use of enamel.* No person shall hereafter manufacture or coat closures with enamel on the exterior surfaces thereof, where such closures are made of tinfoil or terneplate; *Provided, however*, That the prohibitions and restrictions contained herein shall not prevent:

(1) The use of enamel as an exterior coating on closures where required to protect from damage and deterioration lithographed printing thereon used to designate contents or to label attached container or to indicate method of removing closure therefrom, where other means of such designation upon the container or upon the closure are impracticable; or

(2) The use of enamel to coat the exterior surface of closures made of electroplated tinned sheet, blackplate or of any unlined material; or

(3) The use of enamel as an exterior coating on closures for containers of food products for human consumption where

such closures are heat sterilized before or after application to the container and such enamel is required to prevent corrosion; or

(4) The manufacture, use or sale of closures which were coated with enamel prior to the effective date of this Order or the use in the manufacture of closures of materials, including tinfoil and terneplate sheets, which were coated with enamel prior to said date.

(c) *Prohibition of sale of enamel and purchase of closures.* No person shall hereafter sell or deliver enamel to any person if he knows or has reason to believe that such enamel is to be used in violation of paragraph (b) hereof, nor shall any packer purchase or accept delivery of closures which he knows or has reason to believe were manufactured in violation of said paragraph (b).

(d) *Further conservation of enamel.* All persons concerned with the manufacture of closures and packaging shall use their best efforts to effectuate conservation of materials by reducing the dry film weight of enamel coating upon the interior and exterior metal surfaces of closures, where control of such weight is practicable, to nine-tenths of the weight considered standard practice in the closure and metal cap manufacturing industry in 1940, or less where practicable.

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

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

(3) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of enamel conserved, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the Director of Industry Operations by addressing a letter to the War Production Board, Chemicals Branch, Washington, D. C., Ref: M-116, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(f) *Effective date.* This Order 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; sec 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 4th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3003; Filed, April 4, 1942;
12:40 p. m.]

PART 1159—ELECTRIC HEATING PADS
GENERAL LIMITATION ORDER NO. L-84

The fulfillment of requirements for the Defense of the United States has created a shortage in the supply of rubber, chromium, nickel and copper for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1159.1 *General Limitation Order L-84*—(a) *Definitions*. For the purposes of this Order:

(1) "Electric heating pad" means any pad for therapeutic, prophylactic or home use, utilizing electricity to warm a part of the human body to which it is directly applied.

(2) "Producer" means any person who manufactures electric heating pads.

(3) "Electrical resistance material" means material in the form of ribbon or wire in which one or more metals are used to create electrical resistance for the development of heat.

(4) "Rubber" means all forms and types of rubber, including crude, reclaimed, scrap and synthetic rubber, and latex.

(5) "Critical materials" means rubber, nickel, and copper and any material containing rubber, nickel, or copper in any form.

(b) *Restrictions on the purchase and sale of critical materials*. After the effective date of this Order:

(1) No producer shall purchase or accept delivery of any critical materials to be used in the production of electric heating pads; *Provided, however*, That a producer may purchase or accept delivery of critical materials from any other producer.

(2) No producer shall sell or deliver any critical materials which he has in stock, except as permitted by paragraph (b) (1) above, or except as such critical materials are incorporated into electric heating pads permitted to be produced by paragraph (c) below.

(c) *General restrictions*. Subject to the restrictions of paragraph (b) above:

(1) No producer shall manufacture in 1942:

(i) more than 50% of the aggregate number of units of electric heating pads of all types, other than so-called wet-proof or hospital type, that he manufactured in 1940;

(ii) more electric heating pads of so-called wet-proof or hospital type construction, by aggregate number of units, than he manufactured in 1940.

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(2) From the date of issuance of this Order, no producer shall manufacture:

(i) Any electric heating pads (other than the permitted units of so-called wet-proof or hospital type) in which any rubber is used in the pad proper, or in which rubber or copper is used in the electric cord in an amount exceeding that which would be required for five feet of PO-32 cord;

(ii) Any electric heating pads of so-called wet-proof or hospital type construction in which the use of rubber per unit exceeds that in like units manufactured by the same company in 1940, or in which rubber or copper is used in the electric cord in an amount exceeding that permissible under paragraph (2) (1), except that one foot of POSJ-32 from the heating pad to the heat control switch is also permitted;

(iii) Any electric heating pads of any type, or any component part thereof, in which chromium is incorporated in any form;

(iv) Any electric heating pads of any type, or any component part thereof, in which is incorporated any electrical resistance material with a nickel content of more than 50%.

(3) No producer shall consume in the manufacture, in 1942, of a unit of any type of electric heating pad, a larger quantity, by weight, of electrical resistance material than the quantity he consumed in units of like types of pads in 1940.

(d) *Avoidance of excessive inventories*. No producer of electric heating pads shall accumulate for use in the manufacture of such electric heating pads inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of electric heating pads in the quantities permitted by this Order.

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

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

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

(h) *Reports*. Any person manufacturing electric heating pads shall report in writing within thirty days from the effective date of this Order. (1) the aggregate number of units of wet-proof or hospital type electric heating pads manufactured by him during 1940; (2) the aggregate number of units of all other types of electric heating pads manufactured by him during 1940; and (3) the

total quantity, by weight, of electrical resistance material of all kinds consumed by him in the manufacture of electric heating pads during 1940. He shall also execute and file with the War Production Board such other reports and questionnaires as said Board shall from time to time prescribe.

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

(j) *Appeal*. Any person affected by this Order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may appeal to the War Production Board, setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(k) *Communications*. All reports required to be filed hereunder, or communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Health Supplies Branch, Washington, D. C. Ref.: L-84.

(l) *Effective date*. This Order shall take effect on the date of its issuance and shall continue in effect until revoked. (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; sec. 2 (a), Pub. Law 671, 76th Cong. as amended by Pub. Law 89, 77th Cong.)

Issued this 4th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3004; Filed, April 4, 1942;
12:41 p. m.]

PART 1184—QUININE
CONSERVATION ORDER M-131

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Quinine for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 1184.1 *Conservation Order M-131*—(a) *Definitions*. For the purposes of this Order:

(1) "Quinine" means quinine alkaloid and its derivative quinine salts extracted from cinchona bark (*Cinchona succirubra* P. et K.; *C. calisaya* W.; *C. Ledgeriana* M. et T.), also known as calisaya, Peruvian or Jesuit's Bark, and from its hybrids.

(2) "Anti-malarial agent" means any product or material which, according to

modern medical opinion, is recognized as a specific for the prevention, alleviation or cure of malarial infections.

(b) *Restrictions on the purchase, sale and use of quinine.* (1) No person shall sell, transfer or deliver, or purchase or accept any transfer or delivery of, any quinine except for use as

- (i) an anti-malarial agent, or
- (ii) an ingredient of quinine and urea hydrochloride (U. S. P.) for hypodermic use.

(2) Except in the case of a sale, transfer or delivery to an ultimate consumer, no person shall sell, transfer or deliver any quinine except upon receipt of a certificate manually signed by the person purchasing or accepting transfer or delivery, or a duly authorized official, in substantially the following form:

I hereby certify that the quinine ordered hereby is for use as (1) an anti-malarial agent or (2) an ingredient of quinine and urea hydrochloride (U. S. P.) for hypodermic use, and will not be sold, transferred or delivered by me for any other purpose. This certification is made in accordance with the terms of General Preference Order No. M-131 with which I am familiar.

Name.....
By.....

Such statement shall constitute a representation to the War Production Board and the seller or supplier of the facts stated therein. The seller or supplier shall be entitled to rely on such representation unless he knows or has reason to believe it to be false. Any person making such certification shall use such quinine only for the purposes permitted by this Order.

(c) *Applicability of Order.* Any stock of quinine (whether in the form of solution, pill, tablet or capsule, but not including preparations containing quinine which has been combined or compounded with other medicinal agents) consisting of less than fifty (50) ounces physically located at any one place on the date of this Order shall not be subject to the provisions and restrictions of this Order; and such stocks may be disposed of by the owner thereof without restriction. This Order shall not apply to purchases by importers of quinine to be delivered from outside the continental United States, provided that any subsequent dealing in quinine after its importation is governed by this Order; nor shall this Order apply to the purchase, sale, or use of any preparation containing quinine which, on the date of this Order, has been combined or compounded with other medicinal agents.

(d) *Reports.* Every person having in his possession or control on the date of this Order (1) any stock of quinine consisting of more than fifty (50) ounces (whether in the form of solution, pill, tablet or capsule, but not including preparations containing quinine which has been combined or compounded with other medicinal agents) which stock is physically located at any one place, or (2) over fifty (50) pounds of cinchona bark shall make a report on Form PD-401 which shall be filed with the War Production

Board. Failure on the part of any person to file said report as prescribed by this Order shall be deemed a representation to the War Production Board that such person had no stocks of quinine consisting of more than fifty (50) ounces physically located at any one place and less than fifty (50) pounds of cinchona bark in his possession or control on the date of this Order. All persons affected by this Order shall file such other reports as may be required from time to time by the War Production Board.

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

(f) *Appeals.* Any person affected by this Order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board, setting forth pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(g) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: "War Production Board, Health Supplies Branch, Washington, D. C.; Ref: M-131."

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

(i) *Effective date.* This Order 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; sec. 2 (a), Pub. Law 671, 76th Cong. as amended by Pub. Law 89, 77th Cong.)

Issued this 4th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3002; Filed, April 4, 1942;
12:40 p. m.]

PART 1188—RAILROAD EQUIPMENT
GENERAL LIMITATION ORDER L-97

Whereas the fulfillment of requirements for the defense of the United States has created a shortage in the supply of locomotives for defense, for private account and for export, and it has now become necessary in the public interest and to promote the national defense to provide for the orderly scheduling of production and delivery of such locomotives:

Now, therefore, it is hereby ordered that:

§ 1188.1 *General Limitation Order L-97—(a) Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

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

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

(2) "Producer" means any person engaged in the production of locomotives.

(3) "Locomotives" means all types of locomotives, including but not limited to steam, electric, diesel, diesel-electric, gasoline, and gasoline-electric locomotives.

(c) *Restrictions on production and delivery of locomotives.* On and after the effective date of this Order, irrespective of the terms of any contract of sale or purchase or of any other commitment, no producer shall produce or deliver any locomotives, except as authorized pursuant to the provisions of paragraph (d) hereof.

(d) *Production and delivery schedules—(1)* Each producer shall schedule (or reschedule, if necessary) his production and make deliveries of locomotives in accordance with such specific directions as may be issued from time to time by the Director of Industry Operations.

(2) The production and delivery schedules established by any specific direction issued pursuant to paragraph (d) (1) above shall be maintained without regard to any preference ratings already assigned or hereafter assigned to particular contracts, commitments, or purchase orders and without regard to production schedules in effect on the effective date of this Order, and may be altered only upon specific directions of the Director of Industry Operations.

(3) If it becomes impossible for any producer to maintain production and delivery of locomotives in accordance with any such schedule, he shall immediately notify the Director of Industry Operations, and unless otherwise directed by the Director of Industry Operations, he shall continue to produce and deliver locomotives in the order set forth in such schedule and shall postpone production and delivery of any such locomotives only to the extent required by the circumstances causing his failure to maintain production and delivery as required by such schedule.

(e) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales of locomotives, which records shall be available for audit and inspection by duly authorized representatives of the War Production Board.

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

(g) *Violations or false statements.* Any person who wilfully violates any provision of this Order or who wilfully furnishes false information to the War Production Board is guilty of a criminal offense punishable by fine and imprisonment (Pub. Law 507, 77th Cong., approved March 28, 1942; and 18 U.S.C. 80). Any person committing such an offense or wilfully falsifying any records which he is required to keep by the terms of this Order may be deprived of priorities assistance or may be prohibited by the War Production Board from obtaining any materials or facilities subject to allocation.

(h) *Communications.* All communications concerning this Order should be addressed to War Production Board, Washington, D. C., Ref.: L-97.

(i) *Effective date.* This Order shall take effect immediately and shall continue in full force and effect until revoked by the Director of Industry Operations. (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; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 4th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3008; Filed, April 4, 1942;
12:42 p. m.]

PART 1188—RAILROAD EQUIPMENT

GENERAL LIMITATION ORDER L-97-a

Whereas the fulfillment of requirements for the defense of the United States has created a shortage in the supply of railroad cars for defense, for private account and for export, and it has now become necessary in the public interest and to promote the national defense to provide for the orderly scheduling of production and delivery of such cars:

Now, therefore, it is hereby ordered that:

§ 1188.2 *General Limitation Order L-97-a—(a) Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

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

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

(2) "Producer" means any person engaged in the production of Cars.

(3) "Cars" means all cars for use on railroads.

(c) *Restrictions on production and delivery of cars.* On and after the effective date of this Order, irrespective of the terms of any contract of sale or purchase or of any other commitment, no producer shall produce or deliver any cars, except as authorized pursuant to the provisions of paragraph (d) hereof.

(d) *Production and delivery schedules.* (1) Each producer shall schedule (or re-schedule, if necessary) his production and make deliveries of cars in accordance with such specific directions as may be issued from time to time by the Director of Industry Operations.

(2) The production and delivery schedules established by any specific direction issued pursuant to paragraph (d) (1) above shall be maintained without regard to any preference ratings already assigned or hereafter assigned to particular contracts, commitments, or purchase orders and without regard to production schedules in effect on the effective date of this Order, and may be altered only upon specific directions of the Director of Industry Operations.

(3) If it becomes impossible for any producer to maintain production and delivery of cars in accordance with any such schedule, he shall immediately notify the Director of Industry Operations, and, unless otherwise directed by the Director of Industry Operations, he shall continue to produce and deliver cars in the order set forth in such schedule and shall postpone production and delivery of any such cars only to the extent required by the circumstances causing his failure to maintain production and delivery as required by such schedule.

(e) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales of cars, which records shall be available for audit and inspection by duly authorized representatives of the War Production Board.

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

(g) *Violations or false statements.* Any person who wilfully violates any provision of this Order or who wilfully furnishes false information to the War Production Board is guilty of a criminal offense punishable by fine and imprisonment (Pub. Law 507, 77th Cong., 2d Sess., approved March 28, 1942; and 18 U. S. C. 80). Any person committing such an offense or wilfully falsifying any records which he is required to keep by the terms of this Order may be deprived of priorities assistance or may be prohibited by the War Production Board from obtaining any materials or facilities subject to allocation.

(h) *Communications.* All communications concerning this Order should be addressed to War Production Board, Washington, D. C. Ref.: L-97-a.

(i) *Effective date.* This Order shall take effect immediately and shall con-

tinue in full force and effect until revoked by the Director of Industry Operations. (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; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 4th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3007; Filed, April 4, 1942;
12:42 p. m.]

PART 984—LEAD

AMENDMENT NO. 1 TO CONSERVATION ORDER NO. M-38-C

1. Paragraph (a) of § 984.4 (*Conservation Order M-38-c*)¹ is hereby amended by adding thereto subparagraph (3) to read as follows:

(3) Effective May 1, 1942, no person shall use lead foil or lead base alloy foil, in packaging any cigarettes.

2. List A of § 984.4 is hereby amended by adding thereto the following items: "Buttons, costume jewelry, novelties, and trophies"; and further by deleting from said list the word "Cames," appearing under the item, "Building supplies."

3. List B of § 984.4 is hereby amended by adding immediately after the words, "Foil for: Condensers, electrotyping, moulding lead," the words, "Dental uses"; and further by adding to said list immediately after the words, "X-ray equipment," the words, "and supplies."

4. This Amendment 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; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 6th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3050; Filed, April 6, 1942;
11:31 a. m.]

PART 1001—TIN

AMENDMENT NO. 1 TO CONSERVATION ORDER NO. M-43-a¹ AS AMENDED MARCH 17, 1942

1. Subparagraph (c) (2) (ii) of § 1001.2 is hereby amended to read as follows:

(ii) To tin plating,terne plating with terne metal as limited in tin content by paragraph (b) (2) (vi), hot tinning, electroplating or soldering with solder as limited in tin content by paragraph (b) (2) (iii), of materials used in cans, containers, caps or closures for packing, packaging or putting up products of any kind within all the applicable provisions, limitations and restrictions of Supplementary Order M-21-e, Conservation Orders M-81 and M-104, and any other or further Order or direction of the Director of Industry Operations.

¹ 7 F.R. 2127.

2. "List A" of § 1001.2 is hereby amended by adding to the words "Automobile Body Solder" the words, "or any material used as a filler or smoother for automobile or truck bodies or fenders."

3. This Amendment 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; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 6th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3048; Filed, April 6, 1942, 11:30 a. m.]

PART 1046—SUPPLIERS

SUPPLIERS' ORDER NO. M-67

Section 1046.1¹ (*Suppliers' Order No. M-67*) is hereby revoked. (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; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 6th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3046; Filed, April 6, 1942; 11:29 a. m.]

PART 1046—SUPPLIERS

SUPPLIERS' INVENTORY LIMITATION ORDER L-63

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of aluminum, copper, iron, steel and other materials for defense, for private account and for export; and the following Order designed to prevent the undue accumulation of inventory in the hands of Suppliers is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1046.3 *Suppliers' Inventory Limitation Order L-63—(a) Definitions.* (1) "Supplies" means all the supplies listed below, including appliances, normally carried in stock for sale by suppliers of:

- (i) Automotive supplies
- (ii) Aviation supplies
- (iii) Builders' supplies
- (iv) Construction supplies
- (v) Dairy supplies
- (vi) Electrical supplies
- (vii) Farm supplies
- (viii) Foundry supplies
- (ix) Grain elevator supplies
- (x) Hardware supplies
- (xi) Health supplies
- (xii) Industrial supplies
- (xiii) Plumbing & heating supplies
- (xiv) Railroad supplies
- (xv) Refrigeration supplies
- (xvi) Restaurant supplies
- (xvii) Textile mill supplies

¹ 7 F.R. 120.

- (xviii) Transmission supplies
- (xix) Welding & cutting supplies

(2) "Supplier" means any person (other than a producer) whose business consists, in whole or in part, of the sale from stock or inventory of supplies. "Supplier" includes wholesalers, distributors, jobbers, dealers, retailers, branch warehouses of producers and other persons performing a similar function.

(3) "Producer" means any person including any branch, division or section of any enterprise, which manufactures, processes, fabricates, assembles or otherwise physically changes any material.

(4) "Sales" means sales from stock including consigned stocks and excluding direct shipments.

(5) "Seasonal lines" means any line of supplies in which a minimum of 40% of the supplier's total annual sales are made during a period of 90 days, or less.

(6) "Maximum permissible inventory" of supplies means:

(i) In the case of a supplier located in the Eastern or Central War Time Zones, an inventory (owned or consigned to him) of supplies of a total dollar value (by physical or book inventory, at the option of the supplier) equal to twice the dollar value of sales of such supplies, shipped from his inventories, during the second preceding calendar month.

(ii) In the case of a supplier, located in any other time zone, an inventory, (owned or consigned to him) of supplies of a total dollar value (by physical or book inventory, at the option of the supplier) equal to three times the dollar value of sales of such supplies, shipped from his inventories, during the second preceding calendar month.

(b) *Limitation of supplier's inventories.* (1) Except as provided in paragraphs (b) (3), (4), (5) and (6), no supplier shall accept any delivery of supplies from any person which will effect an increase in inventory of supplies in the hands of the supplier above the supplier's maximum permissible inventory; and

(2) Except as provided in paragraphs (b) (3), (4), (5) and (6), no person shall make to any supplier any delivery of Supplies which such person knows or has reason to believe will effect an increase in such supplier's inventory of supplies above the supplier's maximum permissible inventory.

(3) The supplier in any time zone shall be permitted to purchase and store an amount of seasonal lines equal to those which he purchased in the peak period of a comparable period of the previous year, but this peak season shall not exceed ninety days.

(4) A supplier may accept delivery of supplies which will increase his stock above the maximum permissible inventory, if such Supplier's inventory of Supplies is at the time of delivery less than his maximum permissible inventory and the delivery is of the minimum quantity of such supplies that can be commercially procured.

(5) The Director of Industry Operations may, from time to time, exempt

specified suppliers or classes of suppliers from the provisions of this Order, subject to such restrictions as the Director of Industry Operations may impose.

(6) The provisions of this Order shall not apply to any Supplier:

(i) Whose total inventory at cost, including consigned stocks, of all supplies is less than \$20,000.00, and

(ii) Whose total inventory at cost of each type of supplies as set forth in paragraph (a) (1) of this Order, is less than \$10,000.00.

(c) *Provisions of other orders.* No provision of this Order shall be construed to permit the accumulation of inventories of any item of Material in contravention of the provisions of any other applicable order or orders issued by the War Production Board or heretofore issued by the Office of Production Management.

(d) *Appeals.* Any person affected by this Order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may apply for relief to the War Production Board by telegram or letter setting forth the pertinent facts and the reason such person considers that he is entitled to relief.

(e) *Records and reports.* (1) Each supplier (other than those suppliers who are exempt from the provisions of this Order pursuant to paragraphs (b) (5) or (6) shall, on or before the twentieth day of each month make proper entry of inventory (book or physical at cost), sales of direct shipments, sales from stock, and total sales of each type of supplies as set forth in paragraph (a) (1) of this Order, during the previous calendar month on Form PD-336. This form must be retained for a period of at least two years for inspection by representatives of the War Production Board.

(2) The Director of Industry Operations may at any time call for these reports to be submitted to the War Production Board.

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

(g) *Communications.* All communications concerning this Order shall be addressed to: War Production Board, Washington, D. C., Ref.: L-63.

(h) *Effective date.* This Order shall take effect immediately, and shall continue in effect until amended or revoked by the Director of Industry Operations. (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; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 6th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3049; Filed, April 6, 1942; 11:31 a. m.]

PART 1068—TINPLATE AND TERNEPLATE

AMENDMENT NO. 1 TO CONSERVATION ORDER
M-81¹

1. Item 1 of Miscellaneous Foods of Table II is hereby amended to read as follows:

1. *Soups*, meaning only the following kinds of soup, which, after June 30, 1942, shall contain not less than the specified percentage, by weight, of dry solids from the products listed in Table I or Table II.

Class A. Chicken, Chicken Gumbo, Chicken Noodle, Gumbo Creole, Consomme, and Bouillon—6%.

Class B. Tomato, Asparagus, Spinach, and Fresh Green Pea—7%.

Class C. Clam or Fish Chowders—8%.

Class D. Scotch Broth, Vegetable, Vegetable-Vegetarian, Pepper Pot, Ox Tail, Mock Turtle, Country Style Chicken, and Corn Chowder—10%.

Class E. Beef, and Vegetable Beef—12%.

The foregoing kinds of soup may be packed only in No. 1 Picnic or larger cans. For packing, during the calendar year 1942, all the foregoing kinds of soup, having the percentage of solids above specified, a Canner may use 100% of the tinplate which he used during the calendar year 1941 for packing such kinds of soup in a form which required, for serving at the table, the addition of not less than an equal part of water or other liquid; and 70% of the tinplate which he used during the calendar year 1941 for packing such kinds of soup in a ready-to-serve form. All tinplate used by a Canner for packing soups, broths, and chowder pursuant to the succeeding Item shall be deducted from the tinplate quota provided by this paragraph.

2. Item 2 of Miscellaneous Foods of Table II is hereby amended to read as follows:

2. *Soups, Broths and Chowders*, other than those of the kinds or consistency specified in the foregoing Item, 25% of 1940 pack. Not to be packed after June 30, 1942.

3. This Amendment shall be effective from the date of issuance of this Order, provided that, during the interval from the effective date of this Order until June 30, 1942, no Canner shall use more tinplate for packing the kinds of soup listed in Item 1 hereof than he used for such purposes during the corresponding period of 1941. (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; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 6th day of April 1942.

J. S. KNOWLSON,

Director of Industry Operations.

[F. R. Doc. 42-3047; Filed, April 6, 1942; 11:30 a. m.]

PART 1183—WASTE PAPER

GENERAL INVENTORY ORDER NO. M-129 TO
PERMIT ACCUMULATION OF INVENTORIES OF
WASTE PAPER

§ 1183.1 *General Inventory Order M-129*—(a) *Revocation of inventory restrictions as to waste paper.* Notwithstanding the provisions of any Regulation or Order heretofore issued by the Director of Priorities of the Office of Production Management or by the Director of Industry Operations of the War Production Board, any person may make deliveries of waste paper, and any person may accept deliveries thereof, although the inventory of waste paper in the hands of the person accepting such delivery is, or will by virtue of such acceptance become, in excess of a practicable working minimum.

(b) *Applicability of priorities regulation No. 1.* Except to the extent that the provisions of paragraph (a) are inconsistent therewith, all transactions involving waste paper shall be subject to the provisions of Priorities Regulation No. 1 as amended from time to time.

(c) *Effective date.* This Order shall take effect at once and shall continue in effect until revoked by the Director of Industry Operations. (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; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 6th day of April 1942.

J. S. KNOWLSON,

Director of Industry Operations.

[F. R. Doc. 42-3045; Filed, April 6, 1942; 11:29 a. m.]

Chapter XI—Office of Price Administration

PART 1314—RAW MATERIALS FOR SHOES
AND LEATHER PRODUCTSREVISED PRICE SCHEDULE NO. 61,¹ AS
AMENDED—LEATHER

A statement of the considerations involved in the issuance of Revised Price Schedule No. 61, as amended—Leather has been prepared and is issued simultaneously herewith.²

The preamble and §§ 1314.51 to 1314.60, inclusive, are renumbered and amended to read as follows:

The declaration by the Congress of the United States that a state of war exists between this country and the Axis nations makes it imperative that immediate steps be taken to protect the civilian population against increases in the cost of shoes and other leather products. Hostilities in the Pacific have raised the possibility of decreased supplies of imported

¹ 7 F.R. 1821, 1837.

² Filed with the Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration.

hides and skins. At the same time there is every likelihood of an increase in the leather requirements of the armed forces of the United States, and of an increase in the quantities of leather and of leather raw materials to be furnished to those who are now our allies. This combination of circumstances, unless forestalled, would result in a bidding up of the prices of leather and leather products, which in time would substantially increase the cost of living of the civilian consumer, and at the same time increase the direct cost of the war effort. As a measure of public interest it becomes necessary to establish maximum prices for leather.

AUTHORITY: §§ 1314.51 to 1314.63, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong.

§ 1314.51 *Maximum prices for leather.*

(a) On and after April 9, 1942, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver, and no person shall buy or receive leather 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. The provisions of this Section shall not be applicable to sales or deliveries of leather made pursuant to contracts entered into prior to December 29, 1941.

(b) Except as provided in paragraphs (c) and (d) of this section, the maximum prices for leather shall be:

(1) The highest price contracted for or received by the seller for the sale or delivery during the period between November 6, 1941 and December 6, 1941, inclusive, of leather of the same type, quality and grade to a purchaser of the same general class, or

(2) If during said period no such sale or delivery was made, a price in line with the maximum prices for related types, qualities and grades of leather determined in accordance with subparagraph (1) of this paragraph:

Provided, That in all cases, including cases where the seller had no sales of the same or related types, qualities and grades during said period, the maximum price shall be in line with the general level of prices of leather prevailing during the period between November 6, 1941 and December 6, 1941, inclusive, giving consideration to the relative market value of each type, quality and grade of leather and to the class of purchaser to whom sold.

(c) The maximum prices for leather sold by jobbers, wholesalers or dealers shall be the maximum prices determined in accordance with paragraph (b) of this section, or, at the option of the jobber, wholesaler, or dealer, the sum of (1) the actual price paid for the leather, (2) transportation charges thereon actually paid to a common carrier, and (3) a markup of 1 cent per pound or per square foot of leather or per pair of cut soles

¹ 7 F.R. 947, 1998.

or 5 per cent of the actual price paid for the leather by the seller, whichever is greater: *Provided*, (i) That this optional maximum price may not be charged for leather tanned by, or for the account of, the seller or an agent of the seller and (ii) That in all cases where this optional maximum is charged, the seller shall keep records which show separately the price paid for the leather, the transportation charges so paid, and the markup.

(d) The maximum price for leather sold for export shall be determined in the same manner as the maximum price for a comparable domestic sale, in accordance with paragraphs (b) and (c) of this section, except that when it is customary to add a markup over such comparable domestic sale, the maximum price may be increased by an amount not in excess of the customary markup over the domestic sales price for the sale or delivery of a similar type, grade, quality and quantity to the same or comparable foreign market and to a purchaser of the same general class.

§ 1314.52 *Premiums to cover increases in war risk and marine insurance costs.* In addition to the maximum price for any type or grade of leather established by this Revised Price Schedule No. 61, as amended, an amount may be added by the seller as set forth below:

(a) The seller shall determine (1) the invoice cost of each class¹ of hides and skins, including rough tanned unfinished hides and skins, whether imported or domestic, received at his tanneries and warehouses during the three months ending on the 25th day of the month preceding the date the sale or contract of sale is made and (2) the percentage of such amount actually paid² for war risk and marine insurance on each such class. For each 2 per cent of the total invoice cost so paid for war risk and marine insurance over 2 per cent of the total invoice cost of such class of hides and skins received during said preceding three months, an amount equal to 1 per cent of the maximum price may be added: *Provided*, That (i) in no case shall a tanner include in his determination of the cost of insurance the cost of insuring any hides or skins at more than 125 per cent of the purchase price thereof, and (ii) where a seller's maximum price is so increased, the invoice or similar document delivered to the

¹ The term class includes any type of hides or skins which are separately identified in the finished leather sold.

² (a) If the hides or skins are already covered by war risk and marine insurance when purchased, the amount actually paid therefor by the insured may be used by the tanner in computing the maximum prices: *Provided*, That the tanner obtains from the insured and keeps in his permanent records a sworn statement of such amount actually paid on the hides or skins so purchased. (b) If the hides and skins are insured by the tanner, rather than by a licensed marine insurance company, the amount of cost attributed to such self-insurance may be used: *Provided*, That such amount shall not exceed the lowest available rate offered commercially by a licensed marine insurance company for the insurance of the hides or skins at not more than 125 per cent of the purchase price.

purchaser shall show separately the amount of such increases.

§ 1314.53 *Approval of sellers' lists by the Office of Price Administration.* Any seller may submit to the Office of Price Administration for approval as in conformity with § 1314.51 a list of maximum prices for all types, qualities and grades of leather. In cases where a seller of leather has received from the Office of Price Administration an approved maximum price list deemed by the Office of Price Administration to be in conformity with the maximum prices established by this Revised Price Schedule No. 61, as amended, the prices set forth in such approved list shall for all purposes be deemed to constitute specific maximum prices for such seller, subject to such limitations as may be imposed by the Office of Price Administration in granting approval: *Provided*, That a seller who has received an approved maximum price list from the Office of Price Administration who thereafter changes the type, grade or quality of his leather by alteration of the type of raw stock, method of tanning, trim, pattern, standard of selection or other established practice, or who adds to his line of leathers types, grades and qualities not covered by the approved price list, shall report such changes to the Office of Price Administration and secure approval of a revised maximum price list before any such new type, grade or quality of leather is sold.

§ 1314.54 *Exempt sales.* Sales at retail, sales of chamois, ostrich, reptile and aquatic leathers, and sales to persons engaged in the businesses of repairing shoes or harness are excepted from the operation of this Revised Price Schedule No. 61, as amended.

§ 1314.55 *Less than maximum prices.* Lower prices than those established by this Revised Price Schedule No. 61, as amended, may be charged, demanded, paid or offered.

§ 1314.56 *Conditional agreements.* No seller or purchaser of leather shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by this Revised Price Schedule No. 61, as amended, in the event that this Schedule is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That if a petition for amendment has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of a petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.

§ 1314.57 *Evasion.* The price limitations set forth in this Revised Price Schedule No. 61, as amended, 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 leather, alone or in conjunction with any other commodity or by way of commis-

sion, service, transportation, or other charge, or discount premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

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

§ 1314.58 *Records and reports.* (a) Every person making a purchase or sale of leather in the course of trade or business, or otherwise dealing therein, after December 29, 1941, 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 the seller, the price contracted for or received, the quantity and a description of each type, quality, style, grade and weight of leather sold.

(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.

§ 1314.59 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 61, as amended, are subject to the criminal penalties, civil enforcement actions, 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 Revised Price Schedule No. 61, as amended, 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.

§ 1314.60 *Petition for amendment.* Persons seeking any modification of this Revised Price Schedule No. 61, as amended, or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1 (§§ 1300.1, 1300.56) issued by the Office of Price Administration.

§ 1314.61 *Definitions.* When used in Revised Price Schedule No. 61, as amended, the term:

(a) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative 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.

(b) "Leather" means the tanned or processed skins, other than shearlings, moutons or dressed furs, of animals of all types; the term is applicable to all types, qualities and grades of leather, whether whole pieces or cut stock;

(c) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no manufacturer, processor, purchaser for resale or commercial user shall be deemed to be an ultimate consumer.

§ 1314.62 *Effective date of Price Schedule No. 61.* This Schedule (§§ 1314.51 to 1314.60, inclusive) shall become effective December 29, 1941.

§ 1314.63 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1314.59 (b) and 1314.60 (a)) to Revised Price Schedule No. 61 shall become effective March 9, 1942.

(b) Revised Price Schedule No. 61, as amended (§§ 1314.51 to 1314.63, inclusive), shall become effective April 9, 1942.

Issued this 4th day of April 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-3011; Filed, April 4, 1942; 12:50 p. m.]

PART 1351—FOODS AND FOOD PRODUCTS

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 51—COCOA BEANS AND COCOA BUTTER

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.¹

Section 1351.52 and paragraph (f) of § 1351.61 are amended, a new subparagraph (3) is added to § 1351.61 (a), and a new § 1351.60a is added, as set forth below.

§ 1351.52 *Export sales.* To the maximum prices for cocoa beans and cocoa butter sold for export, except to Canada, the following additions may be made:

(a) Consular fees actually incurred by the seller; and

(b) Ten percent of the prices set forth in §§ 1351.61 and 1351.62.

§ 1351.61 *Appendix A: Maximum prices for cocoa beans.* (a) The maximum prices shall include all import commissions. The maximum prices shall also include all other charges, except that:

(3) Where the buyer agrees to pay for cocoa beans or cocoa butter on a deferred payment basis, interest in an amount not to exceed one-half of one percent per month for not more than two months, and one-fourth of one percent per month for not more than ten months thereafter, may be charged.

(f) Any person making sales of cocoa beans in lots of twenty-five bags or less may add to the maximum prices for those sales an amount which shall not exceed seven and one-half percent of his comparable selling price for lots of more than twenty-five bags.

§ 1351.60a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1351.52, 1351.61 (a) (3), 1351.61 (f),

and 1351.60a) to Revised Price Schedule No. 51 shall become effective on April 6, 1942. Until such date, Revised Price Schedule No. 51 continues in effect as if not amended by Amendment No. 1.

(Pub. Law 421, 77th Cong.)

Issued this 3d day of April 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-3010; Filed, April 4, 1942; 12:50 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

AMENDMENT NO. 4 TO REVISED TIRE RATIONING REGULATIONS—TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES, AND CAMELBACK

Section 1315.803 (b) (3) is amended to read as follows; and two new sections, §§ 1315.503a and 1315.805b, are added, as set forth below:

Retreaded and Recapped Tires and New Passenger Tires of an Obsolete Type for Vehicles Eligible Under List B

§ 1315.503a *Eligibility of list B vehicles for tubes.* (a) Anything in these Revised Regulations to the contrary notwithstanding, the Board shall accept applications from, and may issue certificates for new tubes, within the limits of its applicable quotas, to:

(1) Applicants who own, operate or control passenger automobiles which are eligible under § 1315.504 (a), subject to the terms and conditions specified in §§ 1315.501, 1315.603 (b), 1315.606 and 1315.610 (c), for the issuance of certificates for retreaded or recapped tires, or retreading or recapping services;

(2) Applicants who own, operate or control trucks eligible under § 1315.504 (b), subject to the terms and conditions specified in §§ 1315.502, 1315.603 (c), 1315.606 and 1315.610 (d), for the issuance of certificates for retreaded or recapped tires, or retreading or recapping services.

(b) In cases where the Board authorizes an applicant eligible under § 1315.504 (List B) to purchase tubes, the Board shall immediately issue to such applicant, not in excess of its applicable quota for the entire month, a non-transferable certificate for the purchase of tubes only, on O.P.A. Form No. R-2.

Transfers and Deliveries of New Tires and Tubes, Retreaded or Recapped Tires, and Camelback

§ 1315.803 *Permitted and prohibited deliveries of camelback.*

(b) (3) On and after February 19, 1942, no person shall consume or use truck type camelback, as defined by specification established from time to time by the War Production Board, in recapping or retreading passenger-type tires to be mounted on passenger automobiles.

No person shall use passenger-type camelback in retreading or recapping a tire to be mounted on a truck or bus.

§ 1315.805b *Certificate for initial allotment of passenger-type camelback for retreaders or recappers—*(a) *Application for authority to purchase initial allotment of passenger-type camelback.* Any person engaged in retreading or recapping tires who is not a maker of camelback may apply on or before April 30, 1942, to the Board which services the area in which his principal office is located for authority to purchase an initial allotment of passenger type camelback. No other Board shall have jurisdiction and only one application may be filed. Each person engaged in retreading or recapping tires who is not a maker of camelback may be authorized to purchase sufficient passenger-type camelback to enable him to have as of March 23, 1942, an initial inventory of passenger-type camelback equivalent to 500 pounds of passenger-type camelback for each mold or curing table, which he owns or operates, capable of retreading tires smaller than 7.50-20.

(b) *Form of application.* Applications for authority to purchase an initial allotment of passenger type camelback must be made on O.P.A. Form No. R-23. This form may be obtained from any Board. The applicant must state the number and location of all molds or curing tables owned, operated, or controlled by him capable of retreading or recapping only tires smaller than 7.50-20 and also the number and location of all molds or curing tables owned, operated, or controlled by him which are capable of retreading a tire 7.50-20 or larger. He must state the total number of pounds of passenger type camelback which he had in his inventory as of midnight March 22, 1942, irrespective of where located. If this inventory does not equal or exceed 500 pounds for each mold or curing table capable of retreading or recapping tires smaller than 7.50-20, he will be authorized to purchase an amount of passenger type camelback equal to the difference between his inventory and an amount equal to 500 pounds for each mold or curing table capable of retreading a tire smaller than 7.50-20. He may purchase only passenger type camelback. Passenger camelback means passenger type camelback as defined by specifications established from time to time by the War Production Board.

The applicant shall certify the facts stated in the application in the manner and form provided for such certification. In making the application and executing the certification he shall conform to the requirements of § 1315.605 of these Revised Regulations.

(c) *Action by the Board.* Upon receiving an application by a retreader or recapper who is not a maker of camelback for authorization to purchase an initial allotment of passenger type camelback, the Board shall satisfy itself that the applicant has properly executed his application including all the agreements therein contained and that all the facts stated in the application are true.

¹ 7 F.R. 1307.

² Filed with the Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration.

If the Board is satisfied that the applicant did not have in his inventory as of midnight March 22, 1942, 500 pounds of passenger type camelback for each mold or curing table owned, operated, or controlled by him which is capable of retreading a tire smaller than 7.50-20, it shall issue the applicant a certificate authorizing him to purchase the difference between all the passenger type camelback in his possession as of midnight March 22, 1942, and an amount equal to 500 pounds of passenger type camelback for each mold or curing table owned, operated, or controlled by him which is capable of retreading a tire smaller than 7.50-20. If the Board determines that an application should be granted either wholly or in part, it shall note upon such application the amount of passenger type camelback which the applicant was authorized to purchase and the serial number of the certificate issued. After acting upon the application the Board shall notify the applicant of its decision. In cases where the Board authorizes an applicant to purchase an initial allotment of passenger type camelback, the Board shall immediately issue to such applicant a certificate.

(d) *Form of certificate.* The certificate for the purchase of an initial allotment of passenger type camelback is O.F.A. Form No. R-10. The certificate shall be serially numbered and shall be divided into two parts designated as part A and part B bearing the same serial number. If the person supplying the retreader or recapper is a maker of camelback he shall retain part A as a record of the transaction. If the person supplying the retreader or recapper is not a maker of camelback he may use part A as a basis for replenishing his stock. Part B of the certificate is to be forwarded by the supplier of camelback to the Board which issued the certificate.

(e) *Execution by issuing Board.* It shall be the responsibility of the Board prior to issuing a certificate to fill in part A of the certificate setting forth the date issued, the number and address of the Board issuing the certificate, the number of pounds of passenger type camelback which the certificate holder is authorized to purchase and the name and address of the purchaser. It shall also be the responsibility of the Board to indicate on part B of the certificate the number and address of the Board issuing the certificate. No certificate for the purchase of passenger-type camelback will be valid until part A is signed by two members of the issuing Board. The Board shall then deliver the entire certificate to the applicant or his agent.

(f) *Action by purchaser.* Upon receiving the completed certificate the applicant may at any time prior to June 1, 1942, purchase the number of pounds and type of passenger camelback indicated upon such certificate from any supplier of camelback. To purchase passenger-type camelback the applicant must present the entire certificate to his supplier. If the purchaser is unable to buy from one supplier all the passenger-type camelback which he has been authorized to purchase, he may return the

certificate to the issuing Board and the Board shall thereupon issue as many certificates as are necessary to permit his purchases to be made among several suppliers.

(g) *Action by supplier.* Prior to delivering or shipping any passenger-type camelback pursuant to a certificate surrendered to him, the supplier must complete part B of the certificate. Part B must then be detached and returned to the issuing Board within five days after shipment of the passenger-type camelback to the purchaser. If the supplier is a maker of camelback, part A must be retained as his record of the transaction. If the supplier is not a maker of camelback, he may use part A as the basis for replenishing his stock of passenger-type camelback pursuant to paragraph (c) of § 1315.803 of these Revised Regulations. This purchase of passenger-type camelback must be completed prior to midnight of May 31, 1942.

§ 1315.1199a *Effective dates of amendments.*

(d) Amendment No. 4 (§§ 1315.503a, 1315.803 and 1315.805b) to Revised Tire Rationing Regulations shall become effective April 10, 1942. (Pub. Law 421, 77th Cong., OPM Supp. Order No. M-15c, WPB Directive No. 1, Supp. Directive No. 1B, 6 F.R. 6792; 7 F.R. 562, 925).

Issued this 4th day of April 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-3043; Filed, April 6, 1942;
11:37 a. m.]

PART 1340—FUEL

AMENDMENT NO. 5 TO REVISED PRICE SCHEDULE NO. 88¹—PETROLEUM AND PETROLEUM PRODUCTS

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

Existing paragraph (e) of § 1340.158a is redesignated paragraph (d) and a new paragraph (e) is added to § 1340.158a and § 1340.159 (a) (4) (iii) is amended to read as follows:

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products:*

(a) *Crude petroleum.* * * *

(4) * * *

(iii) Where there was no purchase price posted as of October 1, 1941, for the pool in which the well is located, a purchaser may set a temporary price for crude petroleum produced from the new or reopened well, subject to the provisions of § 1340.154 above, and subject also to disapproval by the Office of Price Administration. Notwithstanding the provisions of § 1340.159 (a) (2) above, if such

¹ 7 F. R. 1371, 1798, 1799, 1836, 2152, 2304, 2352.

² Filed with the Division of the Federal Register. Requests for copies should be addressed to the Office of Price Administration.

temporary price is a posted price, it shall, until and unless disapproved by this Office, be the maximum price at the well for crude petroleum produced from any wells located in the pool in which such new or reopened well is situated. This provision also covers wells representing discovery and development of new pools subsequent to October 1, 1941.

§ 1340.158a *Effective dates of amendments.*

(e) Amendment No. 5 (§§ 1340.158a (e), 1340.159 (a) (4) (iii)) to Revised Price Schedule No. 88 shall become effective April 9, 1942. Until such date, Revised Price Schedule No. 88 continues in effect as if not amended by Amendment No. 5.

(Pub. Law 421, 77th Cong.)

Issued this 4th day of April 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-3044; Filed April 6, 1942;
11:37 a. m.]

PART 1340—FUEL

AMENDMENT NO. 6 TO REVISED PRICE SCHEDULE NO. 88¹—PETROLEUM AND PETROLEUM PRODUCTS

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

A new subsection (iii) is added to § 1340.159 (c) (3), and a new paragraph (f) is added to § 1340.158a as set forth below:

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.*

(c) *Specific prices.*

(3) *Distillate fuel oils:*

(iii) The maximum prices at the Virgin Islands of kerosene transshipped from Puerto Rico shall not be in excess of 3 cents per gallon above the maximum prices established by § 1340.159 (b) (1) to (3), inclusive.

§ 1340.158a *Effective date of amendments.*

(f) Amendment No. 6 (1340.159 (c) (3) (iii), 1340.158a (f)) to Revised Price Schedule No. 88 shall become effective April 7, 1942, and shall unless earlier revoked or replaced, expire at twelve o'clock midnight on May 6, 1942. Until such date Revised Price Schedule No. 88 continues in effect as if not amended by Amendment No. 6.

(Pub. Law 421, 77th Cong.)

Issued this 4th day of April 1942.

JOHN E. HAMM,
Acting Price Administrator.

[F. R. Doc. 42-3042; Filed, April 6, 1942;
11:39 a. m.]

¹ 7 F.R. 1371, 1798, 1799.

PART 1370—ELECTRICAL APPLIANCES
 TEMPORARY MAXIMUM PRICE REGULATION NO. 18—DOMESTIC ELECTRICAL APPLIANCES

In the judgment of the Price Administrator it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942 to establish temporarily as the maximum prices for household electrical appliances the prices prevailing with respect thereto within five days prior to the issuance of this Regulation.

Therefore, under the authority vested in me by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,¹ issued by the Office of Price Administration, Temporary Maximum Price Regulation No. 18 is hereby issued.

AUTHORITY: §§ 1370.51 to 1370.61, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong.

§ 1370.51 *Maximum prices for domestic electrical appliances.* (a) On and after April 7, 1942, to and including June 5, 1942, regardless of any contract, agreement, lease, or other obligation, no persons shall sell or deliver domestic electrical appliances at prices higher than the maximum prices established herein; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of domestic electrical appliances to a purchaser if, prior to April 7, 1942, such appliances had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(b) The maximum price for any domestic electrical appliance shall be the highest net price, exclusive of federal excise tax, for which an appliance of the same make and model was sold or contracted to be sold, on March 30, 1942, by the manufacturer, wholesaler, dealer, or other seller, to a purchaser of the same general class. In the event that there was no such sale, the maximum price shall be the highest net price for which an appliance of the same make and model was sold, or contracted to be sold, by the same seller, on the nearest preceding date on which such a sale was made, to a purchaser of the same general class.

(c) There may be added to the maximum price established by this Temporary Maximum Price Regulation No. 18 the amount of tax levied by any State or municipal sales, gross receipts, gross proceeds, or compensating use tax statute or ordinance, under which the tax is measured by gross proceeds or units of sale, if, but only if, (1) such statute or ordinance requires the vendor to state the tax, separately from the purchase price paid by the purchaser, consumer, or user, on the bill, sales check, or evidence of sale, at the time of the transaction; or (2) such statute or ordinance

requires such tax to be separately paid by the purchaser, consumer or user with tokens or other media of State or municipal tax payment; or (3) such a statute or ordinance permits the vendor to state such tax separately, and such tax is in fact stated separately by the vendor. The amount of tax permitted to be added by this provision shall in no event exceed that paid by the purchaser, consumer, or user.

§ 1370.52 *Less than maximum prices.* Lower prices than those set forth in this Temporary Maximum Price Regulation No. 18 may be charged, demanded, paid, or offered.

§ 1370.53 *Conditional agreements.* No seller of domestic electrical appliances shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided herein, in the event that this Temporary Maximum Price Regulation No. 18 is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That, if a petition for amendment has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.

§ 1370.54 *Evasion.* (a) The price limitations set forth in this Temporary Maximum Price Regulation No. 18 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 domestic electrical appliances, 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:

(1) Decreasing cash discounts, quantity or other purchase discounts, or allowances for or absorption of transportation costs, below those available or in effect on March 30, 1942, for a purchaser of the same general class.

(2) Increasing charges for repair service, in connection with the sale of an appliance, above those available or in effect on March 30, 1942, for a purchaser of the same general class.

(3) Failing to give or shortening the effective period of guarantee or warranty of performance, or of repair service, available or in effect on March 30, 1942, for a purchaser of the same general class.

(4) Incorrectly representing any portion of the price as constituting the federal excise tax.

(5) Increasing charges for deferred payment, or for any other form of installment, or time payment or credit ac-

count above those available or in effect on March 30, 1942, for a purchaser of the same general class.

§ 1370.55 *New models.* (a) No manufacturer shall sell or deliver any new model of domestic electrical appliance until the maximum price for such model shall have been approved in writing by the Office of Price Administration.

(b) Manufacturers wishing to offer for sale any new model of domestic electrical appliance shall, at least 15 days before offering the new model for sale, submit to the Office of Price Administration a report of such model, setting forth the specifications, proposed maximum price, and terms of sale.

§ 1370.56 *Records and reports.* (a) Every person making sales of domestic electrical appliances after April 7, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, a complete and accurate record of each such sale, showing the date thereof, the name and address of the buyer, the make, model, or other designation, and the price received for each appliance, the quantity sold and any discounts, allowances, or charges.

(b) Persons affected by this Temporary Maximum Price Regulation No. 18 shall submit such reports to the Office of Price Administration as it may, from time to time, require.

§ 1370.57 *Enforcement.* (a) Persons violating any provision of this Temporary Maximum Price Regulation No. 18 are subject to the criminal penalties and civil enforcement actions provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Temporary Maximum Price Regulation No. 18 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.

§ 1370.58 *Petitions for amendment.* Persons seeking any modification of this Temporary Maximum Price Regulation No. 18 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1370.59 *Replacement by regulation.* This Temporary Maximum Price Regulation No. 18 may be replaced by a permanent maximum price regulation or order issued under the Emergency Price Control Act of 1942, which upon issuance shall have the effect of revoking this Temporary Maximum Price Regulation No. 18.

§ 1370.60 *Definitions.* (a) When used in this Temporary Maximum Price Regulation No. 18, the term:

(1) "Person" includes an individual, corporation, partnership, association or any other organized group of persons or

¹ 7 F.R. 971.

legal successor or representative of any of the foregoing;

(2) "Manufacturer" means any person operating a factory or plant which manufactures or assembles domestic electrical appliances or attachments;

(3) "Wholesaler" means any person regularly engaged in the business of selling domestic electrical appliances or attachments to other wholesalers or to dealers;

(4) "Dealer" means any person regularly engaged in the business of selling domestic electrical appliances or attachments to the ultimate user;

(5) "Model" means any combination of specifications and equipment;

(6) "New model" means any model of domestic electrical appliance which was not sold or contracted to be sold by the manufacturer prior to March 30, 1942;

(7) "Domestic electrical appliance" means any of the following electrical appliances for household use which have, as a functional part, an electrical heating element or unit of a total rated wattage under 2500 watts, or are powered by an electrical vibrator or electrical fractional horsepower motor, including in each case, parts or accessories of such articles sold on or in connection therewith, or with the sale thereof:

Biscuit and Muffin Bakers.
Bottle Warmers.
Bread Toasters.
Broilers.
Casseroles.
Chafing Dishes.
Cigar and Cigarette Lighters.
Clothes Dryers.
Coffee Makers.
Corn Poppers.
Curling Irons.
Deep Fat Fryers.
Double Boilers.
Dry Shavers.
Egg Cookers.
Fan Type Heaters.
Fans.
Flat Irons.
Food and Plate Warmers.
Food Mixers.
Griddles.
Hair Clippers.
Hair Dryers.
Hotplates and Disc Stoves.
Immersion Heaters.
Juice Extractors.
Massage Vibrators.
Neckwear and Trouser Pressers.
Ovens.
Pads and Blankets.
Percolators.
Portable Air Heaters.
Roasters.
Sandwich Toasters.
Smoothing Irons
Table Stoves.
Tea Kettles.
Tea Tables.
Unit Radiator Heaters.
Urns.
Vaporizers.
Waffle Irons.
Water Heaters.
Whippers.

(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.

§ 1370.61 *Effective period.* Temporary Maximum Price Regulation No. 18 (§ 1370.51 to 1370.61, inclusive) shall become effective April 7, 1942, and shall, unless earlier revoked or replaced, expire twelve o'clock midnight on June 5, 1942.

Issued this 3rd day of April, 1942.

JOHN E. HAMM,
Acting Administrator

[F. R. Doc. 42-2985; Filed, April 3, 1942;
4:59 p. m.]

PART 1409—PLUMBING EQUIPMENT AND
SUPPLIES

TEMPORARY MAXIMUM PRICE REGULATION NO.
17—PLUMBING FIXTURES

In the judgment of the Price Administrator it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942 to establish temporarily as the maximum prices for plumbing fixtures the prices prevailing with respect thereto within five days prior to the issuance of this Regulation.

Therefore, under the authority vested in me by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, Temporary Maximum Price Regulation No. 17 is hereby issued.

AUTHORITY: §§ 1409.1 to 1409.10, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong.

§ 1409.1 *Maximum prices for plumbing fixtures.* (a) On and after April 7, 1942, to and including June 5, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver plumbing fixtures, except on an installed basis, and no person shall buy or receive plumbing fixtures in the course of trade or business, except on an installed basis, at prices higher than the maximum prices established in this section; and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of plumbing fixtures to a purchaser if prior to April 7, 1942, such plumbing fixtures had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(b) The maximum price for any plumbing fixture shall be such that the cost to the purchaser is not in excess of what it was or would have been to such purchaser on March 30, 1942 (upon the basis of the prices, trade, quantity and cash discounts, charges, deposits, and allowances, whether published or unpublished, then listed or quoted by the seller, and upon the basis of the freight and delivery practices recognized by the seller on March 30, 1942), for like quantities, types, kinds, shapes, sizes, or colors of plumbing fixtures.

§ 1409.2 *Less than maximum prices.* Lower prices than those set forth in

§ 1409.1 hereof may be charged, demanded, paid, or offered.

§ 1409.3 *Conditional agreements.* No seller of plumbing fixtures shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1409.1 in the event that this Temporary Maximum Price Regulation No. 17 is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That if a petition for amendment has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.

§ 1409.4 *Evasion.* The price limitations set forth in this Temporary Maximum Price Regulation No. 17 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, or delivery of or relating to plumbing fixtures, 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.

§ 1409.5 *Records and reports.* (a) Every person making sales or purchases subject to this Temporary Maximum Price Regulation No. 17 of plumbing fixtures after April 7, 1942, shall keep for inspection by the Office of Price Administration for a period of two years complete and accurate records of each such purchase or sale showing the date thereof, the name and the address of the buyer or seller, the price paid or received, the quantity of each type, shape, size, kind or color purchased or sold, and the manufacturer's name and plate number for each fixture.

(b) Persons affected by this Temporary Maximum Price Regulation No. 17, shall submit such reports to the Office of Price Administration as it may, from time to time, require.

§ 1409.6 *Enforcement.* (a) Persons violating any provision of this Temporary Maximum Price Regulation No. 17 are subject to the criminal penalties and civil enforcement actions provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Temporary Maximum Price Regulation No. 17 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.

§ 1409.7 *Petitions for amendment.* Persons seeking any modification of this Temporary Maximum Price Regulation No. 17 or an adjustment or exception not

provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1409.8 *Replacement by regulation.* Temporary Maximum Price Regulation No. 17, may be replaced by a permanent Maximum Price Regulation or order issued under the Emergency Price Control Act of 1942, which upon issuance shall have the effect of revoking Temporary Maximum Price Regulation No. 17.

§ 1409.9 *Definitions.* (a) When used in this Temporary Maximum Price Regulation No. 17, the term:

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

(2) "Plumbing fixtures" means plumbing fixtures of all types, kinds, sizes, shapes and colors, whether made of vitreous china, porcelain, enameled cast iron, or formed metal, and their accessories. Without limiting the generality of the foregoing, the term includes items such as lavatories, bathtubs, water closets, frostproof closets, urinals, drinking fountains, and laundry trays, and brass trimmings, hangers, and brackets commonly sold with a plumbing fixture as a unit.

(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.

§ 1409.10 *Effective period.* This Temporary Maximum Price Regulation No. 17 (§§ 1409.1 to 1409.10, inclusive) shall become effective April 7, 1942, and shall, unless earlier revoked or replaced, expire at 12 o'clock midnight on June 5, 1942.

Issued this 3rd day of April 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2984; Filed, April 3, 1942;
5:00 p. m.]

PART 1363—FEEDINGSTUFFS

REVISED PRICE SCHEDULE NO. 73 AS
AMENDED—FISH MEAL AND FISH SCRAP

Correction

In the fifth line of § 1363.12 (a) (4) the word "and" should read "add" (7 F.R. 2476).

Chapter XIII—Office of Petroleum Coordinator for National Defense

[Recommendation No. 33, Amendment]

PART 1500—ADMINISTRATIVE; GENERAL SUBCOMMITTEES FOR STATISTICAL INFORMATION

Pursuant to the President's letter of May 28, 1941, establishing the Office of

Petroleum Coordinator for National Defense, §§ 1500.22 to 1500.29, inclusive, of this chapter (Recommendation No. 33, dated February 6, 1942, as amended March 4, 1942) are hereby amended to read as follows:

AUTHORITY: §§ 1500.22 to 1500.29, inclusive, issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

§ 1500.22 *Designation of special subcommittees, statistical information.* When the General Committee for any District of the Office of Petroleum Coordinator for National Defense shall find that a problem of petroleum supply or distribution exists which affects two or more of the natural divisions of the industry and therefore does not fall entirely within the jurisdiction of a single district functional committee, or affects two or more of the districts and therefore does not fall entirely within the jurisdiction of a single district, and shall further find that, for these reasons, it is necessary or desirable to designate subcommittees to analyze facts concerning the problem and to devise and carry into effect plans for the solution of the problem, then the Chairman of the General Committee shall, with the approval of the General Committee and of the Petroleum Coordinator for National Defense or the Deputy Petroleum Coordinator, designate such subcommittee with a title descriptive of the functions it is to perform and the area in which it is to operate. Any such subcommittee may be organized as a subcommittee of the District General Committee, or as a joint subcommittee so designated by the Chairmen of the General Committee for the two or more districts. Each subcommittee so designated, and other committees and subcommittees referred to in § 1500.23 of this chapter, shall obtain, analyze, and keep current all pertinent and available facts, figures and other data with respect to the available supplies of and the demand for petroleum and petroleum products in the area for which it is designated and with respect to transportation facilities in, to, and from said area, and the information obtained by each such committee or subcommittee shall be furnished currently to any other committees or subcommittees so designated or authorized to function pursuant to §§ 1500.22 to 1500.29, inclusive, of this chapter.

§ 1500.23 *Plans.* Any subcommittee designated pursuant to § 1500.22 of this chapter, any general or functional committee designated for any District under authority of the Petroleum Coordinator for National Defense, and any other committee or subcommittee so directed by the Petroleum Coordinator for National Defense or by the Deputy Petroleum Coordinator, shall devise and submit, with the approval of the District General Committee or District General Committees involved, to the Chief Counsel of the Office of Petroleum Coordinator for National Defense, from time to time as may be necessary or advisable, plans designed to facilitate and assure the distribution of supplies of petroleum and petroleum products available to the area designated in any such plan, to

meet in such area and in the order of statement, the needs of (1) the military forces of the United States, (2) the war industries, (3) the essential civilian requirements, and (4) other reasonable civilian requirements.

Any plan prepared pursuant to this section may, without limitation as to other necessary or appropriate provisions:

(a) Analyze and determine the amounts of petroleum and petroleum products and the transportation facilities available to the area involved to meet the needs hereinabove described in such area;

(b) Provide for the exchange, loan, sale, lease, or pooling of petroleum products and of the physical facilities for the production, refining, transportation, and distribution thereof wherever and to whatever extent may be necessary to supply in the area involved the amounts of petroleum and petroleum products prescribed pursuant to paragraph (a) of this section.

§ 1500.24 *Effectuating plans.* The committees and subcommittees referred to in § 1500.23 of this chapter and all persons affected by any plan formulated in accordance with said section shall, upon the approval of any such plan by the Chief Counsel of the Office of Petroleum Coordinator for National Defense and pursuant to the direction of the Petroleum Coordinator for National Defense or the Deputy Petroleum Coordinator, carry into effect such plan according to its terms, conditions and intent.

§ 1500.25 *Sale, exchange, and loan of petroleum products under emergency conditions.* In cases of an emergency character which may arise pending approval of appropriate plans pursuant to § 1500.23 of this chapter or which may not be adequately provided for under any such plan, any committee or subcommittee referred to in § 1500.23 of this chapter or the executive secretary of such committee or subcommittee shall, subject to the direction of the appropriate district director of the Office of Petroleum Coordinator for National Defense, coordinate and arrange for the sale, exchange, or loan of petroleum and petroleum products among the various operators in the area wherein such committee or subcommittee is authorized to function to accomplish the objectives of §§ 1500.22 to 1500.29, inclusive, of this chapter.

§ 1500.26 *Distribution and division of available petroleum.* Sales, exchanges, and loans of petroleum and petroleum products among the several operators pursuant to § 1500.25 of this chapter shall be made in such manner, at such times, and in such amounts, as will result in the most efficient method of assuring a continuous supply of petroleum and petroleum products to meet war, defense, and essential civilian demands as they arise, and at the same time, so far as is not inconsistent therewith, will provide equal treatment for all operators affected thereby. The operators affected thereby shall comply with such arrangements and shall carry into effect such sales, ex-

changes, or loans of petroleum and petroleum products. The appropriate district director of each district shall promptly submit to the Chief Counsel of the Office of Petroleum Coordinator for National Defense a full report on any action taken under the provisions of § 1500.25 of this chapter.

§ 1500.27 *Meetings.* Meetings of the committees and subcommittees referred to in § 1500.23 of this chapter may be held from time to time for the purpose of preparing plans in the manner provided in § 1500.23 and meetings of the said committees and subcommittees, and other persons who may be affected, may be held from time to time for the purpose of effectuating the provisions of §§ 1500.25 and 1500.26 of this chapter. The said committees and subcommittees, and persons affected may, after receipt of approval of any of the aforesaid plans by the Chief Counsel of the Office of Petroleum Coordinator for National Defense and of the direction of the Petroleum Coordinator or Deputy Petroleum Coordinator to carry such plan into effect, meet from time to time for the purpose of doing all things necessary to carry into effect any such plan in accordance with the purposes of §§ 1500.22 to 1500.29, inclusive, of this chapter.

In carrying out their duties, responsibilities and functions, the committees and subcommittees referred to in § 1500.23 of this chapter shall consult with the other affected committees and subcommittees in their respective Districts and with affected committees and subcommittees in other Districts to the extent that proposals or activities hereunder may affect such other Districts, and to this end all such other committees and subcommittees shall supply such information, material and assistance as may be necessary and desirable to carry into effect the purposes and intent hereof.

§ 1500.28 *Administration.* The committees and subcommittees referred to in § 1500.23 of this chapter may maintain such staff and appoint such persons as they find necessary to carry out their duties, responsibilities and functions. They may, from time to time, propose to the Petroleum Coordinator for National Defense or to the Deputy Petroleum Coordinator changes in the membership of the said committees or subcommittees and may submit nominations for new members. Operating expenses shall be met as provided in § 1500.7 (j) of this chapter.

§ 1500.29 *Conflicting provisions.* The provisions of §§ 1500.22 to 1500.28, inclusive, of this chapter shall supersede and cancel other sections of this chapter to the extent that there is any conflict therewith.

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

MARCH 26, 1942.

[F. R. Doc. 42-2993; Filed, April 4, 1942;
10:15 a. m.]

[Recommendation No. 38]

PART 1500—ADMINISTRATIVE; GENERAL

FOREIGN OPERATIONS

To the Foreign Operations Committee, and to The Atlantic Refining Company, California-Texas Oil Company, Ltd., Consolidated Oil Corporation, Gulf Oil Corporation, Socony-Vacuum Oil Company, Inc., Standard Oil Company (New Jersey), Standard Oil Company of California, Standard Vacuum Oil Company, Superior Oil Company of California, The Texas Company, Tidewater Associated Oil Company, Union Oil Company of California, and their respective subsidiaries, and any other American companies and American citizens, engaged in producing, refining, transporting or marketing petroleum or petroleum products outside the continental United States:

In order further to aid in the accomplishment of the purposes and objectives of the petroleum defense policy defined by the President of the United States in his letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, and particularly in view of the existence of a state of war between the Government and the people of the United States and the Imperial Japanese Government, The Government of Germany, and the Government of Italy, the Petroleum Coordinator for National Defense has heretofore provided for the establishment of the Foreign Operations Committee of the Office of Petroleum Coordinator for National Defense. The purpose of the Committee is to provide an adequate and responsible body equipped and authorized to advise and make recommendations to the Petroleum Coordinator on any subject relating to or affecting petroleum matters outside the continental United States, and to provide for the effectuation of measures recommended or approved by the Petroleum Coordinator or the Deputy Petroleum Coordinator to serve the interests of the United States, and its allies and other friendly nations in the availability, supply, and utilization of petroleum outside the continental United States.

It is essential that the Foreign Operations Committee be enabled to accomplish the purposes indicated above adequately and expeditiously.

It is imperative that all persons, natural or artificial, employ every possible means to supply for the United States and its allies and other friendly nations, outside the continental United States, the petroleum needs of the military forces, the war industries, and essential civilian requirements.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

AUTHORITY: §§ 1500.15 to 1500.23, inclusive, issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

§ 1500.15 *Duties and functions.* The Foreign Operations Committee shall: (a) advise and make recommendations to the Petroleum Coordinator for National Defense on any subject, relating to or affecting any petroleum matters outside the continental United States, submitted to it by the Petroleum Coordinator for advice or recommendation; (b) raise and consider on its own motion and, if deemed necessary or advisable, propose to the Petroleum Coordinator any action, relating to or affecting the availability, supply, or utilization of petroleum in places outside the continental United States, designed to serve the needs or interests of the United States and its allies in the war effort; and (c) take any action or perform any duty or function specified in any formal recommendation of the Petroleum Coordinator which has been duly submitted to the Attorney General or in any approved plan under any such recommendation.

§ 1500.16 *Surveys and investigations.* In accomplishing the purposes and objectives of the Foreign Operations Committee as defined in § 1500.15 of this Chapter, the Foreign Operations Committee shall obtain, compile and analyze all pertinent and available facts, figures and other data with respect to any matter which may properly be before it. In this connection the Committee is authorized:

(a) To direct such inquiries and questionnaires to such companies, organizations, or persons, foreign or domestic, as may be necessary or appropriate;

(b) To ask and receive expert assistance from any company, organization, or person, foreign or domestic;

(c) To afford any interested or affected persons opportunity to present their views;

(d) To consult with any of the committees or subcommittees established by or under the authority of the Petroleum Coordinator, and with any appropriate representative of the Office of Petroleum Coordinator for National Defense.

§ 1500.17 *Organization of the Committee.* The Foreign Operations Committee shall select from its membership an Executive Committee which, when the Foreign Operations Committee is not in session, shall have all the duties, functions and authority of the Foreign Operations Committee except as may be otherwise directed from time to time by the Petroleum Coordinator.

The Foreign Operations Committee may appoint such subcommittees, and maintain such staff and employ such persons, as it finds necessary for carrying out its duties, functions and responsibilities under §§ 1500.15 to 1500.23, inclusive, of this chapter. The expenses of the Committee shall be met as provided in § 1500.23 of this chapter.

Minutes shall be kept of all meetings of the Foreign Operations Committee and of the Executive Committee, and two copies thereof shall be filed in the

Office of Petroleum Coordinator for National Defense.

§ 1500.18 *Plans.* The Foreign Operations Committee shall, at the request of the Petroleum Coordinator, or on its own motion if it shall deem such action necessary or advisable, prepare and submit to the Petroleum Coordinator such specific plan or proposal as it may deem necessary or advisable concerning any matter which may properly be before it. The Committee may likewise submit to the Petroleum Coordinator, with its recommendation, any such plan or proposal similarly prepared by any subcommittee designated by it pursuant to the authority contained in § 1500.17 of this chapter.

§ 1500.19 *Cooperation with industry.* The Foreign Operations Committee, and the Atlantic Refining Company, California-Texas Oil Company, Ltd., Consolidated Oil Corporation, Gulf Oil Corporation, Socony-Vacuum Oil Company, Inc., Standard Oil Company (New Jersey), Standard Oil Company of California, Standard Vacuum Oil Company, Superior Oil Company of California, The Texas Company, Tidewater Associated Oil Company, Union Oil Company of California, and their respective subsidiaries, and any other American companies and American citizens, engaged in producing, refining, transporting or marketing petroleum or petroleum products outside the continental United States, shall cooperate with each other and with other persons, natural or artificial, and with the appropriate agencies of the governments of the United States and its allies and other friendly nations, for the purpose of meeting adequately and expeditiously, in the manner provided in § 1500.20 of this chapter, the petroleum needs of the military forces, the war industries, and essential civilian requirements of the United States and its allies and such other friendly nations outside the continental United States.

§ 1500.20 *Use of facilities and products.* The Foreign Operations Committee, or any subcommittee thereof, or the companies or persons designated in § 1500.19 of this chapter, or any of them, in order to effectuate the purposes set forth in § 1500.19 of this chapter, shall:

(a) Arrange so to utilize available tanker capacity, without regard to individual ownership or control thereof, as to transport petroleum and petroleum products from the points of supply nearest the areas outside of the continental United States to be supplied, and in such manner as to avoid multiple port loading and discharging, cross hauling, and unnecessary ballast voyages;

(b) Arrange so to utilize barge, terminal, and storage facilities, without regard to individual ownership or control thereof, in such manner as to reduce to a minimum idle time in port and the splitting of cargoes between two or more ports of discharge;

(c) Arrange for the exchange, loan, or sale of petroleum and petroleum products among themselves, or any of them whenever and to whatever extent may be necessary to effect a maximum reduction of the tanker tonnage required to supply to areas outside the continental United

States the petroleum and petroleum products required to accomplish the purposes set out in § 1500.19 of this chapter:

Provided, that action taken within the territorial limits of continental United States pursuant to this section shall require the prior approval of the Director of the Foreign Division.

§ 1500.21 *Meetings.* Meetings of the Foreign Operations Committee, any subcommittee thereof, and representatives of the companies, and persons, designated specifically and generally in § 1500.19 of this chapter, or any of them, may be held from time to time for the purpose of working out the physical and contractual details and arrangements necessary to carry into effect the provisions and purposes of §§ 1500.15 to 1500.23, inclusive, of this chapter.

§ 1500.22 *Coordination.* The Foreign Operations Committee, the subcommittees thereof, and the companies and persons designated specifically and generally in § 1500.19 of this chapter shall coordinate their activities pursuant to §§ 1500.15 to 1500.23, inclusive, of this chapter, with the Petroleum Supply Committee for Latin America, the British Petroleum Committee, the British Tankers Committee, and the Tanker Coordinating Board, and with such other appropriate agencies as may be established or approved by the Government of the United States or of any of its allies.

§ 1500.23 *Expenses and contributions.* Operating expenses heretofore or hereafter incurred or paid for the Foreign Operations Committee and any subcommittees thereof shall be met from a fund to which contributions may be made by companies or individuals engaged in the petroleum industry upon solicitation by the Committee.

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

MARCH 24, 1942.

[F. R. Doc. 42-2992; Filed, April 4, 1942;
10:15 a. m.]

[Recommendation No. 43]

PART 1500—ADMINISTRATIVE; GENERAL
SUBCOMMITTEE FOR SUPPLY AND DISTRIBUTION

To the General Committee for District Three, the Supply and Distribution Subcommittee for District Three, and to all persons, natural or artificial, owning, operating, chartering tankers or otherwise utilizing tanker space in District Three, or supplying petroleum or petroleum products for transportation in such tankers, or otherwise engaged in the petroleum industry in District Three:

The diversion for war and other essential purposes of a part of the American tanker fleet normally employed in transporting petroleum and petroleum products between points in District Three and from points within to points outside of District Three, and the loss through war action of other tankers of that fleet, has resulted in a shortage of tanker tonnage available for such service. Because of the exigencies of war-

fare, the efficiency of operation of the tankers remaining in this service has been reduced and the regularity of sailing schedules has been impaired. These factors threaten, unless averted, to result in an excess of petroleum and petroleum products in District Three beyond the capacity of existing facilities either to store, transport or consume them and in consequence to cause serious economic dislocations throughout the petroleum industry in District Three and the shut-down of fields and refineries producing products essential to the war program.

It is imperative in the national interest that all possible steps be taken which will ameliorate this situation and render the effects of such transportation shortage less acute and, in so far as it is not inconsistent therewith, to provide equitable sharing of the outlet for petroleum and petroleum products provided by the available tanker tonnage among all affected units of the petroleum industry.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

AUTHORITY: §§ 1500.33 to 1500.38, inclusive, issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

§ 1500.33 *Appointment of Supply and Distribution Subcommittee.* A Supply and Distribution Subcommittee shall be designated by the General Committee for District Three, the membership of which shall be subject to the approval of the Petroleum Coordinator for National Defense or to the Deputy Petroleum Coordinator, to execute and administer the provisions of any approved plan prepared pursuant to the provisions of § 1500.34 of this chapter.

§ 1500.34 *Plans.* The Supply and Distribution Subcommittee shall obtain and analyze all pertinent and available facts, figures and other data with respect to the operation and utilization of tankers in District Three to transport petroleum and petroleum products between points in District Three and from points within to points outside of District Three, including facts, figures and other data with respect to the past and present utilization by specific persons, natural or artificial, of tanker tonnage for such purposes. The Supply and Distribution Subcommittee shall also obtain and analyze such pertinent and available facts, figures and other data with respect to the production, refining, transportation and storage of petroleum and petroleum products in District Three as may be necessary in connection with its functions hereunder, including without limitation information from the various refiners in District Three showing the nature and types of war materials and supplies produced, the available storage capacity, inventories of petroleum and petroleum products, and expected movements of petroleum and petroleum products, and, based upon such information, shall prepare a plan or plans for submission to the Chief Counsel of the Office of Petroleum Coordinator for National Defense which

will minimize the adverse effect upon the war program of the shortage of tanker transportation in and from District Three, and any such plan may, among other things, provide for the pooling of storage, pooling of transportation facilities, and the equitable access among all persons, natural or artificial, affected, to the tanker tonnage available for the transportation of petroleum and petroleum products in and from District Three. Any such plan shall provide specifically for administration of such plan by either the Supply and Distribution Subcommittee or, if appropriate, by any one or more of the functional committees or subcommittees established by or with the approval of the Petroleum Coordinator for National Defense or the Deputy Petroleum Coordinator.

§ 1500.35 *Sale, exchange, loan, transportation and storage of petroleum products under emergency conditions.* In cases of an emergency character which may arise pending approval of appropriate plans pursuant to § 1500.34 of this chapter, or which may not be adequately provided for under any such plan, the Supply and Distribution Subcommittee or the executive secretary of that subcommittee shall, subject to the direction of the Director of Petroleum Supply for National Defense, coordinate and arrange for the sale, exchange, loan, transportation or storage of petroleum and petroleum products among the various operators in said area to accomplish the objectives of §§ 1500.33 to 1500.38, inclusive, of this chapter.

§ 1500.36 *Meetings.* Meetings of the Supply and Distribution Subcommittee, the Tanker Managing Subcommittee for District One, and any other committee or subcommittee, representatives of the persons, natural or artificial, engaged in the petroleum industry in District Three, and other persons wherever located who may be affected may meet from time to time for the purpose of gathering information and preparing the plans provided for in § 1500.34 of this chapter. The said Subcommittees, representatives and persons may, upon the approval of any plan by the Chief Counsel of the Office of Petroleum Coordinator for National Defense, meet from time to time for the purpose of doing all things necessary to carry into effect any such plan in accordance with the Provisions of §§ 1500.33 to 1500.38, inclusive, of this chapter.

§ 1500.37 *Effectuating plans.* The Supply and Distribution Subcommittee and all persons, natural or artificial, affected by any plan formulated in accordance with § 1500.34 of this chapter shall, upon the approval of any such plan by the Chief Counsel of the Office of Petroleum Coordinator for National Defense, and pursuant to the direction of the Petroleum Coordinator for National Defense or the Deputy Petroleum Coordinator, carry into effect such plan according to its terms, conditions and intent.

§ 1500.38 *Administration.* In carrying out the duties, responsibilities and functions under §§ 1500.33 to 1500.38, in-

clusive, of this chapter, and any approved plan authorized herein, the Supply and Distribution Subcommittee shall consult and maintain liaison with the other committees and subcommittees in District Three and with the committees and subcommittees in the other Districts, particularly the Tanker Managing Subcommittee for District One, to the extent that plans or activities hereunder may affect such other Districts, and to this end, all such committees and subcommittees shall supply the Supply and Distribution Subcommittee with such information, material and assistance as may be necessary and desirable to carry into effect the provisions of §§ 1500.33 to 1500.38, inclusive, of this chapter. The Supply and Distribution Subcommittee shall maintain such staff and appoint such persons as it finds necessary to carry out its duties, responsibilities and functions under this Recommendation. Operating expenses of the Subcommittee shall be met as provided in § 1500.7 (j) of this chapter. The General Committee for District Three or the said Subcommittee may propose from time to time to the Petroleum Coordinator for National Defense or to the Deputy Petroleum Coordinator changes in the membership of the said Subcommittee and may submit nominations for new members. The Supply and Distribution Subcommittee shall coordinate its activities under §§ 1500.33 to 1500.38, inclusive, of this chapter, with the policies of the Tanker Coordinating Board established by the Petroleum Coordinator for National Defense.

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

MARCH 30, 1942.

[F. R. Doc. 42-2991; Filed, April 4, 1942;
10:16 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation

[No. 39]

PART 402—ANNUAL WATER CHARGES¹

KLAMATH IRRIGATION PROJECT—PUBLIC NOTICE OF ANNUAL WATER CHARGES²

MARCH 9, 1942.

1. *Operation and maintenance charges.* The annual operation and maintenance charge for the irrigation season of 1942, and thereafter until further notice, against all lands of the Main division lying outside of the Klamath Irrigation District shall be a minimum charge of one dollar and twenty cents (\$1.20) per irrigable acre, whether water is used or not, which will entitle the water user to two and one-half (2½) acre-feet of water per irrigable acre. Additional water will be furnished at the rate of fifty cents (\$0.50) per acre-foot.

2. The annual operation and maintenance charge for the irrigation season

¹ Affects tabulation in § 402.2e.

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

of 1942, and thereafter until further notice, against all lands of the Tule Lake division remaining subject to Public Notice of September 29, 1922, lying outside of the Klamath Irrigation District, shall be a minimum charge of one dollar and eighty cents (\$1.80) per irrigable acre, whether water is used or not, which will entitle the water user to two and one-half (2½) acre-feet of water per irrigable acre. Additional water will be furnished up to a limit of three and one-half (3½) acre-feet per irrigable acre at the rate of fifty cents (\$0.50) per acre-foot and all further quantities for seventy-five cents (\$0.75) per acre-foot.

3. The annual operation and maintenance charges for the irrigation season of 1942, and thereafter until further notice, against all lands under district or individual Warren Act contracts, shall be a minimum charge of sixty-seven cents (\$0.67) per irrigable acre, whether water is used or not, which will entitle the water user to two and one-half (2½) acre-feet of water per irrigable acre: *Provided*, That for those contracts which have not been amended so as to increase the allowance of water from 2 to 2½ acre-feet per annum, only 2 acre-feet will be furnished under the minimum charge. Additional water will be furnished at the rate of twenty-five cents (\$0.25) per acre-foot.

4. *Water rental charges.* The annual water rental charge for the irrigation season of 1942, and thereafter until further notice, against all lands of the Tule Lake division lying outside of the Klamath Irrigation District and subject to Public Orders of January 22, 1927, March 30, 1928, February 6, 1929, September 10, 1930, October 16, 1931, and September 7, 1937, shall be a minimum charge of one dollar and eighty cents (\$1.80) per irrigable acre, whether water is used or not, which will entitle the water users to two and one-half (2½) acre-feet of water per irrigable acre. Additional water will be furnished up to a limit of three and one-half (3½) acre-feet per irrigable acre and at the rate of fifty cents (\$0.50) per acre-foot and all further quantities for seventy-five cents (\$0.75) per acre-foot.

5. For irrigation or waste water furnished Tule Lake leased lands, the charge, unless otherwise specified in the leases, shall be sixty-five cents (\$0.65) per acre-foot for the season of 1942 and thereafter until further notice.

6. For irrigation or waste water furnished private lands within the dry bed of or bordering Lower Klamath Lake, the charge shall be fifty cents (\$0.50) per acre-foot for the season of 1942 and thereafter until further notice.

7. For water furnished lands not subject to the operation and maintenance of water rental charges named above the charges shall be seventy-five cents (\$0.75) per acre-foot for the season of 1942 and thereafter until further notice.

8. *Time of payment.* For lands of the Tule Lake division under public notice or public order lying outside of the Klamath Irrigation District, the minimum charge of one dollar and eighty cents (\$1.80) per irrigable acre stated above

will be due and payable one-half before the delivery of water, if water is delivered before July 1, and one-half on or before July 1. If no water is delivered before July 1, then the entire charge shall become due and payable on that date. If the charge, or any part thereof, is unpaid on that date there will be added a penalty of one-half of one per centum ($\frac{1}{2}\%$) and there will be added a like penalty of one-half of one per centum ($\frac{1}{2}\%$) on the first day of each month thereafter so long as such default shall continue. Payment for water used in addition to the allowance under the minimum charge shall be made on or before December 1 of the season in which used, and if not paid on or before said due date, there will be added a penalty of one-half of one per centum ($\frac{1}{2}\%$) and there will be added a like penalty of one-half of one per centum ($\frac{1}{2}\%$) on the first day of each month thereafter so long as such default shall continue.

9. For all other lands referred to herein the minimum charges announced shall be due and payable before the delivery of water and in any event not later than May 1 of the current irrigation season. Payment for water used in addition to the allowance under the minimum charge shall be made on or before December 1 of the season in which used. On all payments not made on or before the due dates specified herein, there will be added a penalty of one-half of one per centum ($\frac{1}{2}\%$) and there will be added a like penalty of one-half of one per centum ($\frac{1}{2}\%$) on the first day of each month thereafter so long as such default shall continue.

10. Where water rental application is made for public land entered under the Reclamation Law after June 15 and where water rental application is made after August 1 for land in private ownership, no water rental charge shall be made for water delivered during the remainder of the irrigation season in which water rental application is made.

JOHN J. DEMPSEY,
Under Secretary.

[F. R. Doc. 42-3037; Filed, April 6, 1942;
10:18 a. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

PART 36—LICENSED OFFICERS AND CERTIFICATED MEN

Section 36.1-1 *Original licenses—T/ALL* is amended by the deletion of paragraph (d); by relettering paragraphs (e) and (f) as (f) and (g) respectively; and by the insertion immediately following paragraph (c) of the following paragraphs lettered (d) and (e):

§ 36.1-1 *Original licenses—T/ALL.*

(d) No license shall be issued to any person who is not a citizen of the United States, either native-born or fully naturalized.

(e) An applicant claiming to be a citizen of the United States shall furnish

satisfactory evidence of such citizenship to the Local Inspectors. Acceptable evidence of citizenship is described below in the order of its desirability:

(1) Birth certificate or certified copy.
(2) Naturalized citizens must present a Certificate of Naturalization.

(3) Baptismal certificate or parish record recorded within one year after birth.

(4) Statement of a practicing physician certifying that he attended the birth and that he has a record in his possession showing the date on which it occurred.

(5) State Department passport.

(6) An active commission in the United States Army, Navy, Marine Corps, Coast Guard, or the reserve components thereof.

(7) A continuous discharge book or certificate of identification issued by the Coast Guard which shows that the holder is an American citizen, or a continuous discharge book or certificate of identification issued by the former Bureau of Marine Inspection and Navigation which shows the holder as an American citizen, provided that the records of that Bureau indicate that the holder of such continuous discharge book or certificate of identification produced satisfactory evidence of his citizenship at the time of the issuance of the same.

(8) Delayed certificates of birth. The Department of Commerce, on July 16, 1941, issued a "Manual of Uniform Procedure for the Delayed Registration of Births" which, it was hoped, would be adopted and followed by the bureaus of vital statistics in the States.¹ If an applicant claiming to be a citizen of the United States submits a delayed certificate of birth which has been issued in accordance with the procedure outlined in the Manual of Uniform Procedure for the Delayed Registration of Births, and recites on its face the evidence upon which it has been granted, it may be accepted as prima facie evidence of citizenship in the absence of any collateral facts indicating fraud in its procurement. It should be borne in mind that, in order to receive consideration as a delayed certificate of birth, the certificate must have been issued strictly in accordance with the provisions of the Manual above referred to. Any delayed birth certificate not so issued will be given consideration, but will not necessarily be considered prima facie evidence of citizenship.

(9) If no one of the foregoing requirements can be met by the applicant, he should make a statement to that effect, and in an attempt to establish citizenship, he may submit for consideration data of the following character:

(i) Report of the Census Bureau showing the earliest record of age or birth available. Request for such information should be addressed to the Director of the Census, Washington, D. C. In making such request, definite information must be furnished the Census Bureau as to the place when the first census was taken after birth of the applicant, giving the name of the street and number of the

house, or the names of the cross streets between which the house was located if residing in a city; or the name of the town, township, precinct, magisterial district, militia district, beat or election district, if residing in the country; also the names of parents, or the names of other persons with whom residing on the dates specified.

NOTE: A census was taken in the following years: June 1, 1860, 1870, 1880, and 1900; April 15, 1910; January 1, 1920; and April 1, 1930. (Records for 1890 are not available).

(ii) Affidavits of parents, or relatives; or affidavits by two or more responsible citizens of the United States stating facts of which they have knowledge tending to establish applicant's citizenship; school records; immigration records; or insurance policies.

There is listed below the State custodians of records of vital statistics. This is not a complete list of offices from which birth certificates may be secured, but is confined to such offices established by State governments. In many States, birth records are maintained also by county clerks, clerks of county courts, and/or city clerks, or town clerks. If a State record is not available, inquiry should be made of the county, city, or town clerk. The year below at the right indicates the date of the earliest available record.

Alabama: State Registrar, Bureau of Vital Statistics, Montgomery, Ala., 1908.

Alaska: Auditor of Alaska, Juneau, Alaska, 1913.

Arizona: State Registrar of Vital Statistics, Phoenix, Ariz., 1909.

Arkansas: State Registrar (State Health Officer), Little Rock, Ark., 1914.

California: State Registrar of Vital Statistics, Sacramento, Calif., 1905.

Canal Zone: Chief, Bureau of Statistics, Panama Canal, Balboa Heights, C. Z., 1904.

Colorado: Secretary, State Board of Health, Denver, Colo., 1900.

Connecticut: State Commissioner of Health, State Department of Health, Hartford, Conn., 1897.

Delaware: State Registrar, State Board of Health, Dover, Del., 1913.

District of Columbia: Health Officer, District of Columbia, Washington, D. C., 1872.

Florida: Director, Bureau of Vital Statistics, Board of Health, Jacksonville, Fla., 1880.¹

Georgia: Registrar, State Board of Health, Bureau of Vital Statistics, Atlanta, Ga., 1919.

Hawaii: Registrar General, Bureau of Vital Statistics, Honolulu, T. H., 1896.²

Idaho: Department of Public Welfare, Boise, Idaho, 1911.

Illinois: Director, Department of Public Health, Springfield, Ill., 1916.

Indiana: State Health Commissioner, Indianapolis, Ind., 1907.

Iowa: Secretary, State Board of Health, Des Moines, Iowa, 1880.

Kansas: State Registrar, Topeka, Kans., 1911.

Kentucky: State Registrar of Vital Statistics, Louisville, Ky., 1911.

Louisiana: State Registrar, Bureau of Vital Statistics, New Orleans, La., 1914.

Maine: State Health Commissioner, Augusta, Maine, 1892.

¹ The State records are incomplete prior to January 1, 1917.

² Some records are available prior to this date.

¹ Filed as part of the original document.

Maryland: State Registrar of Vital Statistics, Baltimore, Md., 1898.
 Massachusetts: State Registrar of Vital Statistics, State House, Boston, Mass., 1841.
 Michigan: State Department of Health, Lansing, Mich., 1867.
 Minnesota: State Board of Health, St. Paul, Minn., 1900.
 Mississippi: Director, Bureau of Vital Statistics, Jackson, Miss., 1913.
 Missouri: State Board of Health, Department of Vital Statistics, Jefferson City, Mo., 1910.
 Montana: Secretary, State Board of Health, Helena, Mont., 1907.
 Nebraska: Chief, Bureau of Health, Lincoln, Nebr., 1904.
 Nevada: Secretary, State Board of Health, Carson City, Nev., 1911.
 New Hampshire: State Registrar, Department of Vital Statistics, Concord, N. H., 1640.
 New Jersey: Registrar, Bureau of Vital Statistics, Trenton, N. J., 1878.
 New Mexico: State Director, Bureau of Public Health, Santa Fe, N. Mex., 1919.
 New York: State Department of Health, Division of Vital Statistics, Albany, N. Y., 1880.¹
 North Carolina: State Registrar of Vital Statistics, Raleigh, N. C., 1913.
 North Dakota: State Health Officer, Bismarck, N. Dak., 1907.
 Ohio: Director, Department of Health, Columbus, Ohio, 1908.
 Oklahoma: Commissioner of Health, Oklahoma City, Okla., 1907.
 Oregon: State Board of Health, Portland, Oreg., 1903.
 Pennsylvania: State Registrar, Harrisburg, Pa., 1906.
 Rhode Island: State Registrar and Director, Public Health Commission, Providence, R. I., 1853.
 South Carolina: Secretary, State Board of Health, Columbia, S. C., 1915.
 South Dakota: Director of Vital Statistics, Board of Health, Pierre, S. Dak., 1905.
 Tennessee: Registrar of Vital Statistics, Department of Public Health, Nashville, Tenn., 1914.
 Texas: Registrar of Vital Statistics, State Board of Health, Austin, Tex., 1903.
 Utah: Secretary, State Board of Health, Salt Lake City, Utah, 1906.
 Vermont: Secretary of State, Montpelier, Vt., 1787.
 Virginia: State Registrar, Richmond, Va.²
 Washington: Director of Health, Alaska Building, Seattle, Wash., 1907.
 West Virginia: State Commissioner of Health, Charleston, W. Va., 1917.
 Wisconsin: State Health Officer, Madison, Wis., 1870.
 Wyoming: Secretary, State Board of Health, Cheyenne, Wyo., 1909.

The Board of United States Local Inspectors must be satisfied as to the bona

¹ Birth records prior to 1914 are maintained at Albany, Buffalo, Brooklyn, New York City, and Yonkers. The main office address of the New York City Department of Health is 125 Worth Street, New York City. For records of births occurring in New York City, address the Assistant Chief Clerk, Department of Health, in the boroughs in which the births occurred as follows: Borough of Manhattan: 125 Worth Street, New York, N. Y. Borough of the Bronx: 1826-38 Arthur Avenue, Bronx, N. Y. Borough of Brooklyn: 295 Flatbush Ave. Extension, Brooklyn, N. Y. Borough of Queens: 148-15 Archer Avenue, Jamaica, Long Island, N. Y. Borough of Richmond: 51-63 Stuyvesant Place, St. George, Staten Island, N. Y.

² Records are available from 1853 to 1896, and from 1912 to date.

fides of all evidence of citizenship presented, and may reject any evidence that they have reason to believe is not authentic. (R.S. 4405, R.S. 4417a, R.S. 4438, R.S. 4438a; 46 U.S.C. 375, 391a, 224, 224a; E.O. 9083, February 28, 1942; 7 F.R. 1609)

PART 62—LICENSED OFFICERS AND
 CERTIFICATED MEN
 INSPECTED VESSELS

Section 62.1 (*Original licenses*) is amended to read as follows:

§ 62.1 *Original licenses.* (a) The first license issued to any person by a Board of Local Inspectors shall be considered an original license, where the records show no previous issue to such applicant. Before an original license is granted to any person to act as master, mate, pilot, or engineer he shall personally appear before some board of local inspectors for examination. Any person who has attained the age of 21 years and is qualified in all other respects shall be eligible for examination: *Provided*, That license as third mate, third assistant engineer, or second-class pilot may be granted to applicants who have reached the age of 19 years, and are qualified in all other respects: *Provided further*, That no such license may be raised in grade before the holder thereof shall have reached the age of 21 years.

(b) A Board of Local Inspectors shall, before granting an original license to any person to act as an officer of a vessel, require the applicant to make written application upon the blank form furnished by the United States Coast Guard, to be filed in the Board's office. When practicable, applicants for license as master, mate, pilot, or engineer shall present to the Board, to be filed with their application, discharges or letters from the master or other officer under whom they have served, certifying to the name of the vessel and in what capacity the applicant has served under him; also period of such service. The Board shall also, when practicable, require applicant for pilot's license to have the written endorsement of the master and engineer of the vessel upon which he has served, and of one licensed pilot as to his qualifications. In the case of applicants for original engineer's license, they shall also, when practicable, have the endorsement of the master and engineer of a vessel on which they have served, together with one other licensed engineer.

(c) No original license shall be issued to any naturalized citizen on less experience in any grade than would have been required of a citizen of the United States by birth.

(d) See § 36.1-1 (d) of this chapter, which is identical with this paragraph.

(e) See § 36.1-1 (e) of this chapter, which is identical with this paragraph. (R.S. 4405, R.S. 4438, R.S. 4438a; 46 U.S.C. 375, 224, and 224a; E.O. 9083, February 28, 1942; 7 F.R. 1609.)

UNINSPECTED VESSELS

Licensed Masters, Mates, and Engineers

Section 62.110 (*Original licenses*) is amended by lettering the first paragraph

(a), and by inserting immediately thereafter a new paragraph lettered (b) reading as follows:

§ 62.110 *Original licenses.*

(b) See § 36.1-1 (e) of this chapter, which is identical with this paragraph. (R.S. 4405, R.S. 4438a; 46 U.S.C. 375, 224a; E.O. 9083, February 28, 1942; 7 F.R. 1609.)

REGISTRATION OF STAFF OFFICERS

Paragraph (c) of § 62.204 *General* is amended to read as follows:

§ 62.204 *General.*

(c) An applicant claiming to be a citizen of the United States shall furnish satisfactory evidence of such citizenship to the local inspectors. Acceptable evidence of citizenship is described below in the order of its desirability:

- (1) Birth certificate or certified copy.
- (2) Naturalized citizens must present a Certificate of Naturalization.
- (3) Baptismal certificate or parish record recorded within one year after birth.
- (4) Statement of a practicing physician certifying that he attended the birth and that he has a record in his possession showing the date on which it occurred.
- (5) State Department passport.

(6) An active commission in the United States Army, Navy, Marine Corps, Coast Guard, or reserve components thereof.

(7) A license as master, mate, engineer, or pilot issued by the Coast Guard, or a license as master, mate, engineer or pilot issued by the former Bureau of Marine Inspection and Navigation when such license shows on the back thereof that satisfactory evidence of citizenship of the holder was produced at the time of the issuance of such license.

(8) A continuous discharge book or certificate of identification issued by the Coast Guard which shows that the holder is an American citizen, or a continuous discharge book or certificate of identification issued by the former Bureau of Marine Inspection and Navigation which shows the holder as an American citizen: *Provided*, That the records of that Bureau indicate that the holder of such continuous discharge book or certificate of identification produced satisfactory evidence of his citizenship at the time of the issuance of the same.

(9) Delayed certificates of birth. (See § 36.1-1 (e) (8) of this chapter, which is identical with this paragraph.)

(10) If no one of the foregoing requirements can be met by the applicant, he should make a statement to that effect, and in an attempt to establish citizenship, he may submit for consideration data of the character set forth in § 36.1-1 (e) (9) of this chapter. (Sec 7, 53 Stat. 1147; 46 U.S.C. 247; E.O. 9083, February 28, 1942; 7 F.R. 1609)

PART 138—RULES AND REGULATIONS FOR
 ISSUANCE OF CERTIFICATES AND CON-
 TINUOUS DISCHARGE BOOKS

Paragraph (k) of § 138.1 *General provisions* is amended to read as follows:

§ 138.1 General provisions.

(k) Acceptable evidence of citizenship is described below in the order of its desirability:

- (1) Birth certificate or certified copy.
- (2) Naturalized citizens must present a Certificate of Naturalization.
- (3) Baptismal certificate or parish record recorded within one year after birth.
- (4) Statement of a practicing physician certifying that he attended the birth and that he has a record in his possession showing the date on which it occurred.
- (5) State Department passport.
- (6) An active commission in the United States Army, Navy, Marine Corps, Coast Guard, or the reserve components thereof.
- (7) A license as master, mate, engineer or pilot issued by the Coast Guard, or a license as master, mate, engineer or pilot issued by the former Bureau of Marine Inspection and Navigation when such license shows on the back thereof that satisfactory evidence of citizenship of the holder was produced at the time of the issuance of such license.
- (8) Delayed Certificates of Birth. (See § 36.1-1-(e) (8) of this chapter, which is identical with this paragraph.)
- (9) If no one of the foregoing requirements can be met by the applicant, he should make a statement to that effect, and in an attempt to establish citizenship, he may submit for consideration data of the character set forth in § 36.1-1 (a) (9) of this chapter. U. S. Shipping Commissioners and U. S. Local Inspectors must be satisfied as to the bona fides of all evidence of citizenship presented, and may reject any evidence that they have reason to believe is not authentic. If an applicant is unable to present acceptable evidence of citizenship, question marks shall be placed to the right of the spaces entitled "Place of Birth" and "Nationality", as they appear in a continuous discharge book or on a certificate of identification. Such question marks will indicate to interested parties that the holder of the continuous discharge book or certificate of identification has not satisfactorily established his citizenship. Any seaman who has been issued a continuous discharge book or certificate of identification containing question marks may at any time produce additional evidence of his citizenship to any U. S. Shipping Commissioner or U. S. Local Inspector. If the additional evidence produced satisfies the U. S. Shipping Commissioner or the U. S. Local Inspector to whom it is presented that the same is acceptable evidence of the citizenship of the seaman, such official may draw lines through the question marks and note the nationality of the seaman in the space provided therefor, attesting the change. Whenever such changes are made in a continuous discharge book or certificate of identification, the official making the change shall immediately thereafter notify headquarters. (Sec. 7, 49 Stat.

1936, sec. 1, (j), 50 Stat. 49; 46 U.S.C. 689, 643 (j); E.O. 9083, February 28, 1942; 7 F.R. 1609.)

R. R. WAESCHE,
Commandant, U. S. Coast Guard.

APRIL 2, 1942.

[F. R. Doc. 42-3013; Filed, April 6, 1942; 10:29 a. m.]

Subchapter K—Seamen

PART 138—RULES AND REGULATIONS FOR ISSUANCE OF CERTIFICATE AND CONTINUOUS DISCHARGE BOOKS

CHRONOLOGICAL RECORD OF SEAMAN'S PREVIOUS EMPLOYMENT

Pursuant to the authority vested in me by section 501 of the Second War Powers Act, 1942 (Public Law 507, 77th Congress, 2d Session), I hereby waive compliance with the provisions of subsection (h), R.S. 4551, as amended (Title 46 U. S. C., section 643), to the extent necessary to permit the Commandant, United States Coast Guard, to issue a chronological record of a merchant seaman's previous employment on a single document, in lieu of making individual entries in a duplicate continuous discharge book or furnishing individual certificates of discharge.

I find that the above Order, waiving the provisions of R.S. 4551 (h), as amended, is necessary in the conduct of the war.

FRANK KNOX,
Secretary of the Navy.

APRIL 3, 1942.

[F. R. Doc. 42-2986; Filed, April 4, 1942; 9:59 a. m.]

Notices

DEPARTMENT OF STATE.

TRADE-AGREEMENT NEGOTIATIONS WITH BOLIVIA

PUBLIC NOTICE

Pursuant to section 4 of an act of Congress approved June 12, 1934, entitled "An Act to Amend the Tariff Act of 1930", as extended by Public Resolution 61, approved April 12, 1940, and to Executive Order 6750, of June 27, 1934, I hereby give notice of intention to negotiate a trade agreement with the Government of Bolivia.

All presentations of information and views in writing and applications for supplemental oral presentation of views with respect to the negotiation of such agreement should be submitted to the Committee for Reciprocity Information in accordance with the announcement¹ of this date issued by that Committee concerning the manner and dates for the submission of briefs and applica-

¹ *Infra.*

tions, and the time set for public hearings.

SUMNER WELLES,
Acting Secretary of State.

APRIL 4, 1942.

[F. R. Doc. 42-2997; Filed, April 4, 1942; 12:35 p. m.]

TRADE-AGREEMENT NEGOTIATIONS WITH MEXICO

PUBLIC NOTICE

Pursuant to section 4 of an act of Congress approved June 12, 1934, entitled "An Act to Amend the Tariff Act of 1930," as extended by Public Resolution 61, approved April 12, 1940, and to Executive Order 6750, of June 27, 1934, I hereby give notice of intention to negotiate a trade agreement with the Government of Mexico.

All presentations of information and views in writing and applications for supplemental oral presentation of views with respect to the negotiation of such agreement should be submitted to the Committee for Reciprocity Information in accordance with the announcement¹ of this date issued by that Committee concerning the manner and dates for the submission of briefs and applications, and the time set for public hearings.

SUMNER WELLES,
Acting Secretary of State.

APRIL 4, 1942.

[F. R. Doc. 42-2998; Filed, April 4, 1942; 12:35 p. m.]

Committee for Reciprocity Information.

TRADE-AGREEMENT NEGOTIATIONS WITH BOLIVIA

PUBLIC NOTICE

Closing date for submission of briefs, May 4, 1942; closing date for application to be heard, May 4, 1942; public hearings open, May 18, 1942.

The Committee for Reciprocity Information hereby gives notice that all information and views in writing, and all applications for supplemental oral presentation of views, in regard to the negotiation of a trade agreement with the Government of Bolivia, of which notice of intention to negotiate² has been issued by the Acting Secretary of State on this date, shall be submitted to the Committee for Reciprocity Information not later than 12 o'clock noon, May 4, 1942. Such communications should be addressed to "The Chairman, Committee for Reciprocity Information, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C."

A public hearing will be held, beginning at 10 a. m. on May 18, 1942, before the Committee for Reciprocity Information, in the hearing room of the Tariff

² *Supra.*

Commission in the Tariff Commission Building, where supplemental oral statements will be heard.

Six copies of written statements, either typewritten or printed, shall be submitted, of which one copy shall be sworn to. Appearance at hearings before the Committee may be made only by those persons who have filed written statements and who have within the time

prescribed made written application for a hearing, and statements made at such hearings shall be under oath.

By direction of the Committee for Reciprocity Information this 4th day of April 1942.

E. M. WHITCOMB,
Acting Secretary.

APRIL 4, 1942.

List of Products on Which the United States Will Consider Granting Concessions to Bolivia

NOTE: The rates of duty indicated are those now applicable to products of Bolivia. Where the rate is one which has been reduced pursuant to a previous trade agreement by 50 percent (the maximum permitted by the Trade Agreements Act) it is indicated by the symbol MR. Where the rate represents a reduction pursuant to a previous trade agreement, but less than a 50 percent reduction, it is indicated by the symbol R. Where an item has been bound free of duty in a previous trade agreement, it is indicated by the symbol B.

For the purpose of facilitating identification of the articles listed, reference is made in the list to the paragraph numbers of the tariff schedules in the Tariff Act of 1930. The descriptive phraseology is, however, in several cases limited to a narrower field than that covered by the numbered tariff paragraph. In such cases only the articles covered by the descriptive phraseology of the list will come under consideration for the granting of concessions.

In the event that articles which are at present regarded as classifiable under the descriptions included in the list are excluded therefrom by judicial decision or otherwise prior to the conclusion of the agreement, the list will nevertheless be considered as including such articles.

United States Tariff Act of 1930 paragraph	Description of article	Present rate of duty	Symbol
302 (c)	Tungsten ore or concentrates.....	50¢ per lb. on the metallic tungsten contained therein.	
391	Lead-bearing ores, flue dust, and mattes of all kinds.....	1½¢ per lb. on the lead contained therein.	
393	Zinc-bearing ores of all kinds, except pyrites containing not more than 3 per centum zinc.	1½¢ per lb. on the zinc contained therein.	R
757	Cream or Brazil nuts: Shelled.....	2¼¢ per lb.....	MR
1530 (a)	Hides and skins of cattle of the bovine species (except hides and skins of the India water buffalo imported to be used in the manufacture of rawhide articles), raw or uncured, or dried, salted, or pickled: Dry or dry salted, weighing over 12 pounds each.....	5% ad valorem.....	MR
1608	Antimony ore.....	Free.	
1609	Drugs of vegetable origin which are natural and uncompounded drugs and not edible, and not specially provided for, and are in a crude state, not advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture, not containing alcohol: Huapl bark.....	Free.	
1697	India rubber, crude.....	Free.	B
1765	Deerskins, raw.....	Free.	B
1785	Tin ore or cassiterite, and black oxide of tin.....	Free, subject to the provisions of par. 1785.	

[F. R. Doc. 42-2999; Filed, April 4, 1942; 12:35 p. m.]

TRADE-AGREEMENT NEGOTIATIONS WITH MEXICO

PUBLIC NOTICE

Closing date for submission of briefs, May 4, 1942; closing date for application to be heard, May 4, 1942; public hearings open, May 18, 1942.

The Committee for Reciprocity Information hereby gives notice that all information and views in writing, and all applications for supplemental oral pres-

entation of views, in regard to the negotiation of a trade agreement with the Government of Mexico, of which notice of intention to negotiate¹ has been issued by the Acting Secretary of State on this date, shall be submitted to the Committee for Reciprocity Information not later than 12 o'clock noon, May 4, 1942. Such communications should be addressed to "The Chairman, Committee

¹ *Supra*.

for Reciprocity Information, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C."

A public hearing will be held, beginning at 10 a. m. on May 18, 1942, before the Committee for Reciprocity Information, in the hearing room of the Tariff Commission in the Tariff Commission Building, where supplemental oral statements will be heard.

Six copies of written statements, either typewritten or printed, shall be submitted, of which one copy shall be sworn to. Appearance at hearings before the Committee may be made only by those persons who have filed written statements and who have within the time prescribed made written application for a hearing, and statements made at such hearings shall be under oath.

By direction of the Committee for Reciprocity Information this 4th day of April 1942.

E. M. WHITCOMB,
Acting Secretary.

APRIL 4, 1942.

List of Products on Which the United States Will Consider Granting Concessions to Mexico

NOTE: The rates of duty or import tax indicated are those now applicable to products of Mexico. Where the rate is one which has been reduced pursuant to a previous trade agreement by 50 percent (the maximum permitted by the Trade Agreements Act) it is indicated by the symbol MR. Where the rate represents a reduction pursuant to a previous trade agreement, but less than a 50 percent reduction, it is indicated by the symbol R. Where an item has been bound free of duty in a previous trade agreement, it is indicated by the symbol B.

For the purpose of facilitating identification of the articles listed, reference is made in the list to the paragraph numbers of the tariff schedules in the Tariff Act of 1930, or, as the case may be, to the appropriate sections of the Internal Revenue Code. The descriptive phraseology is, however, in some cases limited to a narrower field than that covered by the numbered tariff paragraph or section in the Internal Revenue Code. In such cases only the articles covered by the descriptive phraseology of the list will come under consideration for the granting of concessions. In other cases, where the full descriptive phraseology is used, it may be that only a part of the classification as set forth in the list will come under consideration.

In the event that articles which are at present regarded as classifiable under the descriptions included in the list are excluded therefrom by judicial decision or otherwise prior to the conclusion of the agreement, the list will nevertheless be considered as including such articles.

The rates of duty and import tax shown in this list are without reference to the Act of March 13, 1942 (Public 497, 77th Congress, 2d Session), suspending the effectiveness during the existing national emergency of customs duties and import taxes on scrap iron, scrap steel and nonferrous-metal scrap.

United States Tariff Act of 1930 paragraph	Description of article	Present rate of duty	Symbol	United Tariff Act of 1930 paragraph	Description of article	Present rate of duty	Symbol
1	Aids and acid anhydrides, not specially provided for.	25% ad val.		218 (f)	Table and kitchen articles and utensils, and all articles of every description not specially provided for, composed wholly or in chief value of glass, blown or partly blown in the mold or otherwise, or colored, cut, engraved, etched, frosted, gilded, ground (except such grinding as is necessary for fitting stoppers or for purposes other than ornamentation), painted, printed in any manner, sand-blasted, silvered, stained, or decorated or ornamented in any manner, whether filled or unfilled, or whether their contents be dutiable or free, (except articles, if cut or engraved, valued at not less than \$1 each).	60% ad val.	
48	Juice of lemons, limes, oranges, or other citrus fruits, unfit for beverage purposes.	5¢ per lb.		232 (a)	Onyx, in block, rough or squared only.	32 1/2¢ per cu. ft.	MR
77	Zinc oxide and leaded zinc oxides containing not more than 25 per centum of lead:		MR	302 (b)	Molybdenum ore or concentrates.	35¢ per lb. on the metallic molybdenum contained therein. 40% ad val.	MR
90	Turpentine, gum and spirits of, and resin.	1 1/4¢ per lb.		339	Table, household, kitchen, and hospital utensils, and hollow or flat ware, not specially provided for, composed wholly or in chief value of tin or tin-plate, not plated with platinum, gold, or silver, and not specially provided for.	2¢ per lb.	
92	Vanilla beans.	2 1/4¢ per lb.		376	Antimony, as regulus or metal.	2 1/2¢ per lb., <i>Provided</i> , That the flasks, bottles, or other vessels in which quicksilver is imported shall be subject to the same rate of duty as they would be subjected to if imported empty.	
93	Zinc sulphate.	5¢ ad val.		386	Quicksilver.	1 1/4¢ per lb. on the lead contained therein. 2 1/4¢ per lb. on the lead contained therein.	
202 (a)	Earthen floor and wall tiles, glazed or unglazed, however provided for in paragraph 202 (a) of the Tariff Act of 1930 (except ceramic mosaic tiles and except quarries or quarry tiles): Valued at not more than 40 cents per square foot.	1 1/4¢ per lb. 1 1/4¢ per sq. ft., but not less than 50% nor more than 70% ad val.		391	Lead-bearing ores, flue dust, and mattes of all kinds.	1 1/4¢ per lb. on the zinc contained therein.	R
	Valued at more than 40 cents per square foot: Glazed clay.	20¢ per sq. ft., but not less than 30% nor more than 60% ad val. 50% ad val.	R	392	Lead bullion or base bullion, lead in pigs and bars, lead dross, reclaimed lead, scrap lead, antimonial lead, antimonial scrap lead, type metal, Babbitt metal, solder, all alloys and combinations of lead, not specially provided for.	1 1/4¢ per lb. on the zinc contained therein.	R
202 (b)	Other Mantels, friezes, and articles of every description or parts thereof, composed wholly or in chief value of earthen tiles or tiling, except pill tiles.	60% ad val.		393	Zinc-bearing ores of all kinds, except pyrites containing not more than 3 per centum zinc.	1 1/4¢ per lb.	
207	Fluorspar: Containing more than 97 per centum of calcium fluoride. Containing not more than 97 per centum of calcium fluoride.	\$4.20 per ton \$8.40 per ton.	R	394	Zinc: In blocks, pigs, or slabs, and zinc dust. In sheets. In sheets coated or plated with nickel or other metal (except gold, silver, or platinum), or solutions. Old and worn-out zinc, fit only to be remanufactured, zinc dross, and zinc skimmings.	1 1/4¢ per lb. 2 1/4¢ per lb. 1 1/4¢ per lb. 45% ad val.	R
210	Common yellow, brown, red, or gray earthenware, plain or embossed, composed of a body wholly of clay which is unwashed, unmix, and not artificially colored; common salt-glazed stoneware; stoneware and earthenware crucibles; all the foregoing: Not ornamented, incised, or decorated in any manner, and not specially provided for. Ornamented, incised, or decorated in any manner, and manufactures wholly or in chief value of such ware, not specially provided for.	15% ad val. 20% ad val.		397	Articles or wares not specially provided for, if composed wholly or in chief value of tin or tin-plate, but not plated with platinum, gold, or silver, or colored with gold lacquer, whether partly or wholly manufactured.	50% ad val.	
211	Earthenware and crockery ware composed of a nonvitrified absorbent body including white granite and semiporcelain earthenware, and cream-colored ware, terra cotta, and stoneware, including clock cases with or without movements, pill tiles, plaques, ornaments, charms, vases, statuettes, mugs, cups, steins, lamps, and all other articles composed wholly or in chief value of such ware: Plain white, plain yellow, plain brown, plain red, or plain black, not painted, colored, tinted, stained, enameled, gilded, printed, ornamented, or decorated in any manner, and manufactures in chief value of such ware, not specially provided for. Painted, colored, tinted, stained, enameled, gilded, printed, ornamented, or decorated in any manner, and manufactures in chief value of such ware, not specially provided for.	10¢ per doz. pieces and 45% ad val. 10¢ per doz. pieces and 30% or 50% ad val. ¹		401	Sawn lumber and timber not specially provided for: Pine.	50¢ per thousand feet board measure (plus \$1.60 per thousand feet board measure under Sec. 3424 (a), Internal Revenue Code, see below). 15% ad val. (plus \$3 per thousand feet board measure under Sec. 3424 (b), Internal Revenue Code; see below). 15% ad val.	MR
213	Graphite or plumbago, crude or refined:	5% ad val.	MR	404	Mahogany, in the form of sawed boards, planks, deals, and all other forms not further manufactured than sawed, and flooring.	25% ad val. 50% ad val.	
217	Bottles, vials, jars, ampoules, and covered or uncovered demijohns, and carboys, any of the foregoing, wholly or in chief value of glass, unfilled, not specially provided for: <i>Provided</i> , That the terms "bottles," "vials," "jars," "ampoules," "demijohns," and "carboys," as used herein, shall be restricted to such articles when suitable for use and of the character ordinarily employed for the holding or transportation of merchandise, and not as appliances or implements in chemical or other operations, and shall not include bottles for table service and thermostatic bottles: If holding more than 1 pint. If holding not more than 1 pint and not less than one-fourth of 1 pint. If holding less than one-fourth of 1 pint.	1¢ per lb. 1 1/2¢ per lb. 50¢ per gross.		407	Packing boxes (empty), and packing-box shooks, of wood, not specially provided for.	25% ad val.	

¹The rate of duty on certain tin-plate containers was reduced to 22 1/2% percent ad valorem in the trade agreement with the United Kingdom, effective January 1, 1939.

¹In the trade agreement with the United Kingdom, effective January 1, 1939, the rate of duty on plates of certain sizes and vials and cups and saucers of certain values, classified under this subparagraph, was reduced from 10 cents per dozen pieces and 50 percent ad valorem to 10 cents per dozen pieces and 30 percent ad valorem.

United States Tariff Act of 1930 paragraph	Description of article	Present rate of duty	Symbol	United States Tariff Act of 1930 paragraph	Description of article	Present rate of duty	Symbol
701	Cattle: Weighing less than 200 pounds each. Weighing less than 700 pounds but not less than 200 pounds each.	1½¢ or 2½¢ per lb. ¹	R	802	Compounds and preparations of which distilled spirits are the component material of chief value and not specially provided for.	\$3 per proof gallon.	
701	Weighting 700 pounds or more each (except cows imported specially for dairy purposes).	1½¢ or 3¢ per lb. *	R	805	Ale, porter, stout, and beer.	50¢ per gal.	
702	Dried blood albumen, light.	12¢ per lb.		1005 (a) (1)	Corlage, including cables, tarred or untarred, composed of three or more strands, each strand composed of two or more yarns, wholly or in chief value of sisal, henequen, or other hard fiber, except manilla (abaca): Sisal: Not smaller than three-fourths of one inch in diameter. Not smaller than three-fourths of one inch in diameter. Henequen, or other hard fiber: Not smaller than three-fourths of one inch in diameter. Not smaller than three-fourths of one inch in diameter.	14¢ per lb. 14¢ per lb. and 7½% ad val. 24¢ per lb.	MR MR
711	Live birds, not specially provided for, valued at \$5 or less each.	\$3 per head.		1005 (b)	Cords and twines (whether or not composed of three or more strands, each strand composed of two or more yarns), tarred or untarred, single or plied, wholly or in chief value of manilla (abaca), sisal, henequen, or other hard fiber.	24¢ per lb. and 15% ad val. 20% ad val.	MR
714	Bobwhite quail.	50¢ each.		1111	Bianchi, and similar articles (including carriage and automobile ropes and steamer ropes), made as units or in the piece, finished or unfinished, wholly or in chief value of wool, not exceeding three yards in length, any of the foregoing if hand-woven.	30¢ per lb. and 36% ad val. 33¢ per lb. and 36% ad val. 40¢ per lb. and 36% ad val.	R R R
714	Horses, unless imported for immediate slaughter, valued at not more than \$150 per head.	\$15 per head.	MR	1410	Bound books of all kinds (other than diaries and prayer books), except those bound wholly or in part in leather, not specially provided for, and if of bona fide foreign authorship.	7½% ad val.	MR
714	Mules, unless imported for immediate slaughter, valued at not more than \$150 per head.	\$30 per head.		1504 (a)	Braids, plaits, and laces, composed wholly or in chief value of chip, paper, grass, palm leaf, willow, osier, rattan, real horsehair, or cuba bark, and braids or plaits, wholly or in chief value of ramble, all the foregoing suitable for making or ornamenting hats, bonnets, or hoods: Not bleached, dyed, colored, or stained, and not containing a substantial part of rayon or other synthetic textile.	15% ad val.	
715	Honey.	15¢ ad val.		1504 (b) (5)	Hats provided for in paragraph 1504 (b) of the Tariff Act of 1930, if known as harvest hats, and valued at less than \$3 per dozen.	12½% ad val.	MR
716	Fish, fresh or frozen (whether or not packed in ice), whole, or beheaded or eviscerated or both, but not further advanced (except that the fins may be removed).	1½¢ per lb.		1513	Dolls and doll clothing, composed in any part, however small, of any of the laces, fabrics, embroideries, or other materials or articles provided for in paragraph 1529 (a) of the Tariff Act of 1930.	90% ad val.	
717 (a)	White sea bass or totoaba.	1¢ per lb.		1513	Dolls, parts of dolls (including clothing), and doll heads, of whatever materials composed (other than dolls, parts of dolls (including clothing), and doll heads, composed wholly or in chief value of any product provided for in paragraph 31 of the Tariff Act of 1930).	70% ad val.	
717 (c)	Fish, dried and unsalted.	14¢ per lb.		1513	All other toys, and parts of toys, not specially provided for, wholly or in chief value of China, porcelain, parian, bisque, earthenware, or stoneware.	70% ad val.	
718 (a)	Fish, prepared or preserved in any manner, when packed in oil or in oil and other substances.	14¢ per lb.		1516	Wax matches, wind matches, and all matches in books or folders.	49% ad val.	
719 (5)	Tuna.	45¢ ad val.		1527 (a) (2)	Jewelry, commonly or commercially so known, finished or unfinished (including parts thereof), of whatever material composed (except jewelry composed wholly or in chief value of gold or platinum, or of which the metal part is wholly or in chief value of gold or platinum): <i>Provided</i> , That none of the foregoing shall be subject to a less amount of duty than would be payable if the article were not dutiable under this paragraph.	1¢ each plus ¾¢ per doz. for each 1¢ the value exceeds 20¢ per doz., and 50% ad val. ¾¢ each plus ¾¢ per doz. for each 1¢ the value exceeds 20¢ per doz., and 25% ad val.	R
730	Mixed feeds, consisting of an admixture of grains or grain products, with oil cake, oil-cake meal, molasses, or other ingredients.	1½¢ per lb. net weight.	MR	1530 (c)	Books, shoes, or other footwear (including athletic or sport-leather, not specially provided for: Slippers (for housewear).	Valued above \$5 per dozen pieces. Valued above \$5 per dozen pieces.	
730	Vegetable oil cake and oil-cake meal, not specially provided for.	5% ad val.					
730	Coconut or copra.	3½¢ per lb.					
730	Cottonseed.	3½¢ per lb.					
730	Soy bean oil cake and soy bean oil-cake meal.	3½¢ per lb.					
736	Berries, edible, prepared or preserved, but not frozen and not in brine and not dried, desiccated, or evaporated (except blueberries).	35% ad val.					
743	Limes.	1½¢ per lb.	R				
746	Mangoes.	1½¢ per lb.	R				
747	Pineapples:	9½¢ each.	R				
	Not in bulk.	34¢ per crate of 2.45 cu. ft.	R				
	Prepared or preserved, and not specially provided for.	17½% ad val.	MR				
752	Fruits in their natural state, not specially provided for.	38% ad val.					
752	Watermelons and other melons.	17½% ad val.					
755	Guavas, prepared or preserved, and not specially provided for.	33¢ per lb.					
755	Beans, not specially provided for:	3¢ per lb.					
	Green or unripe.	3¢ per lb.					
765	Black-eye cowpeas, dried, or in brine.	3¢ per lb.					
769	Peas, green or unripe.	3¢ per lb.					
769	Chickpeas or garbanzos, dried.	1½¢ per lb.					
770	Garlic.	3¢ per lb.					
772	Tomatoes in their natural state.	3¢ per lb.					
774	Peppers in their natural state.	1½¢ per lb.					
774	Eggplant in its natural state.	1½¢ per lb.					
774	Cucumbers in their natural state.	3¢ per lb.					
774	Squash in its natural state.	2¢ per lb.					
775	Pimientos, packed in brine or in oil, or prepared or preserved in any manner.	6¢ per lb.					
781	Spices and spice seeds: Capsicum or red pepper or cayenne pepper, unground.	5¢ per lb.					

¹ In the trade agreement with Canada, effective January 1, 1939, the rate of duty on cattle weighing less than 200 pounds each was reduced to 1½¢ per pound on imports not in excess of 100,000 head per year and the rate of duty on imports in excess of that amount was bound against increase at 2½¢ per pound.
² In the trade agreement with Canada, effective January 1, 1939, the rate of duty on cattle weighing 700 pounds or more each was reduced to 1½¢ per pound on imports not in excess of 225,000 head per year and the rate of duty on imports in excess of that amount was bound against increase at 3¢ per pound.
³ In the trade agreement with Canada, effective January 1, 1939, the rate of duty on peas, green or unripe, was reduced from 35½¢ to 24¢ per pound when imported and entered for consumption during the period from July 1 to September 30, inclusive, in any year.

United States Tariff Act of 1930 paragraph	Description of article	Present rate of duty	Symbol	United States Tariff Act of 1930 paragraph	Description of article	Present rate of duty	Symbol
1530 (c)	Men's, youths' and boys' boots, shoes, or other footwear (including athletic or sporting boots and shoes), made wholly or in chief value of leather, not specially provided for (except turn or turned, or sewed or stitched by the process or method known as McKay, or made by the process or method known as well).	20% ad val.		1695	Horses or mules imported for immediate slaughter	Free.	B
1551	Photographic-film negatives, imported in any form, for use in any way in connection with moving-picture exhibits, or for making or reproducing pictures for such exhibits, except undeveloped negative moving-picture film of American manufacture exposed abroad for silent or sound news reels. With sound tracks in the Spanish or Portuguese languages: Exposed but not developed. Exposed and developed.	24 per lin. foot. 3¢ per lin. foot.		1697	Liquid petroleum asphaltum, including cutbacks and road oil.	Free (subject to tax of 1/4¢ per gal. under Sec. 3422, Internal Revenue Code; see below.)	B
1551	Photographic-film positives, imported in any form, for use in any way in connection with moving-picture exhibits, including herein all moving, motion, cinematography, or cinematograph film pictures, prints, positives, or duplicates of every kind and nature, and of whatever substance made.			1710	Moss, seaweeds, and vegetable substances, crude or unmanufactured, not specially provided for.	Free.	B
1555	With sound tracks in the Spanish or Portuguese languages: Exposed but not developed. Exposed and developed.			1722	Disilled or essential oils, not containing alcohol:	Free.	B
1558	Waste, not specially provided for.			1731	Lignite.	Free.	B
1601	Articles manufactured, in whole or in part, not specially provided for:			1733	Lignite or bois de rose.	Free.	B
1602	Dressed isle or Tampico fiber.			1733	Petroleum, crude, and fuel oil derived from petroleum.	Free (subject to tax of 1/4¢ or 1/2¢ per gal. under Sec. 3422, Internal Revenue Code, see below).	B
1602	Salphuric acid or oil of vitriol.			1743	Kerosene.	Free (subject to tax of 1/4¢ per gal. under Sec. 3422, Internal Revenue Code, see below).	B
1602	Jalap, natural and uncomounded and in a crude state, not advanced, in value or conditioned and in a crude state, not advanced, in value or conditioned by shredding, grinding, chipping, crushing, or any other process of treatment whatever, beyond that essential to proper packing and the prevention of decay or deterioration pending manufacture, not containing alcohol.	14 per lin. foot. 7 1/2% ad val.	R	1761	Plaster rock (including anhydrite) and gypsum, crude.	Free.	B
1606 (a)	Animals imported by a citizen of the United States specially for breeding purposes:	20% ad val. Free.	B	1761	Spiny lobsters, fresh or frozen (whether or not packed in ice) in ice.	Free.	B
1608	Bulls and cows.			1761	Shellfish, fresh or frozen (whether or not packed in ice), or prepared or preserved in any manner (including pastes and sauces), and not specially provided for:	Free.	B
1614	Antimony ore.			1765	Abalone.	Free.	B
1618	Arsenious acid or white arsenic.			1765 (1)	Reptile skins, raw.	Free.	B
1622	Bananas, green or ripe.			1768 (2)	Spices and spice seeds, unground:	Free.	B
1622	All binding twine manufactured from New Zealand hemp, henequen, manila, isle or Tampico fiber, sisal grass, or sunn, or a mixture of any two or more of them, of single ply and measuring not exceeding seven hundred and fifty feet to the pound.			1768 (2)	Pimento (allspice).	Free.	B
1624	Fish sounds.			1775	Spices and spice seeds:	Free.	B
1654	Coffee, except coffee imported into Puerto Rico and upon which a duty is imposed under the authority of section 319 of the Tariff Act of 1930.	Free.	B	1775	Anise.	Free.	B
1664	Metallic mineral substances in a crude state, such as drosses, skimmings, residues, brass foundry ash, and flue dust, not specially provided for.	Free.		1796	Stone and sand: Kottenstone, tripoli, and sand, crude or manufactured.	Free.	B
1669	Drugs of animal origin which are natural and uncomounded and not edible, and not specially provided for, and are in a crude state, not advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture, and not containing alcohol:			1802	Candellilla wax.	Free.	B
1678	Fish livers.			1803 (2)	Wood charcoal.	Free.	B
1682	Sharkskins, raw or salted.			1803 (2)	Mahogany, cedar commercially known as Spanish cedar, and primaver, in the log.	Free.	B
1683	Live game animals and birds, imported for stocking purposes. Grasses and fibers, not dressed or manufactured in any manner, and not specially provided for:						
1685	Henequen, isle or Tampico fibre, and broom root.						
1685	Manures.						
1686	Guanano.						
1686	Fish scrap and fish meal of a grade used chiefly for fertilizers, or chiefly as an ingredient in the manufacture of fertilizers.						
1686	Gums and resins:						
1686	Chicle, crude.						

* Bound duty-free in the trade agreement with Canada, effective January 1, 1939, which provided that during its effective period the existing customs classification treatment of gypsum which has been broken merely for the purpose of facilitating its shipment to the United States, as "crude" in accordance with the decision of the United States Court of Customs and Patent Appeals, published as Treasury Decision 45725, shall be continued.

† Duty-free entry of mahogany in the log was bound in the trade agreement with the United Kingdom, effective January 1, 1939.

‡ In the trade agreement with Venezuela, effective December 16, 1939, the import tax of one-half cent per gallon under Sec. 3422 of the Internal Revenue Code on crude petroleum, topped crude petroleum, fuel oil, and gas oil was reduced to one-fourth cent on imports not in excess of 5 percent of the total quantity of crude petroleum processed in refineries in continental United States during the preceding calendar year.

Internal Revenue Code section	Description of article	Present rate of import tax	Symbol
3422	Crude petroleum, topped crude petroleum, and fuel oil derived from petroleum including fuel oil known as gas oil.	1/4¢ or 1/2¢ per gal.†	R
3422	Kerosene.	1/4¢ per gal.	
3422	Liquid petroleum asphaltum, including cutbacks and road oil.	1/4¢ per gal.	
3424	Lumber, including sawed timber: Pine, other than Northern white (pinus strobus), and Norway (pinus resinosa), rough, or planed, or dressed on one or more sides	\$1.50 per thousand feet, board measure.	MR

Internal Revenue Code section	Description of article	Present rate of import tax	Symbol
3424	Lumber, including sawed timber: Mahogany, rough, or planed, or dressed on one or more sides.	\$3 per thousand feet board measure.	
3451	Crude petroleum, topped crude petroleum, fuel oil derived from petroleum including fuel oil known as gas oil, and kerosene; any of the foregoing sold for use as fuel supplies, ships' stores, sea stores, or legitimate equipment on vessels of war of the United States or any foreign nation, or vessels employed in the fisheries or in the whaling business or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions under regulations prescribed with the approval of the Secretary of the Treasury.	Exempt from taxes imposed by Secs. 3420 and 3422 of the Internal Revenue Code.	B*

* Kerosene has not heretofore been bound.

[F. R. Doc. 42-3000; Filed, April 4, 1942; 12:36 p. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-165]

IN THE MATTER OF EARL HENRY AND D. HENRY, INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF HENRY COAL COMPANY, [EARL HENRY AND D. HENRY (HENRY COAL COMPANY)], CODE MEMBER, DEFENDANTS

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore set for hearing on April 4, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the United States Post Office, Federal Building, Huntington, West Virginia; and

It appearing to the Acting Director that said hearing should be postponed;

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

Dated: April 3, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3018; Filed, April 6, 1942; 10:24 a. m.]

[Docket No. B-178]

IN THE MATTER OF WILMER FRENCH AND LEWIS FRENCH, INDIVIDUALLY AND DOING BUSINESS UNDER THE NAME AND STYLE OF FRENCH & SON, CODE MEMBER

ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

A complaint having been filed with the Bituminous Coal Division on January 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 11, alleging wilful violations by Wilmer French and Lewis French, doing business as French & Son, a code member in District 11, of the Bituminous Coal Code and rules and regulations thereunder as follows:

That during the period from June 2, 1941, to August 11, 1941, French & Son

sold and delivered by truck approximately 280.84 tons of 1" x 0 screenings (Size Group 14) coal produced at the French Mine to the French Lick Springs Hotel in French Lick, Indiana, at a delivered price of \$1.35 per ton, whereas the effective minimum price for such coal is \$1.55 per ton f. o. b. the mine; and further alleging that during the period from October 1, 1940, to March 31, 1941, French & Son failed to maintain and file invoices, sales slips, and other memoranda and data, as required by Orders Nos. 296 and 307;

Pursuant to Orders of the Acting Director, and after due notice to interested persons, a hearing in this matter having been held on February 17, 1942, before a duly designated Examiner of the Division, at a hearing room thereof in Bedford, Indiana, 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 on behalf of District Board 11 and French & Son;

The preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the undersigned;

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

Now, therefore, it is ordered, That the code membership of French & Son, a partnership composed of Wilmer French and Lewis French, operating the French Mine (Mine Index No. 412) in Martin County, Indiana, in District 11, be, and it hereby is, revoked and canceled.

It is further ordered, That, prior to any reinstatement of French & Son or of Wilmer French or Lewis French to membership in the Code, they shall pay to the United States a tax in the amount of \$160.05, as provided in Section 5 (c) of the Bituminous Coal Act of 1937.

Dated: April 4, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3019; Filed, April 6, 1942; 10:42 a. m.]

[Docket No. C-7]

APPLICATION OF FORD MOTOR COMPANY REGARDING COAL PRODUCED AT MINE INDEX NOS. 183, 325, AND 449 IN DISTRICT NO. 8

[Docket No. A-1315]

PETITION OF EASTERN COAL CORPORATION, A CODE MEMBER IN DISTRICT NO. 8 FOR A REDUCTION OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES APPLICABLE TO THE COALS PRODUCED AT MINE INDEX NOS. 183, 325, AND 449 FOR ALL SHIPMENTS TO FORD MOTOR COMPANY

ORDER OF CONSOLIDATION AND NOTICE OF AND ORDER FOR HEARING

Ford Motor Company has filed an application pursuant to the Second Paragraph of section 4-A of the Bituminous Coal Act of 1937, for a determination of the status of the coals produced at Mine Index Nos. 183, 325, and 449 in District No. 8 and consumed by the said Company.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by Eastern Coal Corporation requesting, in the event that the application of Ford Motor Company in Docket No. C-7 is denied, the reduction of the minimum prices applicable to the coals produced at Mine Index Nos. 183, 325, and 449, in District No. 8, by the said corporation for shipment to Ford Motor Company.

It appears that the matters concerned in the above designated dockets present related issues;

Now, therefore, it is ordered, That Dockets Nos. C-7 and A-1315 be consolidated for the purpose of hearing and for such other purposes as may be deemed advisable;

It is further ordered, That a hearing in the above-entitled matters under the applicable provisions of said Act and the rules of the Division be held on April 27, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, N. W., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles S. Mitchell, or any other officer or officers of the Division duly designated for that purpose, shall preside at the hearing in such matters. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions, and the recommendation of appropriate orders in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein, and to all persons and entities having an interest in this proceeding and eligible to become a party herein.

1. Any person or entity desiring to be admitted as a party to the proceedings in Docket No. A-1315 shall file a petition of intervention in accordance with the Rules and Regulations of the Bituminous Coal Division for Proceedings Instituted Pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed, or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division not later than fifteen (15) days after the date of the issuance of this Notice of and Order for Hearing.

2. Any person or entity desiring to be admitted as a party to the proceedings in Docket No. C-7, and eligible under section VII (1) of the Rules and Practice and Procedure before the Bituminous Coal Division shall file a petition of intervention in Docket No. C-7 not later than fifteen (15) days after the issuance of this Notice of and Order for Hearing.

Notice is hereby given with respect to Docket No. C-7 that:

(1) Within fifteen (15) days from the date of the issuance of this Notice of and Order for Hearing, the applicant and other interested parties shall file with the Division a concise statement in writing of the facts expected to be proved at the hearing. Other interested parties shall also file a written intervention in compliance with Rule VIII of the aforesaid Rules of Practice and Procedure. The statements of facts shall be considered as pleadings and not as evidence of the facts therein stated. The affirmative evidence adduced by the parties at the hearing shall be limited to their respective statements of facts;

(2) If no written statements of the facts expected to be proved at the hearing are filed by the applicant within the fifteen-day period, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn on the expiration of said period in accordance with the provisions of section VII (g) of the aforesaid Rules of Practice and Procedure;

(3) If the applicant does not appear and offer evidence in support of his statements of facts, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn in accordance with the provisions of section VII (g) of the aforesaid Rules of Practice and Procedure;

(4) The burden of proof in this proceeding shall be on the applicant.

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

The matter concerned herewith:

1. In Docket No. C-7 is in regard to the application of Ford Motor Company, pursuant to the Second Paragraph of section 4-A of the Act, for the determination of the status of coal mined by Eastern Coal Corporation pursuant to agreements with the applicant dated March 24, 1937, and May 19, 1941, alleging that the said coal is exempt from section 44 of the Act because it is consumed by applicant, the producer thereof, or, transported by applicant to itself for consumption by it within the meaning of section 4 II (1) of the Act.

2. In Docket No. A-1315 is in regard to the petition of Eastern Coal Corporation for the establishment of minimum prices for coals produced at Mine Index Nos. 183, 325, and 449, in District No. 8, and shipped to Ford Motor Company, pursuant to agreements between petitioner and Ford Motor Company, dated March 24, 1937, and May 19, 1941, equal to the price per ton paid by Ford Motor Company to petitioner under the said agreement dated May 19, 1941.

Dated: April 3, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3020; Filed, April 6, 1942;
10:25 a. m.]

[Docket No. A-1363]

PETITION OF BELL & ZOLLER COAL & MINING COMPANY, CHICAGO, WILMINGTON & FRANKLIN COAL COMPANY, FRANKLIN COUNTY COAL CORPORATION, OLD BEN COAL CORPORATION, PEABODY COAL COMPANY AND WASSON COAL COMPANY, CODE MEMBERS IN DISTRICT 10, FOR TEMPORARY RELIEF BY ADVANCING THE EFFECTIVE DATE OF SEASONAL DISCOUNTS ON THEIR COALS FROM MAY 1, 1942 TO APRIL 1, 1942

ORDER DISMISSING PETITION

This proceeding having been instituted upon a joint petition filed, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, with the Bituminous Coal Division by Bell & Zoller Coal & Mining Company, Chicago, Wilmington & Franklin Coal Company, Franklin County Coal Corporation, Old Ben Coal Corporation, Peabody Coal Company, and Wasson Coal Company, code members in District 10, seeking as temporary relief during the 1942 season the advancing of the effective dates of seasonal discounts now provided for domestic coals produced by their mines in the Southern Illinois Subdistrict for shipment to retail dealers;

District Board 12 having intervened in opposition; and

By telegrams to the Acting Director, petitioners Chicago, Wilmington & Franklin Coal Company, Franklin County Coal Corporation, Old Ben Coal Corporation, Peabody Coal Company, and Wasson Coal Company having requested that their names be removed as petitioners, and Bell & Zoller Coal & Min-

ing Company having requested that the petition be withdrawn.¹

Now, therefore, it is ordered, That the original petition herein be withdrawn and that the instant proceeding be and the same hereby is dismissed, without prejudice.

Dated: April 4, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3021; Filed, April 6, 1942;
10:25 a. m.]

[Docket Nos. 1767-FD, 1766-FD]

IN THE MATTERS OF PECAN COAL COMPANY,
AND D. & W. COAL COMPANY, CODE
MEMBERS

ORDER REVOKING CODE MEMBERSHIPS

District Board 2 having filed complaints with the Bituminous Coal Division on May 26, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violations by Pecan Coal Company and D. & W. Coal Company, code members, of the Bituminous Coal Code and the rules and regulations thereunder as follows:

That Pecan Coal Company sold, during the period February 1, 1941, to May 7, 1941, mine run strip coal produced at its Campbell Mine to D. & W. Coal Company at \$1.34 per ton f. o. b. the mine or at \$1.44 per ton delivered by truck to the tippie of D. & W. Coal Company, whereas the effective minimum price established for such coal was \$2.30 per net ton f. o. b. its mine as set forth in the Schedule of Effective Minimum Prices for District No. 2 for Truck Shipments; that Pecan Coal Company allowed D. & W. Coal Company a discount or rebate of 96¢ per net ton on the sales of said coal; that D. & W. Coal Company sold, invoiced and delivered coal not produced at its mine and made false, untrue, misleading and deceptive statements concerning the origin of said coal; and that both Pecan Coal Company and D. & W. Coal Company violated the Director's Orders Nos. 14, 156 and 288 by failing to file with the Division, the statistical bureau or the District Board, copies of their spot orders, contracts, invoices, and other information required to be furnished pursuant to said Orders;

Pursuant to Orders of the Acting Director, and after notice to interested persons, a hearing having been held in these matters on August 26, 1941, before W. A. Cuff, a duly designated Examiner of the Division at a hearing room thereof in Pittsburgh, Pennsylvania, at which all interested persons were afforded an op-

¹The request from Bell & Zoller Coal & Mining Company was received too late to allow cancellation of an informal conference on March 24, 1942, at which no petitioning code member appeared. Representatives of the Bituminous Coal Consumers' Counsel and District Board 9 did, however, attend, the former favoring relief and the latter opposing it.

portunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The code members having appeared, and all interested parties having joined in a motion to consolidate these matters for all purposes, and having waived the preparation and filing of a Report by the Examiner; the record of the proceeding thereupon having been submitted to the undersigned for consideration; the undersigned having made Findings of Fact, Conclusions of Law and having rendered an Opinion, which are filed herewith;

Now, therefore, it is ordered, That effective fifteen (15) days from the date of this Order the code membership of Pecan Coal Company and each of the individual partners thereof, P. M. Cox, G. M. Powell and B. M. Garner, be and it hereby is cancelled and revoked.

It is further ordered, That prior to the reinstatement of Pecan Coal Company and the individual partners thereof, P. M. Cox, G. M. Powell and B. M. Garner, to membership in the Code, code member or the individual partners shall pay to the United States a tax, as provided in Section 5 (c) of the Act, in the amount of \$3,511.08.

It is further ordered, That effective fifteen (15) days from the date of this Order the code membership of D. & W. Coal Company and each of the partners thereof, Paul Doyle and Samuel Woodall, be and it hereby is cancelled and revoked.

It is further ordered, That prior to the reinstatement of D. & W. Coal Company and the individual partners thereof, Paul Doyle and Samuel Woodall, to membership in the Code, code member or the individual partners shall pay to the United States a tax, as provided in section 5 (c) of the Act, in the amount of \$2,425.64.

Dated: April 4, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3022; Filed, April 6, 1942; 10:25 a. m.]

[Docket No. A-1337]

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

[Docket No. A-1337 Part II]

PETITION OF DISTRICT BOARD NO. 15 FOR THE ESTABLISHMENT OF PERMANENT PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE CASSADY MINE (MINE INDEX NO. 1589), THE COOK MINE (MINE INDEX NO. 1583), AND THE THORN MINE (MINE INDEX NO. 1591) IN DISTRICT NO. 15, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1337 PART II FROM DOCKET NO. A-1337 AND GRANTING TEMPORARY RELIEF IN DOCKET NO. A-1337 PART II

The original petition in the above-entitled matter, filed with this Division

pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests the establishment of temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 15.

As indicated in a separate order issued in Docket No. A-1337, a reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner except with respect to the establishment of permanent price classifications and minimum prices, for truck shipments, for the coals of the Cassady Mine (Mine Index No. 1589) of code member Dale Cassady, the Cook Mine (Mine Index No. 1583) of code member Hollis Lawson and the Thorn Mine (Mine Index No. 1591) of code member Hugh Thorn, located in Putnam County, Missouri in Production Group 3 in District No. 15.

On March 23, 1942, a petition of intervention was filed in this matter by District Board No. 12 praying that the permanent establishment of the price classifications and minimum prices proposed by the original petitioner for the coals of Mine Index Nos. 1589, 1583 and 1591 be denied pending final determination of related and analogous issues in Docket No. A-179, which was consolidated with Docket No. A-492 by the order of May 12, 1941, and that the request in the original petition for a reduction of 20 cents per ton in the proposed minimum price for the mine run coals of those mines containing 30% or more screenings that will pass through a 1/4" screen also be denied.

It appears from the petition that the coals of Mine Index Nos. 1589, 1583 and 1591 possess marketing qualities and factors similar to those of the other coals heretofore classified and priced and now being produced in Putnam County, Missouri, and that the same minimum prices should be applicable for all such coals, in their respective size groups, for shipment by truck into all market areas.

Those previously priced coals are now subject to the temporary minimum prices set forth in the order entered December 7, 1940 in Docket No. A-179. Pending final determination of the issues in that docket a petition was filed in Docket No. A-492 wherein it was requested that those minimum prices made effective temporarily in Docket No. A-179 be made permanent. The two dockets were thereafter consolidated, but, in accordance with a request and stipulation filed therein by all the parties thereto, there has been no change in the temporary prices made effective by the order of December 7, 1940, and no permanent order has been entered.

In view of the foregoing, it is deemed advisable at this time to establish only temporarily the proposed price classifications and minimum prices for the coals of Mine Index Nos. 1589, 1583 and 1591, and that their permanent classification and pricing should await final determination of the related issues raised in Docket Nos. A-179 and A-492.

Now, therefore, it is ordered, That the portion of Docket No. A-1337 relating to the coals of the Cassady Mine (Mine Index No. 1589), the Cook Mine (Mine Index No. 1583), and the Thorn Mine (Mine Index No. 1591) be, and it hereby is, severed from the remainder of that docket and designation as Docket No. A-1337 Part II.

It is further ordered, That temporary relief, pending final disposition of Docket No. A-1337 Part II is hereby granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 15 for Truck Shipments is supplemented to include the price classifications and minimum prices set forth below for the coals of the Cassady Mine (Mine Index No. 1589) of code member Dale Cassady, the Cook Mine (Mine Index No. 1583) of code member Hollis Lawson, and the Thorn Mine (Mine Index No. 1591) of code member Hugh Thorn:

District No. 15 (truck shipments)

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

Mine Index No.	Code member	Mine name	Production group No.	County	Prices and size group Nos.													
					1	2	3	4	5	6	7	8	9	10	11	12	14	15
1589	Dale Cassady (Cassady Coal Co.)	Cassady..	3	Putnam, Mo..	230	230	230	230	230	215	200	190	230	185	210	195	135	35
1583	Hollis Lawson (Cook Coal Co.)	Cook.....	3	Putnam, Mo..	230	230	230	230	230	215	200	190	230	185	210	195	135	35
1591	Hugh Thorn.....	Thorn.....	3	Putnam, Mo..	230	230	230	230	230	215	200	190	230	185	210	195	135	35

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

Dated: April 4, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3023; Filed, April 6, 1942; 10:26 a. m.]

[Docket No. D-16]

APPLICATION OF THE JACKSON, HUNTER & GOULD COAL COMPANY FOR PERMISSION TO RECEIVE SALES AGENTS' COMMISSIONS AND DISTRIBUTORS' DISCOUNTS ON COAL SOLD TO CERTAIN RETAIL YARDS IN WHICH IT IS FINANCIALLY OR OTHERWISE INTERESTED

NOTICE OF AND ORDER FOR HEARING

The Jackson, Hunter & Gould Coal Company, a corporation organized under the laws of Kansas, with its principal offices in Wichita, Kansas, and regis-

tered with the Division as a distributor, No. 4722, filed its petition praying:

1. For a determination that its "ownership" or "control" over the three retail yards, listed below, is bona fide, is not established to secure an indirect price reduction, and is not within the prohibition of paragraphs 11 and 12 of section 4, part II (i) of the Bituminous Coal Act.

2. That it be given permission to accept and retain sales agents' commissions and distributors' discounts on all coal sold to each of the following retailers:

Name and address

The West Side Coal Co., Wichita, Kans.
City Coal & Feed Co., Wichita, Kans.
Central Coal Co., Wichita, Kans.

It is, therefore, ordered, That a hearing on such matter be held on May 7, 1942, at 10 a. m. in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street, N. W., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

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

Notice of such hearing is hereby given to such petitioner and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before May 4, 1942, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

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

Dated: April 4, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3024; Filed, April 6, 1942;
10:26 a. m.]

No. 67—6

[Docket No. A-1850]

PETITION OF DISTRICT BOARD NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 928 AND 941, AND FOR REVISION OF CERTAIN PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 928, 937, AND 942

NOTICE OF AND ORDER FOR HEARING AND ORDER GRANTING TEMPORARY RELIEF

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

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on April 28, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, N. W., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before April 23, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifi-

cally alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to:

(1) the establishment of Price Classification "B" for the coals of the Davis Fork Mine (Mine Index No. 928) of Davis Fork Coal Co. and the Beech Hill Mine (Mine Index No. 941) of O. W. Stevens & Son in Size Groups 11-16, inclusive, for all shipments except truck;

(2) the revision of the price classifications and minimum prices—(a) for the coals of the Davis Fork Mine (Mine Index No. 928) of Davis Fork Coal Co. and the Beech Hill Mine (Mine Index No. 941) of O. W. Stevens & Son from Price Classification "F" in Size Groups 1-10, inclusive, to Price Classifications "DE" in Size Groups 1-6, inclusive, and "DF" in Size Groups 7-10, inclusive, for all shipments except truck;

(b) for the coals of the Delphi Mine (Mine Index No. 937) of Walter Long from Price Classifications "DE" in Size Groups 1-6, inclusive, and "DF" in Size Groups 7-10, inclusive, to Price Classification "F" in Size Groups 1-10, inclusive, for all shipments except truck;

(3) the cancellation of Price Classification "B" already established for the coals of the Delphi Mine (Mine Index No. 937) of Walter Long in Size Groups 11-16, inclusive.

It is further ordered, That, a reasonable showing of necessity having been made for the granting of temporary relief, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith the Schedule of Effective Minimum Prices for District No. 3 for All Shipments Except Truck is supplemented to include Price Classification "B" for the coals of the Davis Fork Mine (Mine Index No. 928) of the Davis Fork Coal Co. and the Beech Hill Mine (Mine Index No. 941) of O. W. Stevens & Son in Size Groups 11-16, inclusive, for all shipments except truck.

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

Dated: April 4, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3025; Filed, April 6, 1942;
10:26 a. m.]

[Docket No. A-1370]

PETITION OF DISTRICT BOARD 3 FOR THE ESTABLISHMENT OF CERTAIN PRICE CLASSIFICATIONS AND MINIMUM PRICES AND FOR REVISION OF CERTAIN PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 287 AND 385

NOTICE OF AND ORDER FOR HEARING AND GRANTING TEMPORARY RELIEF

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

It is ordered. That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on April 28, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered. That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before April 23, 1942.

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

The matter concerned herewith is in regard to the:

1. Establishment of Price Classification B in Size Groups 11-16, inclusive, for the coals of the Henderson mine (Mine Index No. 287) of Rex Henderson and Consol No. 22-A (strip) mine (Mine Index No. 385) of Consolidation Coal Company, and

2. Revision of price classifications and minimum prices from "F" to "DE" in Size Groups 1-6, inclusive, and from "F" to "DF" in Size Groups 7-10, inclusive, for the coals of the Henderson mine (Mine Index No. 287) of Rex Henderson and Consol No. 22-A (strip) mine (Mine Index No. 385) of Consolidation Coal Company.

It is further ordered. That a reasonable showing of necessity having been made for the granting of temporary relief, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 3 for All Shipments Except Truck is supplemented to include Price Classification B in Size Groups 11-16, inclusive, for the coals of the Henderson mine (Mine Index No. 287) and the Consol No. 22-A (strip) mine (Mine Index No. 385).

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

Dated: April 4, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3026; Filed, April 6, 1942; 10:27 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

DETERMINATION¹ WITH RESPECT TO THE ISSUANCE OF AMENDMENT NO. 2 TO ORDER NO. 34, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA

Pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, there was issued, effective August 1, 1941, "Order No. 34, As Amended," regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area.

A marketing agreement regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area was tentatively approved on July 14, 1941.

Subsequently, amendment No. 1 to "Order No. 34, As Amended," was made effective on November 1, 1941.

There being reason to believe that the execution of amendments to the tentatively approved marketing agreement and of further amendments to the order regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area would tend to effectuate the declared policy of said act, notice was given, on

¹ See also Title 7, Chapter IX, *supra*.

January 14, 1942, of a public hearing, which was held on January 21, at Andover, Massachusetts, on certain proposals to effectuate such further amendments. At such time and place all interested parties were afforded an opportunity to be heard on these proposals.

After such hearing, and after the tentative approval by the Secretary of Agriculture of the said amendments to the tentatively approved marketing agreement, handlers of more than fifty (50) percent of the volume of milk covered by the order, as amended, refused or failed to sign the marketing agreement.

It is hereby determined, pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, that:

1. The refusal or failure of said handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

2. The issuance of amendment No. 2 to Order No. 34, as amended, is the only practical means pursuant to such policy of advancing the interests of the producers of milk which is produced for sale in the Lowell-Lawrence, Massachusetts, marketing area; and

3. The issuance of amendment No. 2 to Order No. 34, as amended, is approved or favored by over two-thirds of the producers who, during the month of November 1941, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

Done at Washington, D. C., this 31st day of March 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

Approved:

FRANKLIN D. ROOSEVELT
The President of the United States.

Dated: April 1, 1942.

[F. R. Doc. 42-2981; Filed, April 3, 1942; 3:45 p. m.]

NOTICE OF REPORT AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO A TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND A MARKETING ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE NEW ORLEANS, LOUISIANA, MARKETING AREA

Pursuant to § 900.12 (a), General Regulations, Surplus Marketing Administration, United States Department of Agriculture, notice is hereby given of the filing with the hearing clerk of this report of the Administrator of the Agricultural Marketing Administration, with respect to proposed amendments to a tentatively approved marketing agreement, as amended, and to the marketing order, as amended, regulating the han-

dling of milk in the New Orleans, Louisiana, marketing area. Interested parties may file exceptions to this report with the Hearing Clerk, Room 0312, South Building, Department of Agriculture, Washington, D. C., not later than the close of business on the 7th day after publication of this notice in the FEDERAL REGISTER.

The proceedings initiating these proposed amendments were instituted as the result of the filing of specific proposals for amendment and a written application for hearing by producers and handlers affected by the New Orleans regulation. After consideration and investigation, the conclusion was drawn that a hearing should be held, and notice of hearing was accordingly issued on March 13. The hearing convened March 19 at Amite, Louisiana, and closed March 20 in New Orleans, Louisiana.

The major issue developed at the hearing was concerned with the pricing of milk.

It was concluded from the record that it is necessary to fix prices, under section 8c (18) of the act, so as to reflect the economic conditions which affect the market supply of and demand for milk in the marketing area, maintain an adequate supply of pure and wholesome milk, and be in the public interest.

The proposed amendments are recommended as the detailed means by which these conclusions may be effectuated.

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

[SEAL] ROY F. HENDRICKSON,
Administrator.

PROPOSED AMENDMENTS TO THE MARKETING ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE NEW ORLEANS MARKETING AREA

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

It is found, upon the evidence introduced at the public hearing held in Amite, Louisiana, on March 19, and in New Orleans, Louisiana, on March 20, 1942, such findings being in addition to the findings made upon the evidence introduced at prior public hearings on the order, as amended, (which findings are hereby ratified and affirmed save only as such findings are in conflict with the findings hereinafter set forth):

Findings

1. That the prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to section 2 and section 8 (e) (50 Stat. 246; 7 U.S.C., 1940 ed. 602, 608e), are not reasonable in view of the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk, and that the minimum prices set forth in this order, as amended, are such prices as will reflect the aforesaid factors, insure

a sufficient quantity of pure and wholesome milk, and be in the public interest.

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

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

Provisions

1. Delete subparagraph (1) of § 942.5 (a) and substitute therefor the following:

(1) Class I milk—\$2.75 per hundredweight for the delivery periods of May, June, and July, \$3.15 per hundredweight for the delivery periods from August 1942 through March 1943, inclusive, and \$2.75 per hundredweight thereafter: *Provided*, That with respect to Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, 47 cents per hundredweight may be deducted from this price.

2. Delete subparagraph (2) of § 942.5 (a) and substitute therefor the following:

(2) Class II milk—\$2.08 per hundredweight for the delivery periods of May, June, and July, \$2.48 per hundredweight for the delivery periods from August 1942 through March 1943, inclusive, and \$2.08 per hundredweight thereafter.

3. Delete the proviso in subparagraph (6) of § 942.1, referring to new producers.

4. Delete in § 942.3 the words "and new producers" or "and new producer" save in subparagraph (a) (1) (f).

5. Delete in § 942.4 the words "and new producers" wherever appearing.

6. Delete in § 942.5 the words "and new producers" wherever appearing.

7. Delete in § 942.6 the words "or new producers."

8. Delete in § 942.7 (a) (1) the words "new producers."

9. Delete in § 942.7 (a) (2) the words "not including new producers."

10. Delete subparagraph (6) of § 942.7, renumber subparagraph (7) as subparagraph (6), and make the reference to subparagraph (6) therein read subparagraph (5).

11. Delete in § 942.8 (b) the words "and new producers."

12. Delete subparagraph (2) of paragraph (b) of § 942.8, insert the word "and" subsequent to the semicolon in subparagraph (1) of paragraph (b), and renumber subparagraph (3) of paragraph (b) as subparagraph (2), deleting therein the words "and new producers" wherever appearing and deleting all words in the subparagraph following the last reference to new producers.

13. Delete in § 942.8 (d) the words "or new producer," and in § 942.8 (e) the words "and new producers," wherever appearing.

14. Delete in § 942.9 the words "and new producers," wherever appearing.

15. In subparagraphs (1) and (4) of § 942.3 (a) insert the words, "excluding Sundays and legal holidays" after the 6th word, so that the expression will read, "on or before the 4th day, excluding Sundays and legal holidays, after the end of each delivery period * * *"

16. Delete paragraph (b) of § 942.7 and substitute therefor the following:

(b) On or before the 2d day after the submission by handlers of the reports specified in subparagraphs (1) and (4) of § 942.3, the market administrator shall mail to all handlers, and publicly announce, the uniform price for each handler as determined pursuant to this paragraph, and the Class III price for such delivery period.

17. Delete paragraph (b) of § 942.8 and substitute therefor the following:

(b) On or before the 6th day after the submission of reports specified in subparagraphs (1) and (4) of § 942.3, each handler shall make payment, subject to the butterfat differential set forth in paragraph (d) of this section and to the location differentials set forth in paragraph (e) of this section, and less the payment in accordance with paragraph (a) of this section, for the total value of milk received from producers and new producers during the delivery period, computed pursuant to Sec. 942.7 (a) as follows:

18. In § 942.9, delete the words, "on or before the 10th day after the end of each delivery period," and substitute therefor the following:

"on or before the 6th day after the submission of reports specified in subparagraphs (1) and (4) of § 942.3."

19. Delete (a) of § 942.8 (a) and substitute therefor the following:

(a) *Time and method of payment.* On or before the 25th day of each delivery period each handler shall pay, with respect to all milk received during the first 15 days of such delivery period, \$2.00 per hundredweight for May, June, and July, \$2.25 per hundredweight for August 1942 through March 1943, and \$2.00 per hundredweight thereafter to each producer.

PROPOSED MARKETING AGREEMENT, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE NEW ORLEANS, LOUISIANA, MARKETING AREA, PREPARED BY THE ADMINISTRATOR OF THE AGRICULTURAL MARKETING ADMINISTRATION, UNITED STATES DEPARTMENT OF AGRICULTURE

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

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

Now, therefore, the parties hereto agree as follows:

1. The terms and provisions of § 942.1 through § 942.11 of Order No. 42, Regulating the Handling of Milk in the New Orleans, Louisiana, Marketing Area, is-

sued September 28, 1939, as amended by Amendment No. 1, issued effective May 1, 1940, as amended by Amendment No. 2, issued effective April 1, 1941, as amended by Amendment No. 3, issued effective February 1, 1942, and as amended by Amendment No. 4, to said order, as amended, issued effective -----, 1942, shall be the terms and provisions of this marketing agreement, as amended, as if set out in full herein, with the exception that wherever the word "order" is used the words "marketing agreement" shall be substituted therefor; and

2. The following sections shall also be a part of the marketing agreement, as amended, in addition to § 942.1 through § 942.11 of said order, as amended:

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

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

§ 942.13 *Record of milk handled during the month of February 1942, and authorization to correct typographical errors*—(a) *Record of milk handled during the month of February 1942.* The undersigned certifies that he handled during the month of February 1942, ----- hundredweight of milk covered by this marketing agreement, as amended, and disposed of within the marketing area.

(b) *Authorization to correct typographical errors.* The undersigned hereby authorizes the Chief, or Acting Chief, Dairy and Poultry Branch, Agricultural Marketing Administration, to correct any typographical errors which may have been made in this marketing agreement, as amended.

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

[F. R. Doc. 42-2995; Filed, April 4, 1942; 11:52 a. m.]

NOTICE OF REPORT AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO A TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND A MARKETING ORDER AS AMENDED, REGULATING THE HANDLING OF MILK IN THE WASHINGTON, D. C., MARKETING AREA

Pursuant to § 900.12 (a) of the General Regulations of the Surplus Marketing Administration, United States Department of Agriculture, governing proceedings to formulate marketing agreements and marketing orders, notice is hereby given of the filing with the hearing clerk of this report of the Administrator of the Agricultural Marketing Administration, with respect to proposed amendments to a tentatively approved marketing agreement, as amended, and to a marketing order, as amended, regulating the handling of milk in the Washington, D. C., marketing area. Interested parties may file exceptions to this report with the Hearing Clerk, Room 0312, South Building, Department of Agriculture, Washington, D. C., not later than the close of business on the 7th day after publication of this notice in the FEDERAL REGISTER.

Preliminary Statement

The proceedings were initiated by the Surplus Marketing Administration upon receipt of a petition on December 23, 1941, from the Maryland and Virginia Milk Producers' Association, Inc., for a public hearing on proposals to revise the definition of the marketing area, to revise upward the Class I and Class II prices, to provide for a Class III price on a bid basis, to provide for a skim milk allowance on a formula basis, to revise the classification of plant loss or waste, to revise the provision for payment of prorata share of expense of testing for butterfat, and to provide for advance payments to producers. A proposal to revise the classification of plant shrinkage and overage was received from three handlers. A proposal to revise the classification of Class III milk was received from two handlers. A proposal to revise the formula for the Class III price to provide for a market-wide pool, and to revise the computation of the volume of Class I milk was received from one handler. A proposal to revise the computation of the volume of milk to be accounted for by each handler in each class, to revise the definition of Class II milk, and to revise the computation of the value of milk for each handler was received from the market administrator, Washington, D. C., marketing area. A proposal for revision of classification was received from the Consumers' Counsel, United States Department of Agriculture. After consideration of the proposals, notice of hearing was issued on February 5, 1942, and the hearing was convened on February 12, 16, 17, 18, and 19, 1942.

The major issues developed in the hearing revolved around the level at which class prices should be fixed, the pricing of skim milk on a powder price formula, the justification of an advance payment to producers, the advisability of combining milk sold as fluid milk and as fluid cream into a single price class, the extension of the marketing area to include additional territory in the State of Maryland, the effect on milk production of the base-rating plan used by the producers' association, and the equity of requiring handlers to pay the Class I price for plant shrinkage or overage.

It is concluded from the record that an amendment be issued and a marketing agreement offered to the handlers which will provide changes in Order No. 45, as amended, as follows:

1. Milk now classified as Class II milk to be classified as Class I milk and all other milk to be classified as Class II milk.

2. The present Class I prices with the exception of milk sold to low-income groups to be continued. These prices would otherwise automatically be reduced 40 cents per hundredweight on May 1, 1942. The price of milk sold to low-income groups to be \$3.11 per hundredweight rather than \$2.395 per hundredweight.

3. The price for Class II milk (now Class III) to be determined by a formula providing a value for butterfat comparable with the price of western cream in eastern markets, particularly Philadelphia, Pennsylvania, and a value for the skim milk portion of Class II milk to be determined by the price quotations for dry skim milk powder that are published by the United States Department of Agriculture. The present formula for Class III does not include a value for the skim milk portion of Class III milk.

4. The price for Class I milk sold outside the marketing area to be the Class I price fixed for the marketing area.

5. The provisions pertaining to classification of milk to be revised to provide for classifying fluid milk or cream received in a plant at which milk is received from producers from plants at which no milk is received from producers.

6. The time and method of payment to producers to be semimonthly rather than monthly as required in the present order.

7. The butterfat differential to be paid producers to be not less than one-fortieth of the value of butterfat computed pursuant to the Class II formula price for each one-tenth of 1 percent of average butterfat content above or below 4 percent rather than 5 cents per hundredweight for each one-tenth of 1 percent variation as contained in the present order.

8. The prorata share of the expense of testing for butterfat in milk received by each handler to be one-half of the ex-

pense of such testing rather than 7½ cents per test.

The above major changes have also necessitated numerous minor changes in other parts of the order.

The proposed amendments are recommended as the detailed means by which these conclusions may be carried out.

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

[SEAL] ROY F. HENDRICKSON,
Administrator.

PROPOSED AMENDMENTS TO THE MARKETING ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE WASHINGTON, D. C., MARKETING AREA

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

It is found upon the evidence introduced at the public hearing held in Washington, D. C., on February 12, 16, 17, 18, and 19, 1942, such findings being in addition to the findings made upon the evidence introduced at the hearings on the order, and being in addition to the other findings made prior to or at the time of the original issuance of the order and of amendments thereto (which findings are hereby ratified and affirmed save only as such findings are in conflict with the findings hereinafter set forth):

Findings

1. That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to secs. 2 and 8e (50 Stat. 246; 7 U.S.C. 1940 ed. 602, 608e), are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk and that the minimum prices set forth in this amendment to said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

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

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

Provisions

A. Change the period at the end of § 945.1 (a) (5) to a colon and add the following:

Provided, That this definition shall not include persons delivering milk to a plant

outside the marketing area from which no milk is shipped to the marketing area as milk.

B. Delete § 945.1 (a) (6) and substitute therefor the following:

(6) The term "handler" means any person, irrespective of whether such person is also a producer or a cooperative association of producers, who engages in such handling of milk or cream disposed of in the marketing area for Class I use as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk and its products: *Provided*, That this definition shall not include producers or cooperative associations of producers with respect to milk or cream not handled through their own receiving or bottling plants.

C. In § 945.3 (a) (1) substitute "11th" for "8th".

D. In § 945.3 (a) (3) substitute "19th" for "16th".

E. Delete § 945.4 (b) (1) and (2) and substitute therefor the following:

(1) Class I milk: All milk disposed of in the form of fluid milk, sales of skim milk, buttermilk, flavored or manufactured milk drinks for human consumption, and all milk the utilization of which is not classified in Class II.

F. Renumber § 945.4 (b) (3) to § 945.4 (b) (2) and change "Class III" to "Class II."

G. Delete § 945.4 (c) and substitute therefor the following:

(c) *Transfers of milk and cream.* (1) Milk, skim milk, or cream received at a handler's plant from another handler's plant, at both of which milk is received from producers shall be allocated to Class I: *Provided*, That if a different allocation is agreed upon in writing between such receiving handler and such selling handler or cooperative association and is submitted to the market administrator, then the milk, skim milk, and cream shall be allocated according to such written agreement: *And provided further*, That the amount so allocated to any class shall not be greater than the amount used in that class by the receiving handler after deduction of any milk pursuant to subparagraph (2) of this paragraph.

(2) Milk, skim milk, and cream received at a plant at which milk is received from producers from a plant at which no milk is received from producers shall be allocated to Class II, except that any of this milk, skim milk, and cream in excess of the amount of Class II milk used by the receiving handler shall be allocated to Class I.

(3) Milk, skim milk, and cream received at a plant at which milk is received from producers from a plant under another Federal milk marketing agreement or order shall be allocated to each class in accordance with its classification as determined by the market administrator under the latter order.

H. Delete § 945.4 (d) and substitute therefor the following:

(d) *Computation of the volume of milk to be accounted for by the handler*

in each class. For each delivery period, the market administrator shall compute for each handler the volume of milk that he is to account for in each class as follows:

(1) Class I milk: Subtract the pounds of milk and the milk equivalent (at the average test of milk from producers) of cream disposed of for the account of an association of producers and the Class II milk computed pursuant to subparagraph (2) of this paragraph from the total receipts of milk from producers.

(2) Class II milk: Divide the pounds of butterfat in cream disposed of as Class II milk by the average test of milk received from producers.

I. Delete § 945.5 and substitute therefor the following:

§945.5 *Minimum prices*—(a) *Class prices.* Each handler shall pay not less than the following prices, at the time and in the manner set forth in § 945.8, and subject to paragraphs (b), (c), and (d) of § 945.8 for milk purchased or received from producers and associations of producers.

(1) Class I milk: \$3.57 per hundredweight: *Provided*, That the price of Class I milk disposed of by a handler from a plant not having a health department permit to sell fluid milk or fluid cream in the District of Columbia shall be \$3.11 per hundredweight: *And provided further*, That with respect to Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income groups including persons who are on relief, the price shall be not less than \$3.11 per hundredweight.

(2) Class II milk: The price per hundredweight during each month shall be the sum of the respective values of butterfat and skim milk, calculated as follows by the market administrator:

(i) *Butterfat:* Add all market quotations (using midpoint of any weekly range as one quotation) of prices for a 40-quart can of sweet cream approved either for Pennsylvania only, or for Pennsylvania, Newark, and Lower Merion Township, in the Philadelphia, Pennsylvania, market, reported for each week ending within the month by the United States Department of Agriculture, divide by the number of quotations, subtract 28 cents, divide by 33.48, multiply by 4, and subtract 23½ cents.

(ii) *Skim milk:* Any plus amount which is equal to 7.5 times the average price of all dry skim powder as quoted in the monthly "Dry Milk Report of the Agricultural Marketing Administration, United States Department of Agriculture" (using midpoint of any range as one quotation), less 4.5 cents.

J. Throughout § 945.7 (b) (1) and (2) substitute "14th" for "11th" and in § 945.7 (b) (1) (iii) substitute "Class II" for "Class III."

K. Delete § 945.8 (a) and substitute therefor the following:

(a) *Time and method of payment*—(1) *Semimonthly payments.* On or before the last day of each delivery period, each handler shall make payment to producers for milk delivered during the first

15 days of such period at not less than a rate per hundredweight which is estimated will be his uniform price for such month.

(2) *Final payments.* On or before the 18th day after the end of each delivery period, each handler shall make full payment, subject to paragraphs (b), (c), (d), and (e) of this section for the total value of milk received from producers and associations of producers during the delivery period computed pursuant to § 945.7, after taking credit for payments made pursuant to § 945.8 (a) (1), except as provided for in paragraph (f) of this section, as follows:

(i) To each producer except as provided in subdivision (ii) of this subparagraph at not less than the composite price for milk containing 4 percent butterfat, computed pursuant to § 945.7.

(ii) To a cooperative association for (a) milk which is caused to be delivered to a handler from producers by a cooperative association, and for which such cooperative association collects payment, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers under subdivision (i) of this subparagraph minus an amount equal to the hundredweight of milk or milk equivalent of cream disposed of for the account of the association times the composite price plus the milk equivalent of the butterfat in such milk and cream (at the average test of milk received from producers) times the skim value computed pursuant to § 945.5 (a) (2) (ii) less 23½ cents, and (b) other milk or cream, in each use classification determined pursuant to § 945.4 (c) and (d), respectively, received by such handler for the account of an association of producers at not less than the class prices specified in § 945.5, plus the weighted average premium per hundredweight payable to producers by such handler.

L. Delete the words "5 cents per hundredweight" in § 945.8 (c) and substitute therefor the following:

"an amount per hundredweight of milk equal to one-fortieth of the price for butterfat computed pursuant to § 945.5 (a) (2) (i)."

M. In § 945.8 (e) substitute "Class I milk" for "combined total of Class I milk and Class II milk."

N. In § 945.9 (a) and (b), delete the words "not more than 7½ cents per test" and substitute therefor "one-half the cost per test." Also delete the words "15th day" and substitute therefor "16th day."

O. In § 945.9 (a) delete the words "and Class II."

PROPOSED MARKETING AGREEMENT, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE WASHINGTON, D. C., MARKETING AREA, PREPARED BY THE ADMINISTRATOR OF THE AGRICULTURAL MARKETING ADMINISTRATION, UNITED STATES DEPARTMENT OF AGRICULTURE

This proposed marketing agreement is prepared by the Administrator pursuant to § 900.12 (a) of the General Regula-

tions, Surplus Marketing Administration, and has not received the approval of the Secretary of Agriculture.

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

The parties signatory hereto agree as follows:

1. The terms and provisions of § 945.1 through § 945.10 of Order No. 45, as amended, regulating the handling of milk in the Washington, D. C., marketing area, issued effective September 6, 1941, and as amended by Amendment No. 1, to said order, as amended, issued effective -----, 1942, shall be the terms and provisions of this marketing agreement, as amended, as if set out in full herein, with the exception that wherever the word "order" is used the words "marketing agreement" shall be substituted therefor; and

2. The following sections shall also be a part of the marketing agreement, as amended, in addition to § 945.1 through § 945.10 of said order, as amended:

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

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

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

§ 945.13 *Record of milk handled during the month of February 1942, and authorization to correct typographical errors*—(a) *Record of milk handled during the month of February 1942.* The undersigned certifies that he handled during the month of February 1942, ---- hundredweight of milk covered by this marketing agreement, as amended, and disposed of within the marketing area.

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

§ 945.14 *Signature of parties.* In witness whereof, the contracting handlers, acting under the provisions of the act, for the purposes and subject to the

limitations herein contained and not otherwise, have hereunto set their respective hands and seals.

[F. R. Doc. 42-2296; Filed, April 4, 1942; 11:52 a. m.]

Office of the Secretary.

ORDER DELEGATING TO THOMAS J. FLAVIN, ASSISTANT TO THE SECRETARY, THE AUTHORITY TO PERFORM REGULATORY FUNCTIONS

1. Pursuant to the authority vested in the Secretary of Agriculture by the act approved April 4, 1940 (54 Stat. 81), Thomas J. Flavin, Assistant to the Secretary, is authorized to perform any regulatory function, as defined in the said act of April 4, 1940, which the Secretary of Agriculture now is or hereafter may be authorized or required by law to perform.

2. The provisions of this order shall not affect the authority of the Secretary of Agriculture to perform any regulatory function, and shall not affect the authority of the Under Secretary or of the Assistant Secretary of Agriculture, by virtue of any delegation of authority heretofore or hereafter made, to perform any such function.

3. The provisions of this order shall not be construed to limit the authority of Thomas J. Flavin, as Assistant to the Secretary, to perform any functions, in addition to those defined in the said act of April 4, 1940, which from time to time may be assigned by the Secretary to him.

4. The order, issued on October 9, 1941 (6 F.R. 5192), delegating to Robert H. Shields, Assistant to the Secretary, the authority to perform regulatory functions is hereby revoked.

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

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-3053; Filed, April 6, 1942; 11:42 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ORAL ARGUMENT BEFORE THE ADMINISTRATOR AND OPPORTUNITY TO FILE WRITTEN BRIEFS IN THE MATTER OF THE RESTRICTION, REGULATION OR ABOLITION OF HOME WORK IN THE WOMEN'S APPAREL INDUSTRY

Whereas a hearing was held on March 5 and 6, 1942, before Major Robert N. Campbell, as presiding officer, at which all interested persons were given an opportunity to be heard and to offer evidence on the following question:

What, if any, prohibition, restriction or regulation of home work in the Women's Apparel Industry is necessary to carry out the purposes of the wage order effective September 29, 1941, to prevent

the circumvention or evasion of said order, and to safeguard the 40-cent minimum wage rate established therein; and

Whereas the complete record of said hearing has been transmitted to the Administrator,

Now, therefore, notice is hereby given:

That the Administrator will receive written briefs (not fewer than twelve copies) on or before April 22, 1942, at the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, from any person who entered an appearance at said hearing, and will hear oral argument upon the complete record of said hearing on April 27, 1942, at 10:00 A. M. at the office of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, by any person who entered an appearance at said hearing: *Provided*, That on or before April 22, 1942, such person informs the Wage and Hour Division of his intention to offer oral argument and the amount of time he will require for his presentation.

Signed at New York, New York, this 3rd day of April 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-3028; Filed, April 6, 1942;
10:11 a. m.]

BERG METALS CORP.

NOTICE OF GRANTING OF EXCEPTION FROM THE RECORD KEEPING REGULATIONS

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, Part 516, the Administrator of the Wage and Hour Division has granted the Berg Metals Corporation, Los Angeles, California, relief from the necessity of preserving its purchase tickets for two years as required by § 516.15, paragraph (b) of the Record Keeping Regulations, Part 516.

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

Signed at New York, N. Y., this 3d day of April 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-3029; Filed, April 6, 1942;
10:12 a. m.]

NOTICE OF ORAL ARGUMENT BEFORE THE ADMINISTRATOR AND OPPORTUNITY TO FILE WRITTEN BRIEFS IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 40 FOR A MINIMUM WAGE RATE IN THE GLOVES AND MITTENS INDUSTRY

Whereas a hearing was held on March 2, 1942 before Major Robert N. Campbell as presiding officer, at which all interested persons were given an opportunity to be heard and to offer evidence on the following questions:

1. Whether the recommendation of Industry Committee No. 40 for a mini-

mum wage rate in the Gloves and Mittens Industry should be approved or disapproved.

2. In the event an order is issued approving the recommendation, what, if any, prohibition, restriction, or regulation of home work in the Gloves and Mittens Industry is necessary to carry out the purposes of such an order, to prevent the circumvention or evasion thereof, and to safeguard the minimum wage rate established therein; and

Whereas the complete record of said hearing has been transmitted to the Administrator,

Now, therefore, notice is hereby given:

That the Administrator will receive written briefs (not fewer than twelve copies) on or before April 16, 1942, at the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, from any person who entered an appearance at said hearing, and will hear oral argument upon the record of said hearing in so far as it relates to the restriction, regulation or abolition of home work in the Gloves and Mittens Industry, on April 20, 1942, at 10:00 A. M. at the office of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, by any person who entered an appearance at said hearing, provided that on or before April 16, 1942, such person informs the Wage and Hour Division of his intention to offer oral argument and the amount of time he will require for his presentation.

Signed at New York, N. Y., this 3d day of April 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-3030; Filed, April 6, 1942;
10:13 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective April 6, 1942.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the Regulations and as indicated on the certificate. Any person aggrieved by the issuance of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

J. Lackow Company, 132 W. 22nd St., New York, N. Y.; manufacturer of cigar, cigarette holders and smoking pipes; 2 learners; 5 weeks for any one learner; 30 cents per hour; driller, grinder, cutter and polisher; June 29, 1942.

Nord-Buffum Pearl Button Company, 101 South Cardina St., Louisiana, Missouri; fresh water pearl buttons; 10 learners; 8 weeks for any one learner; 25 cents per hour; cutters, sorters, automatic machine operators; July 1, 1942.

Tennessee River Pearl Button Company, Clifton, Tennessee; fresh water pearl button; 2 learners; 8 weeks for any one learner; 25 cents per hour; cutters; July 1, 1942.

The Wool "O" Company, 110 N. Front St., Philadelphia, Pa.; braided wool rugs; 3 learners; 6 weeks for any one learner; 35 cents per hour; braider, winder, zig zag operator; June 1, 1942.

Signed at New York, N. Y., this 4th day of April 1942.

PAULINE C. GILBERT,
*Authorized Representative
of the Administrator.*

[F. R. Doc. 42-3031; Filed, April 6, 1942;
10:13 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manu-

facturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These certificates become effective April 6, 1942. The certificates may be cancelled in the manner provided in the Regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Sam Finkelstein & Co., Inc., Westminster Ave., Norfolk, Virginia; men's & young men's clothing; 5 percent (T); April 6, 1943.

Michael Fromm, 3 West 29th Street, New York, N. Y.; men's bow ties; 3 learners (T); August 3, 1942.

Hampstead Clothing Company, Hampstead, Maryland; men's clothing; 10 percent (T); April 6, 1943.

Linett Formal Clothing Co., 85 Fifth Ave., New York, N. Y.; men's clothing & formal clothing; 2 learners (T); August 3, 1942.

Marathon Rubber Products Company, 218 Strowbridge St., Wausau, Wisconsin; rubberized garments; 10 percent (T); April 6, 1943.

Marathon Rubber Products Company, 5th Ave. & Sherman, Wausau, Wisconsin; rubberized garments, rubberized cloth; 10 percent (T); April 6, 1943.

Model Mat Company, Holland St., Shelbyville, Tennessee; chenille robes & housecoats; 10 learners (T); April 6, 1943.

Northampton Pants Company, 222 E. St. Joseph St., Easton, Pa.; men's trousers; 10 percent (T); April 6, 1943.

Ohio Pad Company, 7500 Stanton Ave., Cleveland, Ohio; Shoulder pads & interlining; 2 learners (T); April 6, 1943.

Outdoor Clothing Company, Inc., 9 St. Frances St., Newark, N. J.; leather & sheepskin coats; 5 learners (T); April 6, 1943.

The Resisto Tru Fast Tie Company, 42 South Paca St., Baltimore, Md.; men's neckwear; 5 learners (T); April 6, 1943.

Single Pants, Shirts, and Allied Garments and Women's Apparel Industries

Agood Novelty Corp., 5709 Hudson Boulevard, North Bergen, N. J.; sportswear; 10 learners (T); April 6, 1943.

Ann-Jean Uniform, 316 S. Wabash Ave., Chicago, Ill.; women's uniforms; 2 learners (T); April 6, 1943.

S. Balagur, 25 West 36th Street, New York, N. Y.; blouses & sportswear; 3 learners (T); August 3, 1942.

Bangor Shirt Corp., Inc., Bangor, Pa.; Army shirts & field jackets; 10 percent (T); April 6, 1943.

Bath Pant Company, 2 School Street, Bath, Maine; trousers; 10 percent (T); April 6, 1943.

E. Benisch & Co., Inc., 486 Broadway, New York, N. Y.; boys' wash suits; 3 learners (T); October 1, 1942. (Effective April 1, 1942.)

Berne Overall & Shirt Co., Berne, Indiana; wash garments; 10 percent (T); April 4, 1943. (Effective April 4, 1942.)

Best Value Pants Mfg. Co., Inc., Mechanic St., Norwich, Connecticut; pants; 6 learners (T); April 6, 1943.

Bonny Babywear, Inc., 30 West 26th St., New York, N. Y.; infants coat & hat sets; 10 percent (T); April 6, 1943.

George Brown, 407 E. Pico St., Los Angeles, California; ladies sportswear; 10 learners (T); April 6, 1943.

Charma Brassiere Co., Inc., 30 West 26th St., New York, N. Y.; brassieres, corsets; 5 learners (T); October 6, 1942.

Clover Brassiere Company, 36 E. 31st St., New York, N. Y.; ladies' foundation garments; 4 learners (T); August 24, 1942.

Clover Leaf Mfg. Co., 332 West 9th St., Kansas City, Missouri; wash aprons & uniforms; 3 learners (T); April 6, 1943.

J. W. Coon, 1126 S. Western Ave., Los Angeles, California; ladies, children's sportswear, skirts, blouses, slacks & slack suits; 6 learners (T); April 6, 1943.

(This Certificate replaces the one bearing the expiration date of January 12, 1943.)

D'Amour Foundations Co., 135 Madison Ave., New York, N. Y.; brassieres; 10 learners (T); August 24, 1942.

Diamond-Walter Corp., 38 East 29th St., New York, N. Y.; ladies silk slips; 10 learners (T); September 28, 1942.

Even-Pul Foundations, Inc., 135 Madison Ave., New York, N. Y.; foundation garments; 8 learners (T); August 24, 1942.

Famous Sportswear Company, 75 Sixth St., Fall River, Mass.; beachwear, gym wear, ski wear; 10 learners (T); April 6, 1943.

Stanley M. Feil Company, 2073 East Fourth St., Cleveland, Ohio; cotton house dress; 10 percent (T); April 6, 1943.

Finefit Brassiere Company, 513 Broadway, New York, N. Y.; brassiere & girdle; 4 learners (T); August 3, 1942.

Freeland Dress Company, 721 Brikebeck St., Freeland, Pa.; ladies & children's dresses; 10 learners (T); April 6, 1943.

Gaspar La Fata, 14 Bush Ave., Mariners Harbor, Staten Island, New York; boy's pants; 5 learners (T); April 6, 1943.

The Gluckin Corp., 34 West 14th St., New York, N. Y.; brassieres, girdles; 10 percent (T); August 24, 1942.

Gopher Manufacturing Co., 310 Broadway, St. Paul, Minnesota; overalls; 5 learners (T); April 6, 1943.

Gordon Brothers Mfg. Co., 2617 Grand Ave., Kansas City, Missouri; dresses, ladies sportswear; 10 percent (T); April 6, 1943.

Honesdale Garment Company, 14th Street, Honesdale, Pa.; ladies, misses tailored dresses & sportswear; 14 learners (E); October 6, 1942.

Industrial Tailors, Inc., 134 Noll St., Brooklyn, New York; Boys wash suits,

washable apparel; 10 learners (T); April 6, 1943.

Jacobs Brothers, Inc., Delmar, Delaware; nurses & maids uniforms; 10 learners (T); April 6, 1943.

Jacobs Brothers, Inc., Hancock, Maryland; nurses & maids uniforms; 10 learners (T); April 6, 1943.

Jacobs Brothers, Inc., Littlestown, Pennsylvania; nurses & maids uniforms; 10 learners (T); April 6, 1943.

Jacobs Brothers, Inc., Manchester, Maryland; nurses & maids uniforms; 10 learners (T); April 6, 1943.

Jay Manufacturing Company, Broad & Ellis St., Burlington, New Jersey; ladies blouses & sportswear; 5 learners (T); April 6, 1943.

Jolly Kids Garment Mfg. Co., Belding, Michigan; infants & children's cotton garments; 10 percent (T); April 6, 1943.

Kingston Manufacturing Co., 210 Third St., San Antonio, Texas; sportswear, ladies & children's slack suits, blouses, men's & boy's breeches; 10 learners (T); April 6, 1943.

(This certificate replaces the one bearing the expiration date of November 3, 1942.)

La Crosse Garment Mfg. Co., 117 North 2nd St., La Crosse, Wisconsin; dresses; 10 percent (E); April 6, 1943.

Laurette Undergarment Company, 37 West 28th St., New York, N. Y.; ladies undergarment; 10 percent (T); September 28, 1942.

Leading Foundations Co., Inc., 45 East 30th St., New York, N. Y.; girdles, corsets, brassieres; 2 learners (T); October 6, 1942.

Lee Manufacturing Company, 108 Delaware Ave., West Pittston, Pa.; dresses; 10 percent (T); April 6, 1943.

Libman Manufacturing Co., 1744 North Damen Ave., Chicago, Illinois; wash dresses; 10 percent (T); April 6, 1943.

Lurrie-Pizer Co., Inc., 943 S. Wall St., Los Angeles, California; children's sportswear; 5 learners (T); April 6, 1943.

May Novelty Company, 137-30 Rockaway Boulevard, Ozone Park, New York; slack, shirts & pants, girl's & children's & various type of cotton goods; 10 percent (T); August 3, 1942.

Melbern-Schild Inc., 537 Broadway, New York, N. Y.; cotton gowns; 10 percent (T); October 6, 1942.

Oakcraft Manufacturing Company, 246 E. Connor St., Live Oak, Florida; work shirts & sport shirts; 8 learners (T); April 6, 1943.

S. Orfaela & Company, 754 South Los Angeles Street, Los Angeles, California; ladies blouses; 5 learners (T); April 6, 1943.

Original Novelty Company, 2540 Belmont Ave., Bronx, New York; snow suits, jacket, skirt, beachwear; 5 learners (T); August 6, 1942.

Peter Piper Clothes, Inc., Tenth & Berks Sts., Philadelphia, Pa.; boy's wash suits; 10 percent (T); April 6, 1943. (This certificate replaces the one bearing the expiration date of July 15, 1942.)

Phillips-Jones Corporation, Sunbury St., Minersville, Pa.; Government shirts; 10 percent (T); April 6, 1943.

Phillips-Jones Corporation, 829 E. 134th St., New York, N. Y.; collars (men's); 10 percent (T); October 6, 1942.

Phillips-Jones Corporation, Sixth & Ruddle Sts., Coaldale, Pa.; commercial shirts; 10 percent (T); April 6, 1943.

Phillips-Jones Corporation, Maple Ave., Barnesboro, Pa.; shirts & jackets; 10 percent (T); April 6, 1943.

Pioneer Mfg. Co., Inc., 61 S. Pennsylvania Ave., Wilkes-Barre, Pa.; children's dresses & play togs; 50 learners (E); October 6, 1942.

I. Rodis, 437 South St., Mauch Chunk, Pa.; children's dresses; 5 learners (T); April 6, 1943.

Rogam Sportwear Corporation, 1437 Gates Ave., Brooklyn, New York; slacks & slack suits; 10 learners (T); October 6, 1942.

Seares-Warshaw Company, 541 Broadway, New York, N. Y.; ladies' rayon underwear; 5 learners (T); October 6, 1942.

Shelby Manufacturing Company, 660 East Jackson St., Shelbyville, Indiana; ladies' cotton dresses; 10 percent (T); April 6, 1943.

Simon & Mogilner, 4th & Rosabel Sts., St. Paul, Minnesota; play togs, sleeping garments, snow suits; 10 percent (T); April 6, 1943. (For manufacture of mosquito bars.)

Stylecraft Frocks, 1427 Vine St., Philadelphia, Pa.; ladies' cotton & spun rayon dresses; 10 percent (T); April 6, 1943.

Toyland Togs, Inc., 684 Washington St., Boston, Massachusetts; children's cotton dresses & play suits; 8 learners (T); April 6, 1943.

Troy Collar Company, 560 River St., Troy, New York; children's dresses, other wearables; 10 learners (T); April 6, 1943. (This certificate replaces the one bearing the expiration date of December 15, 1942.)

Undergarment Manufacturing Co., 121 East Main St., Fort Wayne, Indiana; ladies' rayon underwear; 10 percent (T); April 6, 1943.

Wentworth Manufacturing Co., 425 Pleasant St., Fall River, Mass.; ladies' cotton house dresses; 10 percent (T); April 6, 1943.

Young's Textile Art, 5509 Pearl St., Philadelphia, Pa.; dresses, slacks, cotton goods; 10 percent (T); April 6, 1943.

Gloves

Boreal Manufacturing Company, 1523 Main St., Marinette, Wisconsin; leather dress, knit fabric, work gloves; 10 percent (T); April 6, 1943.

H & P Glove Company, 5-11 Fourth Ave., Johnstown, New York; leather dress & knit fabric; 5 learners (T); April 6, 1943.

Morrison-Shults Mfg. Co., 733 Broad St., Grinnell, Iowa; leather dress glove; 5 learners (T); April 6, 1943.

Stott & Son Corporation, 3rd St., Winona, Minnesota; work gloves; 5 learners (T); April 6, 1943.

Wells Lamont Corporation, 110 South College St., Aledo, Illinois; knit fabric & work gloves; 10 percent (T); April 6, 1943.

Hosiery

Long Finishing Mills, Inc., Trade & Worth Sts., Burlington, North Carolina;

full-fashioned hosiery; 10 percent (T); April 6, 1943.

Tither Brothers, Milroy, Pennsylvania; full-fashioned hosiery; 5 learners (T); April 6, 1943.

Knitted Wear

Trojan Athletic Wear Company, 1115 Washington Ave., Bay City, Michigan; sweaters & knitwear, embroidered jackets, etc.; 2 learners (T); April 2, 1943. (Effective April 2, 1942)

Van Raalte Co., Inc., 416 Main St., Dunkirk, New York; knitted underwear; 5 percent (T); April 6, 1943.

Vogue Knitting Co., Inc., 2nd & Jefferson Sts., Womeldorf, Pa.; knit underwear; 5 learners (T); April 6, 1943. (This certificate replaces the one bearing the expiration date of March 23, 1943.)

Textiles

Avondale Mills, Alexander City, Alabama; cotton fabrics & yarns; 6 percent (T); April 6, 1943.

Avondale Mills, Birmingham, Alabama; cotton fabrics & yarns; 6 percent (T); April 6, 1943.

Avondale Mills, LaFayette, Alabama; cotton fabrics & yarns; 6 percent (T); April 6, 1943.

Avondale Mills, Pell City, Alabama; cotton fabrics & yarns; 6 percent (T); April 6, 1943.

Avondale Mills, Stevenson, Alabama; cotton fabrics & yarns; 6 percent (T); April 6, 1943.

Avondale Mills, Sylacauga, Alabama; cotton fabrics & yarns; 6 percent (T); April 6, 1943.

Avondale Mills, Sycamore, Alabama; cotton fabrics & yarns; 6 percent (T); April 6, 1943.

Belton Mills, Belton, South Carolina; cotton textiles; 8 learners (T); April 6, 1943.

Cleveland Silk Mills, Inc., Cleveland, Tennessee; rayon for hosiery; 9 learners (T); October 6, 1942.

Columbia Silk Throwing Company, Seventh St., Bloomsburg, Pa.; silk & rayon; 6 learners (T); October 6, 1942.

A. D. Julliard & Co., Inc., Dallas Mills Division, Dallas, Georgia; cotton yarns for weaving; 3 percent (T); April 6, 1943.

Sauquoit Silk Company, Inc., 302 Fig St., Scranton, Pa.; hosiery yarns, insulating yarns, thread yarns, parachute yarns; 200 learners (E); October 6, 1942.

Woolen

American Textile Woolen Co., Athens, Tennessee; suitings; 12 learners (E); July 30, 1942. (Effective April 2, 1942.)

American Textile Woolen Co., Sweetwater, Tennessee; suitings; topcoatings, overcoatings, mackinaws & Red Cross cloth; 24 learners (E); July 30, 1942. (Effective April 2, 1942.)

Signed at New York, N. Y., this 4th day of April 1942.

PAULINE C. GILBERT,
Authorized Representative
of the Administrator.

[F. R. Doc. 42-3032; Filed, April 6, 1942; 10:14 a. m.]

NOTICE OF HEARING IN THE MATTER OF EMPLOYMENT OF LEARNERS AT LESS THAN THE MINIMUM WAGE RATE IN THE GLOVES AND MITTENS INDUSTRY

Whereas the Administrator of the Wage and Hour Division duly appointed Industry Committee No. 40 for the purpose of recommending to the Administrator the highest minimum wage rate (not in excess of 40 cents per hour) which will not substantially curtail employment in the Gloves and Mittens Industry; and

Whereas the said Committee duly filed its Report and Recommendation on January 28, 1942, to the effect that every employer shall pay not less than 40 cents per hour to each of his employees in the Gloves and Mittens Industry as defined in Administrative Order No. 137 dated January 6, 1942 and published in the FEDERAL REGISTER on January 9, 1942; and

Whereas Industry Committee No. 40 in its resolution to the Administrator recommended that the proportion of learners in the Gloves and Mittens Industry is a matter sufficiently important to justify a hearing at an early date to determine what, if any, changes in the present Determination for the Glove Industry may be necessary:

Now, therefore, notice is hereby given: that a public hearing will commence at 10:00 A. M., Tuesday, April 28, 1942, at 165 West 46th Street, New York City, in Room 1610, before Alex G. Nordholm, of the Hearings Branch of the Wage and Hour Division, hereby duly authorized as Presiding Officer to conduct said hearing, to take testimony for the purpose of determining what, if any, changes should be made in the Findings and Determination of Merle D. Vincent, dated February 8, 1940, with respect to the employment of learners in the Glove Industry.

At this hearing opportunity to present evidence relevant to this question will be afforded any interested person, provided the Presiding Officer shall have received from such person, prior to noon, Monday, April 27, 1942, a notice of intention to appear, setting forth his name and address, the company of organization which he represents, and the approximate length of time required for such presentation. Any interested person unable to make personal appearance may file a brief or statement which will be considered if received on or before April 28, 1942.

As used in this notice, the term "Gloves and Mittens Industry" is defined as follows:

"The production of gloves and mittens from any material or combination of materials, except athletic gloves and mittens: *Provided, however,* That the definition shall not include any product the manufacture of which is covered by an order of the Administrator defining an industry, and approving the recommendation of an industry committee or appointing an industry committee for such industry, issued prior to the signing of

Administrative Order No. 137 appointing Industry Committee No. 40 for the Gloves and Mittens Industry, except the products included in the wage orders issued for the 'Work Gloves and Mittens' and the 'Gloves and Mittens Other Than Work Gloves and Mittens' Divisions of the Apparel Industry."

Signed at New York, N. Y., this 3d day of April 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-3027; Filed, April 6, 1942;
10:12 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4307]

IN THE MATTER OF INTERNATIONAL SALT COMPANY, INTERNATIONAL SALT COMPANY, INC., INDEPENDENT SALT COMPANY, EASTERN SALT COMPANY

AMENDED COMPLAINT

The Federal Trade Commission, having reason to believe that the parties respondent named in the caption hereof and hereafter more particularly designated and described, since June 19, 1936, have violated and are now violating the provisions of subsections (a) and (d) of section 2 of the Clayton Act (U.S.C. Title 15, section 13), as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint stating its charges with respect thereto as follows:

Count 1

PARAGRAPH ONE: International Salt Company is a corporation organized and existing under and by virtue of the laws of the State of New Jersey having its principal office and place of business located in the Scranton Life Insurance Company Building, Scranton, Pennsylvania.

International Salt Company, Inc., is a corporation organized and existing under and by virtue of the laws of the State of New York, having its principal office and place of business located in the Scranton Life Insurance Company Building, Scranton, Pennsylvania.

Independent Salt Company is a corporation organized and existing under and by virtue of the laws of the State of New York, having its principal office and place of business located at 475 Fifth Avenue, New York, New York.

Eastern Salt Company is a corporation organized and existing under and by virtue of the laws of the State of Massachusetts having its principal office and place of business located at 150 Causeway Street, Boston, Massachusetts.

Respondents International Salt Company, Inc., Independent Salt Company, and Eastern Salt Company are wholly owned subsidiaries of respondent International Salt Company and are under the direct and immediate control of, and their policies are directed by, said respondent International Salt Company.

PAR. TWO: Respondent International Salt Company, through such wholly owned subsidiaries, is now and has been engaged in the business of offering for

sale, selling and distributing salt in all parts of the United States. The respondent International Salt Company is one of the largest producers of salt in the United States and distributes its product through its wholly owned subsidiaries, respondents International Salt Company, Inc., Independent Salt Company, and Eastern Salt Company. Respondents sell their products directly and through such subsidiaries to wholesalers, retailers, corporate wholesale chains, corporate retail chains, voluntary and co-operative chains, and individual commercial purchasers. Respondents sell and distribute their products in commerce between and among the various states of the United States and in the District of Columbia and preliminary to or as a result of such sale cause such products to be shipped and transported from the places of origin of the shipment to the purchasers thereof who are located in states of the United States and in the District of Columbia other than the state of origin of the shipment, and there is and has been at all times herein mentioned a continuous current of trade in commerce in said products across state lines between respondents' plants, factories, or warehouses and the purchasers of such products. Said products are sold and distributed for use, consumption and resale within the various states of the United States and in the District of Columbia.

PAR. THREE: In the course and conduct of their business as aforesaid, respondents have been and are now engaged in substantial competition in commerce with other corporations, individuals, partnerships and firms who for many years prior hereto have been and are now engaged in processing, selling, and distributing salt in commerce across state lines to purchasers thereof located in the various states of the United States.

Many of the respondents' customers are competitively engaged with each other and with the customers of the respondents' competitors in the resale of said products within the several trade areas in which the respondents' said customers respectively offer for sale and sell the said products purchased from respondents.

PAR. FOUR: In the course and conduct of their business as aforesaid since June 19, 1936, respondents have been and are now discriminating in price between different purchasers buying such products of like grade and quality by selling their products to some of their customers at higher prices than they sell products of like grade and quality to other of their customers who are competitively engaged one with the other in the resale of said products within the United States.

Among the general practices pursued by the respondents in discriminating in price, are the following:

(1) The respondents grant to some of their customers who are competitively engaged in the sale of salt of like grade and quality with other of respondents' customers a "unit discount" amounting to approximately 5¢ per case on table

salt where a single order is placed for 100 cases or more of table salt.

(2) The respondents grant to some of their customers who are competitively engaged in the sale of salt of like grade and quality with other of respondents' customers in addition to the "unit discount" referred to in paragraph (1) hereof, "multiple unit discounts" of various amounts on all grades of salt purchased during a 12 consecutive month period where such purchases are equal to or in excess of \$50,000.

The "multiple unit discounts" referred to in paragraph (2) hereof mentioned are allowed to some, but not all, customers of the respondents who do not purchase from the respondent \$50,000 worth of salt during a 12 consecutive month period, provided, however, the total purchases of salt from all sources made by said customer total \$50,000 during said given period of time.

In the industry, this type of selling is known as "split business", that is, basing the price upon the total requirements of a customer and not upon the actual quantity purchased from any particular source.

In addition to the discriminations affected by the afore-mentioned "multiple unit discounts" respondents discriminate in price between different purchasers of their products and such price discriminations result from the respondents' selling salt to an individual customer where the delivery thereof is made to several branches or outlets of said individual customer at prices based upon the total quantity or volume delivered to all of the separate branches or outlets of the said customer, provided such total quantity or volume amounts to the required minimums during the 12 consecutive month period as set forth in paragraph (2) hereinbefore mentioned and not upon the quantity or volume delivered by the respondents to the respective branches or outlets of some individual customers.

In the industry, this type of selling is known as "combined selling", that is, basing the price upon the total quantity delivered to all the separate branches or outlets of an individual customer and not upon the quantity delivered to the respective branches or outlets of said customer. Some customers of the respondents operating several branches whose combined purchases are less than the total quantity or volume amounts required during the 12 consecutive month period as set forth in paragraph (2) hereinbefore mentioned receive "multiple unit discounts" in addition to the "unit discount" as set forth in paragraph (1) hereof and are competitively engaged with other of respondents' customers who purchase in like quantity or volume and who receive no discounts whatsoever.

PAR. FIVE: The effect of the discriminations in price mentioned in Paragraph Four herein has been and may be substantially to lessen competition in the line of commerce in which the purchasers receiving the benefits of such discriminatory prices are engaged and to injure, destroy and prevent competition between

those purchasers receiving the benefit of said discriminatory prices and those to whom they are denied and has been and may be to tend to create a monopoly in those purchasers receiving the benefit of said discriminatory prices in said line of commerce in the various localities or trade areas in the United States in which said favored customers and their competitors are engaged in business.

PAR. SIX: The foregoing acts and practices of said respondents are violations of subsection 2 (a) of section 1 of said Act of Congress, approved June 19, 1936, entitled "An Act to amend section 2 of an Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies and for other purposes approved October 15, 1914, as amended (U.S.C. Title 15, sec. 13) and for other purposes."

Count II

PAR. ONE: Paragraphs One, Two, and Three of Count I. are hereby adopted and made part of this count as fully as if herein set out verbatim.

PAR. TWO: In the course and conduct of their business in commerce, respondents, since June 19, 1936, have secretly paid and contracted to pay to some of their customers certain definite sums of money as compensation and in consideration for advertising, display, and distribution services, and facilities furnished by such customers in connection with the sale and offering for sale of table salt, while concealing such payments from competing customers and not making such payments available on proportionally equal terms or on any terms to customers competing in the distribution of salt. Such payments are in addition to the price discrimination referred to in Count I.

Among the general practices thus pursued by the respondents in granting allowances or compensation to their favored customers are the following:

(1) The respondents have paid to some favored customers the sum of \$50 per month as an advertising and display allowance while respondents did not and do not make such payments available on proportionally equal terms to all competing customers or on any terms to customers competing in the sale and distribution of such products.

(2) The respondents have paid compensation to some retail chain store customers in connection with the sale of respondents' table salt, the sum of \$2.50 for each daily display of "2 pound round cans of plain or iodized Sterling Salt in quantities between 10 and 15 cases in each" of such customers retail outlets. The respondents have not and do not make such display allowances available on proportionally equal terms to all competing customers or on any terms to customers competing in the sale and distribution of such products.

PAR. THREE: The respondents have not made known to their customers, except their favored customers, that they grant and allow any compensation for advertising, display, and distribution services.

PAR. FOUR: The above acts and practices of respondents are in violation of

subsection (d) of section 2 of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C. Title 15, sec. 13).

Wherefore, the premises considered, the Federal Trade Commission, on this 2d day of April, A. D. 1942, issues its complaint against said respondents.

NOTICE

Notice is hereby given you, International Salt Company, International Salt Company, Inc., Independent Salt Company, and Eastern Salt Company, respondents herein, that the 8th day of May, A. D. 1942, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as

to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed at Washington, D. C., this 2nd day of April, A. D. 1942.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-2994; Filed, April 4, 1942;
10:47 a. m.]

[Docket No. 4613]

IN THE MATTER OF ACME ASBESTOS COVERING AND FLOORING COMPANY, ET AL.

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 4th day of April, A. D. 1942.

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

It is ordered, That Randolph Preston, 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 Wednesday, April 15, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Room 3088-K, Federal Building, Ninth and Chestnut Streets, Philadelphia, Pennsylvania.

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. 42-3040; Filed, April 6, 1942;
11:01 a. m.]

[Docket No. 4706]

IN THE MATTER OF FERBO COMPANY

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 3rd day of April, A. D. 1942.

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

It is ordered, That W. W. Sheppard, 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, April 13, 1942, at ten o'clock in the forenoon of that day (Eastern Standard Time) in Room 500, 45 Broadway, New York, New York.

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. 42-3039; Filed, April 6, 1942; 11.01 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 70-469, 70-474]

IN THE MATTERS OF PUBLIC SERVICE COMPANY OF INDIANA, INC., CONSOLIDATED ELECTRIC AND GAS COMPANY, AND HOOSIER PUBLIC UTILITY COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held in its office in the City of Philadelphia, Pa., on the 3rd day of April, A. D., 1942

Consolidated Electric and Gas Company, a registered holding company, having filed a declaration pursuant to sections 12 (c) and 12 (d) of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-44 promulgated thereunder concerning the proposed sale of all the outstanding securities of Hoosier Public Utility Company to Public Service Company of Indiana, Inc. for a cash consideration of \$1,100,000.00 and the use of the proceeds to retire Central Gas and Electric Company First Lien Collateral Trust Gold Bonds due 1946, assumed by Consolidated Electric and Gas Company;

Public Service Company of Indiana, Inc. having filed an application pursuant to section 10 of the Act concerned with the acquisition of the above-mentioned securities of Hoosier Public Utility Company and having also filed a declaration jointly with Hoosier Public Utility Company pursuant to sections 12 (c), 12 (d), 12 (f) and Rules U-42 and U-43 concerned with the proposed surrender for cancellation to Hoosier Public Utility Company of all of its outstanding securities in exchange for the capital assets of said Hoosier Public Utility Company (it being expressly stated in the filing

that Hoosier will thereupon be dissolved);

A public hearing having been duly held after appropriate notice; the Commission having examined the record in this matter and having entered its findings and opinion herein; said findings and opinion indicating that the statutory requirements have been satisfied:

It is ordered, That the declaration of Consolidated Electric and Gas Company filed pursuant to sections 12 (c) and 12 (d) of the Act and Rules U-42 and U-44 promulgated thereunder be, and the same hereby is, permitted to become effective forthwith;

It is further ordered, That the application of Public Service Company of Indiana, Inc. filed pursuant to section 10 be, and the same hereby is, approved, and the declaration of Hoosier Public Utility Company and Public Service Company of Indiana, Inc. filed pursuant to sections 12 (c), 12 (d), 12 (f) and Rules U-42 and U-43 be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2989; Filed, April 4, 1942; 10:17 a. m.]

[File No. 70-521]

IN THE MATTER OF CENTRAL POWER AND LIGHT COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 2nd day of April, A. D. 1942.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to section 7 of the Public Utility Holding Company Act of 1935 by Central Power and Light Company; and

Notice is further given that any interested person may, not later than April 21, 1942 at 4:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

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

Central Power and Light Company has outstanding, in addition to other securities, \$5,550,000 principal amount of Serial Debentures, 2%, 2¼%, 2½%, 2¾%, and 3%, due serially August 15, 1942—August 15, 1946. The Company proposes to issue and sell \$5,900,000 principal amount of its unsecured notes, 2½%, 3¾% and 3%, due serially August 1, 1942—April 1, 1952 in semiannual maturities varying from \$150,000 to \$550,000 in amount and to apply the proceeds to the extent required to the redemption of its outstanding Serial Debentures and to apply the balance of the proceeds (approximately \$350,000) to the making of necessary additions and extensions to the fixed property of the Company.

Notes in the principal amount of \$2,425,000, comprising the first 12 maturities, are to be purchased by the First National Bank of Chicago, and \$3,475,000 principal amount, comprising the last 8 maturities, are to be purchased by the Northwestern Mutual Life Insurance Company, Milwaukee, Wisconsin. The notes are to be sold at their principal amount, plus accrued interest from April 1, 1942.

The Company is a public utility subsidiary in The Middle West Corporation holding company system.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2990; Filed, April 4, 1942; 10:16 a. m.]

[File No. 811-201]

IN THE MATTER OF H. K. & W. INVESTMENT CORPORATION

NOTICE OF AND ORDER FOR HEARING

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

Application having been duly filed by the H. K. & W. Investment Corporation for an order of the Commission under and pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring it to have ceased to be an investment company.

It is ordered, That a hearing on the matter of this application be held on April 14, at 10:00 o'clock in the forenoon of that day, in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That Charles S. Lobingier, or any officer or officers of the Commission designated by it for that purpose, shall preside on such hearing on such application. The officer so designated so to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above-named applicants and to any other person or persons whose appli-

cation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-3033; Filed, April 6, 1942;
10:15 a. m.]

[File No. 811-148]

IN THE MATTER OF DIVERSIFIED AVIATION,
INC.

NOTICE OF AND ORDER FOR HEARING

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

Application having been duly filed by Diversified Aviation, Inc. for an order of the Commission under and pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring it to have ceased to be an investment company;

It is ordered, That a hearing on the matter of this application be held on April 14, 1942, at 10:00 o'clock in the forenoon of that day, in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That Charles S. Lobingier, or any officer or officers of the Commission designated by it for that purpose, shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above-named applicants and to any other person or persons whose application in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-3034; Filed, April 6, 1942;
10:15 a. m.]

[File No. 70-508]

IN THE MATTER OF UNION ELECTRIC COMPANY OF MISSOURI AND UNION ELECTRIC COMPANY OF ILLINOIS

ORDER APPROVING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 3rd day of April, A. D. 1942.

Union Electric Company of Missouri, a registered holding company and a subsidiary of The North American Company, also a registered holding company, and Union Electric Company of Illinois,

a subsidiary of Union Electric Company of Missouri, having on March 6, 1942 filed a joint application and declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 7, 10, 12 (b), and 12 (d) and Rule U-44 and U-45 promulgated thereunder regarding (1) the proposal by Union Electric Company of Missouri (a) to issue and sell \$10,000,000 additional principal amount of its First Mortgage and Collateral Trust Bonds, 3 $\frac{3}{8}$ % Series due 1971, and publicly to invite sealed, written proposals for their purchase and to use the proceeds therefrom for new construction and for the purchase of additional common stock of its subsidiary, Union Electric Company of Illinois, (b) to purchase, from time to time during the period ending April 30, 1943, for cash, at the par value thereof, up to 500,000 shares having an aggregate par value of \$10,000,000 of additional common stock of Union Electric Company of Illinois and to deposit all shares so purchased with the Trustee under its Mortgage and Deed of Trust securing its First Mortgage and Collateral Trust Bonds, and (c) in the event all necessary steps prerequisite to the issue and sale of the common stock of Union Electric Company of Illinois have not been completed prior to the time when Union Electric Company of Illinois may be in need of additional funds, to advance to Union Electric Company of Illinois, from time to time during the period ending April 30, 1943, sums aggregating up to \$1,000,000, without interest, to be applied against the purchase price of the common stock to be subsequently purchased as set forth in (b) above; and (2) the proposal of Union Electric Company of Illinois (a) to issue and sell to Union Electric Company of Missouri, from time to time during the period ending April 30, 1943, for cash, at the par value thereof up to 500,000 shares having an aggregate par value of \$10,000,000 of additional common stock and to use the proceeds therefrom for new construction, and (b) in case all necessary steps prerequisite to the issue and sale of its common stock have not been completed prior to the time when it may be in need of additional funds, to borrow from Union Electric Company of Missouri, from time to time during the period ending April 30, 1943, sums aggregating up to \$1,000,000, without interest, to be applied against the purchase price of its common stock subsequently sold as set forth in (a) above and to use the proceeds from any such advances for new construction; and

Said applicants and declarants having by an amendment filed March 20, 1942, stated that the proceeds from the sale of the proposed bonds would be used in part to purchase for cash, from time to time during the period ending April 30, 1943, up to \$10,000,000 additional par value of the capital stock of Union Electric Company of Illinois, the type of capital stock to be purchased and the consideration to be paid therefor being subject to the approvals of regulatory bodies; and having by said amendment requested that the action of the Commis-

sion on the proposals set forth in 1 (b) and 2 (a) in the preceding paragraph with respect to the issuance of common stock by Union Electric Company of Illinois and the acquisition and deposit of such stock by Union Electric Company of Missouri be postponed; and

The Commission by its order dated March 31, 1942, having approved said application, as then amended, and permitted said declaration, as then amended, to become effective, subject to certain conditions specified therein, with respect to the proposals set forth in 1 (a) and (c) and 2 (b) in the first paragraph of this order, namely, those relating to the issuance of the proposed bonds by Union Electric Company of Missouri and the making of the advances by latter company to Union Electric Company of Illinois; and having by said order postponed all action and reserved jurisdiction with respect to the proposals contained in 1 (b) and 2 (a) of the first paragraph hereof; and

Said applicants and declarants having on March 27, 1942 filed an amendment stating that in lieu of the proposals set forth in 1 (b) and 2 (a) in the first paragraph hereof that (a) Union Electric Company of Missouri proposes to use part of the proceeds from the sale of its new bonds to acquire for cash from Union Electric Company of Illinois, from time to time, during the period ending April 30, 1943, up to 100,000 shares having an aggregate par value of \$10,000,000 of Preferred Stock, 3 $\frac{3}{8}$ % Series, of Union Electric Company of Illinois, and to deposit all such preferred stock so acquired with the Trustee under its Mortgage and Deed of Trust securing its First Mortgage and Collateral Trust Bonds, and (b) Union Electric Company of Illinois proposes to issue and sell for cash to Union Electric Company of Missouri, from time to time during the period ending April 30, 1943, up to 100,000 shares having an aggregate par value of \$10,000,000 of Preferred Stock, 3 $\frac{3}{8}$ % Series, and to use the proceeds therefrom for construction. The proposed Preferred Stock will have a par value of \$100 per share and a cumulative dividend rate of 3 $\frac{3}{8}$ % per annum; the price per share at which the same is to be sold (exclusive of accrued dividends) is to be an amount not less than the price per \$100 principal amount, (exclusive of accrued interest) to be received by Union Electric Company of Missouri upon the sale of its bonds as aforesaid; and such stock is to be redeemable at the option of the issuer at any time at a redemption price equivalent to the sale price, plus accrued dividends to the redemption date.

A notice of the filing of the application and declaration having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect thereto within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and applicants and declarants having requested that the Commission approve said application, as amended, and permit said declaration, as amended, to become effective.

tive forthwith with respect to the proposals set forth in the preceding paragraph, and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers at this time to approve said application, as amended, and to permit said declaration, as amended, to become effective forthwith, subject to compliance with the conditions imposed by Rule U-24, insofar as the same relates to (a) the proposal of Union Electric Company of Missouri to use part of the proceeds from the sale of its new bonds to acquire for cash from Union Electric Company of Illinois from time to time, during the period ending April 30, 1943, up to 100,000 shares having an aggregate par value of \$10,000,000 of the Preferred Stock, 3½% Series, of Union Electric Company of Illinois and to deposit all such preferred stock so acquired with the Trustee under its Mortgage and Deed of Trust securing its First Mortgage and Collateral Trust Bonds, and (b) the proposal of Union Electric Company of Illinois to issue and sell for cash to Union Electric Company of Missouri, from time to time during the period ending April 30, 1943, up to 100,000 shares having an aggregate par value of \$10,000,000 of Preferred Stock, 3½% Series at a price determined as aforesaid and to use the proceeds therefrom for new construction; and finding with respect thereto that the exemption requested pursuant to section 6 (b) of said Act should be granted; that no adverse findings are necessary under section 10 (b) and 10 (c) (1) and that the transactions involved have the tendency required by section 10 (c) (2) thereof; that the provisions of Rule U-44 have been complied with; and that the date of its order should be advanced as requested;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act that said application, as amended, be approved and that said declaration, as amended, be permitted to become effective forthwith as regards the proposals set forth in the preceding para-

graph of this order; subject, however, to the terms and conditions imposed by Rule U-24:

It is further ordered, That the jurisdiction over all fees and expenses incurred in connection with the issue and sale of the \$10,000,000 additional principal amount of the First Mortgage and Collateral Trust Bonds, 3½% Series due 1971, of Union Electric Company of Missouri reserved in our order dated March 21, 1942, in the above styled and numbered matter be and it is hereby released.

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

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-3035; Filed, April 6, 1942;
10:16 a. m.]

[File No. 70-522]

IN THE MATTER OF SOUTHERN NATURAL GAS
COMPANY AND SOUTHERN PRODUCTION
COMPANY, INC.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 3d day of April, A. D. 1942.

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

Notice is further given that any interested person may not later than April 23, 1942, at 4:45 p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed

or amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

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

Southern Natural Gas Company, a registered holding company and a subsidiary of Federal Water and Gas Corporation, likewise a registered holding company, proposes to purchase from Southern Production Company, Inc., a subsidiary of Southern Natural Gas Company, certain 3% serial notes to be issued and sold to Southern Natural Gas Company by said Southern Production Company, Inc. in a maximum amount not exceeding \$500,000, to be dated and to bear interest from their respective dates of issue and to mature \$50,000 on the first day of the nineteenth month following the month in which any of such notes is first issued and at the rate of \$50,000 at the end of each twelve months' period thereafter until all of such notes are paid, such notes to be issued from time to time on or prior to April 30, 1943.

Southern Natural Gas Company also proposes to sell to Southern Production Company, Inc., and the latter company proposes to buy from Southern Natural Gas Company, the latter's interest in certain producing oil leases in the Tinsley Oil Field in Mississippi for a purchase price of \$13,169.86, such purchase price being the cost of such interest in said leases to Southern Natural Gas Company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-3036; Filed, April 6, 1942;
10:17 a. m.]

