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Washington, Tuesday, January 20, 1942

The President

EXECUTIVE ORDER

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS A CANTONMENT SITE

ALASKA

By virtue of the authority vested in me as President of the United States, it is ordered, subject to valid existing rights, that the public lands in the following-described area be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department as a cantonment site:

Beginning at the point of intersection on the line of the right-of-way of the Alaska Railroad with the common boundary of U. S. Surveys Nos. 242 and 149, in section 34, T. 1 N., R. 1 W., Seward Meridian, in approximate latitude 60°07'30" North, longitude 149°26'15" West.

Thence by metes and bounds:

N. 0°02' E., 1,880.41 feet to corner No. 2 of U. S. Survey No. 149 and corner No. 4 of U. S. Survey No. 242;

S. 89°59'30" W., 536.0 feet, along the north boundary of U. S. Survey No. 242 to corner No. 4 of U. S. Survey No. 1759;

S. 0°03' W., 2,638.79 feet to the south boundary of U. S. Survey No. 242 and corner No. 1 of U. S. Survey No. 1759;

E. 113.98 feet, along south boundary of U. S. Survey No. 242 to intersection of the right-of-way of the Alaska Railroad;

N. 29°08' E., 868.53 feet, along the right-of-way to the point of beginning, containing approximately 29.59 acres.

This order shall take precedence over, but shall not rescind or revoke, Executive Order No. 3264 of April 29, 1920, reserving lands for townsite and other purposes.

It is intended that this order shall be revoked when the lands reserved thereby are no longer needed for military purposes.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 16, 1942.

[No. 9026]

[F. R. Doc. 42-512; Filed, January 19, 1942; 9:43 a. m.]

EXECUTIVE ORDER

AMENDING SUBDIVISION XL OF SCHEDULE A OF THE CIVIL SERVICE RULES

By virtue of the authority vested in me by section 2 of the Civil Service Act (22 Stat. 404), Subdivision XL¹ of Schedule A of the Civil Service Rules is hereby amended by adding thereto a third paragraph reading as follows:

3. One general counsel.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 16, 1942.

[No. 9027]

[F. R. Doc. 42-513; Filed, January 19, 1942; 9:43 a. m.]

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER I—FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No. 334]

PART 114—LOANS IN HAWAII²

LOAN LIMITATION AND INTEREST RATE

Section 114.5 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 114.5 *Loan limitation and interest rate.* No loan made to any borrower shall exceed an amount determined by multiplying the appropriate maximum allowances per acre approved by the Director of the Emergency Crop and Feed Loan Section by the number of acres to be financed. No loan will be made for an amount less than \$25. All loans will be made in multiples of \$5. Notes will bear interest, from maturity until paid, at the rate of 4 percent per annum; and interest to the maturity date at the same rate will be deducted at the time the loan is made. (Sec. 1, 50 Stat. 5; 12 U.S.C., Sup.

¹ 7 F.R. 8.

² 4 F.R. 4913.

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10201. See also 52 Stat. 26; Executive Order No. 9006, 7 F.R. 93)

[SEAL]

A. G. BLACK,
Governor.

[F. R. Doc. 42-487; Filed, January 16, 1942;
3:59 p. m.]

TITLE 7—AGRICULTURE

CHAPTER IX—SURPLUS MARKET- ING ADMINISTRATION

PART 920—MILK IN LA PORTE COUNTY, INDIANA, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS OF ORDER NO. 20, AS AMENDED,¹ REGULATING THE HANDLING OF MILK IN THE LA PORTE COUNTY, INDIANA, MARKETING AREA

Pursuant to the powers conferred upon the Secretary of Agriculture by section 8c (16) (A) of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 1940 ed. 608a (16) (A)), it is hereby found that the provisions of the order, as amended, regulating the handling of milk in the La Porte County, Indiana, marketing area, which are set forth below, obstruct and do not tend, under present conditions, to effectuate the declared policy of such act, and such provisions are suspended effective as of 11:59 p. m., c. s. t., December 1, 1941.

The provisions of said order, as amended, which are herewith suspended are as follows:

- (1) Section 920.1 (a) (9);
- (2) The phrase in § 920.5 (a) (1) "and the quantity of such receipts which represents the total of all milk received from producers in excess of their respective bases";
- (3) The phrase in § 920.5 (c) "and (c) the portion of such delivery which was in excess of the base of such producer";
- (4) Section 920.7 (b) (1);
- (5) The words "June, July, August, and September" in § 920.7 (b) (2) and in § 920.8 (a) (2);
- (6) Section 920.7 (c);
- (7) Section 920.7 (d);
- (8) Section 920.8 (a) (1).

Issued at Washington, D. C., on this 16th day of January 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

RALPH H. SHIELDS,
Assistant to the
Secretary of Agriculture.²

[F. R. Doc. 42-483; Filed, January 16, 1942;
2:55 p. m.]

¹ 6 F.R. 4432, 6166, 6167.

² Acting pursuant to authority delegated by the Secretary of Agriculture under the act of April 4, 1940 (54 Stat. 81; 6 F.R. 5192).

PART 959—IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, AND KLAMATH IN THE STATE OF OREGON, AND MODOC AND SISKIYOU IN THE STATE OF CALIFORNIA

ORDER REGULATING THE HANDLING OF IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, AND KLAMATH IN THE STATE OF OREGON, AND MODOC AND SISKI- YOU IN THE STATE OF CALIFORNIA¹

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It is provided in Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), that the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") shall, subject to the provisions of the act, issue orders regulating such handling of certain agricultural commodities, including Irish potatoes, as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodities.

The Acting Secretary, having reason to believe that the execution of a marketing agreement and the issuance of an order would tend to effectuate the declared policy of the act with respect to the establishment and maintenance of such orderly marketing conditions for Irish potatoes grown in the counties of Crook, Deschutes, and Klamath in the State of Oregon, and Modoc and Siskiyou in the State of California, as would establish prices to the producers of such Irish potatoes at a level that would give such Irish potatoes a purchasing power, with respect to articles that the producers thereof buy, equivalent to the purchasing power of such Irish potatoes during the base period, August 1919–July 1929, conducted a public hearing in Klamath Falls, Oregon, on July 10, 1941, pursuant to notice duly given to all interested parties, on a proposed marketing agreement and

¹ See also Department of Agriculture, Surplus Marketing Administration, *infra*.

a proposed order regulating such handling of such Irish potatoes as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce in such Irish potatoes; and at the aforesaid hearing all interested persons in attendance were afforded due opportunity to be heard concerning the proposed marketing agreement and the proposed order. The aforesaid hearing held in Klamath Falls, Oregon, on July 10, 1941, was reopened, pursuant to notice duly given by the Under Secretary on August 1, 1941, and said hearing thus reopened was held in San Francisco, California, on August 18, 1941, pursuant to the aforesaid notice given by the Under Secretary on August 1, 1941, with respect to the proposed marketing agreement and the proposed order regulating such handling of said Irish potatoes as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce in said Irish potatoes; and at the aforesaid hearing in San Francisco, California, on August 18, 1941, all interested persons in attendance were afforded due opportunity to be heard concerning the proposed marketing agreement and the proposed order.

Upon the basis of the evidence introduced at the aforesaid hearing in Klamath Falls, Oregon, on July 10, 1941, and the aforesaid hearing in San Francisco, California, on August 18, 1941, and the record thereof, it is hereby found that:

§ 959.1 *Findings.* (a) The terms and provisions of this part prescribe, so far as practicable, such different terms, applicable to different production areas, as are necessary in order to give due recognition to the difference in production and marketing of such Irish potatoes;

(b) This part is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to any subdivision of said production area specified herein would not effectively carry out the declared policy of the act; and

(c) This part and all of the terms and conditions of this part will tend to effectuate the declared policy of the act with respect to Irish potatoes produced in said production area, specified in this order, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish prices to the producers thereof at a level that will give such Irish potatoes a purchasing power, with respect to the articles that the producers thereof buy, equivalent to the purchasing power of such Irish potatoes in the base period, August 1919–July 1929, and by protecting the interest of the consumer by (1) approaching the level of prices which it is declared in the act

to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (2) by authorizing no action which has for its purpose the maintenance of prices to producers of such Irish potatoes above the level which it is declared in the act to be the policy of Congress to establish.

The marketing agreement, drafted subsequent to, and upon the basis of the evidence adduced at, the aforesaid hearing in Klamath Falls on July 10, 1941, and the hearing in San Francisco, California, on August 18, 1941, was tentatively approved by the Acting Secretary on September 16, 1941. Subsequent to the tentative approval of the marketing agreement on September 16, 1941, handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping Irish potatoes grown in the aforesaid area) of more than fifty (50) per centum of the volume of such Irish potatoes, produced in said production area, refused or failed to sign such tentatively approved marketing agreement. It was determined on the 13th day of January 1942, in accordance with the provisions of the act, and such determination was approved by the President of the United States on the 14th day of January 1942, that:

(d) The aforesaid refusal or failure of said handlers to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act with respect to such Irish potatoes;

(e) The issuance of this part, which regulates the handling of such Irish potatoes in the same manner as the tentatively approved marketing agreement and is applicable only to persons in the respective classes of industrial or commercial activity specified in the tentatively approved marketing agreement, is the only practical means, pursuant to such act, of advancing the interests of the producers of such Irish potatoes; and

(f) The issuance of this part is approved or favored by at least two-thirds of the producers who participated in the referendum conducted by the Acting Secretary and who, during the representative period determined by the acting Secretary, were engaged, within the production area specified herein, in the production for market of the commodity specified herein.*

* §§ 959.1 to 959.20, inclusive, issued under the authority contained in 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246, 52 Stat. 215, 53 Stat. 782; 7 U.S.C. and Sup., 601 et seq.

§ 959.2 *Order relative to handling.* It is, therefore, ordered, pursuant to the findings and determinations set forth in § 959.1 and pursuant to the aforesaid act, that such handling of Irish potatoes produced in the counties of Crook, Deschutes, and Klamath in the State of Oregon and Modoc and Siskiyou in the State of California, as is in the current of interstate or foreign commerce between the aforesaid area and any point outside thereof in continental United States,

Alaska, or Canada, or so as directly to burden, obstruct, or affect such commerce, shall, from and after the time hereinafter specified, be in conformity to and in compliance with the terms and conditions of this part.*

§ 959.3 *Definitions.* As used in this part, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States, or the Under Secretary of Agriculture of the United States, or the Assistant Secretary of Agriculture of the United States, or any employee of the United States Department of Agriculture who is authorized to perform the duties of the Secretary under the act.

(b) "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246 (1937), 7 U.S.C. § 601 et seq., Sup. V, 1939), as amended.

(c) "Person" means an individual, partnership, corporation, association, legal representative, or any organized group or business unit of individuals.

(d) "Area" means and includes the counties of Crook, Deschutes, and Klamath in the State of Oregon, and Modoc and Siskiyou in the State of California.

(e) "Potatoes" means and includes all varieties of Irish potatoes grown within the aforesaid area.

(f) "Handler" is synonymous with "shipper" and means any person (except a common carrier of potatoes owned by another person) who first ships potatoes in fresh form.

(g) "Ship" means to transport, sell, or in any other way to ship or place potatoes in the current of interstate or foreign commerce between the aforesaid area and any point outside thereof in continental United States, Alaska, or Canada, or so as directly to burden, obstruct, or affect such commerce.

(h) "Producer" means any person engaged in the production of potatoes for market.

(i) "Fiscal period" means the period beginning on July 1 of each year and ending on June 30 of the following year.

(j) "U. S. Standards for Potatoes" means the United States Standards for Potatoes issued by the Secretary on April 30, 1940, effective on May 15, 1940, and such modification thereof as may hereafter be issued by the Secretary.

(k) "Culls" means potatoes which do not meet the requirements set forth in § 959.4 or a modification thereof made effective by the Secretary.*

§ 959.4 *General cull regulation—(a) Limitation of shipments.* The Secretary shall issue an order, whenever he determines that the initial committee herein provided for is prepared to exercise its powers and perform its duties herein assigned, which will provide for the regulation pursuant to this section being and becoming effective at the time specified in said order. After the effective time specified in said order issued pursuant to the provisions of this paragraph, no handler shall, except as provided herein, ship potatoes which do not meet the requirements of the U. S. No.

2 or better grade, as such grades are defined in said U. S. Standards for Potatoes, except that a mixture of varieties may be shipped: *Provided*, That no potatoes of the U. S. No. 2 grade or better grades, as defined in said U. S. Standards for Potatoes, which are less than 1½ inches in diameter, may be shipped in addition to the tolerance by weight for undersize as specified for the respective grade in said U. S. Standards for Potatoes.

(b) *Suspension or modification.* The Administrative Committee may recommend to the Secretary the suspension or modification of paragraph (a) of this section, and each such recommendation should be accompanied by supporting information. If the Secretary finds, upon the basis of such recommendation and information submitted by said committee, or upon the basis of other available information, that to do so will tend to effectuate the declared policy of the act, he shall suspend the operation of paragraph (a) of this section, or modify the regulation thereof, so as to permit the shipment of potatoes, the shipment of which otherwise would be prohibited pursuant to paragraph (a) of this section. Such suspension or modification may be made applicable, during a specified period, to any or all varieties of potatoes. In like manner and upon the same basis, the Secretary may terminate any such suspension or modification.

(c) *Notice.* No regulation issued by the Secretary, pursuant to the provisions of this section, shall become effective within less than two days subsequent to the day of issuance thereof. A copy of each regulation, issued by the Secretary pursuant to the provisions of this section, shall be forwarded promptly to the Administrative Committee; and said Administrative Committee shall give such notice thereof as may be reasonably calculated to bring each such regulation to the attention of all interested parties.*

§ 959.5 *Grade, size, and quality regulations—(a) Marketing policy.* The Administrative Committee shall, prior to making any recommendation pursuant to this section or § 959.4, submit to the Secretary a detailed report setting forth the marketing policy with respect to the shipment of potatoes which the committee deems advisable for the ensuing shipping season. Additional reports shall be submitted, from time to time, in the event that it is deemed advisable by the committee to adopt a new marketing policy in view of changed demand and supply conditions with respect to potatoes. The committee shall publicly announce the submission of each such marketing policy report, and copies thereof shall be made available at the office of the committee for inspection by any producer or handler. In determining each such marketing policy the committee shall give due consideration to the following factors relating to potatoes produced in the area and in other States: (1) the available crop of potatoes, including the grades and sizes thereof, in the area and in other States; (2) probable shipments of potatoes from other States which compete with potato shipments from the area; (3) the level and

trend in consumer income; and (4) other pertinent factors bearing on the marketing of potatoes.

(b) *Committee recommendations.* (1) Whenever the Administrative Committee deems it advisable, in order to effectuate the declared policy of the act, to regulate the shipment of potatoes, grown in the area, by grades, sizes, or qualities, or combinations thereof, during any specified period, it shall so recommend to the Secretary. In making such recommendations such committee shall give due consideration to the following factors: (i) market prices, including prices by grades and sizes of potatoes for which regulation is recommended; (ii) potatoes on hand in the market areas as manifested by supplies en route and on track at the principal markets; (iii) available supply, maturity, and conditions of potatoes in the area, including the grades and sizes of potatoes remaining in the area; (iv) supplies from competitive regions producing potatoes; and (v) the trend in consumer income.

(2) At the time of submitting such recommendation the Administrative Committee shall furnish to the Secretary the pertinent data and information upon which it acted in making such recommendation; and, also, the committee shall submit such other data and information as the Secretary may request.

(c) *Establishment of regulations.* Whenever the Secretary shall find, from the recommendation and information submitted by the Administrative Committee, or from other available information, that to limit the shipment of potatoes would tend to effectuate the declared policy of the act, he shall, during the period specified in the regulation thus issued by the Secretary, limit the shipments of potatoes grown in such area to potatoes of specified grades, sizes, or qualities, or combinations thereof, and any such limitation may apply to any or all varieties and may specify tolerances for particular defects in quality.

(d) *Exemption certificates.* (1) Before the institution of any limitation of shipments pursuant to this section, the Administrative Committee shall adopt procedural rules pursuant to which exemption certificates will be issued to producers; and such procedural rules shall become effective upon approval by the Secretary. The Administrative Committee shall, after the procedural rules have been approved by the Secretary, give such notice thereof as may be reasonably calculated to bring such rules to the attention of all interested persons. In the event the Secretary issues a regulation pursuant to this section, the committee shall determine the percentage which the quantity of grades, sizes, and qualities of potatoes permitted to be shipped under such regulation is of the total quantity of such potatoes, except culls, which would be available for shipment in the area in the absence of such regulation; and the committee shall forthwith announce such percentage. An exemption certificate shall thereafter be issued to any producer in the area who furnishes proof, satisfactory to the Administrative Committee, that he will be prevented, because of the regulation es-

tablished, from shipping as large a percentage of any specified variety or varieties, except culls, as the percentage for all producers of the variety or varieties in the area. Such exemption certificate shall permit the respective producer to whom the certificate is issued to ship or have shipped a quantity of the restricted or prohibited grades, sizes, and qualities sufficient to permit the respective producer to ship or have shipped as large a proportion of his crop, except culls, of each such variety of potatoes, grown in such area, as the average for all producers of the particular variety, except culls, in the area. The Administrative Committee shall maintain a record of all applications submitted for exemption certificates, pursuant to the provisions of this section; and the committee shall maintain a record of all certificates issued, including the information used in determining in each instance the quantity of potatoes thus to be exempted, together with a record of all shipments of exempted potatoes; and such additional information shall be recorded in the records of the committee as the Secretary may specify. The committee shall, from time to time, submit to the Secretary reports stating in detail the number of exemption certificates issued, the quantity of potatoes thus exempted, and such additional information as may be requested by the Secretary.

(2) The Administrative Committee may authorize an employee to receive applications for exemption certificates, make the necessary investigation with regard to whether an exemption certificate should be issued and, if so, the quantity of potatoes which should be thus exempted, and issue for and on behalf of the committee an exemption certificate: *Provided*, That the committee shall not authorize an employee or employees (i) to determine the grades, sizes, and qualities, or combinations thereof, of potatoes grown in such area which would be available for shipment in the absence of any regulation, or (ii) to determine the percentage that the quantity of a particular variety or varieties of potatoes, grown in such area, permitted to be shipped, pursuant to regulation, is of the quantity which would have been shipped in the absence of regulation.

(3) If any producer is dissatisfied with the determination of an employee or employees who have exercised jurisdiction with regard to the application submitted by the respective producer, such producer may appeal to the committee: *Provided*, That such appeal must be taken promptly after the decision by the respective employee or employees. If any producer is dissatisfied with the determination by the committee with respect to the producer's application for an exemption certificate or with regard to an appeal, as aforesaid, by said producer from the determination of an employee or employees, such producer may appeal to the Secretary: *Provided*, That such appeal shall be taken promptly after the determination by the committee. The Secretary may, upon an appeal as aforesaid, modify or reverse the action of the committee from which such appeal was taken. The authority of the Secretary

to supervise and control the issuance of exemption certificates is unlimited and plenary; and any determination by the Secretary with respect to an exemption certificate, the application for an exemption certificate, or an appeal from the action of the committee with respect to an application for an exemption certificate shall be final and conclusive.

(e) *Notice.* No regulation issued by the Secretary pursuant to the provisions of this section shall become effective within less than two days subsequent to the day of issuance thereof. A copy of each regulation, issued by the Secretary pursuant to this section, shall be forwarded promptly to the Administrative Committee, and thereupon the committee shall give such notice thereof as may be reasonably calculated to bring such regulation to the attention of all interested parties.*

§ 959.6 *Inspection and certification.* During any period in which the shipment of potatoes is regulated pursuant to the provisions of § 959.4 or § 959.5, each handler shall, prior to making each shipment of potatoes, cause each such shipment to be inspected by a Federal or Federal-State Inspector: *Provided*, That this requirement shall not be applicable (a) to any shipment of potatoes which has been so inspected, (b) to any shipment of potatoes for seed purposes in containers bearing the official seed certification tag of the State from which the respective shipment is made, or (c) to any shipment of potatoes for consumption by a charitable institution or institutions or for distribution for relief purposes or for distribution by a relief agency or agencies. Each handler shall, promptly after making each shipment of potatoes, submit to the Administrative Committee a copy of the certificate or memorandum issued by the Federal-State Inspection Service with regard to the respective shipment of potatoes, and such certificate or memorandum shall state the grade, size, and quality of the potatoes in such shipment.*

§ 959.7 *Compliance.* Except as provided in this part no handler shall ship potatoes, the shipment of which has been prohibited in accordance with this part; and no handler shall ship potatoes except in conformity with the provisions of this part, and the provisions of the regulations, if any, issued by the Secretary pursuant to the provisions of this part.*

§ 959.8 *Shipments which are exempt—*
(a) *Certified seed potatoes.* Potatoes officially certified as seed potatoes by the official seed potato certification agency of the State from which the respective shipment is made shall be exempt, when shipped for seed purposes in containers bearing the official State seed certification tag of the respective State, from regulation under the provisions of § 959.4 or § 959.5. The Secretary may prescribe, on the basis of the recommendation and information submitted by the Administrative Committee, or on the basis of other available information, adequate safeguards to prevent such seed potatoes, shipped as aforesaid, from entering the commercial channels of trade other than as seed potatoes for use as seed.

(b) *Potatoes for charitable, relief, or by-product purposes.* Potatoes shipped for consumption by a charitable institution or institutions or for distribution for relief purposes or for distribution by a relief agency or agencies, or potatoes shipped for manufacturing purposes for conversion into by-products shall be exempt from the provisions of § 959.4 and exempt from the provisions of any regulation issued pursuant to § 959.5. The Secretary may prescribe, on the basis of the recommendation and the information submitted by the Administrative Committee, or on the basis of other available information, adequate safeguards to prevent potatoes shipped to charitable institutions or for distribution by relief agencies or for manufacturing purposes for conversion into by-products from entering the commercial channels of trade for any other purpose.

(c) *Potatoes for feed for livestock.* The Secretary may prescribe, on the basis of the recommendation and information submitted by the Administrative Committee, or on the basis of other available information, that potatoes shipped for feed for livestock shall be exempt from the provisions of any regulation issued pursuant to § 959.5(c). The Secretary may prescribe, on the basis of the recommendation and information submitted by the committee, or on the basis of other available information, adequate safeguards to prevent potatoes thus shipped for feed for livestock from entering commercial channels of trade for any other purpose.*

§ 959.9 *Administrative Committee—*

(a) *Membership and organization.* (1) The Administrative Committee, consisting of nine members, is hereby established to administer the terms and provisions of this part; and the members of said Administrative Committee and their respective alternates shall be selected in accordance with the provisions of this part. The initial members of the Administrative Committee and their respective alternates shall be selected by the Secretary as soon as reasonably possible after the effective date of this part. In thus selecting the initial members and their respective alternates, the Secretary may consider such nominations or suggestions, if any, as may be submitted by producers and handlers, respectively, and such nominations or suggestions may be by virtue of elections conducted by groups of producers and groups of handlers prior to, or immediately subsequent to, the effective date of this part. The members of the Administrative Committee and their respective alternates selected subsequent to the initial members and their alternates shall be selected in accordance with the provisions hereinafter set forth. Each of the initial members and his respective alternate shall serve for a term ending on June 30, 1942, and, in the event that the respective person's successor has not been selected and qualified by June 30, 1942, such person shall serve until his successor has been selected and qualified.

(2) The Administrative Committee shall, subsequent to the period ending on June 30, 1942, have the following number

of members who shall be selected from the indicated districts of the area:

(i) District 1: Two producers and one handler from the counties of Crook and Deschutes in the State of Oregon;

(ii) District 2: Two producers and one handler from Klamath County in the State of Oregon; and

(iii) District 3: Two producers and one handler from Modoc and Siskiyou counties in the State of California.

(3) There shall be an alternate member for each member of the Administrative Committee; and each such alternate member shall have the same qualifications and shall be selected in the same manner as the respective member for whom such individual serves as an alternate. The alternate for a member of the committee shall, in the event of the respective member's absence, act in the place of said member; and in the event of such member's removal, resignation, disqualification, or death, the alternate for said member shall, until a successor for the unexpired term of said member has been selected, act in the place of said member.

(4) The producers who may be selected as members of the Administrative Committee, subsequent to the period ending on June 30, 1942, shall be individuals who are producers of potatoes in the respective district for which selected or officers or employees of a corporate producer or corporate producers in such district: *Provided*, That no producer shall be eligible for selection on said committee if such producer has been, during the then current fiscal period, engaged in handling potatoes other than potatoes of his own production, except as an officer or employee of a producers' cooperative marketing association. The handlers who may be selected as members of the Administrative Committee, subsequent to the period ending on June 30, 1942, shall be individuals who are handlers of potatoes in the respective district for which selected or officers or employees of a handler or handlers in such district.

(b) *Nomination and selection of succeeding members of Administrative Committee.* (1) The Administrative Committee shall, after the year 1941, hold or cause to be held prior to June 15 of each year a meeting of producers and a meeting of handlers, in each of the districts designated in paragraph (a) of this section, for the purpose of designating nominees from among whom the Secretary shall select members and alternates of the committee; and at each such meeting at least two nominees shall be designated for each position as member and at least two nominees shall be designated for each position as alternate member on the committee as representative or representatives of the respective district. Each producer is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for membership on the committee for the respective district in which such producer is engaged in producing potatoes: *Provided*, That in the event a producer is engaged in producing potatoes in more than one

district, such producer shall elect the district within which he shall participate in designating nominees as aforesaid. Each producer shall be entitled to cast only one vote regardless of the number of districts in which he produces potatoes. Only producers may participate in designating producer nominees. Only handlers may participate in designating nominees for handler members and alternates. Each handler is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for membership on the committee for the respective district in which such handler is engaged in handling potatoes: *Provided*, That in the event a handler is engaged as a handler in more than one district, such handler shall elect the district within which he may participate in designating nominees. Each handler shall be entitled to cast only one vote regardless of the number of districts in which he may be engaged as a handler. The Secretary shall select the producer members of the Administrative Committee and their respective alternates, subsequent to the initial members and alternates, from nominations made by producers as provided in this section. The Secretary shall select the handler members of the Administrative Committee and their respective alternates, subsequent to the initial members and alternates, from nominations, made by handlers as provided in this section.

(2) In the event nominations are not made for membership on the committee, pursuant to the provisions of subparagraph (1) of this paragraph, by June 15 of the respective year, the Secretary may select such members and their respective alternates without waiting for nominees to be designated. To fill any vacancy occasioned by the failure of any person, selected as a member of the Administrative Committee or as an alternate member thereof, to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term shall be selected by the Secretary.

(3) Each person selected as a member of the Administrative Committee, or as an alternate member thereof, shall promptly qualify by filing with the Secretary a written acceptance of the appointment.

(4) The members of the Administrative Committee and their respective alternates shall be selected to serve for a fiscal period and, if their successors have not been selected and qualified prior to the end of the respective fiscal period, each such member or alternate shall continue to serve until his respective successor shall have been selected and qualified.

(c) *Compensation.* Each member and each alternate serving in place of a member of the Administrative Committee may receive compensation in an amount not in excess of five (\$5.00) dollars per day for attendance at each meeting of the committee; and, in addition to said per diem, the aforesaid member and alternate may be reimbursed for necessary

expenses actually incurred in attending each such meeting.

(d) *Procedure.* (1) The Administrative Committee may, upon the selection and qualification of a majority of its members, organize and commence to function. A majority of all members shall be necessary to constitute a quorum of the committee.

(2) For any decision of the Administrative Committee to be valid, a majority of the votes of all members shall be necessary. Except as provided herein, each member, or alternate member when acting as a member, shall vote in person.

(3) The Administrative Committee may provide for the members thereof, including the alternate members when acting as members, to vote by mail, telegraph, or radiograph; and any such vote which is not cast in person at a meeting shall be confirmed promptly in writing.

(4) The Administrative Committee shall select a chairman, a secretary, and such other officers as it may deem advisable; and the committee shall adopt such rules, not inconsistent with the provisions of this part, relative to the method of conducting its business, as it may deem advisable. The Administrative Committee shall give to the Secretary the same notice of its meetings as is given to the members thereof.

(e) *Powers.* The Administrative Committee shall have the following powers:

(1) To administer, as herein specifically provided, the terms and provisions of this part;

(2) To make, in accordance with the provisions of this part, administrative rules and regulations;

(3) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part; and

(4) To recommend to the Secretary amendments to this part.

(f) *Duties.* The Administrative Committee shall have the following duties:

(1) To act as intermediary between the Secretary and any producer or handler;

(2) To keep minutes, books, and records which will clearly reflect all of its acts and transactions, and such minutes, books, and records shall at all times be subject to examination by the Secretary or his authorized agent or representative;

(3) To furnish the Secretary such available information as may be requested by the Secretary;

(4) To select such employees as it may deem necessary, and to determine the salaries and define the duties of such employees;

(5) To cause its books to be audited by one or more competent accountants at least once each fiscal period, and at such other times as it deems necessary or as the Secretary may request, and to file with the Secretary a copy of each such audit report;

(6) To prepare from time to time statements of the financial operations of the committee and to make such statements, together with the minutes of the meetings of said committee, available for inspec-

tion by any producer or handler at the office of the committee;

(7) To perform such duties in connection with the administration of section 32 of the Act to Amend the Agricultural Adjustment Act, and for other purposes, Public Act No. 320, 74th Congress (August 24, 1935), as amended, as may from time to time be assigned to the respective committee by the Secretary;

(8) To submit to the Secretary such available information as may be requested by the Secretary; and

(9) To consult with any other committee established under any marketing agreement and order program, pursuant to the aforesaid act, with respect to the handling of potatoes grown in any region outside of the area.

(g) *Funds.* All funds received by the Administrative Committee pursuant to any provision of this part shall be used solely for the purposes herein specified and shall be accounted for in the following manner: (1) The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements; and (2) whenever any person ceases to be a member of the committee, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member.*

§ 959.10 *Right of the Secretary.* The members of the Administrative Committee provided for herein, including successors and alternates thereof, and any agent or employee appointed or employed by the committee shall be subject to removal or suspension at any time by the Secretary. Each and every order, regulation, determination, decision, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of such order, regulation, decision, determination, or other act; and, upon such disapproval at any time, such action by a committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.*

§ 959.11 *Expenses and assessments—*

(a) *Expenses.* The Administrative Committee is authorized to incur such expenses as the Secretary finds may be necessary to enable the committee to perform its functions, in accordance with the provisions of this part, during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments, as herein provided, upon handlers.

(b) *Assessments.* (1) Each handler who ships potatoes shall pay, upon demand, to the Administrative Committee such handler's pro rata share of the expenses which the Secretary finds will be necessarily incurred by the committee for its maintenance and functioning during each fiscal period: *Provided*, That no

assessment shall be paid for a shipment or shipments of potatoes for consumption by a charitable institution or institutions or for distribution for relief purposes or for distribution by a relief agency or agencies. Such handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of potatoes shipped by such handler, during the applicable fiscal period, and the total quantity of potatoes shipped by all handlers during the same fiscal period. The Secretary shall specify the rate of assessment to be paid by such handlers: *Provided*, That the assessment rate shall not be in excess of \$1.00 for each carload or each truckload weighing more than 20,000 pounds; and the assessment rate shall not be in excess of 50 cents for each carload, part carload, truckload, or part truckload weighing 20,000 pounds or less.

(2) The Secretary may, at any time during or after a fiscal period, increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the respective committee. Any such increase in the rate of assessment shall be applicable to all potatoes shipped during the specified fiscal period. In order to provide funds to enable the Administrative Committee to perform its functions hereunder, handlers may make advance payment of assessments.

(c) *Accounting.* (1) If, at the end of any fiscal period, the assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund shall be credited with such refund, unless such handler demands payment thereof, in which case such sum shall be paid to the respective handler.

(2) The Administrative Committee may, with the approval of the Secretary, maintain in its own name or in the name of its members a suit against any handler for the collection of such handler's pro rata share of expenses.

(d) *Funds.* All money collected by the Administrative Committee pursuant to the provisions of this part shall be used solely for the purposes herein specified and shall be accounted for in the manner herein provided. The Secretary may, at any time, require the Administrative Committee and the members thereof, including alternate members when serving as members, to account for all receipts and disbursements.*

§ 959.12 *Reports.* For the purpose of enabling the Administrative Committee to perform its functions pursuant to the provisions of this part, each handler shall furnish to the committee, in such form and at such times and substantiated in such manner as shall be prescribed by the committee and approved by the Secretary, such information as may thus be requested by the committee, subject to approval by the Secretary, with regard to each shipment of potatoes.*

§ 959.13 *Effective time and termination—*(a) *Effective time.* The provisions of this part shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any or all of the provisions of this part whenever he finds that such provision or provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during the then preceding fiscal period, have been engaged in the production of potatoes for market: *Provided*, That such majority has, during such period, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before June 30 of the then current fiscal period.

(4) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.*

(1) Upon the termination of the provisions of this part, the then functioning members of the Administrative Committee shall continue as trustees, for the purpose of liquidating the affairs of the said committee, of all the funds and property then in the possession of or under control of such committee, including claims for any funds unpaid or property not delivered at the time of such termination. The procedural rules governing the activities of said trustees, including but not being limited to the determination as to whether action shall be taken by a majority vote of the trustees, shall be prescribed by the Secretary.

(2) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Administrative Committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person the right to all of the funds, property, and claims vested in the committee or the trustees pursuant hereto.

(3) Any person to whom funds, property, or claims have been transferred or delivered by the Administrative Committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon the said trustees.*

§ 959.14 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of the regulation in this part shall cease upon the termination of this part, except with respect to acts done under and during the existence of this part.*

§ 959.15 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or

division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.*

§ 959.16 *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.*

§ 959.17 *Personal liability.* No member or alternate of said committee, nor any employee thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such members, alternates, or employees, except for acts of dishonesty.*

§ 959.18 *Separability.* If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.*

§ 959.19 *Amendments.* Amendments to this part may be proposed, from time to time, by the Administrative Committee or by the Secretary.*

§ 959.20 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen prior thereto, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any right or remedy of the United States, or the Secretary, or of any other person with respect to any such violation.*

Issued at Washington, D. C., this 17th day of January 1942, to be effective on and after 12:01 a. m., P. s. t., January 26, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-500; Filed, January 17, 1942; 11:39 a. m.]

PART 960—IRISH POTATOES GROWN IN THE STATES OF MICHIGAN, WISCONSIN, MINNESOTA, AND NORTH DAKOTA

ORDER REGULATING THE HANDLING OF IRISH POTATOES GROWN IN THE STATES OF MICHIGAN, WISCONSIN, MINNESOTA, AND NORTH DAKOTA¹

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It is provided in Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), that the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") shall, subject to the provisions of the act, issue orders regulating such handling of certain agricultural commodities, including Irish potatoes, as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodities.

The Under Secretary, having reason to believe that the execution of a marketing agreement and the issuance of an order would tend to effectuate the declared policy of the act with respect to the establishment and maintenance of such orderly marketing conditions for Irish potatoes grown in the States of Michigan, Wisconsin, Minnesota, and North Dakota, as would establish prices to the producers of such Irish potatoes at a level that would give such Irish potatoes a purchasing power, with respect to articles that the producers thereof buy, equivalent to the purchasing power of such Irish potatoes during the base period, August 1919-July 1929, conducted a public hearing in Cadillac, Michigan, on August 11 and 12, 1941, Grand Forks, North Dakota, on August 11, 1941, Antigo, Wisconsin, on August 14, 1941, and St. Paul, Minnesota, on August 14, 1941, pursuant to notice duly given to all interested parties, on a proposed marketing agreement and a proposed order regulating such handling of such Irish potatoes as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce in such Irish potatoes; and at the aforesaid hearing all interested persons in attendance were afforded due opportunity to be heard concerning the proposed marketing agreement and the proposed order.

Upon the basis of the evidence introduced at the aforesaid hearing and the record thereof, it is hereby found that:

§ 960.1 *Findings.* (a) The terms and provisions of this part prescribe, so far as practicable, such different terms, applicable to different production areas, as are necessary in order to give due recognition to the difference in production and marketing of such Irish potatoes;

(b) This part is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to any subdivision of

said production area specified herein would not effectively carry out the declared policy of the act; and

(c) This part and all of the terms and conditions of this part will tend to effectuate the declared policy of the act with respect to Irish potatoes produced in said production area, specified in this order, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish prices to the producers thereof at a level that will give such Irish potatoes a purchasing power, with respect to the articles that the producers thereof buy, equivalent to the purchasing power of such Irish potatoes in the base period, August 1919-July 1929, and by protecting the interest of the consumer by (1) approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (2) by authorizing no action which has for its purpose the maintenance of prices to producers of such Irish potatoes above the level which it is declared in the act to be the policy of Congress to establish.

The marketing agreement, drafted subsequent to, and upon the basis of the evidence adduced at, the aforesaid hearing, was tentatively approved by the Acting Secretary on October 2, 1941. Subsequent to the tentative approval of the marketing agreement on October 2, 1941, handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping Irish potatoes grown in the aforesaid area) of more than fifty (50) per centum of the volume of such Irish potatoes, produced in said production area, refused or failed to sign such tentatively approved marketing agreement. It was determined on the 13th day of January 1942, in accordance with the provisions of the act, and such determination was approved by the President of the United States on the 14th day of January 1942, that:

(d) The aforesaid refusal or failure of said handlers to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act with respect to such Irish potatoes;

(e) The issuance of this part, which regulates the handling of such Irish potatoes in the same manner as the tentatively approved marketing agreement and is applicable only to persons in the respective classes of industrial or commercial activity specified in the tentatively approved marketing agreement, is the only practical means, pursuant to such act, of advancing the interests of the producers of such Irish potatoes; and

(f) The issuance of this part is approved or favored by at least two-thirds of the producers who participated in the referendum conducted by the Acting Secretary and who, during the representative period determined by the Acting Secretary, were engaged, within the

production area specified in this part, in the production for market of the commodity specified in this part.*

* §§ 960.1 to 960.21, inclusive, issued under the authority contained in 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246, 52 Stat. 215, 53 Stat. 782; 7 U.S.C. 1940 ed. 601 et seq.

§ 960.2 *Order relative to handling.* It is, therefore, ordered, pursuant to the findings and determinations set forth in § 960.1 and pursuant to the aforesaid act, that such handling of Irish potatoes produced in the States of Michigan, Wisconsin, Minnesota, and North Dakota, as is in the current of commerce between any State in the aforesaid area and any point outside of the respective State, or so as directly to burden, obstruct, or affect such commerce, shall from and after the time hereinafter specified, be in conformity to and in compliance with the terms and conditions of this part.*

§ 960.3 *Definitions.* As used in this part, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States; the Under Secretary of Agriculture of the United States; the Assistant Secretary of Agriculture of the United States; or any officer or employee of the United States Department of Agriculture to whom the Secretary of Agriculture of the United States has heretofore lawfully delegated, or to whom the Secretary of Agriculture of the United States may hereafter lawfully delegate, the authority to act in his stead.

(b) "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246 (1937), 7 U.S.C. § 601 et seq., Supp. V, 1939), as amended.

(c) "Person" means an individual, partnership, corporation, association, legal representative, or any organized group or business unit of individuals.

(d) "Area" means and includes the States of Michigan, Wisconsin, Minnesota, and North Dakota.

(e) "Potatoes" means and includes all varieties of Irish potatoes grown within the aforesaid area.

(f) "Handler" is synonymous with "shipper" and means any person (except a common carrier of potatoes owned by another person) who first ships potatoes in fresh form.

(g) "Ship" or "handle" means to transport, sell, or in any other way to ship or place potatoes in the current of commerce between any State in the aforesaid area and any point outside of the respective State, or so as directly to burden, obstruct, or affect such commerce: *Provided*, That the act of any producer in transporting potatoes, grown by the respective producer, to the nearest customary grading, storing, or loading point for the purpose of having said potatoes thus graded, stored, or loaded for shipment, shall not constitute an act of shipping.

(h) "Producer" means any person engaged in the production of potatoes for market.

(i) "Fiscal period" means the period beginning on July 1 of each year and ending on June 30 of the following year.

(j) "U. S. Standards for Potatoes" means the United States Standards for Potatoes issued by the Secretary on April 30, 1940, effective on May 15, 1940, and such modification thereof as may hereafter be issued by the Secretary.

(k) "Culls" means potatoes which do not meet the requirements set forth in § 960.4 or a modification thereof made effective by the Secretary.*

§ 960.4 *General cull regulation—(a) Limitation of shipments.* The Secretary shall issue an order, whenever he determines that the initial committees herein provided for are prepared to exercise their powers and perform their duties herein assigned, which will provide for the regulation pursuant to this section being and becoming effective at the time specified in said order. After the effective time specified in said order issued pursuant to the provisions of this paragraph, no handler shall, except as provided herein, ship potatoes which do not meet the requirements of the U. S. No. 2 or better grade, as such grades are defined in said U. S. Standards for Potatoes, except that a mixture of varieties may be shipped: *Provided*, That no potatoes of the U. S. No. 2 grade or better grades, as defined in said U. S. Standards for Potatoes, which are less than 1½ inches in diameter, may be shipped in addition to the tolerance by weight for undersize as specified for the respective grade in said U. S. Standards for Potatoes.

(b) *Suspension or modification.* The North Central Potato Committee may recommend to the Secretary the suspension or modification of paragraph (a) of this section, and each such recommendation should be accompanied by supporting information. If the Secretary finds, upon the basis of such recommendation and information submitted by said committee, or upon the basis of other available information, that to do so will tend to effectuate the declared policy of the act, he shall suspend the operation of paragraph (a) of this section, or modify the regulation thereof, so as to permit the shipment of potatoes, the shipment of which otherwise would be prohibited pursuant to paragraph (a) of this section. Such suspension or modification may be made applicable, during a specified period, to any or all varieties of potatoes, in any portion or all of the production area. In like manner and upon the same basis, the Secretary may terminate any such suspension or modification.

(c) *Notice.* No regulation issued by the Secretary, pursuant to the provisions of this section, shall become effective within less than two days subsequent to the day of issuance thereof. A copy of each regulation, issued by the Secretary pursuant to the provisions of this section, shall be forwarded promptly to the North Central Potato Committee; and said North Central Potato Committee shall give such notice thereof as may be reasonably calculated to bring each such regulation to the attention of all interested parties.*

§ 960.5 *Grade, size, and quality regulations*—(a) *Marketing policy*. The State Committee for each of the States included in the production area and the North Central Potato Committee, severally, shall, prior to making any recommendation pursuant to this section or § 960.4, submit to the Secretary a detailed report setting forth the marketing policy with respect to the shipment of potatoes which the respective committee deems advisable for the ensuing shipping season. Additional reports shall be submitted, from time to time, in the event that it is deemed advisable by the respective committee to adopt a new marketing policy in view of changed demand and supply conditions with respect to potatoes. The committee shall publicly announce the submission of each such marketing policy report, and copies thereof shall be made available at the office of the respective committee for inspection by any producer or handler. In determining each such marketing policy the respective committee shall give due consideration to the following factors relating to potatoes produced in the area and in other States: (1) the available crop of potatoes, including the grades and sizes thereof, in the area and in other States; (2) probable shipments of potatoes from other States which compete with potato shipments from the area; (3) the level and trend in consumer income; and (4) other pertinent factors bearing on the marketing of potatoes.

(b) *Committee recommendations*. (1) Whenever the North Central Potato Committee deems it advisable, in order to effectuate the declared policy of the act, to regulate the shipment of potatoes, grown in the area, by grades, sizes or qualities, or combinations thereof, during any specified period, it shall so recommend to the Secretary. In making such recommendations such committee shall give due consideration to the following factors: (i) market prices, including prices by grades and sizes of potatoes for which regulation is recommended; (ii) potatoes on hand in the market areas as manifested by supplies en route and on track at the principal markets; (iii) available supply, maturity, and conditions of potatoes in the area, including the grades and sizes of potatoes remaining in the area; (iv) supplies from competitive regions producing potatoes; and (v) the trend in consumer income.

(2) At the time of submitting such recommendations, the North Central Potato Committee shall furnish to the Secretary the pertinent data and information upon which it acted in making such recommendation; and, also, the committee shall submit such other data and information as the Secretary may request.

(c) *Establishment of regulations*. Whenever the Secretary shall find, from the recommendation and information submitted by the North Central Potato Committee, or from other available information, that to limit the shipment of potatoes would tend to effectuate the declared policy of the act, he shall, during the period specified in the regulation thus issued by the Secretary, limit the shipments of potatoes grown in such area, or any portion thereof, to potatoes of

specified grades, sizes, or qualities, or combinations thereof, and any such limitation may apply to any or all varieties and may specify tolerances for particular defects in quality.

(d) *Exemption certificates*. (1) Before the institution of any limitation of shipments pursuant to this section, the North Central Potato Committee shall adopt procedural rules pursuant to which exemption certificates will be issued to producers; and such procedural rules shall become effective upon approval by the Secretary. The North Central Potato Committee shall, after the procedural rules have been approved by the Secretary, give such notice thereof as may be reasonably calculated to bring such rules to the attention of all interested persons. In the event the Secretary issues a regulation pursuant to this section, the committee shall determine the percentage which the quantity of grades, sizes, and qualities of potatoes permitted to be shipped under such regulation is of the total quantity of such potatoes, except culls, which would be available for shipment in the area, or portion thereof included in the regulation issued by the Secretary, in the absence of such regulation; and the committee shall forthwith announce such percentage. An exemption certificate shall thereafter be issued to any producer in the area, or the aforesaid portion included in the regulation, who furnishes proof, satisfactory to the North Central Potato Committee, that he will be prevented, because of the regulation established, from shipping as large a percentage of any specified variety or varieties, except culls, as the percentage for all producers of the variety or varieties in the area or portion thereof included in the regulation. Such exemption certificate shall permit the respective producer to whom the certificate is issued to ship or have shipped a quantity of the restricted or prohibited grades, sizes, and qualities sufficient to permit the respective producer to ship or have shipped as large a proportion of his crop of each such variety of potatoes, grown in such area, as the average for all producers of the particular variety in the area or portion thereof included in the regulation. The North Central Potato Committee shall maintain a record of all applications submitted for exemption certificates, pursuant to the provisions of this section; and the committee shall maintain a record of all certificates issued, including the information used in determining in each instance the quantity of potatoes thus to be exempted, together with a record of all shipments of exempted potatoes; and such additional information shall be recorded in the records of the committee as the Secretary may specify. The committee shall, from time to time, submit to the Secretary reports stating in detail the number of exemption certificates issued, the quantity of potatoes thus exempted, and such additional information as may be requested by the Secretary.

(2) The North Central Potato Committee may authorize an employee to receive applications for exemption certificates, make the necessary investigation with regard to whether an exemption

certificate should be issued and, if so, the quantity of potatoes which should be thus exempted, and issue for and on behalf of the committee an exemption certificate: *Provided*, That the committee shall not authorize an employee or employees (i) to determine the grades, sizes, and qualities, or combinations thereof, of potatoes grown in such area or any portion thereof which would be available for shipment in the absence of any regulation or (ii) to determine the percentage that the quantity of a particular variety or varieties of potatoes, grown in such area, permitted to be shipped pursuant to regulation, is of the quantity which would have been shipped in the absence of regulation.

(3) If any producer is dissatisfied with the determination of an employee or employees who have exercised jurisdiction with regard to the application submitted by the respective producer, such producer may appeal to the committee: *Provided*, That such appeal must be taken promptly after the decision by the respective employee or employees. If any producer is dissatisfied with the determination by the committee with respect to the producer's application for an exemption certificate or with regard to an appeal, as aforesaid, by said producer from the determination of an employee or employees, such producer may appeal to the Secretary: *Provided*, That such appeal shall be taken promptly after the determination by the committee. The Secretary may, upon an appeal as aforesaid, modify or reverse the action of the committee from which such appeal was taken. The authority of the Secretary to supervise and control the issuance of exemption certificates is unlimited and plenary; and any determination by the Secretary with respect to an exemption certificate, the application for an exemption certificate, or an appeal from the action of the committee with respect to an application for an exemption certificate shall be final and conclusive.

(e) *Notice*. No regulation issued by the Secretary pursuant to the provisions of this section shall become effective within less than two days subsequent to the day of issuance thereof. A copy of each regulation, issued by the Secretary pursuant to this section, shall be forwarded promptly to the North Central Potato Committee and thereupon the committee shall give such notice thereof as may be reasonably calculated to bring such regulation to the attention of all interested parties.*

§ 960.6 *Inspection and certification*. During any period in which the shipment of potatoes is regulated pursuant to the provisions of § 960.4 or § 960.5, each handler shall, prior to making each shipment of potatoes, cause each such shipment to be inspected by a Federal or Federal-State Inspector: *Provided*, That this requirement shall not be applicable (a) to any shipment of potatoes which has been so inspected, (b) to any shipment of potatoes for seed purposes in containers bearing the official seed certification tag of the State from which the respective shipment is made, or (c) to any shipment of potatoes for consumption by a charitable institution or

institutions or for distribution for relief purposes or for distribution by a relief agency or agencies. Each handler shall, promptly after making each shipment of potatoes, submit to the North Central Potato Committee a copy of the certificate or memorandum issued by the Federal-State Inspection Service with regard to the respective shipment of potatoes, and such certificate or memorandum shall state the grade, size, and quality of the potatoes in such shipment.*

§ 960.7 *Compliance.* Except as provided in this part, no handler shall ship potatoes, the shipment of which has been prohibited in accordance with this part; and no handler shall ship potatoes except in conformity to the provisions of this part, and the provisions of the regulations, if any, issued by the Secretary pursuant to the provisions of this part.*

§ 960.8 *Shipments which are exempt.* (a) Potatoes officially certified as seed potatoes by the official seed potato certification agency of the State from which the respective shipment is made shall be exempt, when shipped for seed purposes in containers bearing the official State seed certification tag of the respective State, from regulation under the provisions of § 960.4 (a) or § 960.5 (c). The Secretary may prescribe, on the basis of the recommendation and information submitted by the North Central Potato Committee, or on the basis of other available information, adequate safeguards to prevent such seed potatoes, shipped as aforesaid, from entering the commercial channels of trade other than as seed potatoes for use as seed.

(b) Potatoes shipped for consumption by a charitable institution or institutions or for distribution for relief purposes or for distribution by a relief agency or agencies or potatoes shipped for manufacturing purposes for conversion into by-products shall be exempt from the provisions of § 960.4 (a) and exempt from the provisions of any regulation issued pursuant to § 960.5 (c). The Secretary may prescribe, on the basis of the recommendation and the information submitted by the North Central Potato Committee, or on the basis of other available information, adequate safeguards to prevent potatoes shipped to charitable institutions or for distribution by relief agencies or for manufacturing purposes for conversion into by-products from entering the commercial channels of trade for any other purpose.

(c) The Secretary may prescribe, on the basis of the recommendation and information submitted by the North Central Potato Committee, or on the basis of other available information, that potatoes shipped for feed for livestock shall be exempt from the provisions of any regulation issued pursuant to § 960.5 (c). The Secretary may prescribe, on the basis of the recommendation and information submitted by the committee, or on the basis of other available information, adequate safeguards to prevent potatoes thus shipped for feed for livestock from entering commercial channels of trade for any other purpose.*

§ 960.9 *North Central Potato Committee.* (a) *Membership and organization.* (1) The North Central Potato

Committee, consisting of twelve producers and four handlers, is hereby established to administer the terms and provisions of this part; and the members of said North Central Potato Committee and their respective alternates shall be selected in accordance with the provisions of this part. The initial members of the North Central Potato Committee and their respective alternates shall be selected by the Secretary as soon as reasonably possible after the effective date of this part. In thus selecting the initial members and their respective alternates the Secretary may consider such nominations or suggestions, if any, as may be submitted by producers and handlers, respectively, and such nominations or suggestions may be by virtue of elections conducted by groups of producers and groups of handlers prior to, or immediately subsequent to, the effective date of this part. The members of the North Central Potato Committee and their respective alternates selected subsequent to the initial members and their alternates shall be selected in accordance with the provisions hereinafter set forth. Each of the initial members and his respective alternate shall serve for a term ending on June 30, 1942, and, in the event that the respective person's successor has not been selected and qualified by June 30, 1942, such person shall serve until his successor has been selected and qualified.

(2) The North Central Potato Committee shall, subsequent to the period ending on June 30, 1942, have the following number of members who shall be selected from the respective States and the indicated subdivision thereof, as follows:

(i) Three producers and one handler shall be selected from the State of North Dakota, as follows: Two producers shall be selected from the counties of Rolette, Pierce, Wells, Kidder, Logan, McIntosh, and all counties lying east of said counties; one producer shall be selected from the remaining counties in North Dakota; and one handler shall be selected from the State of North Dakota;

(ii) Three producers and one handler shall be selected from the State of Minnesota, as follows: One producer shall be selected from the counties of Kittson, Marshall, Polk, Pennington, Red Lake, Norman, Mahnomen, Clay, and Wilkin, in the State of Minnesota; one producer shall be selected from the counties of Big Stone, Swift, Kandiyohi, Meeker, Wright, Hennepin, Ramsey, Washington, and all counties lying south thereof in the State of Minnesota; and one producer shall be selected from the remaining counties in the State of Minnesota; and one handler shall be selected from the State of Minnesota;

(iii) Three producers and one handler shall be selected from the State of Wisconsin, as follows:

One producer shall be selected from the counties of Trempealeau, Eau Claire, Chippewa, Rusk, Sawyer, Bayfield, and all counties lying west thereof, in the State of Wisconsin; one producer shall be selected from the counties of Clark, Marathon, Shawano, Oconto, and all counties lying north thereof, in the State

of Wisconsin; one producer shall be selected from the remaining counties in Wisconsin; and one handler shall be selected from the State of Wisconsin;

(iv) Three producers and one handler shall be selected from the State of Michigan, as follows: One producer shall be selected from the counties in the Upper Peninsula of Michigan; one producer shall be selected from the counties of Oceano, Newaygo, Mecosta, Isabella, Midland, Bay, and all counties lying north thereof, in Michigan, but not including Upper Peninsula; one producer shall be selected from the remaining counties in Michigan; and one handler shall be selected from the State of Michigan.

(3) There shall be an alternate member for each member of the North Central Potato Committee; and each such alternate member shall have the same qualifications and shall be selected in the same manner as the respective member for whom such individual serves as an alternate. The alternate for a member of the committee shall, in the event of the respective member's absence, act in the place of said member; and in the event of such member's removal, resignation, disqualification, or death, the alternate for said member shall, until a successor for the unexpired term of said member has been selected, act in the place of said member.

(4) The producers who may be selected as members of the North Central Potato Committee, subsequent to the period ending on June 30, 1942, shall be individuals who are producers of potatoes in the respective district or subdivision for which selected or officers or employees of a corporate producer or corporate producers in such district or subdivision. *Provided*, That no producer shall be eligible for selection on said committee if such producer has been, during the then current fiscal period, engaged in handling potatoes other than potatoes of his own production, except as an officer or employee of a producers' cooperative marketing association. The handlers who may be selected as members of the North Central Potato Committee, subsequent to the period ending on June 30, 1942, shall be individuals who are handlers of potatoes in the respective State for which selected or officers or employees of a handler or handlers in such State.

(b) *Nomination and selection of succeeding members of North Central Potato Committee.* (1) The North Central Potato Committee shall, after the year 1941, hold or cause to be held prior to June 15 of each year a meeting of producers, in each of the districts or subdivisions designated in paragraph (a) of this section, and a meeting of handlers in each of the States included in the area for the purpose of designating nominees from among whom the Secretary shall select members and alternates of the committee; and at each such meeting at least two nominees shall be designated by producers for each position as member and at least two nominees shall be designated by producers for each position as alternate member on the committee as representative or representatives of the respective district or subdivision, and at least two nominees shall

be designated by handlers, in each of the States in the area, for each position as member and at least two nominees shall be designated by handlers, in each of the States in the area, for each position as alternate member on the committee. Each producer is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for membership on the committee for the respective district or subdivision in which such producer is engaged in producing potatoes: *Provided*, That in the event a producer is engaged in producing potatoes in more than one district or subdivision, such producer shall elect the district or subdivision within which he shall participate in designating nominees as aforesaid. Each producer shall be entitled to cast only one vote regardless of the number of districts or subdivisions in which he produces potatoes. Only producers may participate in designating producer nominees. Only handlers shall participate in designating nominees for handler members and alternates. Each handler is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for membership on the committee for the respective State in which such handler is engaged in handling potatoes: *Provided*, That in the event a handler is engaged as a handler in more than one State, within the production area, such handler shall elect the State within which he may participate in designating nominees. Each handler shall be entitled to cast only one vote regardless of the number of States in which he may be engaged as a handler. The Secretary shall select the producer members of the North Central Potato Committee and their respective alternates, subsequent to the initial members and alternates, from nominations made by producers as provided in this section. The Secretary shall select the handler members of the North Central Potato Committee and their respective alternates, subsequent to the initial members and alternates, from nominations made by handlers as provided in this section.

(2) In the event nominations are not made for membership on the North Central Potato Committee, pursuant to the provisions of subparagraph (1) of this paragraph, by June 15 of the respective year, the Secretary may select such members and their respective alternates without waiting for nominees to be designated. To fill any vacancy occasioned by the failure of any person, selected as a member of the North Central Potato Committee or as an alternate member thereof, to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term shall be selected by the Secretary.

(3) Each person selected as a member of the North Central Potato Committee, or as an alternate member thereof, shall promptly qualify by filing with the Secretary a written acceptance of the appointment.

(4) The members of the North Central Potato Committee and their respective

alternates shall be selected to serve for a fiscal period and, if their successors have not been selected and qualified prior to the end of the respective fiscal period, each such member or alternate shall continue to serve until his respective successor shall have been selected and qualified.

(c) *Compensation.* Each member and each alternate serving in place of a member of the North Central Potato Committee may receive compensation in an amount not in excess of five dollars per day for attendance at each meeting of the committee; and, in addition to said per diem, the aforesaid member and alternate may be reimbursed for necessary expenses actually incurred in attending each such meeting.

(d) *Procedure.* (1) The North Central Potato Committee may, upon the selection and qualification of a majority of its members, organize and commence to function. A majority of all members shall be necessary to constitute a quorum of the committee.

(2) For any decision of the North Central Potato Committee to be valid, a majority of the votes of all members shall be necessary. Except as provided herein, each member, or alternate member when acting as a member, shall vote in person.

(3) The North Central Potato Committee may provide for the members thereof, including the alternate members when acting as members, to vote by mail, telegraph, or radiograph; and any such vote which is not cast in person at a meeting shall be confirmed promptly in writing.

(4) The North Central Potato Committee shall select a chairman, a secretary, and such other officers as it may deem advisable; and the committee shall adopt such rules, not inconsistent with the provisions of this part, relative to the method of conducting its business, as it may deem advisable. The North Central Potato Committee shall give to the Secretary the same notice of its meetings as is given to the members thereof.

(e) *Powers.* The North Central Potato Committee shall have the following powers:

(1) To administer, as herein specifically provided, the terms and provisions of this part;

(2) To make, in accordance with the provisions of this part, administrative rules and regulations;

(3) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(4) To recommend to the Secretary amendments to the provisions of this part.

(f) *Duties.* The North Central Potato Committee shall have the following duties:

(1) To act as intermediary between the Secretary and any producer or handler;

(2) To keep minutes, books, and records which will clearly reflect all of its acts and transactions, and such minutes, books, and records shall at all times be subject to examination by the Secretary or his authorized agent or representative;

(3) To furnish the Secretary such available information as may be requested by the Secretary;

(4) To select such employees as it may deem necessary, and to determine the salaries and define the duties of such employees;

(5) To cause its books to be audited by one or more competent accountants at least once each fiscal period, and at such other times as it deems necessary or as the Secretary may request, and to file with the Secretary a copy of each such audit report;

(6) To prepare from time to time statements of the financial operations of the committee and to make such statements, together with the minutes of the meetings of said committee, available for inspection by any producer or handler at the office of the committee;

(7) To perform such duties in connection with the administration of section 32 of the Act to Amend the Agricultural Adjustment Act, and for other purposes, Public Act No. 320, 74th Congress (August 24, 1935), as amended, as may from time to time be assigned to the respective committee by the Secretary;

(8) To submit to the Secretary such available information as may be requested by the Secretary;

(9) To consult with any other committee established under any marketing agreement and order program, pursuant to the aforesaid act, with respect to the handling of potatoes grown in any region outside of the area.

(g) *Funds.* All funds received by the North Central Potato Committee pursuant to any provision of this part shall be used solely for the purposes herein specified and shall be accounted for in the following manner: (1) the Secretary may, at any time, require the committee and its members to account for all receipts and disbursements; and (2) whenever any person ceases to be a member of the committee, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member.*

§ 960.10 *State Committees.* The producer members and the handler member representing Michigan on the North Central Potato Committee shall constitute the State Committee for Michigan. Likewise the producer members and the handler member representing each of the other States on the North Central Potato Committee shall for the respective State which they represent constitute the State Committee for such State. Each State Committee may, upon the selection and qualification of a majority of its members, organize and commence to function; and a majority of all members of the respective State Committee shall be necessary to constitute a quorum of the respective committee. Each State Committee shall select a chairman and a secretary. The alternate for each

member of a State Committee shall be the person who serves as alternate for such member on the North Central Potato Committee. The alternate for a member of a State Committee shall, in the event of the respective member's absence, act in the place of said member; and in the event of such member's removal, resignation, disqualification, or death, the alternate for said member shall, until a successor for the unexpired term of said member has been selected, act in the place of said member. Each State Committee shall function in accordance with the provisions of this part, and each committee shall submit to the North Central Potato Committee such reports and recommendations as the State Committee deems to be proper, pursuant to the provisions of this part, with respect to the administration of the provisions of this part, in the respective State for which such committee is organized.*

§ 960.11 *Right of the Secretary.* The members of the North Central Potato Committee provided for in this part, including successors and alternates thereof, and any agent or employee appointed or employed by the committee shall be subject to removal or suspension at any time by the Secretary. Each and every order, regulation, determination, decision, or other act of the North Central Potato Committee or any State Committee shall be subject to the continuing right of the Secretary to disapprove of such order, regulation, decision, determination, or other act; and, upon such disapproval at any time, such action by a committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.*

§ 960.12 *Expenses and assessments—*
(a) *Expenses.* The North Central Potato Committee is authorized to incur such expenses as the Secretary finds may be necessary to enable the North Central Potato Committee and each of the State Committees to perform their functions, in accordance with the provisions hereof, during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments, as herein provided, upon handlers.

(b) *Assessments.* (1) Each handler who ships potatoes shall pay, upon demand, to the North Central Potato Committee such handler's pro rata share of the expenses which the Secretary finds will be necessarily incurred by the North Central Potato Committee for the maintenance and functioning of such committee and the State Committees, during each fiscal period: *Provided*, That no assessment shall be paid for a shipment or shipments of potatoes for consumption by a charitable institution or institutions or for distribution for relief purposes or for distribution by a relief agency or agencies. Such handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of potatoes shipped by such handler, during the applicable fiscal period, and the total quantity of potatoes shipped by all handlers during the same fiscal period.

The Secretary shall specify the rate of assessment to be paid by such handlers.

(2) The Secretary may, at any time during or after a fiscal period, increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the respective committees. Any such increase in the rate of assessment shall be applicable to all potatoes shipped during the specified fiscal period. In order to provide funds to enable the North Central Potato Committee to perform its functions hereunder, handlers may make advance payment of assessments.

(c) *Accounting.* (1) If, at the end of any fiscal period, the assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund shall be credited with such refund, unless such handler demands payment thereof, in which case such sum shall be paid to the respective handler.

(2) The North Central Potato Committee may, with the approval of the Secretary, maintain in its own name or in the name of its members a suit against any handler for the collection of such handler's pro rata share of expenses.

(d) *Funds.* All money collected by the North Central Potato Committee pursuant to the provisions of this part shall be used solely for the purposes herein specified and shall be accounted for in the manner herein provided. The Secretary may, at any time, require the North Central Potato Committee and the members thereof, including alternate members when serving as members, to account for all receipts and disbursements.*

§ 960.13. *Reports.* For the purpose of enabling the North Central Potato Committee to perform its functions pursuant to the provisions of this part, each handler shall furnish to the committee, in such form and at such times and substantiated in such manner as shall be prescribed by the committee and approved by the Secretary, such information as may thus be requested by the committee, subject to approval by the Secretary, with regard to each shipment of potatoes.*

§ 960.14 *Effective time and termination—*(a) *Effective time.* The provisions of this part shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any or all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during the then preceding fiscal period, have been engaged in

the production of potatoes for market: *Provided*, That such majority has, during such period, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before June 30 of the then current fiscal period.

(4) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.*

(1) Upon the termination of the provisions of this part, the then functioning members of the North Central Potato Committee, shall continue as trustees, for the purpose of liquidating the affairs of the said committee, of all the funds and property then in the possession of or under control of such committee, including claims for any funds unpaid or property not delivered at the time of such termination. The procedural rules governing the activities of said trustees, including but not being limited to the determination as to whether action shall be taken by a majority vote of the trustees, shall be prescribed by the Secretary.

(2) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the North Central Potato Committee, each State Committee, and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person the right to all of the funds, property, and claims vested in the committee or the trustees pursuant hereto.

(3) Any person to whom funds, property, or claims have been transferred or delivered by the North Central Potato Committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon the said trustees.*

§ 960.15 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of the regulations in this part shall cease upon the termination of this part, except with respect to acts done under and during the existence of this part.*

§ 960.16 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.*

§ 960.17 *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or in accordance with such powers, to act in the premises whenever such action is deemed advisable.*

§ 960.18 *Personal liability.* No member or alternate of said committee, nor

any employee thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.*

§ 960.19 *Separability.* If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof, or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.*

§ 960.20 *Amendments.* Amendments to this part may be proposed, from time to time, by the North Central Potato Committee, a State Committee, or by the Secretary.*

§ 960.21 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen prior thereto, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any right or remedy of the United States, or the Secretary, or of any other person with respect to any such violation.*

Issued at Washington, D. C., this 17th day of January 1942, to be effective on and after 12:01 a. m., c. s. t., January 26, 1942. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 42-499; Filed, January 17, 1942; 11:38 a. m.]

TITLE 8—ALIENS AND NATIONALITY

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

[General Order C-36, Sup. 2]

PART 175—CONTROL OF PERSONS ENTERING AND LEAVING THE UNITED STATES PURSUANT TO THE ACT OF MAY 22, 1918, AS AMENDED

ALIENS ENTERING

Pursuant to the authority contained in Proclamation No. 2523¹ issued by the President on November 14, 1941, under the act of May 22, 1918 (40 Stat. 559), as amended by the act of June 21, 1941 (55 Stat. 252), § 175.47 of the regulations promulgated on November 19, 1941, is hereby amended by changing the designation of present paragraph (i) to (j) and inserting a new paragraph (i) reading as follows:

¹ 6 F. R. 5821, 5869.

§ 175.47 *Classes of aliens whose entry is deemed to be prejudicial to the public interest.*²

(i) An alien enemy in the United States as defined or contemplated by any proclamation of the President issued after December 1, 1941, or an alien who, if admitted into the United States, would be an alien enemy under any such proclamation: *Provided*, That such alien may be excepted from this provision in the discretion of the Secretary of State, on a recommendation by the board of appeals to be made after consideration of the case by the interdepartmental committee and the committee of review.

[SEAL] CORDELL HULL,
Secretary of State.

Concurred in by:

FRANCIS BIDDLE,
Attorney General.

JANUARY 14, 1942.

[F. R. Doc. 42-560; Filed, January 19, 1942; 12:17 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER II—AIRCRAFT

PART 21—ASSISTANCE TO CIVIL AIRCRAFT¹

§ 21.3 *Passengers in aircraft-authoritization.*

(b) Applicants for a position as civilian pilot in the Army Air Corps, for the purpose of undergoing the flight test prescribed for such a position. (R.S. 161; 5 U.S.C. 22) [Par. 1b (8), AR 95-90, May 19, 1941, as added in Cir. 8, W.D., Jan. 13, 1942]

§ 21.4 *Release from claim for injury or death.* (a) Persons specified in § 21.3 (a) (12), (b) (4), (5), (7), and (8), and (c) (4) will be required to sign the release form specified in paragraph (c) of this section, unless otherwise, under the provisions of these regulations, they are not required to sign same. Persons specified in § 21.3 (c) (8) will, when practicable, be required to sign the release form specified in paragraph (c) of this section, unless otherwise, under the provisions of these regulations, they are not required to sign same. (R.S. 161; 5 U.S.C. 22) [Par. 5a, AR 95-90, May 19, 1941, as amended by Cir. 8, W.D., Jan. 13, 1942]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-548; Filed, January 19, 1942; 11:29 a. m.]

¹ § 21.3 (b) (8) is added and § 21.4 (a) is amended.

² 6 F.R. 5914.

CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS¹

§ 81.3 *Taxes*—(a) *Information to be included in invitations for bids, bids, contracts, and instructions to bidders.*

(2) *Inapplicable Federal taxes.* Instructions to bidders will include the following:

Chapter 29, Sub-chapter A, Internal Revenue Code (26 U.S.C. 3400-15) as amended, imposes Federal taxes upon certain specified articles sold in the United States by the manufacturer or producer, or imported into the United States, to be paid by the manufacturer, producer, or importer, but provides that no tax under this title shall be imposed with respect to the sale of any article for the exclusive use of the United States, and that a credit against the tax or a refund may be allowed or made with respect to the sale of any article if such article was resold for the exclusive use of the United States and the manufacturer, producer, or importer has such evidence as the regulations of the Commissioner of Internal Revenue may prescribe.

Bids will be evaluated on a Federal-tax-exclusive basis, except that when this is not practicable they will be evaluated on a Federal-tax-inclusive basis. Therefore, bids are requested exclusive of Federal taxes from which exemption is granted or as to which a credit or refund is provided for by Chapter 29, section 3442 (tax free sales) and section 3443 (credits and refunds), Internal Revenue Code, as amended. If the bid prices are exclusive of such taxes, or are inclusive of such taxes and the bidder agrees to the deduction of the amount thereof from the contract price and acceptance of tax-exemption certificates in lieu thereof, the bidder must show upon the face of his bid the amount of each such tax so included or excluded as to each item, so that a tax exemption certificate can be furnished him if his bid is accepted. If the bid as submitted does not show that such taxes are excluded and the bidder does not agree to their deduction if included, it will be presumed that the amount of all such taxes is included in the bid price, the bid will be evaluated accordingly, and if the bid is accepted no exemption certificate will be issued.

Purchases under the Lend-Lease and Defense Aid Acts will be considered the same as sales for the exclusive use of the United States, and tax exemption certificates (Standard Form 1094) may be executed by duly authorized purchasing officers of the War Department for the

¹ §§ 81.3 (a) (2) and (c) (2), 81.10 (f) (20), and 81.33 (f) are amended and § 81.16 (1) is added.

exemption from taxes due or credit for taxes paid in the case of such purchases.

(c) Federal taxes.

(2) Use of tax-exemption certificates. When any of those items are purchased at a price which is exclusive of any such tax, the purchasing officer will execute and deliver to the vendor, if the latter so desires, a tax-exemption certificate to be used by the latter in securing exemption from or refund of such tax.

The tax exemption certificates (Standard Form 1094) will also be used for purposes of exemption or refund when purchases are made under the Lend-Lease and Defense Aid Acts. (Sec. 5, 41 Stat. 764, 765; 10 U.S.C. 1193) [Par. 7a (2) and 7c (2), AR 5-100, Aug. 7, 1940, as amended by Proc. Cir. 78, W.D., Oct. 13, 1941, and Proc. Cir. 4, W.D. Jan. 12, 1942]

§ 81.10 Invitations for bids.

(f) Special conditions authorized or required to be included.

(20) Federal, State, and local taxes.

(i) Federal taxes. For the furnishing of items covered by Chapter 29, Subchapter A, Internal Revenue Code (26 U.S.C. 3400-15), as amended, bidder will indicate which one of the following statements is applicable to his bid:

Prices herein do not include any Federal taxes imposed by Chapter 29, Subchapter A, Internal Revenue Code (26 U.S.C. 3400-15), as amended.

Prices herein include the Federal taxes imposed by Chapter 29, Subchapter A, Internal Revenue Code (26 U.S.C. 3400-15), as amended, but consent is hereby given to the deduction of said taxes and the acceptance of a tax exemption certificate in lieu thereof.

Prices herein include the Federal taxes imposed by Chapter 29, Subchapter A, Internal Revenue Code (26 U.S.C. 3400-15), as amended.

Whenever either of the first two of the three statements immediately preceding is applicable, bidder will state the amount of the taxes involved as to each item for which a tax exemption certificate will be required.

These instructions are also applicable to purchases made under the provisions of the Lend-Lease and Defense Aid Acts. See § 81.3 (a) (2) and (c) (2). (R.S. 3709; 31 Stat. 905, 32 Stat. 514; 41 U.S.C. 5, 10 U.S.C. 1201) [Par. 10m (1), AR 5-140, May 22, 1940, as amended by Proc. Cir. 4, W.D., Jan 12, 1942]

§ 81.16 Use of standard contract forms.

(i) Federal taxes; purchases under the Lend-Lease and Defense Aid Acts. See § 81.3 (a) (2) and (c) (2) and 81.10 (f) (20) (i). (R.S. 3709; 31 Stat. 905; 10

U.S.C. 1201) [Par. 7i, AR 5-200, Jan. 2, 1940, as added by Proc. Cir. 4, W.D., Jan. 12, 1942]

§ 81.33 Open market procurement; authorizations.

(f) Purchases made without advertising in order to expedite the building up of the national defense.

(3) Subcontracts. (i) The following provision will be included in all future requests for estimates or quotations for critical items:

A list of components which the contractor has not the facilities to produce in the required quantity and time will be submitted with this estimate (or quotation). Such list will indicate—

(a) The components for which he has already determined adequate subcontracting facilities; and

(b) Those for which sources of supply must still be located.

(ii) Contracting officers will furnish copies of the lists called for by subdivision (f) (3) (i) of this section to the appropriate District Procurement Office.

(iii) Procurement agencies will examine the possibilities of breaking up orders into smaller contracts when production can be expedited thereby without detriment to quality requirement.

(iv) These instructions do not alter the instructions contained in § 81.10 (f) (2) (ii), relative to technical material and supplies.

(4) Federal taxes; purchases under the Lend-Lease and Defense Aid Acts. See § 81.3 (a) (2) and (c) (2) and § 81.10 (f) (20) (i).

(g) Paragraph (g) of this section is superseded by subparagraph (f) (3). (R.S. 3709; 31 Stat. 905; 10 U.S.C. 1201) [Par. 9, AR 5-240, Feb. 11, 1936 as amended by Proc. Cir. 54, W.D., Jan. 11, 1941 and Proc. Cir. 4, W.D., Jan. 12, 1942]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-490; Filed, January 17, 1942; 9:49 a. m.]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS¹

§ 81.10 Invitation for bids.

(f) Special conditions authorized or required to be included.

(13) Wages of laborers and mechanics employed on the construction alteration, and repair of public buildings and public works: invitation for bids. In conformity with § 81.10 (a) (8) invitations for bids in applicable cases will contain the wording of Article 17, Standard Form No. 23, revised September 17, 1938, Contract

¹ § 81.10 (f) (13) is amended.

(Construction), in case that revised form is not to be used for the contract, and in either case the following provisions concerning minimum wages will be added:

The minimum wages to be paid laborers and mechanics on this project, as determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the pertinent locality, are as follows:

Classification of laborers and mechanics	Minimum rates of wages per hour

Any class of laborers and mechanics not listed in the preceding paragraph, which will be employed on this contract, shall be classified or reclassified conformably to the foregoing schedule. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics to be used, the question, accompanied by the recommendation of the contracting officer, shall be referred to the Secretary of Labor for final determination. (49 Stat. 1011, 54 Stat. 399; 40 U.S.C. 276a) [Proc. Cir. 6, W.D., Jan. 14, 1942]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-549; Filed, January 19, 1942; 11:29 a. m.]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS¹

§ 81.10 Invitations for bids.

(f) Special conditions authorized or required to be included.

(23) Wire or air mail notice of shipments. The following provision will be included in all future invitations for bids which require shipment of equipment or supplies to any activity or officer of the War Department:

In connection with any shipment hereunder of one carload or equivalent or more consigned to any unit or officer of the War Department, the shipper, at the time the equipment or supplies are ordered for loading for rail, motor, or water transport, will send consignee notice thereof by prepaid telegraph or teletype, including date, route, size of shipment, and brief general description of the equipment or supplies comprising the shipment. When authorized by the

¹ §§ 81.10 (f) (23) and 81.16 (g) are amended.

purchasing and contracting officer, such notice may be sent by air mail, in lieu of telegraph or teletype, where secrecy is essential and where the use of air mail is practicable. This provision is not to be substituted for any other requirement, such as mailing bills of lading. (R.S. 3709; 31 Stat. 905; 41 U.S.C. 5, 10 U.S.C. 1201) [Par. 10P, AR 5-140, May 22, 1940, as amended by Proc. Cir. 40, W.D., June 5, 1941, and Proc. Cir. 5, W.D., Jan. 13, 1942]

• • • • •
 § 81.16 Use of standard contract forms.

(g) Wire or mail notice of shipments.

(1) The following provision will be included in all future contracts (or purchase orders) which require shipment of equipment or supplies to any activity or officer of the War Department:

In connection with any shipment hereunder of one carload or equivalent or more consigned to any unit or officer of the War Department, the shipper, at the time the equipment or supplies are ordered for loading for rail, motor, or water transport, will send consignee notice thereof by prepaid telegraph or teletype, including date, route, size of shipment, and brief general description of the equipment or supplies comprising the shipment. When authorized by the purchasing and contracting officer, such notice may be sent by air mail, in lieu of telegraph or teletype, where secrecy is essential and where the use of air mail is practicable. This provision is not to be substituted for any other requirement, such as mailing bills of lading.

(2) As to contracts in process of award or already in force, the following procedure is prescribed:

(i) In cases where a Government inspector is on duty at the contractor's plant, that inspector will take the necessary action to notify consignees of shipments by collect telegraph or teletype, or by air mail as indicated in subparagraph (g) (1) of this section.

(ii) In cases where there is no Government inspector on duty at the contractor's plant, the contractor will be requested by letter to furnish the information indicated by wire, or by air mail as indicated in subparagraph (g) (1) of this section. It should be clearly indicated in the letter to the contractor that this notice by wire or air mail is necessary in the prosecution of the war effort and is not to be substituted for any other requirement such as mailing bills of lading. (R.S. 3709; 31 Stat. 905; 41 U.S.C. 5, 10 U.S.C. 1201) [Par. 7g, AR 5-200, Jan. 2, 1940, as amended by Proc. Cir. 46, W.D., June 14, 1941 and Proc. Cir. 5, W.D., Jan. 13, 1942]

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 [SEAL]

E. S. ADAMS,
 Major General,
 The Adjutant General.

[F. R. Doc. 42-550; Filed, January 19, 1942;
 11:30 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER II—ADMINISTRATOR OF
 CIVIL AERONAUTICS, DEPARTMENT
 OF COMMERCE

PART 601—DESIGNATION OF CONTROL AIR-
 PORTS AND AIRWAY TRAFFIC CONTROL
 AREAS AND REPEAL OF CERTAIN CONTROL
 ZONES OF INTERSECTION

JANUARY 14, 1942.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation of the Civil Aeronautics Board Serial No. 197¹ and finding that this action is necessary in the interest of safety and for the proper control of air traffic, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics to read as follows:

§ 601.1 Airway traffic control areas. The following portions of the civil airways are designated as airway traffic control areas:

§ 601.100 Extent of area. Wherever a point hereinafter prescribed for the purpose of the designating of an airway traffic control area coincides with a point specified by the Administrator in designating the center line of an airway, such airway traffic control area shall include all of the airway within a 10-mile radius of such point.

§ 601.1001 Green civil airway No. 1 airway traffic control areas (U. S.-Canadian Border to Danforth, Maine). All of green civil airway No. 1.

§ 601.1002 Green civil airway No. 2 airway traffic control areas (Seattle, Wash., to Boston, Mass.). Those portions of green civil airway No. 2: From Boeing Field, Seattle, Wash., to a line extended at right angles across such airway through a point on the center line thereof 25 miles northwest of Superior, Mont.; from a line extended at right angles across such airway through a point on the center line thereof 25 miles southeast of the La Crosse, Wis., radio range station, to the intersection of the center line of the on course signal of the east leg of the Detroit, Mich. (Wayne County Airport), radio range and the U. S.-Canadian Border; from the intersection of the center line of the on course signal of the west leg of the Buffalo, N. Y., radio range and the U. S.-Canadian Border, to the Boston, Mass., radio range station.

§ 601.1003 Green civil airway No. 3 airway traffic control areas (San Francisco, Calif., to New York, N. Y.). Those portions of green civil airway No. 3: From the Municipal Airport, San Francisco, Calif., to a line extended at right angles across such airway through a point on the center line thereof 25 miles west of the Parco, Wyo., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles east of the Des Moines, Iowa, radio range station, to

the New York Municipal Airport, LaGuardia Field, New York, N. Y.

§ 601.1004 Green civil airway No. 4 airway traffic control areas (Los Angeles, Calif., to Philadelphia, Pa.). Those portions of green civil airway No. 4: From the Municipal Airport, Los Angeles, Calif., to a line extended at right angles across such airway through a point on the center line thereof 25 miles east of the Ashfork, Ariz., radio range station from a line extended at right angles across such airway through a point on the center line thereof 25 miles northeast of the Wichita, Kans., radio range station, to the Municipal Airport, Philadelphia, Pa.

§ 601.1005 Green civil airway No. 5 airway traffic control areas (Los Angeles, Calif., to Washington, D. C.). Those portions of green civil airway No. 5: From the Los Angeles, Calif., radio range station, to a line extended at right angles across such airway through a point on the center line thereof 25 miles south of the Phoenix, Ariz., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles east of the Big Spring, Tex., radio range station to the Washington National Airport, Washington, D. C.

§ 601.1006 Green civil airway No. 6 airway traffic control areas (Corpus Christi, Tex., to Richmond, Va.). All of green civil airway No. 6.

§ 601.1011 Amber civil airway No. 1 airway traffic control areas (San Diego, Calif., to the U. S.-Canadian Border). All of amber civil airway No. 1.

§ 601.1012 Amber civil airway No. 2 airway traffic control areas (Daggett, Calif., to U. S.-Canadian Border). That portion of amber civil airway No. 2: From the Daggett, Calif., radio range station, to a line extended at right angles across such airway through a point on the center line thereof 25 miles south of the Dillon, Mont., radio range station.

§ 601.1013 Amber civil airway No. 3 airway traffic control areas (El Paso, Tex., to Great Falls, Mont.). No designation.

§ 601.1014 Amber civil airway No. 4 airway traffic control areas (Brownsville, Tex., to Bismarck, N. Dak.). Those portions of amber civil airway No. 4: From the Municipal Airport, Brownsville, Tex., to a line extended at right angles across such airway through a point on the center line thereof 25 miles south of the Omaha, Nebr., radio range station.

§ 601.1015 Amber civil airway No. 5 airway traffic control areas (New Orleans, La., to Milwaukee, Wis.). All of amber civil airway No. 5.

§ 601.1016 Amber civil airway No. 6 airway traffic control areas (Jacksonville, Fla., to U.S.-Canadian Border). All of amber civil airway No. 6.

§ 601.1017 Amber civil airway No. 7 airway traffic control areas (Key West, Fla., to Caribou, Maine). Those portions of amber civil airway No. 7: From the Key West, Fla., radio range station, to a line extended at right angles across

¹ 6 F.R. 6348.

such airway through a point on the center line thereof 25 miles northeast of the Florence, S. C., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles north of the Raleigh, N. C., radio range station, to the Caribou, Maine, radio range station.

§ 601.10201 *Red civil airway No. 1 airway traffic control areas (Portland, Oreg., to Salt Lake City, Utah).* All of red civil airway No. 1.

§ 601.10202 *Red civil airway No. 2 airway traffic control areas (Whitehall, Mont., to Belgrade, Mont.).* No designation.

§ 601.10203 *Red civil airway No. 3 airway traffic control areas (Philadelphia, Pa., to New York, N. Y.).* All of red civil airway No. 3.

§ 601.10204 *Red civil airway No. 4 airway traffic control areas (Dallas, Tex., to Shreveport, La.).* All of red civil airway No. 4.

§ 601.10205 *Red civil airway No. 5 airway traffic control areas (Sioux Falls, S. Dak., to Minneapolis, Minn.).* No designation.

§ 601.10206 *Red civil airway No. 6 airway traffic control areas (Parco, Wyo., to Grand Island, Nebr.).* No designation.

§ 601.10207 *Red civil airway No. 7 airway traffic control areas (Spartanburg, S. C., to Greensboro, N. C.).* All of red civil airway No. 7.

§ 601.10208 *Red civil airway No. 8 airway traffic control areas (Concord, N. H., to Portland, Maine).* All of red civil airway No. 8.

§ 601.10209 *Red civil airway No. 9 airway traffic control areas (Tallahassee, Fla., to Alma, Ga.).* All of red civil airway No. 9.

§ 601.10210 *Red civil airway No. 10 airway traffic control areas (Amarillo, Tex., to Charleston, S. C.).* Those portions of red civil airway No. 10: From a line extended at right angles across such airway through a point on the center line thereof 25 miles northwest of the Clarendon, Tex., radio range station, to the Charleston, S. C., radio range station.

§ 601.10211 *Red civil airway No. 11 airway traffic control areas (Tulsa, Okla., to St. Louis, Mo.).* All of red civil airway No. 11.

§ 601.10212 *Red civil airway No. 12 airway traffic control areas (Kansas City, Mo., to Detroit, Mich.).* All of red civil airway No. 12.

§ 601.10213 *Red civil airway No. 13 airway traffic control areas (Westfield, Mass., to Boston, Mass.).* All of red civil airway No. 13.

§ 601.10214 *Red civil airway No. 14 airway traffic control areas (Lone Rock, Wis., to Louisville, Ky.).* All of red civil airway No. 14.

§ 601.10215 *Red civil airway No. 15 airway traffic control areas (Las Vegas, Nev., to Phoenix, Ariz.).* All of red civil airway No. 15.

§ 601.10216 *Red civil airway No. 16 airway traffic control areas (Augusta, Ga., to Charleston, S. C.).* All of red civil airway No. 16.

§ 601.10217 *Red civil airway No. 17 airway traffic control areas (Martinsburg,*

W. Va., to Baltimore, Md.). All of red civil airway No. 17.

§ 601.10218 *Red civil airway No. 18 airway traffic control areas (Indianapolis, Ind., to Washington, D. C.).* All of red civil airway No. 18.

§ 601.10219 *Red civil airway No. 19 airway traffic control areas (Dayton, Ohio, to Grand Rapids, Mich.).* All of red civil airway No. 19.

§ 601.10220 *Red civil airway No. 20 airway traffic control areas (Detroit, Mich., to Washington, D. C.).* All of red civil airway No. 20.

§ 601.10221 *Red civil airway No. 21 airway traffic control areas (Detroit, Mich., to Woodward, Pa.).* All of red civil airway No. 21.

§ 601.10222 *Red civil airway No. 22 airway traffic control areas (Roanoke, Va., to Gordonsville, Va.).* All of red civil airway No. 22.

§ 601.10223 *Red civil airway No. 23 airway traffic control areas (Buffalo, N. Y., to New York, N. Y.).* All of red civil airway No. 23.

§ 601.10224 *Red civil airway No. 24 airway traffic control areas (Amarillo, Tex., to Oklahoma City, Okla.).* That portion of red civil airway No. 24: From a line extended at right angles across such airway through a point on the center line thereof 25 miles east of the Amarillo, Tex., radio range station, to the Oklahoma City, Okla., radio range station.

§ 601.10225 *Red civil airway No. 25 airway traffic control areas (Daytona Beach, Fla., to Miami, Fla.).* All of red civil airway No. 25.

§ 601.10226 *Red civil airway No. 26 airway traffic control areas (New York, N. Y., to Syracuse, N. Y.).* All of red civil airway No. 26.

§ 601.10227 *Red civil airway No. 27 airway traffic control areas (Dayton, Ohio, to Detroit, Mich.).* All of red civil airway No. 27.

§ 601.10228 *Red civil airway No. 28 airway traffic control areas (Chicago, Ill., to Grand Rapids, Mich.).* All of red civil airway No. 28.

§ 601.10229 *Red civil airway No. 29 airway traffic control areas (Baltimore, Md., to Elmira, N. Y.).* All of red civil airway No. 29.

§ 601.10230 *Red civil airway No. 30 airway traffic control areas (Mobile, Ala., to Jacksonville, Fla.).* All of red civil airway No. 30.

§ 601.10231 *Red civil airway No. 31 airway traffic control areas (Huron, S. Dak., to Minneapolis, Minn.).* No designation.

§ 601.10232 *Red civil airway No. 32 airway traffic control areas (San Antonio, Tex., to Houston, Tex.).* All of red civil airway No. 32.

§ 601.10233 *Red civil airway No. 33 airway traffic control areas (Harrisburg, Pa., to New York, N. Y.).* All of red civil airway No. 33.

§ 601.10234 *Red civil airway No. 34 airway traffic control areas (Raleigh, N. C., to Pulaski, Va.).* That portion of red civil airway No. 34: From a line extended at right angles across such airway through a point on the center line thereof 25 miles east of the Greens-

boro, N. C., radio range station, to the Pulaski, Va., radio range station.

§ 601.10301 *Blue civil airway No. 1 airway traffic control areas (Pendleton, Oreg., to Spokane, Wash.).* All of blue civil airway No. 1.

§ 601.10302 *Blue civil airway No. 2 airway traffic control areas (Birmingham, Ala., to Erie, Pa.).* All of blue civil airway No. 2.

§ 601.10303 *Blue civil airway No. 3 airway traffic control areas (Memphis, Tenn., to Tampa, Fla.).* All of blue civil airway No. 3.

§ 601.10304 *Blue civil airway No. 4 airway traffic control areas (Boston, Mass., to Rouses Point, N. Y.).* All of blue civil airway No. 4.

§ 601.10305 *Blue civil airway No. 5 airway traffic control areas (Galveston, Tex., to Wichita, Kans.).* Those portions of blue civil airway No. 5: From the Municipal Airport, Galveston, Tex., to a line extended at right angles across such airway through a point on the center line thereof 25 miles north of the Oklahoma City, Okla., radio range station.

§ 601.10306 *Blue civil airway No. 6 airway traffic control areas (Abilene, Tex., to Oklahoma City, Okla.).* All of blue civil airway No. 6.

§ 601.10307 *Blue civil airway No. 7 airway traffic control areas (Springfield, Ill., to Morse, Ill.).* All of blue civil airway No. 7.

§ 601.10308 *Blue civil airway No. 8 airway traffic control areas (Fargo, N. Dak., to U. S.-Canadian Border).* No designation.

§ 601.10309 *Blue civil airway No. 9 airway traffic control areas (Columbia, Mo., to La Crosse, Wis.).* That portion of blue civil airway No. 9: From the Columbia, Mo., radio range station, to a line extended at right angles across such airway through a point on the center line thereof 25 miles south of the Des Moines, Iowa, radio range station.

§ 601.10310 *Blue civil airway No. 10 airway traffic control areas (Modesto, Calif., to Williams, Calif.).* All of blue civil airway No. 10.

§ 601.10311 *Blue civil airway No. 11 airway traffic control areas (Muscle Shoals, Ala., to Nashville, Tenn.).* All of blue civil airway No. 11.

§ 601.10312 *Blue civil airway No. 12 airway traffic control areas (Northdallas, Wash., to Ellensburg, Wash.).* All of blue civil airway No. 12.

§ 601.10313 *Blue civil airway No. 13 airway traffic control areas (Lake Charles, La., to Texarkana, Ark.).* All of blue civil airway No. 13.

§ 601.10314 *Blue civil airway No. 14 airway traffic control areas (Riverside, Calif., to Bakersfield, Calif.).* All of blue civil airway No. 14.

§ 601.10315 *Blue civil airway No. 15 airway traffic control areas (Columbus, Ohio, to Erie, Pa.).* All of blue civil airway No. 15.

§ 601.10316 *Blue civil airway No. 16 airway traffic control areas (Dillon, Mont., to Helena, Mont.).* No designation.

§ 601.10317 *Blue civil airway No. 17 airway traffic control areas (Blythe, Calif.,*

to Kingman, Ariz.). All of blue civil airway No. 17.

§ 601.10318 *Blue civil airway No. 18 airway traffic control areas (Newark, N. J., to Burlington, Vt.)*. All of blue civil airway No. 18.

§ 601.10319 *Blue civil airway No. 19 airway traffic control areas (Melbourne, Fla., to Orlando, Fla.)*. All of blue civil airway No. 19.

(For a list of airway traffic control areas, see *Air Navigation Radio Aids* published periodically by the Administrator.)

§ 601.2 *Control zones of intersection designation*. The radio range station of the Civil Aeronautics Administration located at each of the following cities is designated as the center of a control zone of intersection: Albuquerque, N. Mex.; Amarillo, Tex.; Belgrade, Mont.; Billings, Mont.; Bismarck, N. Dak.; Cheyenne, Wyo.; Denver, Colo.; Des Moines, Iowa; El Paso, Tex.; Fargo, N. Dak.; Grand Island, Nebr.; Great Falls, Mont.; Helena, Mont.; Huron, S. Dak.; La Crosse, Wis.; Laramie, Wyo.; Minneapolis, Minn.; Omaha, Nebr.; Raleigh, N. C.; Sioux Falls, S. Dak.; Whitehall, Mont.; Wichita, Kans. (For a list of control zones of intersection, see *Air Navigation Radio Aids* published periodically by the Administrator.)

§ 601.3 *Control airport designation*. The following airports are designated as control airports:

City	Name of Airport
Akron, Ohio	Akron Airport.
Albany, Ga.	Albany New Municipal Airport.
Albany, N. Y.	Albany Airport.
Albuquerque, N. Mex.	Albuquerque Municipal Airport.
Amarillo, Tex.	English Field.
Anchorage, Alaska	Anchorage Municipal Airport (Merrill Field).
Atlanta, Ga.	Atlanta Airport.
Augusta, Ga.	Augusta Municipal Airport (Daniel Field).
Austin, Tex.	Austin Municipal Airport (Robert Mueller Field).
Bakersfield, Calif.	Bakersfield—Kern County Airport.
Baltimore, Md.	Baltimore Municipal Airport.
Bangor, Maine	Bangor Municipal Airport.
Billings, Mont.	Billings Airport.
Birmingham, Ala.	Birmingham Airport.
Bismarck, N. Dak.	Bismarck Airport.
Boise, Idaho	Boise Municipal Airport.
Boston, Mass.	Boston Airport.
Bristol, Tenn.	Tri-City Airport.
Buffalo, N. Y.	Buffalo Airport.
Butte, Mont.	Butte Airport.
Charleston, S. C.	Charleston Airport.
Charlotte, N. C.	Charlotte Municipal Airport.
Chattanooga, Tenn.	Lovell Field.
Cheyenne, Wyo.	Cheyenne Airport.
Chicago, Ill.	Chicago Airport.
Cincinnati, Ohio.	Cincinnati Airport.
Cleveland, Ohio.	Cleveland Airport.
Columbia, S. C.	Owens Field.
Columbus, Ohio.	Port Columbus.
Corpus Christi, Tex.	Corpus Christi Municipal Airport (Cliff Maus Field).
Dallas, Tex.	Love Field.
Dayton, Ohio.	Dayton Airport.
Daytona Beach, Fla.	Daytona Beach Airport.
Denver, Colo.	Denver Airport.

City	Name of airport
Des Moines, Iowa	Des Moines Airport.
Detroit, Mich.	Detroit City Airport.
Detroit, Mich.	Detroit Wayne County Airport.
Dothan, Ala.	Dothan Airport.
East Baton Rouge, La.	East Baton Rouge Airport.
El Paso, Tex.	El Paso Airport.
Everett, Wash.	Snohomish County Airport.
Fairbanks, Alaska	Fairbanks Municipal Airport (Weeks Field).
Fargo, N. Dak.	Hector Field.
Fort Myers, Fla.	Lee County Airport.
Fort Wayne, Ind.	Fort Wayne Municipal Airport.
Fort Worth, Tex.	Meacham Field.
Fresno, Calif.	Fresno Municipal Airport (Chandler Field).
Galveston, Tex.	Galveston Airport.
Grand Rapids, Mich.	Kent County Airport.
Greensboro, N. C.	Greensboro-High Point Airport.
Greenville, S. C.	Greenville Airport.
Greenwood, Miss.	Greenwood Airport.
Harrisburg, Pa.	Harrisburg State Airport.
Hartford, Conn.	Brainard Field.
Helena, Mont.	Helena Airport.
Houlton, Maine	Houlton Airport.
Houston, Tex.	Howard Hughes Airport.
Indianapolis, Ind.	Indianapolis Airport.
Jackson, Miss.	Jackson Airport.
Jacksonville, Fla.	Jacksonville Airport.
Kansas City, Mo.	Kansas City Airport.
Key West, Fla.	Meacham Field.
Knoxville, Tenn.	Knoxville (McGhee-Tyson) Airport.
Lansing, Mich.	Capitol City Airport.
Las Vegas, Nev.	Las Vegas Airport.
Little Rock, Ark.	Adams Field.
Long Beach, Calif.	Long Beach Airport.
Los Angeles, Calif.	Los Angeles Municipal Airport.
Los Angeles (Burbank), Calif.	Lockheed Air Terminal.
Los Angeles (Glen-dale), Calif.	Grand Central Air Terminal.
Louisville, Ky.	Bowman Field.
Macon, Ga.	Herbert Smart Airport.
Manchester, N. H.	Manchester Airport.
Medford, Oreg.	Medford Airport.
Memphis, Tenn.	Memphis Airport.
Meridian, Miss.	Key Airport.
Miami, Fla.	Miami Airport.
Miami, Fla.	Pan American Thirty-sixth Street Airport.
Milwaukee, Wis.	Gen. Mitchell Field (Milwaukee County Airport).
Minneapolis, Minn.	Minneapolis Airport.
Mobile, Ala.	New Mobile Municipal Airport.
Montgomery, Ala.	Montgomery Municipal Airport.
Muscle Shoals, Ala.	Muscle Shoals Airport.
Nashville, Tenn.	Berry Field.
Newark, N. Y.	Newark Airport.
New York City, N. Y. (Brooklyn).	New York Airport (Floyd Bennett Field).
New York, N. Y.	New York Airport, (LaGuardia Field).
New Orleans, La.	New Orleans Airport.
Oakland, Calif.	Oakland Airport.
Oklahoma City, Okla.	Oklahoma City Air Terminal.
Omaha, Nebr.	Omaha Airport.
Orlando, Fla.	Orlando Airport.
Pendleton, Oreg.	Pendleton Airport.
Pensacola, Fla.	Pensacola Airport.
Phoenix, Ariz.	Sky Harbor Airport.
Philadelphia, Pa.	Philadelphia Airport.
Pittsburgh, Pa.	Pittsburgh-Allegheny County Airport.
Portland, Oreg.	Portland (Portland-Columbia) Airport.
Presque Isle, Maine.	Presque Isle Airport.

City	Name of airport
Providence, R. I.	Theodore Francis Green Airport (Rhode Island Airport).
Raleigh, N. C.	Raleigh Airport.
Richmond, Va.	Richard E. Byrd Field.
Rochester, N. Y.	Rochester Airport.
Sacramento, Calif.	Sacramento Airport.
St. Louis (Robertson), Mo.	Lambert-St. Louis Airport.
St. Paul, Minn.	Holman Airport.
Salinas, Calif.	American Legion Airport.
Salt Lake City, Utah.	Salt Lake City Airport.
San Antonio, Tex.	Stinson Field.
San Diego, Calif.	Lindbergh Field.
San Francisco, Calif.	San Francisco Airport.
Santa Monica, Calif.	Clover Field.
Savannah, Ga.	Savannah Airport.
Seattle, Wash.	Boeing Field.
Shreveport, La.	Shreveport Municipal Airport.
South Bend, Ind.	St. Joseph County Airport.
Spartanburg, S. C.	Memorial Airport.
Spokane, Wash.	Felts Field.
Tallahassee, Fla.	Dale Mabry Field.
Tampa, Fla.	Peter O. Knight Airport.
Toledo, Ohio	Toledo Airport.
Troy, N. Y.	Troy Airport.
Tucson, Ariz.	Tucson Airport.
Tulsa, Okla.	Tulsa Airport.
Washington, D. C.	Washington National Airport.
West Palm Beach, Fla.	Morrison Field.
Wichita, Kans.	Wichita Airport.
Wichita Falls, Tex.	Wichita Falls Airport.
Youngstown, Ohio.	Youngstown Airport.

(For a list of control airports, see *Air Navigation Radio Aids* published periodically by the Administrator.)

§ 601.4 *Radio fix designation*. (To be designated.)

The foregoing designations shall become effective and all other designations of airway traffic control areas, control zones of intersection, and control airports heretofore made shall be repealed at 12:01 A. M., E. S. T., January 15, 1942.

DONALD H. CONNOLLY,
Administrator of Civil Aeronautics.

[F. R. Doc. 42-494; Filed, January 17, 1942; 9:49 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

CHAPTER II—RAILROAD RETIREMENT BOARD

PART 250—REPORTS, INFORMATION, HEARINGS AND WITNESSES

AMENDING REGULATIONS UNDER THE RAILROAD RETIREMENT ACT OF 1937¹

Pursuant to the general authority contained in section 10 of the Act of June 24, 1937 (Sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j), § 250.03 (b) of the Regulations of the Railroad Retirement Board under such Act (4 F.R. 1477) is amended, effective immediately, by Board Order 42-22 dated January 13, 1942, to read as follows:

§ 250.03 *Employers' reports of monthly compensation of employees.*

¹ 4 F.R. 1495.

(b) For the purpose of providing a test of annual reporting, the director of wage and service records is authorized to approve, with the consent of the chief executive officer, agreements with employers whereby, for the calendar year 1941 or 1942, or both of such years, there shall be filed by such employers in lieu of the reports required under (a) above and of the notices of death required under § 250.02, such reports and notices as the director of wage and service records may prescribe. Agreements shall be approved only with employers whose accounting facilities and practices are adapted to the making of such test. (Secs. 8, 10, 50 Stat. 313, 314; 45 U.S.C. Sup. III, 228h, 228j)

Dated: January 19, 1942.
By Authority of the Board.

[SEAL] JOHN C. DAVIDSON,
Secretary.

PART 345—EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

AMENDING REGULATIONS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT¹

Pursuant to the authority contained in section 12 of the Act of June 25, 1938 (52 Stat. 1094, 1107; 45 U.S.C. Sup. IV, 362), as amended by the Act of June 20, 1939 (53 Stat. 845; Pub. No. 141, 76th Cong., 1st Sess.), the Railroad Retirement Board, by Board Order 42-22 dated January 13, 1942, amends, effective immediately, § 345.23 of the Regulations under the Railroad Unemployment Insurance Act to read as follows:

§ 345.23 *Test of annual reporting.* Employers with whom the director of wage and service records, pursuant to § 250.03 (b) of the Regulations under the Railroad Retirement Act of 1937, approves agreements as part of a test of annual reporting, shall, notwithstanding any provisions of the preceding sections of this Part, file reports, for the calendar year 1941 or 1942, or both of such years, in such manner and at such times as the chief executive officer may prescribe; except that such employers shall file contribution reports and pay contributions at the times required of other employers by these Regulations. Such contribution reports shall be substantially similar to the reports required by §§ 345.05, 345.06, 345.07, and 345.08 of the regulations in this part, and the adjustments provided for in § 345.12 of the regulations in this part will be made upon the basis of such reports as are filed pursuant to this section or § 250.03 (b) of the regulations under the Railroad Retirement Act of 1937.

Dated: January 19, 1942.
By Authority of the Board.

[SEAL] JOHN C. DAVIDSON,
Secretary.

[F. R. Doc. 42-559; Filed, January 19, 1942; 11:53 a. m.]

¹ 4 F.R. 4370.

TITLE 22—FOREIGN RELATIONS

CHAPTER I—DEPARTMENT OF STATE

PART 58—CONTROL OF PERSONS ENTERING AND LEAVING THE UNITED STATES PURSUANT TO THE ACT OF MAY 22, 1918, AS AMENDED

ALIENS ENTERING

Pursuant to the authority contained in Proclamation No. 2523¹ issued by the President on November 14, 1941, under the act of May 22, 1918 (40 Stat. 559), as amended by the act of June 21, 1941 (55 Stat. 252), § 58.47 (6 F.R. 5931) of the regulations promulgated on November 19, 1941, is hereby amended by changing the designation of present paragraph (i) to (j) and inserting a new paragraph (i) reading as follows:

§ 58.47 *Classes of aliens whose entry is deemed to be prejudicial to the public interest.*

(i) An alien enemy in the United States as defined or contemplated by any proclamation of the President issued after December 1, 1941, or an alien who, if admitted into the United States, would be an alien enemy under any such proclamation: *Provided*, That such alien may be excepted from this provision in the discretion of the Secretary of State, on a recommendation by the board of appeals to be made after consideration of the case by the interdepartmental committee and the committee of review.

[SEAL] CORDELL HULL,
Secretary of State.

Concurred in by:
FRANCIS BIDDLE,
Attorney General.

JANUARY 14, 1942.

[F. R. Doc. 42-560; Filed, January 19, 1942; 12:17 p. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

[T. D. 5108]

PART 182—INDUSTRIAL ALCOHOL

Amendment of Regulations No. 3

By virtue of and pursuant to sections 3070, 3105, 3108 (a), 3109, 3114 (a), 3124 (a) (6), and 3176, Internal Revenue Code, Regulations No. 3 is amended by inserting a new article, reading as follows:

Optional Use of Withdrawal Permits on Form 1485, in Lieu of Form 1477, by Users of Specially Denatured Alcohol

ART. 144-A. In view of the present shortage of alcohol and certain denaturants, and the consequent difficulty of denaturers in filling orders for specially denatured alcohol, any person holding permit, Form 1481, to use specially de-

¹ 6 F.R. 5821, 5869.

natured alcohol, may, upon the surrender of his outstanding withdrawal permits on Form 1477 to the district supervisor, be issued a new withdrawal permit on Form 1485, in accordance with the following procedure:

Application and withdrawal permit, Form 1485—(a) Application. Where it is desired to use the new withdrawal permit, Form 1485, application will be made on Part I thereof, in duplicate, with the district supervisor. The permittee shall state on his application the names, registry numbers (in the case of denaturing plants) or basic permit numbers (in the case of dealers in specially denatured alcohol) and addresses of the denaturing plants or bonded dealers from which he proposes to purchase specially denatured alcohol. The proof and formulas of specially denatured alcohol to be withdrawn, and, in the case of optional or substitute denaturants, the kind and quantity of the denaturants approved on Form 1479-A, must be stated in the application. The applicant shall also specify the total quantity, in wine gallons, of each formula of specially denatured alcohol to be withdrawn during the term of the withdrawal permit, and the quantity of each formula to be withdrawn during a calendar month, which amount shall not be in excess of one-twelfth (or similar proportionate quantity where the withdrawal permit is for a period of other than 1 year) of the total quantity of the specified formula to be withdrawn during the term of the withdrawal permit. Such quantities shall in no case exceed those specified in the applicant's basic permit, Form 1481. If withdrawals are to be made in drums or barrel lots, the application shall be in multiples of 55 wine gallons. The district supervisor may approve or disapprove the application in whole or in part, according to his findings as to the legitimate needs of the applicant.

(b) *Withdrawal permit.* If the application is approved by the district supervisor, he shall issue withdrawal permit on Part II of Form 1485. The permit shall specify the quantity that may be procured during any calendar month and the total quantity that may be procured during the period for which the withdrawal permit is issued. The quantity of each formula authorized by the withdrawal permit shall not exceed the quantity of such formula fixed in the basic permit, Form 1481. If withdrawals are to be made in drums or barrels, the permit shall be in multiples of 55 wine gallons. The withdrawal permit shall specify the date when the same shall be available for withdrawal purposes. The district supervisor will forward the original copy of the withdrawal permit to the permittee and will retain the duplicate copy for his files. If any denaturer or bonded dealer named as vendor in the withdrawal permit is located in another supervisory district, a copy of the withdrawal permit and any renewals or amendments thereof, will be prepared on the prescribed form and transmitted by the district supervisor issuing the same to the district supervisor of the

district from which shipments are to be made.

(1) *Withdrawals under permit.* When the permittee desires to procure specially denatured alcohol, he will forward the original of the withdrawal permit to the denaturer or bonded dealer named therein from whom he desires to procure the specially denatured alcohol. Upon shipment, the denaturer or bonded dealer will enter the shipment on the withdrawal permit and return it to the permittee, unless he has been authorized by the permittee to retain the permit for the purpose of making future shipments. No specially denatured alcohol may be shipped by a vendor named in the withdrawal permit until such permit is in his possession. Except as provided in paragraph (e), further like shipments may be made under such permit during the term for which it is issued.

(2) *Exception.* Withdrawals must be so regulated by the permittee that he will not have on hand, in transit, and unaccounted for during any calendar month more than the quantity of specially denatured alcohol, plus the quantity of recovered or restored denatured alcohol, and recovered or restored articles (which are in the form of denatured alcohol) so authorized by his basic permit, Form 1481: *Provided*, That the district supervisor may, in his discretion, pursuant to application on Part I of Form 1485, and upon proper showing of necessity therefor, (i) in the case of a seasonal business, amend the applicant's withdrawal permit to authorize withdrawal during any calendar month of not to exceed a two months' allowance, or (ii) issue to the permittee, in lieu of an annual permit, Form 1485, one or more withdrawal permits for a specified quantity or period subject to the above restrictions as to the maximum quantity that may be withdrawn during any one month, but the total quantity authorized under (i) and (ii) shall not exceed the quantity specified in the withdrawal permit, Form 1485, to be withdrawn during the period for which it is issued: *Provided further*, That such additional withdrawals shall not be authorized unless the bond of the permittee is in a sufficient penal sum to cover the increased quantity in addition to the regular withdrawal allowance.

(c) *Special permit.* Where new permittees qualify within a calendar month a special withdrawal permit, Form 1485, should be issued for the proportionate quantity of specially denatured alcohol to which the permittee may be entitled for the balance of the month, which permit shall be void at the end of such month, and must be at once returned by the permittee to the district supervisor.

(d) *Carrier to be furnished copy of Form 1485.* Where the specially denatured alcohol is to be delivered to the manufacturer by a person other than the vendor, the manufacturer shall procure from the district supervisor a certified copy (or copies, if delivery is to be made by more than one carrier), on the pre-

scribed form, of the withdrawal permit, Form 1485, issued to him, and file the same with the delivering carrier's agent at destination. Application for such certified copy or copies shall be made by the permittee to the district supervisor by letter, specifying the name of the delivering carrier. Where such delivering carrier is known at the time Form 1485 is filed, the application should accompany such form.

(e) *Expiration or termination of permit.* Upon expiration of a withdrawal permit, it shall be returned to the district supervisor for cancellation. Where the withdrawal permit is in the possession of a vendor on the date of expiration, such vendor shall return it to the permittee for surrender to the district supervisor. Should a basic permit, Form 1481, held by a person to whom withdrawal permit, Form 1485, was issued, be terminated, surrendered, or revoked, each denaturer or dealer named as vendor in such withdrawal permit, shall, upon notice from the district supervisor, make no further shipments thereunder, and if such withdrawal permit is in his possession, he shall return it to the district supervisor for cancellation.

Quantity procurable under withdrawal permits, Form 1485. In procuring specially denatured alcohol the permittee shall deduct the quantity of specially denatured alcohol, plus the quantity of recovered or restored denatured alcohol, and recovered or restored articles (which are in the form of denatured alcohol) on hand, in transit, and unaccounted for from the quantity procurable under the withdrawal permit during the calendar month, and give his order for an amount not exceeding the available balance. For this purpose, specially denatured alcohol, recovered or restored denatured alcohol, and recovered or restored articles (which are in the form of denatured alcohol) shall be deemed to be unaccounted for when used or disposed of otherwise than as provided in these regulations. Failure on the part of permittees to observe the foregoing requirements concerning withdrawals will be regarded as sufficient ground for citation for revocation of their basic permits.

Withdrawal permits on Form 1477 shall continue in effect, except where superseded by withdrawal permits on Form 1485, or where otherwise terminated in accordance with present regulations.

A supply of the new Forms 1485 will be furnished to district supervisors.

Applications by the United States or governmental agency for permit to procure specially denatured alcohol will hereafter be made on Part I of Form 1486, revised December, 1941, in lieu of Form 1485.

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: January 15, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-486; Filed, January 16, 1942;
3:40 p. m.]

SUBCHAPTER C—MISCELLANEOUS EXCISE TAXES

PART 316—EXCISE TAXES ON SALES BY THE MANUFACTURER

[T. D. 5107]

Section 316.150 of Regulations 46 (1940 Edition), Added by Treasury Decision 5099, approved November 28, 1941, Amended

Regulations 46¹ (1940 Edition) [Part 316, Title 26, Code of Federal Regulations, 1940 Sup.], as amended by Treasury Decision 5099,² approved November 28, 1941 [Part 316 of such Title 26, 1941 Sup.], relating to excise taxes on sales by the manufacturer under the Internal Revenue Code, as amended, are hereby amended as follows:

The first paragraph of § 316.150 is amended to read as follows:

§ 316.150 *Scope of tax.* Subsection (a) (7) of section 3406, as added by section 551 of the Revenue Act of 1941, imposes a tax on the sale by the manufacturer of any article of which rubber is the component material of chief weight, except articles of footwear such as shoes, rubbers and boots; articles especially designed for hospital or surgical use; and articles taxable under any other section of Chapter 29 of the Code, as amended.

(This Treasury decision is issued under the authority contained in section 551 of the Revenue Act of 1941 (Public Law 250, Seventy-seventh Congress), and section 3791 of the Internal Revenue Code (53 Stat. 467; 26 U. S. C., Sup. V, 3791).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: January 15, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-485; Filed, January 16, 1942;
3:40 p. m.]

SUBCHAPTER E—INCOME, ESTATE, AND GIFT TAXES

[T.D. 5109]

PART 471—ACCEPTANCE OF TREASURY NOTES IN PAYMENT OF INCOME, ESTATE, AND GIFT TAXES

§ 471.1 *Acceptance of Treasury Notes of Tax Series A-1943, B-1943, A-1944, and B-1944 in payment of income, estate, and gift taxes.* Notes of the United States designated as Treasury Notes of Tax Series A-1943, Treasury Notes of Tax Series B-1943, Treasury Notes of Tax Series A-1944, and Treasury Notes of Tax Series B-1944 may be accepted in payment of income taxes (current and back personal and corporation taxes, and excess-profits taxes) and estate and gift taxes (current and back, at par and interest accrued to the month, inclusive,

¹ 5 F.R. 142.

² 6 F.R. 6129.

in which presented (but no accrual beyond the maturity date). Collectors of internal revenue are authorized and directed to accept the notes if at least one full calendar month intervenes between the month of acceptance and the month of purchase (as shown by the issuing agent's dating stamp on each note). For example, a note of Tax Series A-1944 purchased in January 1942 may be accepted in March 1942 but such a note purchased in February 1942 may not be accepted until April 1942. The notes may be accepted only in payment of income, estate, and gift taxes (current and back) due from the original purchaser thereof or his estate. The notes shall be in the name of the taxpayer (individual, corporation, or other entity) and may be presented for tax payment by the taxpayer, his agent, or his estate. Not more than \$1,200 in principal amount of notes of Tax Series A-1943, or of Tax Series A-1944, or of the two in combination, plus the amount of the accrued interest thereon, may be accepted on account of any one taxpayer's liability for income taxes (including excess-profits taxes), or gift taxes, for any taxable year or on account of any one taxpayer's liability for estate tax; but in the case of the income tax this limitation shall apply separately to husband and wife on a joint return and also to an owner before death and to his estate for the balance of the same year.

Collectors of internal revenue shall not in any case allow credit to a taxpayer on account of notes, or accept notes, for an amount greater than their principal amount plus accrued interest, nor shall notes be accepted in an amount (including accrued interest) greater than the unpaid liability of the taxpayer. The notes shall be forwarded to the collector of internal revenue with whom the tax return is filed, at the risk and expense of the taxpayer, and, for the taxpayer's protection, should be forwarded by registered mail, if not presented in person. (Secs. 3657 and 3791 of the Internal Revenue Code (53 Stat. 447, 467, 26 U.S.C. 1940 ed., 3657, 3791) and sec. 18 of the Second Liberty Bond Act of 1917, as amended (40 Stat. 1309, 31 U.S.C. 1940 ed., 753))

§ 471.2 *Procedure with respect to Treasury Notes of Tax Series A-1943, B-1943, A-1944, and B-1944.* Deposits of Treasury Notes of Tax Series A-1943, B-1943, A-1944, and B-1944 received in payment of income, estate, and gift taxes shall be made by the collector of internal revenue in a Federal Reserve Bank or a branch Federal Reserve Bank. Prior to deposit the collector of internal revenue will certify on the reverse side of the notes that they were received in payment of income, estate, or gift tax, as the case may be, and will show in the endorsement stamp the date of deposit. (Secs. 3657 and 3791 of the Internal Revenue Code (53 Stat. 447, 467, 26 U.S.C. 1940 ed., 3657, 3791) and sec. 18 of the Second Liberty Bond Act of 1917, as amended (40 Stat. 1309, 31 U.S.C. 1940 ed., 753))

§ 471.3 *Prior Treasury Decision superseded.* Treasury Decision 5064¹ is hereby superseded. (Secs. 3657 and 3791 of the Internal Revenue Code (53 Stat. 447, 467, 26 U.S.C. 1940 ed., 3657, 3791) and sec. 18 of the Second Liberty Bond Act of 1917, as amended (40 Stat. 1309, 31 U.S.C. 1940 ed., 753))

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: January 16, 1942.

D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 42-511; Filed, January 17, 1942;
12:48 p. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 130—REGULATIONS RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, TRANSFERS OF CREDIT, PAYMENTS, AND THE EXPORT AND WITHDRAWAL OF COIN, BULLION AND CURRENCY; AND TO REPORTS OF FOREIGN PROPERTY INTERESTS IN THE UNITED STATES—APPENDIX

PUBLIC CIRCULAR NO. 4A² UNDER EXECUTIVE
ORDER NO. 8389, APRIL 10, 1940, AS
AMENDED AND REGULATIONS ISSUED PURSU-
ANT THERETO JANUARY 16, 1942

Instructions for Preparation of Reports of Foreign-owned Property by Certain Nationals of Japan

Instructions relating to reports to be filed on Form TFR-300, Series J, with respect to all property subject to the jurisdiction of the United States on the opening of business on June 1, 1940, and with respect to all property subject to the jurisdiction of the United States on the opening of business on January 1, 1942, in which, on the respective dates, certain nationals of Japan had any interest of any nature whatsoever, direct or indirect.

SECTION I—General Instructions

A. *Reading instructions.* Read this Circular in full before beginning to prepare Series J.

B. *Persons required to report—(1) Basic requirement.* Except as provided in Instruction D hereof, reports on Series J of Form TFR-300 shall be filed by all nationals of Japan within the United States and its territories and possessions, except Hawaii and the Philippine Islands, who under General License No. 68 have hitherto been excused from filing reports on Form TFR-300. General License No. 68 is hereby revoked so far as it would exempt na-

¹ 6 F.R. 3883.

² Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress; Ex. Order 8389, April 10, 1940, as amended by Ex. Order 8785, June 14, 1941, Ex. Order 8832, July 26, 1941, Ex. Order 8963, December 9, 1941, and Ex. Order 8998, December 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.

tionals of Japan from reporting on Series J. Paragraph (3) of General License No. 68A with respect to reports on Form TFR-300 by nationals of Japan shall be deemed to require reports only on Series J.

(2) *Corporations and other organizations, including trusts and estates.* A corporation or other organization which is a national because of control by or an interest of a person or persons now required to report under Sub-instruction (1) hereof shall report its property on Series J. In addition to all other organizations, this requirement shall extend to trusts and estates and partnerships. In any event, report shall be made concerning a trust or an estate if the interests of nationals who themselves come within the provisions of Sub-instruction (1) exceed 25 per centum of comparable interests in the trust, regardless of the value of the interests, and a partnership shall report if the interests of such nationals who are partners exceed 25 per centum of comparable interests in the partnership. Organizations, including trusts and estates and partnerships, are not required to file reports in the names of their stockholders, members, or beneficiaries concerning the stock, membership, or beneficial interests.

(3) *Definition of "person" and of "national."* The terms "person" and "national" are defined as follows in Section 5 of Executive Order No. 8389, as amended:

C. The term "person" means an individual, partnership, association, corporation, or other organization.

* * * * *

E. The term "national" shall include,

(i) Any person who has been domiciled in, or a subject, citizen or resident of a foreign country at any time on or since the effective date of this Order.

(ii) Any partnership, association, corporation or other organization, organized under the laws of, or which on or since the effective date of this Order had or has had its principal place of business in such foreign country, or which on or since such effective date was or has been controlled by, or a substantial part of the stock, shares, bonds, debentures, notes, drafts, or other securities or obligations of which, was or has been owned or controlled by, directly or indirectly, such foreign country and/or one or more nationals thereof as herein defined.

(iii) Any person to the extent that such person is, or has been, since such effective date, acting or purporting to act directly or indirectly for the benefit or on behalf of any national of such foreign country, and

(iv) Any other person who there is reasonable cause to believe is a "national" as herein defined.

In any case in which by virtue of the foregoing definition a person is a national of more than one foreign country, such person shall be deemed to be a national of each such foreign country. In any case in which the combined interests of two or more foreign countries designated in this Order and/or nationals thereof are sufficient in the aggregate to constitute, within the meaning of the foregoing, control or 25 per centum or more of the stock, shares, bonds, debentures, notes, drafts, or other securities or obligations of a partnership, association, corporation or other organization, but such control or a substantial part of such stock, shares, bonds, de-

ventures, notes, drafts, or other securities or obligations is not held by any one such foreign country and/or national thereof, such partnership, association, corporation or other organization shall be deemed to be a national of such foreign countries. The Secretary of the Treasury shall have full power to determine that any person is or shall be deemed to be a "national" within the meaning of this definition, and the foreign country of which such person is or shall be deemed to be a national. Without limitation of the foregoing, the term "national" shall also include any other person who is determined by the Secretary of the Treasury to be, or to have been, since such effective date, acting or purporting to act directly or indirectly for the benefit or under the direction of a foreign country designated in this Order or national thereof, as herein defined.

It should be noted that the definition of "national" in subdivisions (i) and (iv) of subsection E of the Executive Order includes a citizen of the United States who has been or has purported to be a subject or citizen of a foreign country at any time on or since the effective date of the Order.

The effective date specified in Section 3 (k) of the Executive Order with respect to Japan and nationals thereof is June 14, 1941.

(4) *Doubt concerning nationality.* No person who is a national of Japan and who is required to report on Series J is excused from reporting because of any doubt he may have as to his status as a national.

(5) *Nationals who should have filed reports previously.* Nationals of Japan who have not been entitled to the benefits of General License No. 68, but who nevertheless have failed to file reports of their property on Form TFR-300 should do so at once. Such persons shall report on Series A or Series B, as appropriate, and on Series I, in accordance with the instructions contained in Public Circular No. 4, and shall not report on Series J.

(6) *Nationals who have previously reported their own property.* Nationals of Japan who have reported their own property on Series I, and on Series A or Series B, when appropriate, as required by Public Circular No. 4, should not report on Series J.

C. Property to be reported—(1) *General requirement.* Every national required to report on Series J shall report with respect to *all property* subject to the jurisdiction of the United States on the opening of business on June 1, 1940, and with respect to *all property* subject to the jurisdiction of the United States on the opening of business on January 1, 1942, in which on the respective dates the national had any interest of any nature whatsoever, direct or indirect. Property located in *any* of the territories and possessions of the United States, including Hawaii and the Philippine Islands, must be entered. The reports must be made whether or not the property is or has been blocked or subjected to any other restriction whatever by or under Executive Order No. 8389, as amended. Section II of this Circular provides a classification of property for the purpose of reporting.

(2) *Property jointly owned.* Every national required to report on Series J who

has any interest in any reportable property shall report the full amount of such property and not merely his interest. For example, if the person reporting owns a parcel of real estate jointly, he should report the entire value of the real estate. Appropriate provision is made on Series J for an indication of the existence of other interests. Any duplication by reason of several persons reporting the same property shall not excuse anyone from rendering the report required from him with respect to the property.

(3) *Doubt concerning ownership of property.* No national of Japan who had an interest in any property required to be reported on Series J is excused from reporting because of any doubt he may have as to the existence of the interest or of the property.

D. When no report need be filed—(1) *Total value of property less than \$1,000.* No report need be filed if the total value of all property which a national would otherwise be required to report was on both June 1, 1940, and January 1, 1942, less than \$1,000: *Provided,* That this exemption shall not apply to employment and agency agreements, understandings, and contracts, to patents, trade-marks, copyrights and franchises, to interests in partnerships and profit-sharing agreements, nor to property the value of which cannot be readily determined. If a person had property of a kind which must be reported without exemption, by virtue of the proviso in the preceding sentence, he must include in his report all other property in which he had an interest, regardless of the value of such other property. In arriving at the value of \$1,000, no deduction shall be made for offsets, liens, or other deductions from gross value.

(2) *General License No. 28.* The requirement for reporting contained in Instruction B above does not extend to nationals of Japan entitled to the benefits of General License No. 28, applying to citizens of the United States who are nationals of foreign countries only by reason of domicile or residence therein.

E. Time and place of filing report—(1) *General.* Reports must be executed and filed in *quadruplicate* on or before February 15, 1942 with the Federal Reserve Bank of the district, or the Governor of the territory or possession of the United States, in which the person filing the report resides or has a principal place of business or principal office or agency. Each person reporting should retain, for himself, an additional copy of his report.

(2) *Extension of time under General License No. 68A.* The time for filing reports required under paragraphs (3) and (4) of General License No. 68A has been extended to February 15, 1942.

F. Penalties. (1) Section 5 (b) of the Act of October 6, 1917 (40 Stat. 415), as amended, applicable hereto, provides in part:

* * * Whoever willfully violates any of the provisions of this subdivision or of any license, order, rule or regulation issued thereunder, shall, upon conviction, be fined not more than \$10,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of

any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

(2) Section 130.4 (c) (1) of the Regulations of April 10, 1940, as amended, issued under Executive Order No. 8389, as amended, provides:

All spaces in the report must be properly filled in. Reports found not to be in proper form, or lacking in essential details, shall not be deemed to have been filed in compliance with the Order.

*G. Information regarding preparation of reports—*Anyone desiring information concerning Series J may apply to any Federal Reserve Bank.

SEC. II—Property Classes

Before preparing your report read this Section in detail. This Circular requires reports on Form TFR-300, Series J, of all property subject to the jurisdiction of the United States, in which certain nationals of Japan, as specified in Instruction B under Section I of this Circular, had any interest on either or on both June 1, 1940, and January 1, 1942. In this Section property is classified for purposes of reporting. It is imperative that all property be entered under the correct type upon Series J, which requires that the person reporting state whether or not he has reported the value of all property he is called upon to report therein, including property held in the name of another in which he had any interest whatsoever.

Class A: Bullion, currency, and deposits. (1) Bullion, both gold and silver; (2) Currency and coin, United States and foreign; (3) Demand deposits payable in the United States in United States dollars or foreign currency, including any and all demand deposits or accounts maintained with any bank or broker, or others, in the national's own name or jointly with one or more other persons, or on which he has authority to draw, or maintained in some other name for the present or future benefit of the national, or in which the national has an interest, whether or not he has the right to draw thereon; (4) Other deposits payable in the United States in United States dollars or foreign currency, maintained with any bank, broker, or others, including savings accounts, compound interest accounts, accounts represented by certificates of deposit, postal savings accounts, and any and all other accounts, other than demand deposits, maintained in the national's own name or jointly with one or more other persons, or on which he has authority to draw, or maintained in some other name for the present or future benefit of the national, or in which the national has an interest, whether or not he has the right to draw thereon.

Class B: Financial securities. (5) United States Government obligations, including all United States bonds, registered or bearer, notes, bills, certificates of indebtedness, savings stamps, matured coupons, attached or detached, and every other such direct obligation of the United States Government, and all obligations evidenced by financial securities guaranteed as to principal or interest by the United States Government, but not obli-

gations not so guaranteed as to principal or interest; (6) State, municipal, and other local government obligations, including bonds, registered or bearer, matured coupons, attached or detached, notes, certificates of indebtedness, and any other such obligations of any state, territory, district, or possession of the United States, and of any agency or instrumentality or subdivision thereof, and of all municipal corporations, including, without limitation, cities, towns, townships, counties, parishes, irrigation districts, school, water, drainage, and tax districts, special authorities, and any other similar obligations and including certificates of deposit with respect to any of the foregoing; (7) Bonds of domestic corporations, including mortgage bonds, registered or bearer, and matured coupons, attached or detached, debentures, notes, income bonds, and any other evidences of funded debt, past due or to become due, and all receiver's or trustee's certificates and similar instruments, and any other obligation evidenced by an instrument, negotiable or otherwise, representing funded corporate debt, executed or issued by or in the name of any corporation organized under the laws of the United States or of any state, territory, district, or possession thereof, including all such obligations of any agency or instrumentality of the United States not guaranteed as to principal or interest by the United States Government and including certificates of deposit with respect to any of the foregoing; (8) Common stocks of domestic corporations, of whatever class, voting or nonvoting, including debenture stock, participating stock, and any other type or kind of stock [other than preferred stock], interests in voting trusts, stock pools, and similar interests, and any trustee's certificates, by whatever name called, representing shares or beneficial interests in any business trust or other type of unincorporated business organization except a partnership; (9) Preferred stocks of domestic corporations, including all stock, voting or nonvoting, issued by any domestic corporation, to which any preference of any kind attaches, over any other issue of stock of that same corporation; (10) Foreign securities held in the United States, including mortgage and other bonds, registered or bearer, and matured coupons, attached or detached, debentures, notes, and any other evidences of funded debt, past due or to become due, negotiable or otherwise, executed or issued either within or without the United States by a foreign government or any subdivision, instrumentality, or agency thereof, whether or not incorporated, or by any corporation or other association or organization, business or otherwise, organized and existing under the laws of any country other than the United States, representing funded debt thereof, and all stock, common or preferred of all types or kinds, and any other instrument by whatever name called, representing shares or beneficial interests in any such corporation, organization, or association and including certificates of deposit with respect to any of the foregoing; (11) Warrants, scrip, rights, and options;

other securities, warrants, scrip, rights, options, or other instruments evidencing the right to receive, purchase, or acquire any financial security or interest therein, absolutely or upon contingency, and all other contracts relating to the purchase or sale of financial securities, issued or unissued; and any other financial securities whatsoever or rights therein, commonly dealt in by bankers, brokers, and investment houses in the United States or elsewhere.

Class C: Notes and drafts; debts to and claims by national. (12) Checks, drafts, acceptances, and notes, including all checks, cashier's or official bank checks, sight drafts, time drafts, banker's acceptances, trade acceptances, promissory notes, and any and all other notes, drafts, or bills of exchange, and payment orders and remittances; (13) Letters of credit, including all similar instruments or agreements, wherein the obligation of any bank thereunder arises directly or indirectly at the request of, or for the account of, a national or extends to any national named in the letter of credit, or otherwise known, who has any rights, contingent or absolute, to receive any payments in any amount pursuant to the terms of the letter of credit or in reimbursement for any unused portion thereof; (14) Debts, claims, demands, and contracts, including book accounts, accounts receivable, judgments, awards; indebtedness and claims arising under contracts, policies of insurance, and surety and indemnity bonds; draw-backs, rebates, and refunds; and including all other debts, claims, and demands due or past due for the payment of money whether or not secured in any manner whatsoever [other than any represented by an instrument evidencing funded debt, or classified under some other type], due or claimed to be due to a national from any person or corporation residing or doing business in the United States or subject to the jurisdiction thereof, except where the debt was payable only on special demand and the place where due demand therefor could be made is not within the United States; and any and all contracts and rights under contracts, not otherwise classified, to which a national was a party or in which a national had any interest whatever, present or future, vested or contingent, executory or partly executed, liquidated or unliquidated, regardless of the nature of the contract or the nature and extent of the national's interest therein.

Class D: Miscellaneous personal property; personal property liens. (15) Warehouse receipts, bills of lading, and any and all other instruments, negotiable or otherwise, representing claims to or on personal property; (16) Options and futures in commodities, traded on any commodity exchange, including any interest in, or present or future claims to, any commodities or the proceeds of the sale of any commodities; (17) Goods and merchandise for business use, except jewelry, etc., including stocks of raw materials, agricultural products, goods in process, finished goods in stock or on consignment, goods on vessels or other-

wise in transit, other than jewelry, precious stones, and precious metals; (18) Jewelry, precious stones, and precious metals, other than bullion, whether held for personal use, or as stock in trade, or for other commercial purposes; (19) Machinery, equipment, and livestock, for business use, all machinery or equipment on hand, stored, or in use, automobiles [business], trucks, automotive or otherwise, and other vehicles, office equipment and furnishings, and whatever else of like or similar type, customarily classified as machinery and equipment, vessels of any type and tonnage, charter parties, and all other interests represented by instrument or otherwise in the ownership, rights to possession, use, or control of any vessel [other than maritime or other liens thereon]; farm machinery and equipment, livestock; and all other tangible personal property used in the operation of any business or occupation; (20) Objects of art and furnishings for personal use, including all art objects, coin and stamp collections, household furniture and furnishings, automobiles [personal], and all other tangible personal property not used for commercial purposes; (21) Liens on and claims to personal property, not otherwise classified, including trust receipts, bills of sale, contracts for conditional sale or resale, lease-sale arrangements, repurchase agreements, chattel mortgages, pledges; maritime, cattle, timber, and crop liens; and all other instruments not otherwise classified evidencing any lien on, or claim to, personal property, and all other liens on or claims to personal property, not represented by any instrument by whatever name called, arising by agreement or by operation of law.

Class E: Real property; mortgages; other rights to land. (22) Lands and buildings for personal use, including only property used exclusively as a dwelling by the national and his family and not more than one other family; (23) Lands and buildings other than for personal use, including all property used as a dwelling other than that classified under type 22 preceding, all lands and the buildings, structures, and other improvements thereon used for commercial, manufacturing, mercantile, agricultural, and other business purposes, and interests therein; ground rents, leaseholds, together with rents, accrued or to accrue, tax warrants, easements, mineral rights, oil rights, timber and other rights in or to land or the products thereof or a share therein, royalties, and any other rights in the lands of another; (24) Mortgages on real property; other rights to land, mortgage bonds, mortgage notes [other than corporate mortgage bonds or notes represented by financial securities], mortgage participation certificates, guaranteed or otherwise, deeds of trust, and any other bond, note, or other instrument secured by a lien on any real property or interest therein; contracts for the purchase and sale of real property, whether or not partially executed, options, and any and all other rights or interests in or liens, vested or contingent, upon real property or upon an interest in real property.

Class F: Patents, trade-marks, and copyrights; franchises. (25) Patents, trade-marks, copyrights, and inventions, including patents, trade-marks, registered or unregistered, copyrights, inventions, and secret processes, or any present, future, or contingent interest therein, and agreements pertaining thereto; all rights incidental to the ownership of patents, trade-marks, or copyrights, including applications therefor and licenses, by definition or otherwise, immunities, and assignments, relating thereto, and any other contracts affecting or involving the foregoing, such as, but not by way of limitation, the right to receive royalties, including any royalties due and unpaid, royalties paid in advance, reciprocal licensing arrangements and contracts by which any information in the nature of technical data, know-how, or otherwise, is transmitted or exchanged, or any right therein by which any license or privilege is granted or may be exercised, to examine the operations of any plant, factory, or other productive unit, to examine or supervise the books thereof, to inspect any finished product, or to have the right of visitation or any other such right incidental to or separate from the right to receive royalties or other compensation; (26) Franchises, concessions, licenses, and permits, by any of which any special right or privilege may be exercised affecting the commencement, continuation, or conduct of a business, or as an incident thereto.

Class G: Estates and trusts. (27) Interests in estates and trusts, each and every right or interest, present or future, absolute or contingent, in or to any of the property or estate of a deceased person, which may belong to the national or in which he has an interest, whether the same exists by reason of the provisions of a last will and testament or by operation of law in case of the intestacy of the deceased, and all other rights or interests, present or future, absolute, revocable or contingent, belonging to the national or in which he has an interest, in or to any property or fund held or controlled by a trustee or other fiduciary by whatever name described.

Class H: Partnership and profit-sharing agreements. (28) Interests under partnership and profit-sharing agreements, all partnership agreements, general, special, limited, or other type, agreements for joint adventures; profit-pooling and profit-sharing agreements and any and all other rights to receive, or share in, profits of partnerships, business trusts, or other nonincorporated business organizations [not represented by a financial security], whether or not the rights granted under such agreement are security for a debt due, or as a manner or method of liquidating such debt or otherwise.

Class I: Insurance policies; annuities. (29) Surrender value of insurance policies; present value of annuities, of all types, including pensions and endowments and pension and endowment contracts, determined in accordance with standard actuarial practice.

Class J: Other property. (30) Other property, not classifiable under types 1

to 29, including any and all other property, real, personal, or mixed, tangible or intangible, or interest or interests therein, present, future, or contingent; debts due or to become due, claims, demands, actions, causes or things in action, or interest therein, not specified, mentioned, or referred to in any of the foregoing property classes designated "Class A" to "Class I", inclusive.

SEC. III—Detailed Instructions for Filing Out Form

1. **Persons required to report.** Series J is to be used by certain nationals of Japan to be used by certain nationals of Japan to report for themselves, as provided in Instruction B under Section I of this Circular.

2. **Instructions applicable to entire Series—(a) Reading Circular.** Read this Circular in full before beginning to prepare Series J. If you have not already read Sections I and II of this Circular, do so before reading this Section.

(b) **Answers required.** Each question on the Series must be answered and all the specific information called for must be given. When there is nothing to report under any question or if information is lacking, state "No," "None," or "Unknown," as the case may be, with an explanation if required, except that in Part B spaces not needed for reporting should be left blank. You are not excused from furnishing any information you reasonably should have.

(c) **Number of copies required.** File your report in quadruplicate. You should retain, for yourself, an additional copy of the report.

(d) **Language to be used.** All reports must be filled out in English.

3. **Nationality—(a) In general.** In this space state the name of each country, other than Japan, of which you are a national, as defined in Section 5E of Executive Order No. 8389, as amended. If you are a national of a foreign country by reason of any fact other than that you have been a subject or citizen of a foreign country, Question 5 in Part D requires you to state the facts determining your nationality.

(b) **Trusts and estates.** Reports for trusts and estates, other than business trusts in which the interests of the beneficiaries were represented by financial securities, shall state the country or countries of which the trust itself is a national, and in any event shall state the country or countries of which each beneficiary of the trust is a national.

4. **Part A—(a) Name.** A person doing business under a trade name should give that name in addition to his actual name.

(b) **Address.** A person having more than one address should state his principal address within the United States.

(c) **Type of organization.** Individuals not engaged in business may insert a dash (—). Other persons should indicate the legal nature of their organization, e. g., individual proprietorship, partnership, corporation, business trust, etc.

(d) **Citizenship.** A person other than an individual should enter the name of the state, district, territory, or possession under the laws of which it is incorporated, or if unincorporated, in which it has its principal place of business. Per-

sons who are citizens of more than one country must state the name of each country, including the United States when that is one of the countries.

5. **Part B: Schedule I—(a) General.** This Schedule requires the valuation of all your property within each property type contained in the classification of Section II of this Circular, which must be followed strictly, but property not falling under any of the other types of the classification must be reported under type 30. No property shall be reported under type 30 if it constitutes property reportable as any other type.

(b) **Shares in building and loan associations.** Shares in building and loan associations, savings and loan associations, and similar organizations shall be reported under property type 4, which for the purpose shall be deemed to designate such shares.

(c) **Valuation.** Enter in Column (a) the total value of the items of each type of property held on January 1, 1942, at the market price at the close of business on December 31, 1941, or, if such price is not available, at the estimated value on January 1, 1942. In estimating value, the last sale price or bid, if reasonably close to January 1, may be used as a basis. Enter in Column (b) the total value of the items of each type of property reported as being held on June 1, 1940. The January 1, 1942 unit value shall be used in both Column (a) and Column (b). In other words, if the same number of units of a particular kind of property was held on both June 1, 1940, and January 1, 1942, enter the same amount in Column (b) as in Column (a). If the number of units of a kind of property held on June 1, 1940, was different from the number held on January 1, 1942, use the same per unit value with respect to Column (b) as is used regarding Column (a), but apply the unit value to the number of units actually held on June 1, 1940. In any case where property was held only on June 1, 1940, none of it being held on January 1, 1942, the value should still be reported on the basis of the unit value on January 1, 1942, unless such value is not determinable, in which event the value of the property on June 1, 1940, should be entered in Column (b). When the June 1, 1940, value is used, an appropriate notation should be made.

All amounts reported should be given in dollars, to the nearest dollar. Do not enter fractions of a dollar on the report. However, in determining the value of a property item consisting of more than one unit, fractions of a dollar in the unit value should not be disregarded. For example, if you held ten shares of a particular stock and the value of each share was \$116 $\frac{3}{4}$, so that the exact value was \$1,163.75, you should enter \$1,164 on the report.

(d) **Value expressed in foreign currency.** Property, the value of which was expressed in a foreign currency, or which was to be paid or liquidated in a foreign currency, shall be valued at the dollar value if dollar market value existed for such property itself; if not, the foreign currency value thereof shall be converted into dollars, in accordance with the instructions relating to ex-

change rates given in Section IV of this Circular.

(e) *Property of indeterminable value.* In reporting property of indeterminable value, enter "indeterminable" under the appropriate property type in Schedule I and describe the property in Schedule III, as required by Instruction 7, below. When property of determinable value and property of indeterminable value are to be reported under one property type in Schedule I, the determinable amount should be entered under the property type without indication of the property having indeterminable value, but descriptions of the items should be given in Schedule III in accordance with Instruction 7.

(f) *Inventories.* If in the regular course of its business, a national engaged in business prepared inventories of merchandise, and machinery and equipment, or either, between July 1, 1941, and January 1, 1942, and between December 31, 1939, and July 1, 1940, or during either of the foregoing periods, and if the information required to be furnished in Schedule I is not available from other existing records of the national, such inventories prepared nearest to the respective reporting dates and the values indicated thereon may be used in preparing Schedule I, with appropriate notation of such use, including the dates of the inventories.

(g) *Orders for goods.* You must report all unfilled orders for goods or merchandise, whether given by or to you, except that any order specifying a total price of less than \$1,000 may be disregarded. Such orders required to be reported may be shown as of indeterminable value.

(h) *Foreign patents.* A patent issued by a foreign government need not be reported, nor need any license issued under the patent to a person not within the United States but any license issued to a person within the United States must be reported, except when all obligations of any sort on the part of the licensee had been fully performed or discharged, or except when all payments under the license were to be made solely in a foreign currency from funds held abroad. Moreover, licensing arrangements or contracts in relation to such a patent involving the exchange of information or data of any sort, or providing for the future issuance of licenses which themselves would have been reportable must be reported.

6. *Part B: Schedule II—(a) Indebtedness.* This Schedule requires a statement of your indebtedness payable to persons in the United States, within each indebtedness type as classified and described in the Schedule. State under each type number only the total amount of indebtedness of each type being reported. All amounts should be given in dollars, to the nearest dollar. Do not enter fractions of a dollar. Indebtedness payable in foreign currency should be converted into dollars in accordance with the instructions relating to ex-

change rates given in Section IV of this Circular.

(b) *Financial statement.* A national other than an individual not engaged in business must file a financial statement (consisting wherever possible of balance sheet, profit-and-loss statement, and surplus reconciliations) for each of its fiscal years ending nearest to January 1, 1942, and June 1, 1940, respectively, if such statements have been prepared by or for the national in the course of its business.

7. *Part B: Schedule III—(a) Property items to be listed.* List in this Schedule, in the order in which the property types are given in Schedule I of this Part, each item of property of the value of \$1,000 or more either on June 1, 1940, or on January 1, 1942, or both, concerning which report is being made. Employment and agency contracts (including agreements and understandings), patents, trade-marks, copyrights, and franchises, and partnership and profit-sharing agreements, shall be listed even though valued at less than \$1,000. However, no reference whatever should be made to any invention with respect to which a secrecy order has been issued by the Commissioner of Patents pursuant to the Act of October 6, 1917 (40 Stat. 394), as amended. Also list all items of property, the value of which is not readily determinable. Except as provided in this paragraph, property items of a value less than \$1,000 should not be listed in this Schedule, although the value of each must be included in the total value of property of each type in Schedule I.

(b) *Definition of property item.* A property item is any unit of property commonly bought, sold, assigned, released, or alienated, except that the total of wholly similar units of the same kind is regarded as one item, such as a number of certificates each for shares of stock of the same issue, or a number of bonds of the same issue, or several head of cattle. The total number of units of such property shall be stated, but in other respects the property may be treated entirely as one item. Several bank accounts with the same institution, or several debts payable by the same debtor, shall be itemized separately in this Schedule if the aggregate amount thereof exceeds \$1,000, even though each individual item is less than \$1,000.

(c) *Method of listing.* Enter in Column (a) the number of the property type in which the item is included. Enter in Column (b) a short description or identification of the property item. In case of property, such as a patent, commonly referred to by number or other similar designation, state briefly the object or nature of the property in addition to the number or other designation. With regard to property other than debts and claims, enter in Column (c) the name and address of the person with whom the property was deposited or by whom it was held, and give the number or other designation of any safe deposit box or similar receptacle in which the property

was kept. Respecting debts owed to and claims made by you, state the name and address of the debtor and disregard the location of the evidence of indebtedness. If the property was in your immediate possession, it will suffice to state "Person reporting" in place of the name and address. Enter in Columns (d) and (e) the value of each property item on January 1, 1942, and June 1, 1940, as determined in accordance with the provisions for valuation contained in Instruction 5, above.

(d) *Continuation sheets.* Continuation sheets identical in form with Schedule III are provided for the use of persons reporting who find the space in Schedule III insufficient.

8. *Part C.* All the information called for in the questions under this part must be given as of both June 1, 1940, and January 1, 1942, for each of the property items listed in Part B, Schedule III. If a property item was held on only one date, give the information as of that date. In the answers each item of property shall be designated by the number of its type and by its description in Part B, Schedule III.

9. *Part D—(a) Trustees.* Trustees and other representatives of trusts and estates should answer the questions in this Part only with respect to the trusts or estates and not, with respect to the trustees or representatives themselves in their individual capacities.

(b) *Form TFBE-1.* In addition to answering the questions in Part D, every business enterprise reporting property of a total gross value in excess of \$5,000 must file with the appropriate Federal Reserve Bank, on or before the date of filing for this report, an affidavit setting forth the information required by Form TFBE-1.

10. *Affidavit—(a) Necessity and manner of execution.* The report must be signed and sworn (affirmed) to before an officer authorized to administer oaths, whose seal must be affixed. Reports will not be accepted unless properly executed. The affidavit need be attested only on the original of the report, but the affidavits on copies must be fully conformed except as to the notarial seal.

(b) *Who shall execute.* Affidavits in behalf of partnerships shall be executed by a partner. Affidavits in behalf of any other organization shall be executed by the president, vice president, secretary, or some other principal officer authorized to make the report on behalf of the organization.

SEC. IV—Table of Exchange Rates

Where the value of property is expressed in terms of foreign currency, such values should be converted into dollars at the rates of exchange set forth below. Where no rate is given for a country, the latest rate next before January 1, 1942, as generally quoted by foreign exchange dealers or other recognized sources of information shall be used. Such rate should be clearly stated in the report. The exchange rates given in this table are for use only in preparing reports on Form TFR-300, Series J, and are not intended

to be used or relied upon in any other connection or for any other purpose whatsoever.

Country	Monetary unit	United States cents per unit
Argentina	Peso	23.4
Australia	Pound	323.0
Belgium	Belga	17.0
Bolivia	Boliviano	2.2
Brazil	Milreis	5.1
British India	Rupce	30.2
Bulgaria	Lev	1.2
Canada	Dollar	91.0
Chile	Peso	3.2
China	Yuan	5.3
Colombia	Peso	57.0
Cuba	Peso	100.0
Denmark	Krone	19.3
Ecuador	Sucrc	6.7
Egypt	Pound	415.4
Eire	Pound	404.0
Finland	Markka	2.0
France	Frane	2.3
French Indo China	Piaster	23.0
Germany	Reichsmark	40.0
Greece	Drachma	.7
Hong Kong	Dollar	25.1
Hungary	Pengo	19.5
Italy	Lira	5.3
Japan	Yen	25.4
Mexico	Peso	20.6
Netherlands	Guilder	53.0
Netherlands East Indies	Pound	323.0
Netherlands West Indies	Krone	23.0
New Zealand	Balboa	100.0
Norway	Sol	15.4
Panama	Peso	50.0
Peru	Zloty	20.0
Philippine Islands	Eseudo	4.0
Poland	Leu	.5
Portugal	Ruble	19.0
Rumania	Pound	398.0
Russia	Peseta	9.0
South Africa	Dollar	47.2
Spain	Frane	23.3
Straits Settlements	Pound	75.0
Sweden	Pound	403.0
Switzerland	Peso	52.7
Turkey	Bolivar	26.6
United Kingdom	Dinar	2.0
Uruguay		
Venezuela		
Yugoslavia		

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

[F. R. Doc. 42-488; Filed January 16, 1942;
4:05 p. m.]

TITLE 32—NATIONAL DEFENSE
CHAPTER VI—SELECTIVE SERVICE SYSTEM

PART 614—GROUPING AND SERIAL NUMBERING REGISTRATION CARDS

Effective February 1, 1942, the Selective Service Regulations are hereby amended by rearranging the order in which the paragraphs hereinafter listed will appear; by assigning new numbers to such rearranged paragraphs; by changing the context of those paragraphs hereinafter listed which are followed by the words "as amended"; by adding ten new sections; and by publishing such rearranged, renumbered, and amended paragraphs and the ten new sections as the sections of Part 614 of the Second Edition of the Selective Service Regulations:

Paragraph 301a as amended becomes § 614.1.
Paragraph 301b as amended becomes § 614.2.
Paragraph 301c as amended becomes § 614.3.
Paragraph 301c as amended becomes § 614.4.
Paragraph 301d as amended becomes § 614.5.

Paragraph 301d as amended becomes § 614.6.
Paragraph 301e as amended becomes § 614.25.
Paragraph 302 as amended becomes § 614.25.
Paragraph 303 as amended becomes § 614.25.
Paragraph 303 as amended becomes § 614.41.
Paragraph 304 as amended becomes § 614.41.
Paragraph 305 as amended becomes § 614.42.
Paragraph 306 as amended becomes § 614.45.
Paragraph 307 as amended becomes § 614.46.
Paragraph 308 as amended becomes § 614.44.
Paragraph 309 as amended becomes § 614.43.
Paragraph 311 as amended becomes § 614.26.
Paragraph 312 as amended becomes § 614.27.
New sections: § 614.7; § 614.8; § 614.11; § 614.12; § 614.21; § 614.22; § 614.23; § 614.24; § 614.31, and § 614.32.

PART 614—GROUPING AND SERIAL NUMBERING REGISTRATION CARDS

ACTION OF LOCAL BOARD AT MEETING THE DAY AFTER REGISTRATION DAY

- Sec.
- 614.1 Chairman's registration report to local board.
 - 614.2 Local board's registration report to State Director of Selective Service.
 - 614.3 Destruction of spoiled Registration Cards and Registration Certificates.
 - 614.4 Disposition of unused Registration Cards and Registration Certificates.
 - 614.5 Registrants residing outside local board area: Disposition of Registration Cards.
 - 614.6 Registrants residing within the local board area: Grouping of Registration Cards.
 - 614.7 Reporting number of persons registered.
 - 614.8 Care in keeping Registration Cards.

DISPOSITION OF REGISTRATION CARDS RECEIVED AFTER THE CLOSE OF REGISTRATION AND BEFORE MEETING OF MARCH 9, 1942

- 614.11 Registration Cards received from another local board.
- 614.12 Registration Card of man registering after close of registration and before meeting of March 9, 1942.

ACTION OF LOCAL BOARD AT MEETING OF MARCH 9, 1942

- 614.21 Chairman to call meeting.
- 614.22 Arranging groups of Registration Cards.
- 614.23 Disposition of Registration Cards in Group 1.
- 614.24 Disposition of Registration Cards in Group 2.
- 614.25 Serial numbering Registration Cards in Group 3.
- 614.26 Preparing lists of registrants in Group 3.
- 614.27 Report of serial numbering.

DISPOSITION OF REGISTRATION CARDS RECEIVED AFTER COMMENCEMENT OF MEETING OF MARCH 9, 1942, AND BEFORE COMMENCEMENT OF THE THIRD NATIONAL LOTTERY

- 614.31 Registration Card received from another local board.
- 614.32 Registration Card of man registering before national lottery.

SERIAL NUMBERING REGISTRATION CARDS

- 614.41 Putting serial numbers on Registration Cards.
- 614.42 Serial numbering a skipped Registration Card.
- 614.43 Correcting a serial number which is not legible.
- 614.44 Correcting a Registration Card with two serial numbers.
- 614.45 Registration Cards of two registrants with same serial number.
- 614.46 Serial numbering when local board has two Registration Cards for the same registrant.

ACTION OF LOCAL BOARD AT MEETING THE DAY AFTER REGISTRATION DAY

§ 614.1 Chairman's registration report to local board. The chairman of each local board shall convene a meeting of his local board on the day after the day fixed by the President for each registration. At this meeting, he shall place before the local board all packages of completed Registration Cards (Form 1), unused Registration Cards (Form 1), unused Registration Certificates (Form 2), spoiled Registration Cards (Form 1), and spoiled Registration Certificates (Form 2). The local board shall complete at this meeting the steps set forth in §§ 614.2 to 614.7 inclusive.*

*§§ 614.1 to 614.46, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779.

§ 614.2 Local board's registration report to local board. The chairman of ice. The local board shall check each group of cards and shall prepare and mail to the State Director of Selective Service a report as follows:

REPORT OF REGISTRATION

We, the undersigned, members of Local Board No. _____, County of _____, State of _____, make our report of the registration held _____, as follows:

1. Registration Cards (Form 1)
 - (a) Received by the chairman of the local board -----
 - (b) Completed -----
 - (c) Unused -----
 - (d) Spoiled -----
 - (e) Total accounted for ((b) + (c) + (d)) (Should equal (a)) -----
2. Registration Certificates (Form 2)
 - (a) Received by the chairman of the local board -----
 - (b) Issued to registrants (should be the same number as 1 (b) above) -----
 - (c) Unused -----
 - (d) Spoiled -----
 - (e) Total accounted for ((b) + (c) + (d)) (Should equal (a)) -----

Date -----

(Chairman)

(Members of Local Board)

§ 614.3 Destruction of spoiled Registration Cards and Registration Certificates. The spoiled Registration Cards (Form 1) and Registration Certificates (Form 2) shall be destroyed in the presence of the members of the local board.*

§ 614.4 Disposition of unused Registration Cards and Registration Certificates. The local board shall deliver to the clerk of the local board all unused Registration Cards (Form 1) and Registration Certificates (Form 2) to be retained by the local board in the custody of the clerk for future use.*

§ 614.5 Registrants residing outside local board area—Disposition of Regis-

tration Cards. The local board shall carefully check each completed Registration Card (Form 1) to determine whether the place of residence as shown on line 2 of such card is within its local board area. If the place of residence shown on line 2 of any Registration Card (Form 1) is outside of the local board area, the local board shall immediately mail such card to the proper local board if it is absolutely sure of the local board which has jurisdiction over such registrant. If it has any doubt about the proper local board, it shall mail such Registration Card (Form 1) to the State Director of Selective Service having jurisdiction over the place of residence shown on line 2 of such card, using air mail whenever it will result in a more expeditious delivery.*

§ 614.6 Registrants residing within the local board area: Grouping of Registration Cards. (a) When the local board has mailed all of the Registration Cards (Form 1) of registrants whose places of residence as shown on line 2 of such cards are outside its local board area, it shall then place in separate groups in the manner hereinafter provided all of the Registration Cards (Form 1) of those registrants whose places of residence as shown on line 2 of such cards are within its local board area.

(b) The local board shall place in Group 1 the Registration Card (Form 1) of each registrant whose date of birth as given on line 5 of such card shows that he is within the age group required to be registered by the first proclamation of the President. Each succeeding proclamation added a new age group. The local board shall place in Group 2 the Registration Card (Form 1) of each registrant in the new age group added by the second proclamation of the President and shall place in Group 3 the Registration Cards (Form 1) of each registrant in the age group added by the third proclamation of the President. After carefully checking the date of birth of the registrant as set out in answer to question 5 on the face of the Registration Card (Form 1), the local board shall place each card in the group in which it belongs. The following table will assist the local board to determine the group in which each Registration Card (Form 1) should be placed:

TABLE OF AGE GROUPS

Group 1

Registrants born on or after October 17, 1904, and born on or before October 16, 1919.

Group 2

Registrants born on or after October 17, 1919, and born on or before July 1, 1920.

Group 3

Registrants born on or after July 2, 1920, and born on or before December 31, 1921;

and

Registrants born on or after February 17, 1897, and born on or before October 16, 1904.

These regulations will hereinafter provide for the placing of serial and order numbers on Registration Cards (Form 1) and will refer to such cards as being in

"Group 1," "Group 2," or "Group 3." Wherever such reference is made, it is intended that the determination of the group in which a particular Registration Card (Form 1) belongs will be made by using the foregoing table.

(c) If any Registration Cards (Form 1) are found which indicate a date of birth not included within the dates of birth of registrants required to be registered under any proclamation, the person who has registered shall be called before the local board and his true age ascertained. If the Registration Card (Form 1) incorrectly states the date of birth of such registrant, the date shall be corrected and the card then placed in the proper group. If the Registration Card (Form 1) correctly states the date of birth of the registrant and he is of an age not required to be registered, that fact shall be noted on the Registration Card (Form 1), and it shall be canceled by writing on the face thereof "Canceled—Not Within Ages Required to Register."*

§ 614.7 Reporting number of persons registered. (a) For the purpose of determining the total registration in the nation, the chairman of each local board before he adjourns the meeting on the day after registration day shall report to the State Director of Selective Service by telegram the total number of completed Registration Cards (Form 1) of registrants who registered within his local board area during the period of the third registration. All Registration Cards (Form 1) of registrants who registered in the local board area shall be counted without regard to the group to which they belong and without determining whether they will remain under the jurisdiction of the local board where they registered or will be forwarded to some other local board.

(b) As soon as possible after he receives such telegraphic advices from the local boards within his State, the State Director of Selective Service shall telegraph the Director of Selective Service the total number of completed Registration Cards (Form 1) of persons who registered in his State during the period of the third registration.*

§ 614.8 Care in keeping Registration Cards. When the local board has taken all of the steps provided for in §§ 614.1 to 614.7, inclusive, it shall place the Registration Cards (Form 1) in a safe place until the meeting provided for in § 614.21, being careful to keep each of the groups of cards separate.*

DISPOSITION OF REGISTRATION CARDS RECEIVED AFTER THE CLOSE OF REGISTRATION AND BEFORE MEETING OF MARCH 9, 1942

§ 614.11 Registration Cards received from another local board. (a) When a local board receives a Registration Card (Form 1) after the close of registration and before the commencement of its meeting on March 9, 1942, the clerk of the local board shall first check the place of residence indicated on line 2 of such card.

(b) If such place of residence is not within the local board area, the clerk

shall immediately mail the card to the proper local board or State Director of Selective Service as provided in § 614.5.

(c) If the place of residence is within the local board area, the card shall be held for disposition under the provisions of § 614.22 at the March 9, 1942 meeting of the local board.*

§ 614.12 Registration Card of man registering after close of registration and before meeting of March 9, 1942. (a) If a person required to be registered presents himself for registration at any local board after the close of registration and before the commencement of the meeting of such local board on March 9, 1942, he shall be registered.

(b) If the place of residence on line 2 of the Registration Card (Form 1) of such registrant is outside of the local board area, the local board clerk shall immediately mail the card to the proper local board or to the proper State Director of Selective Service as provided in § 614.5.

(c) If the place of residence on line 2 of the Registration Card (Form 1) of such registrant is within the local board area, the card shall be held for disposition under the provisions of § 614.22 at the March 9, 1942 meeting of the local board.*

ACTION OF LOCAL BOARD AT MEETING OF MARCH 9, 1942

§ 614.21 Chairman to call meeting. The chairman of the local board shall convene a meeting of his local board on March 9, 1942. At this meeting, the local board shall complete the steps set forth in §§ 614.22 to 614.27 inclusive.*

§ 614.22 Arranging groups of Registration Cards. At the meeting of the local board provided for in § 614.21, the Registration Cards (Form 1) that were put away for safe-keeping, under the provisions of § 614.8, shall be placed before the local board. All Registration Cards (Form 1) received after the close of registration, either from places of registration outside of the local board area or as a result of late registrations, shall be carefully checked to determine whether the place of residence, as shown on line 2 of such Registration Cards (Form 1), is within the local board area. All such cards showing on line 2 a place of residence within the local board area shall be sorted in the manner provided in § 614.6 and added to the proper groups of Registration Cards (Form 1). All such cards showing on line 2 a place of residence not within the local board area shall be mailed to the proper local board as provided in § 614.5.*

§ 614.23 Disposition of Registration Cards in Group 1. (a) A strip shall be cut from an unused white Registration Card (Form 1) and pasted across the top of the face of each Registration Card (Form 1) in Group 1.

(b) The Registration Cards (Form 1) in Group 1 shall then be given late-registrant serial and order numbers in the manner provided in Part 616.*

§ 614.24 Disposition of Registration Cards in Group 2. (a) A strip shall be cut from an unused melon-colored Reg-

istration Card (Form 1) and pasted across the top of the face of each Registration Card (Form 1) in Group 2.

(b) The Registration Cards (Form 1) in Group 2 shall then be given late-registrant serial and order numbers in the manner provided in Part 616.*

§ 614.25 *Serial numbering Registration Cards in Group 3.* (a) The local board shall thoroughly shuffle and mix all of the Registration Cards (Form 1) in Group 3 in such a manner that the location of any individual card with respect to the other cards and the number any such card later receives will be purely a matter of chance.

(b) The local board shall then place on each Registration Card (Form 1) in Group 3 a serial number. Each serial number in Group 3 shall be preceded by the prefix "T." The first card in the pile shall be numbered "T-1," the next card "T-2," and so on until all cards are numbered consecutively. The general rules for serial numbering Registration Cards (Form 1) set out in §§ 614.41 to 614.46, inclusive, shall be carefully followed.*

§ 614.26 *Preparing lists of registrants in Group 3.* (a) During or after serial numbering of Registration Cards (Form 1) in Group 3, the local board shall make up a list of Registrants (Form 3) for such group. Registrants shall be listed in the order of their serial numbers with the registrant having number "T-1" at the top of the list. All serial numbers from "T-1" to the largest "T" serial number used shall be listed, whether or not each number was given to a registrant. Serial numbers shall be placed in column 2 of the List of Registrants (Form 3) opposite the name of the registrant to whom such number has been assigned. One copy of such List of Registrants (Form 3) shall be maintained at all times in the files of the local board, and one copy shall be sent to the State Director of Selective Service.

(b) The local board should, but shall not be required to, prepare a second list of Registrants (Form 3), with the last names of the registrants arranged in alphabetical order. One copy of such alphabetical list of Registrants (Form 3) should be maintained at all times in the files of the local board.

(c) One copy of the List of Registrants (Form 3), preferably the one arranged in alphabetical order, shall then be posted in a public place in or near the office of the local board and as many copies thereof as possible should be prepared for and distributed to the press, radio, and other mediums of publication.*

§ 614.27 *Report of serial numbering.* (a) Before the meeting provided for in § 614.21 is adjourned, the local board shall telegraph the following report to the State Director of Selective Service:

Registration Cards (Form 1) for the third registration shuffled and serial numbered. Largest serial number used by Local Board No. ----- is T- -----.

(b) As soon as possible, the State Director of Selective Service shall telegraph the Director of Selective Service the largest serial number used by any local board in his State in the third registration.*

DISPOSITION OF REGISTRATION CARDS RECEIVED AFTER COMMENCEMENT OF MEETING OF MARCH 9, 1942, AND BEFORE COMMENCEMENT OF THE THIRD NATIONAL LOTTERY

§ 614.31 *Registration Card received from another local board.* (a) When a local board receives a Registration Card (Form 1) after the commencement of its meeting on March 9, 1942, and before the commencement of the third national lottery, it shall first check the place of residence indicated on line 2 of such card.

(b) If such place of residence is not within its local board area, the clerk of the local board shall immediately mail the card to the proper local board or State Director of Selective Service, as provided in § 614.5.

(c) If the place of residence is within its local board area, the card shall be disposed of in the manner provided in § 614.23 if it belongs in Group 1; or in the manner provided in § 614.24 if it belongs in Group 2; or, if it belongs in Group 3, it shall be given a serial number in the manner provided in § 614.42, and the name of the registrant shall be added to the List of Registrants (Form 3).

(d) If another local board has erroneously placed a serial number on such a card belonging in Group 3, the proper local board, upon receiving the card, shall draw a line through and cancel the serial number erroneously placed upon the card, place a new serial number on the card in the manner provided in § 614.42, and add the name of the registrant to the List of Registrants (Form 3).*

§ 614.32 *Registration Card of man registering before national lottery.* (a) If a person required to be registered presents himself for registration at any local board after the commencement of the meeting of such local board on March 9, 1942, and before the commencement of the third national lottery, he shall be registered.

(b) If the place of residence on line 2 of the Registration Card (Form 1) of such a registrant is outside of the local board area, the clerk of the local board shall immediately mail the card to the proper local board or State Director of Selective Service, as provided in § 614.5.

(c) If the place of residence is within the local board area, the card shall be disposed of in the manner provided in § 614.23 if it belongs in Group 1; or in the manner provided in § 614.24 if it belongs in Group 2; or, if it belongs in Group 3, it shall be given a serial number in the manner provided in § 614.42, and the name of the registrant shall be added to the List of Registrants (Form 3).*

SERIAL NUMBERING REGISTRATION CARDS

§ 614.41 *Putting serial numbers on Registration Cards.* The serial numbers shall be placed on the Registration Cards (Form 1) in black ink, either in pen and ink or by rubber stamp. Each Registration Card (Form 1) shall have one, and only one, whole serial number, such as "T-267." No letter or fraction shall

be used after the number. Each serial number shall be used only once. If either the serial number or the Registration Card (Form 1) bearing the serial number is canceled for any reason, the serial number shall not be used again.*

§ 614.42 *Serial numbering a skipped Registration Card.* If a check of Registration Cards (Form 1) shows that a Registration Card (Form 1) has not been given a serial number, the local board, if any serial numbers in the group to which such card belongs were skipped, shall give the card one of the skipped numbers picked by lot; or if no such numbers were skipped, the local board shall give the card the serial number following the largest serial number already used by the local board in the group to which such card belongs.*

§ 614.43 *Correcting a serial number which is not legible.* If a Registration Card (Form 1) has on it a serial number that cannot be read, the local board shall try to find out what the serial number is by looking for gaps in the serial numbers of clearly numbered cards of the group to which the card belongs. If by this method the local board can tell what the serial number is, it shall print that number clearly. If the local board cannot tell what the serial number is, it shall cancel the illegible serial number by drawing a line through it and shall renumber the card with a new serial number in the manner provided in § 614.42.*

§ 614.44 *Correcting a Registration Card with two serial numbers.* If a Registration Card (Form 1) has been erroneously given two serial numbers and neither of the serial numbers has been placed on another Registration Card (Form 1) of the same group, the local board shall give the card the smaller of the two numbers and shall draw a line through the larger of the two numbers. If either of the two numbers is on another Registration Card (Form 1) of the same group, the number which is not on another card shall be retained, and the number which is on another card shall be crossed out by drawing a line through it. If both of the serial numbers are on other Registration Cards (Form 1) of the same group, the local board shall cancel both numbers by drawing a line through both numbers and shall then renumber the card with a new serial number in the manner provided in § 614.42.*

§ 614.45 *Registration Cards of two registrants with same serial number.* If the Registration Cards (Form 1) of two different registrants in the same group have the same serial number, the local board shall pick one of the cards by lot to keep that number. The other card shall be renumbered in the manner provided in § 614.42.*

§ 614.46 *Serial numbering when local board has two Registration Cards for the same registrant.* (a) If two Registration Cards (Form 1) for the same registrant are received, it shall first be determined if the date of birth is the same on both cards. If the date of birth is not the same on both cards, the registrant shall be called before the local board and his true age determined. Any card which does not properly show the

date of birth of the registrant shall be corrected. A serial number shall then be assigned to such Registration Card (Form 1) in the manner hereinafter in this section provided.

(b) When a local board has two cards in the same group for the same registrant:

(1) If such fact is ascertained before the applicable national lottery, whether before or after serial numbering the cards, the local board shall select one card by lot and cancel the other card by marking it "Canceled—Duplicate."

(2) If such fact is not ascertained before the applicable national lottery, the local board shall treat the cards just as if they were cards for two different registrants, so far as serial numbering is concerned, and the card having the serial number which comes first in the applicable national lottery shall be given its proper order number, and the other card shall be marked "Canceled—Duplicate."

(c) If a registrant is registered with more than one local board, each local board with which he registered shall put a serial number on the Registration Card (Form 1) which it has. Before the applicable national lottery, the registrant may select any local board with which he registered and request such local board to record his selection. If the registrant makes such a selection, he shall be given a receipt and sufficient copies thereof to supply one to each local board with which he has registered, which receipt shall show the date and hour of the request. The receipt and all copies thereof shall be signed by a member of the local board which the registrant has selected. The registrant shall send a copy of such receipt to each local board with which he has registered. Upon receiving a copy of such a receipt, each local board with which the registrant registered which was not selected by him shall mark his Registration Card (Form 1) "Canceled—Double Registration." If the registrant does not make such a selection before the applicable national lottery or if he does make such a selection but fails to send a copy of the receipt he receives from the local board he selects to any other local board with which he has registered, he shall report for induction to the local board that calls him first.*

LEWIS B. HERSHEY,
Director.

JANUARY 16, 1942.

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PART 615—ASSIGNMENT OF ORDER NUMBERS

Effective February 1, 1942, the Selective Service Regulations are hereby amended by rearranging the order in which the paragraphs hereinafter listed will appear; by assigning new numbers to such rearranged paragraphs; by changing the context of those paragraphs hereinafter listed which are followed by the words "as amended"; by adding three new sections; and by publishing such rearranged, renumbered, and amended para-

graphs and the new sections as the sections of Part 615 of the Second Edition of the Selective Service Regulations:

- Paragraph 313a as amended becomes § 615.1.
- Paragraph 313b as amended becomes § 615.2.
- Paragraph 314c as amended becomes § 615.21.
- Paragraph 317b as amended becomes § 615.41.
- Paragraph 317c as amended becomes § 615.42.
- Paragraph 317d as amended becomes § 615.43.
- Paragraph 317e as amended becomes § 615.44.
- New Sections: § 615.3, § 615.11, and § 615.31.

PART 615—ASSIGNMENT OF ORDER NUMBERS NATIONAL LOTTERIES AND NATIONAL MASTER LISTS
Sec.

- 615.1 First national lottery and First National Master List.
- 615.2 Second national lottery and Second National Master List.
- 615.3 Third national lottery and Third National Master List.

ASSIGNING ORDER NUMBERS FROM FIRST NATIONAL MASTER LIST

615.11 Regulations governing.

ASSIGNING ORDER NUMBERS FROM SECOND NATIONAL MASTER LIST

615.21 Regulations governing.

ASSIGNING ORDER NUMBERS FROM THIRD NATIONAL MASTER LIST

615.31 Procedure.

RECORDS

- 615.41 Placing order numbers on list of registrants.
- 615.42 Placing registrants' names in classification record.
- 615.43 Cover sheet to be prepared for each registrant.
- 615.44 Registration cards to be filed alphabetically.

NATIONAL LOTTERIES AND NATIONAL MASTER LISTS

§ 615.1 *First national lottery and First National Master List.* On October 29-30, 1940, the first national lottery was held in Washington, D. C. The list of serial numbers, arranged in the order drawn in that lottery, was called the "National Master List—First Drawing, October 29-30, 1940," and was issued as Form 169. This national master list is hereafter referred to as the "First National Master List." It will be used exclusively for determining order numbers of registrants whose Registration Cards (Form 1) are in Group 1. Each local board has a copy of the First National Master List (Form 169).*

*§§ 615.1 to 615.44, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup., 301-318, inclusive, E.O. 8545, 5 F.R. 3779.

§ 615.2 *Second national lottery and Second National Master List.* On July 17, 1941, the second national lottery was held in Washington, D. C. The list of serial numbers, arranged in the order drawn in that lottery, was called the "Second National Master List of 'S' Serial Numbers" and was issued as Form 172. This national master list is hereinafter referred to as the "Second National Master List." It will be used exclusively for determining order numbers of registrants whose Registration Cards (Form 1) are in Group 2. Each local board has a copy of the Second National Master List (Form 172).*

§ 615.3 *Third national lottery and Third National Master List.* On a date to be fixed by the Director of Selective Service, a third national lottery will be held in Washington, D. C. A set of serial numbers, each preceded by the letter "T," from "T-1" to include the largest number used by any local board in assigning "T" serial numbers to Group 3 will be drawn by lot. The list of these "T" serial numbers, arranged in the order drawn in the third national lottery, will be called the "Third National Master List" and will be issued as Form 174. The Third National Master List (Form 174) will be used exclusively in assigning order numbers to registrants in Group 3. A copy of the Third National Master List (Form 174) will be sent through the State Director of Selective Service to each local board.*

ASSIGNING ORDER NUMBERS FROM FIRST NATIONAL MASTER LIST

§ 615.11 *Regulations governing.* (a) The regulations which governed the assignment of order numbers from the First National Master List (Form 169) to registrants properly registered on white Registration Cards (Form 1), i. e., registrants in Group 1, provided that:

(1) Upon receiving the First National Master List (Form 169), the local board shall give each such registrant an order number. The greatest care must be used in the assignment of order numbers because the order numbers establish the order in which the registrants will be selected for service. The registrant whose serial number appears at the top, or nearest the top, of the First National Master List shall get Order Number 1. The registrant whose serial number is next closest to the top of the First National Master List shall get Order Number 2. The registrant whose serial number is third closest to the top of the First National Master List shall get Order Number 3, and so on until each registrant has an order number.

(2) Order numbers must be assigned in sequence; no order number shall be skipped. Serial numbers on the First National Master List which are not held by any registrant of the particular local board are simply crossed off the First National Master List and ignored.

(3) It is suggested that the local board, as its first step in the assignment of order numbers, shall mark the order numbers opposite the applicable serial numbers on the First National Master List.

(4) When the local board is sure that its assignment of order numbers is correct, it shall enter such order numbers in red ink in the place designated on the Registration Cards (Form 1) of registrants in Group 1.*

ASSIGNING ORDER NUMBERS FROM SECOND NATIONAL MASTER LIST

§ 615.21 *Regulations governing.* (a) The regulations which governed the assignment of order numbers from the Second National Master List (Form 172) to registrants properly registered on melon-colored Registration Cards (Form 1),

i. e., registrants in Group 2: *Provided*, That:

(1) When the local board receives the Second National Master List (Form 172), it shall assign to each such registrant a sequence number. The registrant whose serial number appears at the top, or nearest the top, of the Second National Master List will be given Sequence Number 1. The registrant whose serial number is next closest to the top of the Second National Master List will be given Sequence Number 2. The registrant whose serial number is third closest to the top will be given Sequence Number 3, and so on until each registrant has a sequence number. It will be noted that the sequence numbers are determined in the same manner as order numbers were determined in the first national lottery. Sequence numbers must be assigned consecutively; no sequence number shall be skipped. Serial numbers on the Second National Master List which are not held by any registrant of the particular local board shall be crossed off the Second National Master List and ignored. The local board shall mark the sequence number in the first space opposite the applicable serial number on the Second National Master List. These sequence numbers will determine the order in which these new registrants, as between themselves, will be given order numbers, i. e., the registrant with Sequence Number 1 will receive the smallest order number assigned to the group, and the registrant with the largest sequence number will receive the largest order number assigned to the group.

(2) Having entered the sequence numbers of its registrants in Group 2 on the Second National Master List, the local board shall determine the key number. The key number shall be the order number of the last man inducted by the local board in the usual and ordinary course of classification, selection, and induction from the group which was required to be registered on October 16, 1940 (registrants in Group 1). It shall not be the order number of a volunteer for induction. This key number shall be determined as of midnight, June 30, 1941. The key number shall be placed at the top of each page of the List of Registrants (Form 3) in the following words:

"Key Number -----" (in the blank shall be inserted this key number).

(3) Example: Suppose a local board's last inductions ran as follows:

Order No. 1213. Class I-A: Inducted.
Order No. 1214. Deferred.
Order No. 1215. Class I-A: Induction postponed.
Order No. 1216. Class I-A: Inducted.
Order No. 1217. Deferred.
Order No. 1218. Deferred.
Order No. 1219. Class I-A: Order number not reached for induction.
Order No. 1220. Deferred.
Order No. 1221. Class I-A: Order number not reached for induction.
Order No. 1222. Volunteer: Inducted.
Order No. 1223. Deferred.

In the example, the key number would be 1216. It is the order number of the last man inducted in the usual process of the local board. The man who was selected but his induction postponed

(Order No. 1215) is disregarded. The man who volunteered and who was therefore inducted out of order (Order No. 1222) is disregarded.

(4) Having determined the key number, the local board shall assign order numbers to the new registrants (registrants in Group 2) and shall determine where such order numbers will be inserted among the order numbers of the old registrants (registrants in Group 1) in that portion of the Classification Record (Form 100) which follows the key number. To do this, the local board shall first subtract the key number from the largest order number assigned by the local board to any registrant properly registered on a white Registration Card (Form 1) (registrant in Group 1) received prior to midnight, July 8, 1941; divide the figure so obtained by the largest sequence number assigned to a new registrant properly registered on a melon-colored Registration Card (Form 1) (registrant in Group 2) received prior to midnight, July 8, 1941; and using as a yardstick the nearest whole number to the figure so obtained, place the new registrants (registrants in Group 2) among the old registrants (registrants in Group 1) whose order numbers are listed in the portion of the Classification Record (Form 100) following the key number, so that the order number of the new registrant (registrant in Group 2) with Sequence Number 1 will be separated from the key number by that number of old registrants' (registrants in Group 1) order numbers (including order numbers followed by a letter) equal to the number used as a yardstick and so that each new registrant (registrant in Group 2) will be separated from each succeeding new registrant (registrant in Group 2) (in the order of their sequence numbers) by the same number of old registrants' (registrants in Group 1) order numbers. The order number given each such new registrant (registrant in Group 2) shall be the same as the order number of the old registrant (registrant in Group 1) immediately above the place where the order number of the new registrant (registrant in Group 2) is inserted and shall be preceded by the letter "S."

(5) Example: Assume that in a local board 1740 is the key number; 4329 is the largest order number assigned to any registrant properly registered on a white Registration Card (registrant in Group 1) received prior to midnight, July 8, 1941; and 216 is the largest sequence number assigned to a new registrant properly registered on a melon-colored Registration Card (Form 1) (registrant in Group 2) received prior to midnight, July 8, 1941. Under such circumstances, the number to be used as a yardstick is 12, obtained by subtracting 1740 from 4329, leaving 2589; and dividing 2589 by 216, which gives a result of 11.98; 12 is then the nearest whole number and is the number to be used as a yardstick.

(6) An example of the procedure used by each local board in assigning the first few sequence numbers and order numbers to registrants properly registered on melon-colored cards (registrants in Group 2) appeared on page 11 of Volume Three, Classification and Selection, Se-

lective Service Regulations, as revised September 3, 1941.

(7) The local board shall mark the order numbers thus determined opposite the applicable sequence numbers (and serial numbers) on the Second National Master List, and carefully check to be sure no errors have been made.

(8) When the local board is sure that its assignment of order numbers is correct, it shall enter such order numbers in red ink in the place designated on Registration Cards (Form 1) of registrants in Group 2.*

ASSIGNING ORDER NUMBERS FROM THIRD NATIONAL MASTER LIST

§ 615.31 *Procedure.* (a) The registrants in Group 3 will receive order numbers following the order numbers assigned to registrants in Group 1 and Group 2. Order numbers assigned to registrants in Group 1 and Group 2 will be less than order number 10,000 in every case. Therefore, the order numbers for registrants in Group 3 will start with 10,001. This will, in most cases, leave a gap in order numbers between the highest order number given to a registrant in Group 1 and Group 2 and the lowest order number given to a registrant in Group 3 and will serve to keep order numbers assigned to Group 1 and Group 2 separated from order numbers assigned to Group 3.

(b) The registrant in Group 3 whose "T" serial number appears at the top, or nearest the top, of the Third National Master List (Form 174) will be given Order Number 10,001. The registrant in Group 3 whose "T" serial number is next nearest the top of the Third National Master List will be given Order Number 10,002. The registrant in Group 3 whose "T" serial number is third nearest the top of the Third National Master List will be given Order Number 10,003, and so on until each registrant in Group 3 has an order number.

(c) Example: Suppose the Third National Master List begins:

T-258
T-7
T-3225
T-119
T-634

and that a certain local board's largest "T" serial number is T-2,104 and that for some reason it has no card serial numbered T-119. Then:

Serial Number T-258 is assigned Order Number 10,001.
Serial Number T-7 is assigned Order Number 10,002.
Serial Number T-3225.
Serial Number T-119.
Serial Number T-634 is assigned Order Number 10,003.

(d) Before the order numbers are placed on the Registration Cards (Form 1), the local board must be sure that its assignment of order numbers, without exception, agrees with the order in which the "T" serial numbers on its cards appear on the Third National Master List (Form 174). The oversight of one "T" serial number will upset every order number below it, and if the order numbers have been placed on the cards before the

mistake is found, blotched cards will be the result.

(e) Order numbers must be assigned in sequence. No order numbers shall be skipped. Serial numbers on the national master list which are not held by any registrant are simply crossed off and ignored. It is suggested that in assigning order numbers, the local board enter the order numbers opposite the applicable serial number on the applicable national master list.

(f) When the local board is sure that its assignment of order numbers is correct, it shall enter such order numbers in red ink in the place designated on the Registration Cards (Form 1) of registrants in Group 3.*

RECORDS

§ 615.41 *Placing order numbers on List of Registrants.* As soon as it completes the assigning of order numbers to the Registration Cards (Form 1), the local board shall place the order numbers in the first column of both the publicly posted and the file copy of the List of Registrants (Form 3). It should also furnish as many copies as possible of the List of Registrants (Form 3) with the order numbers in the first column to the press, radio, and other mediums of publication.*

§ 615.42 *Placing registrants' names in Classification Record.* The Classification Record (Form 100) was started at the time order numbers were assigned to registrants in Group 1 following the first national lottery. The names and order numbers of registrants in Group 1 commenced on page 1 of the Classification Record (Form 100). When order numbers were assigned to registrants in Group 2 immediately following the second national lottery, the names and order numbers of such registrants were placed in the Classification Record (Form 100) commencing on a new page numbered 2,001. This was done in order to keep the list of registrants in Group 2 separated from the list of registrants in Group 1 in the Classification Record (Form 100). In a similar manner, when the registrants in Group 3 are listed in the Classification Record (Form 100) numerically, according to their order numbers, with Order Number 10,001 at the top, such list will be commenced upon a new page numbered 3,001.*

§ 615.43 *Cover Sheet to be prepared for each registrant.* After each registrant is listed in the Classification Record (Form 100), the local board shall open an individual file for him by preparing a Cover Sheet (Form 53). These Cover Sheets (Form 53) shall be maintained in a file in the local board. Every paper pertaining to the registrant except his Registration Card (Form 1) shall be filed in his Cover Sheet (Form 53).*

§ 615.44 *Registration Cards to be filed alphabetically.* After entering the name and order number of a registrant in the Classification Record (Form 100), the local board shall file his Registration

Card (Form 1) in its alphabetical file of Registration Cards (Form 1).*

LEWIS B. HERSHEY,
Director.

JANUARY 16, 1942.

[F. R. Doc. 42-502; Filed, January 17, 1942; 11:58 a. m.]

PART 616—LATE REGISTRATION

Effective February 1, 1942, the Selective Service Regulations are hereby amended by rearranging the order in which the paragraphs hereinafter listed will appear; by assigning new members to such rearranged paragraphs; by changing the context of those paragraphs hereinafter listed which are followed by the words "as amended"; by adding four new sections; and by publishing such rearranged, renumbered, and amended paragraphs and the four new sections as the sections of Part 616 of the Second Edition of the Selective Service Regulations:

- Paragraph 261 as amended becomes § 616.1.
- Paragraph 261 as amended becomes § 616.2.
- Paragraph 261 as amended becomes § 616.3.
- Paragraph 261 as amended becomes § 616.4.
- Paragraph 262 as amended becomes § 616.11.
- Paragraph 262 as amended becomes § 616.12.
- Paragraph 310 as amended becomes § 616.23.
- Paragraph 310 as amended becomes § 616.24.
- Paragraph 316a as amended becomes § 616.31.
- Paragraph 316b as amended becomes § 616.32.
- Paragraph 318b as amended becomes § 616.41.
- Paragraph 318c as amended becomes § 616.42.
- Paragraph 318d as amended becomes § 616.43.
- Paragraph 318e as amended becomes § 616.45.
- New Sections: § 616.21, § 616.22, § 616.33, and § 616.44.

PART 616—LATE REGISTRATION

LATE REGISTRANTS MAY BE REGISTERED AT ANY LOCAL BOARD

- Sec. 616.1 Who may perform duties of registrar of late registrants.
- 616.2 Registration of late registrants in Group 1.
- 616.3 Registration of late registrants in Group 2.
- 616.4 Registration of late registrants in Group 3.

REGISTRATION OF INMATES OF INSTITUTIONS

- 616.11 Registration by superintendent or warden.
- 616.12 Disposition of Registration Cards of inmates of institutions.

DISPOSITION OF REGISTRATION CARDS OF LATE REGISTRANTS

- 616.21 Checking place of residence of late registrant.
- 616.22 Disposition of Registration Card of late registrant whose place of residence is not within local board area.
- 616.23 Serial numbering Registration Card of late registrant whose place of residence is within local board area.
- 616.24 Serial numbering Registration Card received from another local board or a State Director of Selective Service.

ORDER NUMBERING LATE REGISTRATION CARDS

- 616.31 Assigning order numbers to Group 1 registrants whose Registration Cards are received late.

Sec.

- 616.32 Assigning order numbers to Group 2 registrants whose Registration Cards are received late.
- 616.33 Assigning order numbers to Group 3 registrants whose Registration Cards are received late.

RECORDS OF REGISTRANTS WHOSE REGISTRATION CARDS ARE RECEIVED LATE

- 616.41 Entries on List of Registrants.
- 616.42 Entries in Classification Record.
- 616.43 Preparing Cover Sheet.
- 616.44 Filing Registration Card.
- 616.45 When Selective Service Questionnaire is mailed immediately.

LATE REGISTRANTS MAY BE REGISTERED AT ANY LOCAL BOARD

§ 616.1 *Who may perform duties of registrar of late registrants.* Any member or clerical assistant of the local board to which a person presents himself for registration as hereinafter provided may perform the duties of the registrar.*

* §§ 616.1 to 616.45 inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup., 301-318, inclusive, E.O. No. 8545, 5 F.R. 3779.

§ 616.2 *Registration of late registrants in Group 1.* Any person in the age group required to be registered on October 16, 1940, the day fixed by the President for the first registration (registrants in Group 1), who has not heretofore registered or who, by reason of a change of status, is hereafter required to be registered may present himself for and submit to registration before any local board. Each such person shall be registered on a white Registration Card (Form 1) and shall be issued a Registration Certificate (Form 2).*

§ 616.3 *Registration of late registrants in Group 2.* Any person in the age group required to be registered for the first time on July 1, 1941, the day fixed by the President for the second registration (registrants in Group 2), who has not heretofore registered or who, by reason of a change of status, is hereafter required to be registered may present himself for and submit to registration before any local board. Each such person shall be registered on a melon-colored Registration Card (Form 1) and shall be issued a Registration Certificate (Form 2).*

§ 616.4 *Registration of late registrants in Group 3.* Any person in the age group required to be registered for the first time on February 16, 1942, the day fixed by the President for the third registration (registrants in Group 3), who does not register prior to the commencement of the third national lottery or who, by reason of a change of status, is required to be registered after the commencement of the third national lottery, may present himself for and submit to registration before any local board. Each such person shall be registered on a Registration Card (Form 1) of the color specified for the third registration by the Director of Selective Service and shall be issued a Registration Certificate (Form 2).*

REGISTRATION OF INMATES OF INSTITUTIONS

§ 616.11 *Registration by superintendent or warden.* (a) When an inmate of

an insane asylum, jail, penitentiary, reformatory, or similar institution is registered on the day he leaves such institution, the superintendent or warden shall perform the duties of the registrar.

(b) In filling out the Registration Card (Form 1) and the Registration Certificate (Form 2), the superintendent or warden, acting in his capacity as registrar, shall be careful not to indicate that the inmate was registered in an institution or by an official thereof. If the inmate does not have a permanent place of residence or an address where he intends to be or where he can be located, the address of the local board of the area in which the institution is located shall be entered on line 2 of the Registration Card (Form 1). Under no circumstances shall the address of the institution be given as the place of residence or as the mailing address of the inmate who is being registered.

(c) If the inmate is not able to sign his name or make his mark, or if he refuses to do so, the superintendent or warden acting as registrar shall sign such inmate's name and indicate that he has done so by signing his own name, followed by the word "Registrar," beneath the name of such inmate, and the act of the superintendent or warden acting as registrar in so doing shall have the same force and effect as if such inmate had signed his name to the Registration Card (Form 1), and such inmate shall thereby be registered.

(d) The superintendent or warden acting as registrar shall then (1) explain to the registrant his obligations under the Selective Training and Service Act of 1940, as amended; (2) prepare and sign the Registration Certificate (Form 2), entering on the line commencing "Registrar for Local Board" the number of the local board of the area in which the institution is located; and (3) give the Registration Certificate (Form 2) to the inmate.*

§ 616.12 *Disposition of Registration Cards of inmates of institutions.* The superintendent or warden shall mail the Registration Card (Form 1) of a person registered under the provisions of § 616.11 to the State Director of Selective Service for the State in which the place of residence described on line 2 of such card is located, with a receipt therefor to be executed and returned to him. The State Director of Selective Service shall forward such Registration Card (Form 1) to the local board having jurisdiction of the place of residence described on line 2 thereof.*

DISPOSITION OF REGISTRATION CARDS OF LATE REGISTRANTS

§ 616.21 *Checking place of residence of late registrant.* When a person is registered by a member or a clerical assistant of a local board under the provisions of §§ 616.2, 616.3, or 616.4, the clerk of the local board shall carefully check the place of residence of such registrant as indicated on line 2 of his Registration Card (Form 1).*

§ 616.22 *Disposition of Registration Card of late registrant whose place of residence is not within local board area.* If the clerk of the local board finds that

the place of residence of the registrant as shown on line 2 of his Registration Card (Form 1) is not within the area of the local board where he registered, the clerk of the local board shall immediately mail the Registration Card (Form 1) of such registrant to the proper local board if he is absolutely sure of the local board that has jurisdiction over such registrant. If he has any doubt about the proper local board, he shall mail such card to the State Director of Selective Service having jurisdiction over the place of residence shown on line 2 of such card.*

§ 616.23 *Serial numbering Registration Card of late registrant whose place of residence is within local board area.* If the clerk of the local board finds that the place of residence of the registrant as shown on line 2 of his Registration Card (Form 1) is within the local board area where he registered, a serial number shall be placed on the late Registration Card (Form 1) in the manner provided in § 614.5.*

§ 616.24 *Serial numbering Registration Card received from another local board of a State Director of Selective Service.* (a) When at any time hereafter the local board receives from another local board or a State Director of Selective Service a Registration Card (Form 1) of a registrant in Group 1 or Group 2 and the place of residence on line 2 of such card is within the local board area, the local board shall place a serial number on such late Registration Card (Form 1) in the manner provided in § 614.5.

(b) When at any time after the commencement of the third national lottery the local board receives from another local board or a State Director of Selective Service a Registration Card (Form 1) of a registrant in Group 3 and the place of residence on line 2 of such card is within the local board area, the local board shall place a serial number on such late Registration Card (Form 1) in the manner provided in § 614.5.

(c) If any late Registration Card (Form 1) referred to in paragraph (a) or (b) of this section already has a serial number on it when it is received, the local board shall not change such serial number. If, however, the local board has already assigned an order number to another registrant having the same serial number, the registrant whose card has been received late will be given the preceding order number followed by a letter.*

ORDER NUMBERING LATE REGISTRATION CARDS

§ 616.31 *Assigning order numbers to Group 1 registrants whose Registration Cards are received late.* When a late Registration Card (Form 1) in Group 1 has been given a serial number under the provisions of §§ 616.23 or 616.24, the local board shall find from the First National Master List what the registrant's order number would have been if his card had been received prior to the commencement of the first national lottery. The local board shall then assign such registrant the order number which precedes the order number which would have been assigned to such registrant had his card been received prior to the commencement

of the first national lottery and shall add a letter to it. For example: If his order number would have been 84 had his card been received prior to the commencement of the first national lottery, the local board will assign him Order Number 83A.*

§ 616.32 *Assigning order numbers to Group 2 registrants whose Registration Cards are received late.* When a late Registration Card (Form 1) in Group 2 has been given a serial number under the provisions of §§ 616.23 or 616.24, the local board shall find from the Second National Master List what the registrant's sequence number would have been if his card had been received before midnight, July 8, 1941. The local board shall then assign to such registrant the sequence number which would have been assigned to him had his card been received prior to midnight, July 8, 1941, and shall assign to him the order number immediately preceding the order number assigned to the registrant having the same sequence number and shall add a letter to it. For example: If the registrant having the same sequence number receives Order Number S-123, the local board will assign him Order Number S-122A, if the preceding order number is 122.*

§ 616.33 *Assigning order numbers to Group 3 registrants whose Registration Cards are received late.* When a late Registration Card (Form 1) in Group 3 has been given a serial number under the provisions of §§ 616.23 or 616.24, the local board shall find from the Third National Master List what the registrant's order number would have been if his card had been received before the commencement of the third national lottery. The local board shall then assign such registrant the order number which precedes the order number which would have been assigned to such registrant had his card been received prior to the commencement of the third national lottery and shall add a letter to it. For example: If his order number would have been 11,271, the local board will give him 11,270A.*

RECORDS OF REGISTRANTS WHOSE REGISTRATION CARDS ARE RECEIVED LATE

§ 616.41 *Entries on List of Registrants.* The local board shall add the name, serial number, and order number of each registrant whose Registration Card (Form 1) is received late on the office file copy and the publicly posted copy of the List of Registrants (Form 3) for the age group to which such registrant belongs and shall report such addition to the State Director of Selective Service by letter.*

§ 616.42 *Entries in Classification Record.* The local board shall enter the name, serial number, and order number of each registrant whose Registration Card (Form 1) is received late in the Classification Record (Form 100) following the name, serial number, and order numbers of the registrants in the age group to which such registrant belongs. To make certain that the case of such registrant is handled in its proper turn, the local board shall insert an "R", followed by the page on which his name

appears in the Classification Record (Form 100), in the column of order numbers in the Classification Record (Form 100) at the place where the order number of such registrant would have appeared in the Classification Record (Form 100) had his Registration Card (Form 1) been received on time. For example: If the registrant is in Group 1, his order number is 83A, and his name appears on page 30 of the Classification Record (Form 100), print "R page 30" between Order Numbers 83 and 84.*

§ 616.43 *Preparing Cover Sheet.* For each registrant whose Registration Card (Form 1) is received late, the local board shall prepare and file a Cover Sheet (Form 53).*

§ 616.44 *Filing Registration Card.* When a registrant's Registration Card (Form 1) is received late, it shall be filed in the alphabetical file of Registration Cards (Form 1).*

§ 616.45 *When Selective Service Questionnaire is mailed immediately.* If Selective Service Questionnaires (Form 40) have been mailed to registrants who have larger order numbers than the registrant whose Registration Card (Form 1) is received late, the local board shall immediately mail to the registrant whose Registration Card (Form 1) is received late his Selective Service Questionnaire (Form 40).*

LEWIS B. HERSHEY,
Director.

JANUARY 16, 1942.

[F. R. Doc. 42-503; Filed, January 17, 1942;
11:58 a. m.]

PART 617—REGISTRATION CERTIFICATES

Effective February 1, 1942, the Selective Service Regulations are hereby amended by assigning new numbers to the paragraphs hereinafter listed; by changing the context of those paragraphs which are followed by the words "as amended"; and by publishing such renumbered and amended paragraphs as the sections of Part 617 of the Second Edition of the Selective Service Regulations.

Paragraph 262 f as amended becomes § 617.12.
Paragraph 263 as amended becomes § 617.1.
Paragraph 264 as amended becomes § 617.11.

PART 617—REGISTRATION CERTIFICATES

MUST BE IN PERSONAL POSSESSION OF PERSONS
REQUIRED TO REGISTER

Sec.

617.1 *Effect of failure to have Registration Certificate in personal possession.*

ISSUING A DUPLICATE OF OR EXCHANGING A
REGISTRATION CERTIFICATE

617.11 *Issuing a duplicate of a lost, mislaid, stolen, or destroyed Registration Certificate.*

617.12 *Issuing a new Registration Certificate in exchange for one issued by a superintendent or warden of an institution.*

No. 13—5

MUST BE IN PERSONAL POSSESSION OF PER-
SONS REQUIRED TO REGISTER

§ 617.1 *Effect of failure to have Registration Certificate in personal possession.* Every person required to present himself for and submit to registration must have a Registration Certificate (Form 2) in his personal possession at all times and, upon request, must exhibit it to any law-enforcement officer, any official of National Headquarters for Selective Service or of a State Headquarters for Selective Service, or any member of the local board or board of appeal. The failure of any such person to have such Registration Certificate (Form 2) in his personal possession or to exhibit it upon the request of any officer, official, or board member authorized by this section to make such request shall constitute a violation of these regulations. The failure of any such person to have such Registration Certificate (Form 2) in his personal possession shall also be prima facie evidence of his failure to register.*

*§§ 617.1 to 617.12, inclusive, issued under the authority contained in 54 Stat. 885; 50 U. S. C., Sup., 301-318, inclusive, E. O. 8545, 5 F. R. 3779.

ISSUING A DUPLICATE OF OR EXCHANGING A
REGISTRATION CERTIFICATE

§ 617.11 *Issuing a duplicate of a lost, mislaid, stolen, or destroyed Registration Certificate.* A duplicate Registration Certificate (Form 2) may be issued to a registrant by the local board having jurisdiction of the registrant upon written application, made on Application for Issuance of Duplicate Registration Certificate (Form 14), and the presentation of proof satisfactory to the local board that the Registration Certificate (Form 2) of the registrant has been lost, mislaid, stolen, or destroyed and that the registrant has made a diligent search for the Registration Certificate (Form 2) and has been unable to find it. If the local board issues a duplicate Registration Certificate (Form 2) to the registrant, it shall mark it "Duplicate" and note the issuance of such Registration Certificate (Form 2) upon the application, which shall be filed in the registrant's Cover Sheet (Form 53).*

§ 617.12 *Issuing a new Registration Certificate in exchange for one issued by a superintendent or warden of an institution.* Any registrant receiving a Registration Certificate (Form 2) issued by the superintendent or warden of an insane asylum, jail, penitentiary, reformatory, or similar institution may exchange it for a Registration Certificate (Form 2) issued by the local board having jurisdiction of the place of residence described on line 2 of his Registration Card (Form 1), provided such local board has in its records the original Registration Card (Form 1) of such registrant. Upon the request of a registrant for such an exchange and upon the surrender of the Registration Certificate (Form 2) issued by a superintendent or warden, the local board shall write "Canceled" across the

face thereof and file such certificate. The local board shall then issue a new Registration Certificate (Form 2) to the registrant. The date of registration entered on the new Registration Certificate (Form 2) shall be the same as that shown on the "Canceled" certificate.*

LEWIS B. HERSHEY,
Director.

JANUARY 16, 1942.

[F. R. Doc. 42-506; Filed, January 17, 1942;
11:56 a. m.]

[No. 46]

ORDER PRESCRIBING FORMS

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

Revision of DSS Form 1,¹ entitled "Registration Card," effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing revision shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of Appendix A² to Volume One, Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

JANUARY 6, 1942.

[F. R. Doc. 42-504; Filed, January 17, 1942;
11:56 a. m.]

[No. 47]

ORDER PRESCRIBING FORMS

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

Addition of a new form designated as DSS Form 173,¹ entitled "Report of Discharge or Separation From Active Service," effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing addition shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of Appendix A² to Volume One, Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

DECEMBER 18, 1941.

[F. R. Doc. 42-505; Filed, January 17, 1942;
11:56 a. m.]

¹ Filed with original document.
² 5 F. R. 3785.

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 943—MATERIALS ENTERING INTO THE PRODUCTION OF HEAVY BOMBERS

PART 948—MATERIALS ENTERING INTO THE PRODUCTION OF ELECTRICAL RELAYS AND SOLENOID ASSEMBLIES

Notice of Extension¹ of Preference Rating Orders Nos. P-3, P-4, P-9-a, P-9-b, P-9-c, P-9-d, P-9-e, P-9-f, P-9-g, P-13,² P-15 and P-16

Preference Rating Orders Nos. P-3, P-4, P-9-a, P-9-b, P-9-c, P-9-d, P-9-e, P-9-f, P-9-g, P-13, P-15 and P-16 have been extended to expire March 31, 1942. Dated: January 19, 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-515; Filed, January 19, 1942; 10:02 a. m.]

PART 1014—BURLAP AND BURLAP PRODUCTS

Amendment No. 2 to Order M-47³ to Conserve the Supply and Direct the Distribution of Burlap and Burlap Products

Section 1014.1 (c) and (d) are hereby amended to read as follows:

§ 1014.1 Conservation Order M-47.

(c) *Restrictions on delivery or processing.* (1) Except as provided in paragraphs (2) and (3) below or upon express authorization of the Office of Production Management, no Importer, Importing Bag Manufacturer, or other Person shall knowingly sell, deliver, or in any manner distribute, and no Person shall purchase, accept delivery of, or in any manner receive Burlap for any use other than for the manufacture of Agricultural Bags, and no Person shall process or use any Burlap other than for the manufacture of Agricultural Bags. The prohibition against processing or use hereinabove mentioned shall apply only to full bales unbroken, at the date of issue of this order. The term "full bales unbroken" means any bale not fully opened so that the content could not readily be restored to the same bale, and includes bales which have been sampled.

(2) Persons prohibited from processing or using Burlap by the provisions of paragraph (c) (1), who possessed stocks of Burlap on December 22, 1941 may use or process such stocks on hand on December 22, 1941 in the following quantities:

(i) Persons who possessed ten or less full bales unbroken may use or process all such bales.

(ii) Persons who possessed more than ten full bales unbroken may use or process no more than ten bales.

¹ Previous notice of extension of preference rating orders appears at 7 F.R. 28.

² Original Preference Rating Order P-13 was not filed with this Division.

³ 6 F.R. 6648, 7 F.R. 34.

(3) Stocks of Burlap in full bales unbroken in the possession of Persons who are prohibited from processing or using such Burlap by the provisions of paragraph (c) (1) and who do not manufacture Agricultural Bags, may be disposed of without further authorization of the Office of Production Management in the following instances:

(i) Stocks of Burlap of ten ounces or heavier construction may be sold, delivered, or distributed to, and purchased, received, processed, or used by:

(a) The Army or Navy of the United States,

(b) The Defense Supplies Corporation or other corporation, affiliate or other form of enterprise under control of the Reconstruction Finance Corporation,

(c) Any Importing or Non-Importing Bag Manufacturer to fill any order placed by the Army or Navy of the United States for Burlap to be used for sandbags or camouflaged cloth.

(ii) Stocks of Burlap of constructions lighter than ten ounces may be sold, delivered, or distributed to, and purchased, received, processed, or used by any Importing or Non-Importing Bag Manufacturer for the manufacture of Agricultural Bags: *Provided, however,* That such Importing or Non-Importing Bag Manufacturer shall distribute bags manufactured from such Burlap in accordance with the provisions of paragraph (i) of this Order.

(d) *Prohibition of transactions in excess of quotas.* No Person shall, in any manner, buy or acquire Burlap or Agricultural Bags in excess of his quota as determined pursuant to this Order, and no Person shall knowingly, in any manner, deliver or sell to any other Person Burlap or Agricultural Bags in excess of such other Person's quota as so determined: *Provided, however,* That the limitations of such quota shall not apply to deliveries of Burlap pursuant to the provisions of paragraph (c) (3) hereof. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; Sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

This order shall take effect immediately. Issued this 19th day of January, 1942.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42-514; Filed, January 19, 1942; 10:02 a. m.]

PART 1044—CADMIUM

General Preference Order M-65 To Conserve the Supply and Direct the Distribution of Cadmium

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

the supply and direct the distribution of Cadmium;

Now, therefore, it is hereby ordered, That:

§ 1044.1 *General Preference Order M-65—(a) Definitions.* For the purposes of this Order:

(1) "Cadmium" means the following in any forms suitable for industrial use:

(i) Metallic cadmium in such forms as anodes, balls, cakes, discs, foil, ingots, moss, pencils, pigs, plates, powder, rods, sheets, shot, slabs, sticks, strips, wire, or other refined shapes; or

(ii) Any cadmium-containing chemical compound, salt or mixture, including cadmium-bearing materials such as oxides or other forms available for electroplating purposes; or

(iii) Any scrap, residues, dross, alloys, or other materials containing commercially recognized amounts of cadmium, or of metal or compounds produced therefrom.

(2) "Producer" means any Person who produces Cadmium as primary or secondary metal or as a by-product in the conduct of any enterprise.

(3) "Distributor" means any Person regularly engaged in the business of buying Cadmium and selling the same in forms suitable for general fabrication or electroplating.

(4) "Consumer" means any Person who uses Cadmium in any fabricating or electroplating process.

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

(c) *Restrictions on deliveries.* (1) Notwithstanding any provision in Priorities Regulation No. 1, no Person may deliver Cadmium except as follows:

(i) to a Distributor; or

(ii) pursuant to preference rating of A-10 or higher; or

(iii) pursuant to a specific authorization by the Director of Priorities.

(2) No Person shall accept delivery of Cadmium made in violation of the provisions of (c) (1) above.

(3) No Distributor shall hereafter accept delivery of Cadmium unless:

(i) such Distributor shall during the preceding sixty days have sold or otherwise disposed of Cadmium to an amount at least equal in weight to the Cadmium Inventory of such Distributor on the date of such acceptance of delivery of Cadmium (which Inventory shall exclude such delivery), and

(ii) such Distributor shall have filed with the Office of Production Management such reports as may from time to time be required by the Office of Production Management.

(d) *Reports.* All Producers, Distributors and Consumers shall file reports with the Office of Production Management at such times and in such manner and form

as it may prescribe, showing inventory, production, purchases, sales, and consumption and such other information as the Office of Production Management may from time to time require.

(e) *Communications.* All reports to be filed, appeals and other communications concerning this Order should be addressed to the Office of Production Management, Washington, D. C., Ref: M-65.

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

(g) *Effective date.* This Order shall take effect immediately upon the date of issuance and shall continue in effect until June 30, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 17th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-491; Filed, January 17, 1942;
9:56 a. m.]

PART 1044—CADMIUM

Conservation Order M-65-a Curtailing the Use of Cadmium in Certain Items

Whereas, national defense requirements have created a shortage of Cadmium for the combined needs of defense, private account, and export; and the supply now is and will be insufficient for defense and essential civilian requirements unless its use in the manufacture of many products where such use is not absolutely necessary for the defense or essential civilian requirements is curtailed or prohibited as hereinafter provided;

Now, therefore, it is hereby ordered, That:

§ 1044.2 *Conservation Order M-65-a—(a) Prohibition on use of cadmium in articles appearing on List "A".*

(1) Any Person using Cadmium in any Item on List "A" shall limit his use of Cadmium in any such Item between January 1 and January 31, 1942 to an amount not exceeding his use in January 1941.

(2) Effective February 1, 1942, no Cadmium shall be put into process in the production of any Item on List "A".

(b) *Limitation on all other uses of cadmium.* Any person using Cadmium in any article not covered by paragraphs (a) or (c) of this Order shall reduce his use of Cadmium in any such article between January 1 and March 31, 1942 to 70% of his use in the first calendar quar-

ter of 1941. Effective April 1, 1942, no Cadmium shall be used in the production of any article not covered by paragraph (c) of this Order.

(c) *General exception.* Where and to the extent the use of any less scarce material is impracticable, the prohibitions, limitations and restrictions contained in paragraphs (a) and (b) shall not apply to the use of Cadmium in the manufacture of any Item, or for any of the uses, set forth on List "B" attached, or which is being produced:

(1) for delivery under a specific contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development or for any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act) if in any such case the use of Cadmium to the extent employed is required by the specifications of the prime contract, or

(2) to comply with Underwriters Regulations or Safety Regulations issued under Governmental authority, provided the pertinent provisions of such Regulations were, in either case, in effect both on December 1, 1941, and on the date of such use, and specifically and exclusively require the use of Cadmium to the extent employed; or

(3) with the assistance of a preference rating higher than A-2.

(d) *Prohibitions against sales or deliveries.* No Person shall hereafter sell or deliver Cadmium to any Person if he knows, or has reason to believe, such material is to be used in violation of the terms of this Order.

(e) *Limitation of inventories.* No manufacturer shall receive delivery of Cadmium (including scrap) or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies, nor shall he put into process any raw material, in quantities which in either case shall result in an inventory of such raw semi-processed or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of Cadmium products by this Order.

(f) *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 provisions hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(2) *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 Cadmium conserved, or that compliance with this Order would

disrupt or impair a program of conversion from nondefense work to defense work, may appeal to the Office of Production Management, Washington, D. C., setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(3) *Addressing of communications.* All applications, statements, or other communications filed pursuant to this Order or concerning the subject matter hereof should be addressed "Office of Production Management, Ref: M-65-a, Washington, D. C."

(4) *Applicability of Order.* The prohibitions and restrictions contained in this Order shall apply to the use of material in all articles hereafter manufactured irrespective of whether such articles are manufactured pursuant to a contract made prior or subsequent to the effective date hereof, or pursuant to a contract supported by a preference rating. Insofar as any other Order of the Director of Priorities may have the effect of limiting or curtailing to a greater extent than herein provided, the use of Cadmium in the production of any article, the limitations of such other Order shall be observed.

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

(6) *Definitions.* For the purposes of this Order:

(i) "Cadmium" means the following in any forms suitable for industrial use:

(a) metallic cadmium in such forms as anodes, balls, cakes, discs, foil, ingots, moss, pencils, pigs, plates, powder, rods, sheets, shot, slabs, sticks, strips, wire or other refined shapes; or

(b) any cadmium-containing chemical compound, salt or mixture, including cadmium-bearing materials such as oxides or other forms available for electro-plating purposes; or

(c) any scrap, residues, dross, alloys, or other materials containing commercially recognized amounts of cadmium, or metal or compounds produced therefrom.

(ii) "Inventory" of a Person includes the inventory of affiliates and subsidiaries of such Person, and the inventory of others where such inventory is under the control of or under common control with or available for the use of such Person.

(iii) "Manufacture" means to fabricate, assemble, mix or process in any other way, but does not include installa-

tion of a finished product for the ultimate consumer.

(iv) "Item" means any article or any component part thereof.

(v) "Use" means both (1) the act of putting Cadmium into process in the manufacture of any item and (2) the act of completing the manufacture of any such item. (Where a person is limited to a percentage of the material used in a base period of this limitation applies respectively to (1) the amount of material put into process during the base period and (2) to the total amount of material contained in a completed item or article multiplied by the number of such items or articles completed during the base period. Each restriction must be applied separately.)

(vi) "Put into process" means the first change by a Manufacturer in the form of material from that form in which it is received by him.

(7) *Effective date.* This Order shall take effect upon the date of issuance and shall continue in effect until revoked by the Director of Priorities. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan 7, 1941, 6 F.R. 191; E.O. 8875; Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 17th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

List "A" of Order M-65-a

The use of Cadmium in the items listed below and in all component parts thereof is prohibited except to the extent permitted by the foregoing Conservation Order.

Automotive, trailer, and tractor equipment:

Bearings.
Fasteners.
Fittings and trim.
Hardware.
Lamps, all kinds.
Hub and gas-tank caps.
Mouldings.
Plating for decorative uses.

Building Supplies and Hardware:

Air conditioning equipment (except where cadmium plating is essential to the proper functioning of the parts).
Builders' finish hardware.
Conduits.
Hardware.
Lighting fixtures.
Ornamental metal work.
Plating for decorative purposes.
Screens and screening.
Springs.
Staples and fasteners.
Window fixtures.

Home Furnishings and Equipment:

Decorative hardware.
Furniture, all kinds.
Furniture hardware or plating.

Home Furnishings and Equipment—Con.

Hardware.
Plating for decorative purposes.
Portable heaters.
Stoves and ranges (except valves and controls).
Tableware.
Upholsterers' supplies, including nails and tacks.
Utensils, all kinds.
Washing tubs and machines.

Textile Equipment:

Bobbin rings.
Truck fittings, all kinds.
Plating non-essential to fabrication of fabrics.

Miscellaneous:

All Plating primarily for decorative purposes.
Beauty parlor equipment and barber shop supplies.
Beverage dispensing units and parts thereof.
Bicycles, motorcycles, and similar vehicles.
Casket handles and trim.
Electrical fittings (except where cadmium plating is essential because of corrosive action or to the proper functioning of the parts).
Fire fighting apparatus (except where cadmium plating is essential to the proper functioning of the parts).
Hardware.
Harness fittings.
Ladders and fittings.
Livestock and poultry equipment.
Luggage fittings.
Metal containers.
Name, identification, and medal plates.
Pole-line hardware.
Radios, commercial sets.
Reflectors.
Shoe nails.
Slot, game, and vending machines.
Stationery supplies, desk accessories, and office supplies.
Saddlery hardware.

List "B" of Order M-65-a

The uses, and the Items listed below, and parts thereof are excepted from the prohibitions and restrictions contained in paragraphs (a) and (c) of the foregoing Conservation Order, but only to the extent indicated below and only to the extent that the use of any less scarce material is impractical.

Chemicals.

Electrical fittings and contacts to the extent that corrosive action or the proper functioning of the parts makes the use of any other material impractical.

Electroplating of heddles and pin boards used in textile plants to the extent that corrosive action makes the use of any other material impractical.

Fusible alloys used in fire protection systems and electrical fuses, to the extent that any other material is impractical.

Measuring, recording and control instruments, systems or equipment for use in industrial processes, such as pyrometers, thermometers, flow meters, pressure gauges, gas analyzers and their associated control valves.

Solders to the extent that they cannot be replaced by other solders not containing cadmium.

[F. R. Doc. 42-492; Filed, January 17, 1942; 9:56 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1335—CHEMICALS

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

Correction

Section 1335.60 (a) (1) in F.R. Doc. 42-440, appearing at page 313 of the issue for January 16, 1942, is corrected as follows:

In the tenth line under the box head "Less than carload lots" the figure ".0900" is corrected to read ".0800".

PART 1340—FUEL

PRICE SCHEDULE NO. 72—BUNKER C AND NO. 6 GRADE FUEL OILS, EAST AND GULF COASTS

Bunker C and No. 6 grade fuel oils are the heavy residual oils used extensively for fueling both merchant vessels and the navies of the United States and the United Nations. They are also used in large quantities by industrial plants, many of which are engaged in war production. Some is imported, some is shipped from the Gulf to the East Coast by tanker, and some is produced on the East Coast from crude petroleum shipped there by tanker. The bulk of the deliveries of bunker C and No. 6 fuel oils is controlled by companies owning their own tanker fleets or producing these fuel oils at their own refineries.

Requests have been received from certain companies engaged in the sale of bunker C fuel oil for approval of a higher price than the base price of \$1.35 per barrel f. o. b. New York Harbor, which was the prevailing maximum contract price in the second half of 1941. After consideration of all pertinent factors, including the actual cost of ocean transportation, maximum time charter rates, handling charges, and the supply position and financial status of the companies in the trade, it was found that \$1.35 per barrel f. o. b. New York Harbor is a proper maximum price on which to base the prices of bunker C and No. 6 grade fuel oils.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1340.101 *Maximum prices for Bunker C and No. 6 grade fuel oils on the East and Gulf Coasts.* On and after January 9, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer bunker C and No. 6 grade fuel oils and no person shall buy, offer to buy or accept delivery of bunker C and No. 6 grade fuel oils at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1340.109.*

*§§ 1340.101 to 1340.109, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1340.102 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1340.103 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of bunker C and No. 6 grade fuel oils, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discounts, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1340.104 *Records and reports.* Persons affected by this Schedule shall keep such records and submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1340.105 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement and other services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule.

Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of bunker C and No. 6 grade fuel oils, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1340.106 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with this Schedule.*

§ 1340.107 *Definitions.* When used in this Schedule, the term "person" means an individual, partnership, association, corporation or other business entity.*

§ 1340.108 *Effective Date of the Schedule.* This Schedule shall be effective as of January 9, 1942.*

§ 1340.109 *Appendix A; maximum prices for Bunker C and No. 6 grade Fuel*

Oils on the East and Gulf Coasts, f. o. b. refineries and terminals (ex lighterage).

Location of refineries or terminals	Maximum price per barrel
Albany, N. Y.	\$1.55
New York, N. Y.	1.35
Philadelphia, Pa.	1.35
Baltimore, Md.	1.35
Norfolk, Va.	1.35
Portland, Me.	1.35
Boston, Mass.	1.35
Providence, R. I.	1.35
Charleston, S. C.	1.30
Savannah, Ga.	1.30
Jacksonville, Fla.	1.30
Tampa, Fla.	1.25
New Orleans, La.	.85
Gulf Coast points not specified above	.85

Maximum differentials for ports on the East Coast not specified above shall be based on the low quotations for such ports in Platt's Oilgram on January 9, 1942.*

Issued this seventeenth day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-508; Filed, January 17, 1942; 12:02 p. m.]

PART 1354—WOOL AND WOOL PRODUCTS
AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 58—WOOL AND WOOL TOPS AND YARNS

Price Schedule No. 58 is hereby amended by adding a new paragraph (d) to § 1354.1 and adding a new § 1354.10 as follows:

§ 1354.1 *Maximum prices for wool and wool tops and yarns.*

(d) On and after January 16, 1942, no person shall sell, offer to sell, deliver or transfer wools of the types and grades enumerated in Appendix A hereof, incorporated herein as § 1354.10, and no person shall buy, offer to buy, or accept delivery or transfer of such wools at prices higher than the maximum prices set forth in Appendix A.

§ 1354.10 *Appendix A; maximum prices for South American wools.*

Table I

The prices set forth below are maximum prices per pound for wools of the types and grades enumerated on a clean basis, duty paid, ex dock or ex warehouse. The maximum prices for such wools scoured or otherwise processed in the United States shall be the prices set forth increased by the customary differentials in effect on December 6, 1941. Terms of sale shall be cash less 1% up to 10 days or 60 days net cash.

Charges for war risk insurance actually paid by the seller in excess of one-half of one per cent may be added to the maximum prices set forth below: *Provided*, That the invoice or similar docu-

* 6 F.R. 6551, 7 F.R. 226.

ment delivered to the purchaser shall show the amount of such charges.

(a) *Montevideo Greasy Shorn Combing Fleece Wools*

Grade	Super Skirted	Good to Super
	64's	\$1.10
60-64's	1.08	1.05
60's	1.07	1.05
58-60's	1.05	1.03
1's	.99	.97
2's	.96	.95
3's	.92	.90
4's	.76	.70
5's	.70	.65
	Lambs	Second Clip
50-60's	\$0.85	\$0.87
46-50's	.78	.80
40-44's	.63	.65

(b) *Buenos Aires Greasy Shorn Wools*

Grade:	Combing Fleece
64's (Australian Type)	\$1.03
60-64's (Regular Type)	1.03
56-58's	.96
50's	.93
43-48's	.86
44's	.66
36-40's	.49
Low Cott's	.42
	Second Clip
56-58's	.79
50-56's	.73
48-50's	.70
44's	.62
36-40's	.45

(c) *Second Clip Greasy Shorn Wools*

Grade	Pampa	Patagonia and Bahia Blanca
58-60's	\$0.85	\$0.87
50-56's	.77	.83
46-50's	.72	.75
44-40's	.55	.55

(d) *Greasy Shorn Chubut Combing Fleece Wools*

Grade:	
64-70's	\$1.05
60-64's	1.03
60's	.99
58's	.97

(e) *Greasy Shorn Combing Fleece Wools*

Grade	Brazil	Entre Rios and Corrientes	Santa Cruz	Punta		Peruvian
				Super	Average	
60-64's	\$1.02	\$1.03	\$1.03			
58-60's	.97	1.00	1.00			
56-58's	.94	.96	.96			
50's	.92	.92	.94			
46-48's	.88	.86	.88			
60's				\$1.02		
56-58's				.98	\$0.96	
50-56's				.96	.94	
46-48's				.92	.90	
Central 60-64's						\$1.00
Central 58-60's						.95
Central 56's						.90
Central 50's						.88
Central 46-48's						.83
Regular Merino:						
#1						.86
#2						.73
Gray						.75

Table II

The prices set forth below are maximum prices per pound for wools of the types and grades enumerated in scoured condition, including all scouring costs, free or nearly free of burrs, duty paid, ex dock or ex warehouse. Terms of sale shall be cash less 1% up to 10 days or 60 days net cash.

Charges for war risk insurance actually paid by the seller in excess of one half of one percent may be added to the maximum prices set forth below: *Provided*, That the invoice or similar document delivered to the purchaser shall show the amount of such charges.

(a) Scoured Foreign Pulled Wool—Montevideo, Buenos Aires, and Brazil

Grade:	
60-64's Super Clothing & Lambs	\$1.03
58-60's Super Clothing & Lambs	1.00
56's Super Clothing & Lambs	.98
50-56's Super Clothing & Lambs	.93
48-50's Super Clothing & Lambs	.86
46-48's Super Clothing & Lambs	.82
44's Super Clothing & Lambs	.68
40's Super Clothing & Lambs	.60
60-64's Super Shearling	.88
58-60's Super Shearling	.85
56's Super Shearling	.83
50-56's Super Shearling	.80
48-50's Super Shearling	.70
46-48's Super Shearling	.68
44's Super Shearling	.60
36-40's Super Shearling	.55

Combing—Montevideo, Buenos Aires and Brazil

60-64's Super Combing	\$1.05
58-60's Super Combing	1.02
56's Super Combing	1.00
50-56's Super Combing	.95
48-50's Super Combing	.88
46-48's Super Combing	.85
44's Super Combing	.72
40's Super Combing	.61

Super Lustre Spring Lambs, 44's quality 4¢ above list, 40's quality 8¢ above list. Inferior and Defective wools proportionately less.

Santa Cruz, Rio Gallegos, Punta, and Chubut

For 50-56's and finer grades, value, 2¢ premium.

All other grades below 50-56's, 7¢ premium. Above comparative grades Montevideo, Buenos Aires, and Brazil List.

Chilean

Grade:	
Lambs & Sheep 56-58's up	\$.90
Lambs & Sheep 50-56's	.87
Lambs & Sheep 44-50's	.78

Cape

64's Choice	\$1.05
60-62's	1.00
56-58's	.98

(b) Wools Imported in the Scoured State Buenos Aires

Grade	Fleeces	November or March Second Clip	Lambs	Grey
56-58's	\$0.98	\$0.91		
56-50's	.93	.87	\$0.82	\$0.78
50-48's	.88	.86	.80	.76
46-48's	.85	.85	.78	.73
40-44's	.63	.59	.58	.52
40-36's	.55	.51		.52

Chubut, Cordillera, Santa Cruz, Punta, Patagonia

Grade	Fleeces	Best pieces	Pieces and bellies
64's	\$1.15		
60-64's	1.13	\$0.97	\$0.93
60-58's	1.08	.95	.90
56-58's	1.03	.92	.89
50's	1.00	.90	.86
50's	.98	.88	.85
46-48's	.94	.84	.82

Peruvian

Grade	Scoured	Washed
Merino	\$1.00	\$0.77
#1	.93	.72
#2	.83	.64
Grey	.80	.60

Chilean

56's and up	\$0.96
50-56's	.94
46-48's	.83

(Executive Orders Nos. 8734, 8875, 6 F. R. 1917, 4483)

This Amendment No. 2 shall become effective January 16, 1942. Issued this 15th day of January, 1942.

LEON HENDERSON, Administrator.

[F. R. Doc. 42-489; Filed, January 16, 1942; 4:21 p. m.]

PART 1354—WOOL AND WOOL PRODUCTS

AMENDMENT NO. 3 TO PRICE SCHEDULE NO. 58¹—WOOL AND WOOL TOPS AND YARNS

Paragraph (d) of § 1354.1 is hereby amended and §§ 1354.11 and 1354.12 are hereby added as follows:

§ 1354.1 *Maximum prices for wool and wool tops and yarns.*

(d) On and after January 17, 1942, notwithstanding the provisions of paragraphs (a) and (b) above, no person shall sell, offer to sell, deliver or transfer wools or wool tops or yarns of the types and grades enumerated in Appendices A, B and C hereof, incorporated herein as §§ 1354.10, 1354.11 and 1354.12, and no person shall buy, offer to buy, or accept delivery or transfer of such wools or wool tops or yarns at prices higher than the maximum prices set forth in Appendices A, B and C.

§ 1354.11 *Appendix B; maximum prices for oil combed wool tops.* The prices set forth below are maximum prices per pound, f. o. b. combing plant, for oil combed wool tops (15% regain, 3¼% oil) of the types and grades enumerated below of qualities to meet Quartermaster Corps specifications. The maximum prices for dry combed tops shall be the maximum prices set forth below plus 2¼%.

Terms of sale shall be cash less 1% up to 10 days or 60 days net cash.

¹6 F.R. 6551.

Grade	Price per lb.
64s and finer, Domestic	1.44
64s and finer, Foreign	1.32
64s and finer, Blend (50% domestic and 50% foreign)	1.38
60s-62s Domestic	1.40
60s-62s Foreign	1.30
60s-62s Blend (50% domestic and 50% foreign)	1.35

§ 1354.12 *Appendix C; maximum prices for yarns for military fabrics.*

The prices set forth below are maximum prices per pound, f. o. b. mill, for wool yarns of the types and grades enumerated below of quality, color and size to meet Quartermaster Corps specifications.

Terms of sale shall be cash less 2% up to 10 days or 60 days net cash.

(a) Serge O. D. 18 oz. (light and dark shades):	Price per lb.
Bradford Spun Domestic	2.20
Bradford Spun Foreign	2.06
Bradford Spun 50% Foreign, 50% Domestic	2.13
French Spun Domestic	2.28
French Spun Foreign	2.14
French Spun 50% Foreign, 50% Domestic	2.19
(b) Shirting flannel 10½ oz.:	
French Spun Domestic	1.92
French Spun Foreign	1.82
French Spun 50% Foreign, 50% Domestic	1.87
(c) Underwear:	
Merino Yarns, 50% wool, 50% Cotton Spun on Woolen System	1.30
Spun on Cotton System	1.20

(Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

This Amendment No. 3 shall become effective January 17, 1942. Issued this 17 day of January 1942.

LEON HENDERSON, Administrator.

[F. R. Doc. 42-507; Filed, January 17, 1942; 12:02 p. m.]

PART 1357—CADMIUM

PRICE SCHEDULE NO. 71—PRIMARY & SECONDARY CADMIUM

The Office of Price Administration, being charged with the maintenance of price stability and the prevention of undue price rises and price dislocations, has determined that the establishment of maximum prices for primary and secondary cadmium is essential in order to accomplish these purposes and is in the interest of national defense and the national welfare.

Cadmium is required for both military and essential civilian needs. Increased demands upon the supply of cadmium have created a critical situation in the secondary cadmium field. Prices of secondary cadmium have advanced far beyond those of primary cadmium and tend to make it impossible for persons in the trade to cooperate with the Government in maintaining price stability and in preventing excessive and speculative price increases. Such increases in the price of secondary cadmium impose an unfair burden on producers of primary cadmium who have refrained from selling

at prices higher than those approved by the Office of Price Administration.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1357.1 *Maximum prices for primary and secondary metallic cadmium.* On and after January 19, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer metallic cadmium, and no person shall buy, offer to buy, or accept delivery of metallic cadmium, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1357.9.*

*§§ 1357.1 to 1357.9, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875; 6 F.R. 1917, 4483.

§ 1357.2 *Less than maximum prices.* Lower prices than those set forth in Appendix A of this Schedule may be charged, demanded, paid, or offered.*

§ 1357.3 *Evasion.* (a) The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of metallic cadmium, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) Any agreement or transaction in connection with which any material containing cadmium is processed or treated on toll to obtain metallic cadmium therefrom shall be considered to be an evasion of this Schedule, unless the total of the cost of materials, the charge for processing or treating the material, and all other charges in connection with the processing, treatment, handling, and delivery of said material in order to obtain metallic cadmium therefrom, does not exceed, on a per pound basis, the maximum prices established by this Schedule.*

§ 1357.4 *Records and reports.* Every person making purchases or sales of metallic cadmium after January 19, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity of each type or shape purchased or sold; and (b) the quantity of metallic cadmium (1) on hand and (2) on order as of the close of each calendar month.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1357.5 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the

Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the government interest and the interests of those persons who comply with this Schedule, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of metallic cadmium, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1357.6 *Modification of the Price Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom, provided that no application under this section will be considered unless filed by persons complying with this Schedule and all other Schedules issued by the Office of Price Administration.*

§ 1357.7 *Definitions.* When used in this Schedule, the term:

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

(b) "Metallic cadmium" means the types and shapes of metallic cadmium set forth in Appendix A, § 1357.9, of this Schedule, regardless of the materials from which they are produced; and

(c) "On toll" means an arrangement whereby a servicing charge is paid for processing or treating material containing cadmium.*

§ 1357.8 *Effective date of the Schedule.* This Schedule shall become effective January 19, 1942.*

§ 1357.9 *Appendix A; maximum prices for primary and secondary metallic cadmium.*

Type or Shape	Maximum Price, per pound (Delivered)
Anodes, balls, discs, and all other special or patented shapes.....	95¢
Bars, ingots, pencils, pigs, plates, rods, slabs, sticks, and all other "regular" straight or flat forms.....	90¢

The prices quoted above are delivered prices before discounts of any nature have been deducted. Deductions for percentage and character of impurities should be made according to customary trade practices.*

Issued this 16th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-495; Filed, January 17, 1942; 11:22 a. m.]

PART 1363—FEEDINGSTUFFS

PRICE SCHEDULE NO. 73—FISH MEAL

The Office of Price Administration is charged with maintaining price stability and preventing unwarranted price increases. An adequate supply of food products can be obtained only by maintaining feed prices at levels consonant with the prices received for eggs, poultry and livestock. Sharp increases in the prices of certain essential feed ingredients have occurred since the outbreak of war. The prices of fish meal have risen approximately \$16.00 per ton during the past two months. This price increase of approximately 26 percent indicates that supplies are being withheld in the expectation of further price increases, since the 1941 catch of fish was probably the largest on record. To prevent this withholding and to assure adequate food supplies it is evident that immediate action to prevent further increases in the prices of these ingredients is necessary. This Schedule temporarily establishes the general level of prices prevailing on January 17, 1942, as the maximum prices for fish meal. Upon the completion of studies now in progress, a permanent schedule of maximum prices for fish meal will be established.

Should unwarranted price rises occur at stages of distribution not covered by this Schedule appropriate action will be taken by this Office.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1363.1 *Maximum prices for fish meal.* On and after January 20, 1942, no person shall sell, offer to sell, deliver, or transfer fish meal at prices higher than the maximum prices set forth in Appendix A, incorporated herein as Section 1363.10, except that contracts entered into prior to January 20, 1942, providing for a higher price than the maximum prices may be carried out at the contract price. The maximum prices shall include commissions and all other charges.*

*§§ 1363.1 to 1363.10, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1363.2 *Exempt sales.* Sales at retail are excepted from the operation of this Schedule.*

§ 1363.3 *Less than maximum prices.* Lower prices than the maximum prices established by this Schedule may be charged, demanded, paid or offered.*

§ 1363.4 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of fish meal or by way of premium, commission, service, transportation or other charge, or by any other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on January 17, 1942, or by any other means.*

§ 1363.5 *Records and reports.* On and after January 20, 1942, every manufacturer of fish meal making any sale of

fish meal and every person purchasing fish meal from a manufacturer of fish meal shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such purchase or sale, including the date thereof, the name of the seller or purchaser, the amount purchased or sold, and the price paid or received.

Every person affected by this Schedule shall submit such reports to The Office of Price Administration as it may from time to time require.*

§ 1363.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government, both State and Federal, are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule.

Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of the prices of fish meal, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1363.7 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom; *Provided*, That no applications under this section will be considered unless filed by persons complying with this Schedule.*

§ 1363.8 *Definitions.* When used in this Schedule, the term:

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

(b) "Fish meal" means clean, dry, ground tissues of undecomposed whole fish, fish cuttings, or fish scraps with or without the extraction of part of the oil.

(c) "Grade" refers to the percentage of protein content per ton of fish meal.

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

(e) "Commercial distributors" means persons performing a recognized func-

tion in the physical distribution of fish meal.

(f) In the phrase "similar amount to a similar purchaser" the word "similar" means that amount and that type of purchaser with respect to which the same mark-up applied or would have applied under the seller's trade practices on January 17, 1942.*

§ 1363.9 *Effective date of the Schedule.* This Schedule shall become effective on January 20, 1942.*

Issued this 17th day of January 1942.

LEON HENDERSON,
Administrator.

§ 1363.10 *Appendix A; maximum prices for sales of fish meal—(a) Maximum prices for sales of fish meal, f. o. b. conveyance, at coastal shipping points—*
(1) *Maximum prices for sales of fish meal in new bags.*

Guaranteed minimum percentage of protein per ton (percent)	Shipping point price per ton	
	Pacific coast	Atlantic and Gulf coast
	Dollars	Dollars
55.....	63.50	66.00
58.....	67.00	70.00
60.....	69.50	72.50
62.....	71.50	75.00
65.....	75.00	77.50
67.....	77.50	80.00
70.....	81.00	82.50

(2) *Maximum prices for sales of fish meal in used bags.* To determine the maximum price per ton for fish meal sold in used bags, subtract \$1.00 in each instance from the prices specified in subparagraph (1) above.

(3) *Maximum prices for sales of fish meal shipped in bulk.* To determine the maximum price per ton for fish meal shipped in bulk, subtract \$3.00 in each instance from the prices specified in subparagraph (1) above.

(b) *Maximum delivered prices for sales of fish meal.* The maximum delivered price per ton to any point shall be the maximum shipping point price determined under subparagraph (a) (1), (2), or (3) above, plus the transportation charge at the lowest established rate available for an identical shipment to such point.

(c) *Maximum prices for sales of fish meal manufactured at points other than coastal points.* (1) The maximum shipping point price per ton, f. o. b. conveyance, for fish meal manufactured at points other than coastal points shall be the maximum delivered price at the point of manufacture for the same type of fish meal shipped from the nearest coastal point where such type is manufactured, as determined under paragraph (b) above.

(2) The maximum delivered price per ton for fish meal manufactured at points other than coastal points shall be the shipping point price established under subparagraph (c) (1) above, plus the transportation charge at the lowest established rate available for an identical shipment to the point of delivery.

(d) *Maximum price for sales of fish meal by commercial distributors.* The

maximum price for sales of fish meal by commercial distributors shall be the maximum price established under paragraph (a) (b) or (c) above, or the price paid under this Schedule to another commercial distributor of fish meal, plus the mark-up in terms of dollars per ton charged or that would have been charged by the seller on January 17, 1942, in selling in the same locality the same kind and grade of fish meal in a similar amount to a similar purchaser. Fish meal purchased by a commercial distributor from a manufacturer or a commercial distributor of fish meal located outside the several States of the United States shall not be sold at prices higher than the maximum prices established under this paragraph for sales of fish meal purchased from a manufacturer or a commercial distributor of fish meal located within the several states of the United States.*

[F. R. Doc. 42-556; Filed, January 19, 1942; 11:44 a. m.]

PART 1363—FEEDINGSTUFFS

PRICE SCHEDULE NO. 74—ANIMAL PRODUCT FEEDINGSTUFFS

The Office of Price Administration is charged with maintaining price stability and preventing unwarranted price increases. An adequate supply of food products can be obtained only by maintaining feed prices at levels consonant with the prices received for eggs, poultry, and livestock. Sharp increases in the prices of certain essential feed ingredients have occurred since the outbreak of war. The prices of animal product feedingstuffs have risen approximately \$12.50 per ton. This price increase of approximately 20 percent indicates that supplies are being held in expectation of further price increases. To prevent this withholding and to assure adequate food supplies it is evident that immediate action to prevent further increases in the prices of animal product feedingstuffs is necessary. This Schedule temporarily establishes the prices prevailing on January 17, 1942, as the maximum prices. Upon the completion of studies now in progress a permanent Schedule of maximum prices for animal product feedingstuffs will be established.

Should unwarranted price rises occur at stages of distribution not covered by this Schedule appropriate action will be taken by this Office.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1363.51 *Maximum prices for animal products used as feedingstuffs.* On and after January 20, 1942, no person shall sell, offer to sell, deliver or transfer animal product feedingstuffs at prices higher than the maximum prices, except that contracts entered into prior to January 20, 1942, providing for prices higher than the maximum prices may be carried out at the contract prices. The maximum prices shall include commissions and all other charges.

(a) The maximum shipping point price for any kind and grade of animal product feedingstuff shall be:

(1) The highest shipping point price (or delivered price converted to a shipping point price) at which the seller sold at such shipping point such kind and grade on January 17, 1942, for delivery within thirty days, in a similar amount to the same type of purchaser; or

(2) If the seller did not sell such grade on January 17, 1942, for delivery within thirty days in a similar amount to the same type of purchaser, the maximum shipping point price shall be the highest shipping point price (or delivered price converted to a shipping point price) at which the seller sold at such shipping point the same kind of animal product feedingstuff of a different grade or in a different amount or to a different type of purchaser on January 17, 1942, for delivery within thirty days, making the necessary adjustments for differences in grade, amount, or type of purchaser, in accordance with the seller's practice for determining price differentials existing on January 17, 1942; or

(3) If the seller did not sell such kind of animal product feedingstuff on January 17, 1942, for delivery within thirty days, the seller's maximum shipping point price for any one of the various grades of such kind of animal product feedingstuff shall be the shipping point price (or delivered price converted to a shipping point price) at which such grade was sold in the market nearest the seller's shipping point on January 17, 1942, for delivery within thirty days, in a similar amount to the same type of purchaser, making adjustment for the normal differential, if any, between the seller's shipping point price and the shipping point price in such market.

(b) The maximum delivered price to any point shall be the maximum shipping point price determined under paragraph (a) plus the transportation charge at the lowest available established rate available for an identical shipment to such point.*

* §§ 1363.51 to 1363.59, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1363.52 *Exempt sales.* Sales at retail are excepted from the operation of this Schedule.*

§ 1363.53 *Less than maximum prices.* Lower prices than those established in this Schedule may be charged, demanded, paid, or offered.*

§ 1363.54 *Evasion.* The price limitations established by this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of animal product feedingstuffs alone or in conjunction with any other commodity or material or by way of any commission, service, transportation, or other charge or by a tying-agreement or other trade understanding or by making the discounts given or other terms and conditions of sale more onerous to the pur-

chaser than those available or in effect on January 17, 1942, or by any other means.*

§ 1363.55 *Records and reports.* Every person making sales, except sales at retail, of animal product feedingstuffs on and after January 20, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such sale, including the date thereof, the name of the purchaser, the price paid or received, and the kind and grade of animal product feedingstuff sold.

Every person affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1363.56 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government, both State and Federal, are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule.

Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of animal product feedingstuffs, or of the hoarding or accumulating of unnecessary inventories, are urged to communicate with the Office of Price Administration.*

§ 1363.57 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modifications thereof or exception therefrom: *Provided*, That no applications under this Section will be considered unless filed by persons complying with this Schedule.*

§ 1363.58 *Definitions.* When used in this Schedule, the term:

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

(b) "Feedingstuffs" means commodities used as such or as ingredients in the manufacture of mixed feeds for the feeding of livestock and poultry. The term "animal product feedingstuff" includes the following:

Blood meal, Blood flour, Meat, Meat by-products, Meat meal, Meat scraps, Digester tankage, meat meal tankage or feeding tankage, Digester tankage with bone, meat and bone meal digester tankage, Meat and bone meal tankage, or feeding tankage with bone, Raw bone meal, Steamed bone meal, Special steamed bone meal, Bone charcoal or bone black, Spent bone black.

(c) "Grade" refers to the percentage of protein content per ton of feedingstuff.

(d) "Sale at retail" means a sale to the ultimate user: *Provided*, That, no manufacturer, processor, or purchaser for resale shall be deemed to be an ultimate user.

(e) In the phrase "similar amount to the same type of purchaser," the word "similar" means that amount, and the word "same" means that type of purchaser with respect to which the same price did apply or would have applied under the seller's trade practices on January 17, 1942.*

§ 1363.59 *Effective date of the schedule.* This Schedule shall become effective January 20, 1942.*

Issued this 17th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-557; Filed, January 19, 1942;
11:44 a. m.]

CHAPTER XIII—OFFICE OF PETROLEUM COORDINATOR FOR NATIONAL DEFENSE

[Recommendation No. 25]

PART 1512—NATURAL GAS AND NATURAL GASOLINE

PRODUCTION OF CERTAIN PRODUCTS ESSENTIAL FOR AVIATION GASOLINE

To the Natural Gas and Natural Gasoline Committees of the several Districts, to all persons, natural or artificial, who own or operate natural gasoline extraction plants, cycling plants, pressure maintenance plants or repressuring plants and to all persons who propose to construct such plants:

The successful prosecution of the nation's war effort requires that the production of all grades of aviation gasoline be increased to the maximum.

In order to assure maximum production of all grades of aviation gasoline, it is essential that there be maximum production of those products which are vital to the manufacture of aviation gasoline, viz; butane, isobutane and isopentane.

Existing and proposed natural gasoline extraction plants, cycling plants, pressure maintenance plants and repressuring plants are prime sources of butane, isobutane and isopentane and should be so constructed and operated as to facilitate the maximum production of aviation gasoline.

Therefore, pursuant to the President's letter of May 28, 1941,¹ establishing the

¹ 6 F.R. 2760.

Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

§ 1512.1 *Survey to be made.* The Natural Gas and Natural Gasoline Committees for the several Districts shall obtain, compile and analyze all pertinent and available facts, figures and data with respect to the extraction, production, sale or disposition of butane, isobutane and isopentane by natural gasoline extraction plants, cycling plants, pressure maintenance plants and repressuring plants. Such survey should include, without limitation, information concerning the number, type and location of such plants, the present daily capacities of such plants and the possibilities of expansion thereof, the percentage and amount of butane, isobutane and isopentane extracted from the gas processed at such plants, the percentage and amount of butane, isobutane and isopentane saved and sold during the calendar year 1941 at or by such plants.*

*§§ 1512.1 to 1512.4, 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).

§ 1512.2 *Terms of existing contracts to be filed.* Within 30 days from the date hereof each owner or operator of a natural gasoline extraction plant, cycling plant, pressure maintenance plant, or repressuring plant shall file in the Office of Petroleum Coordinator for National Defense a statement of the terms of existing contracts and agreements relating to the sale or other disposition of butane, isobutane, or isopentane either as free products or as they may be included in any other product.*

§ 1512.3 *Extraction and production at existing plants to be increased.* All persons, natural or artificial, presently owning or operating any natural gasoline extraction plant, cycling plant, pressure maintenance plant or repressuring plant shall increase the percentage of butane and isobutane extracted from the gas processed at such plant, or plants, to the maximum quantity economically possible and shall increase the production of butane and isobutane in liquid form at such plant, or plants, to the maximum quantity economically possible.*

§ 1512.4 *Construction of new plants.* All new natural gasoline extraction plants, cycling plants, pressure maintenance plants or repressuring plants shall be designed and constructed so as to make the most efficient use of scarce materials, to provide for the extraction of the maximum amount of butane and isobutane contained in the gas to be processed at such plants, and to assure the maximum production of butane and isobutane in liquid form at such plants.*

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

JANUARY 10, 1942.

[F. R. Doc. 42-493; Filed January 17, 1942;
9:49 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 203—BRIDGE REGULATIONS¹

Pursuant to the provisions of section 5 of the River and Harbor Act approved August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), the following regulations are prescribed to govern the operation of the South Carolina State Highway Department bridge across Harbor River, a tidal estuary in St. Helena Sound, on State Highway No. 285, at Hunting Island, South Carolina:

§ 203.392 *Harbor River, a tidal estuary in St. Helena Sound, S. C.; highway bridge at Hunting Island, S. C.* (a) The owner of, or agency controlling, the bridge will not be required to keep a draw tender in constant attendance at the abovenamed bridge.

(b) Whenever a vessel, unable to pass under the closed bridge, desires to pass through the draw, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of, or agency controlling, the bridge.

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

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

(e) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw opened and closed frequently enough to make certain that the machinery is in proper order for satisfactory operation. (Sec. 5, River and Harbor Act, Aug. 18, 1894 (28 Stat. 362; 33 U.S.C. 499)) (Regs. Jan. 6, 1942 (E. D. 6371 (Beaufort Co. (S. C.)—Harbor R.)—8/6])

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-484; Filed, January 16, 1942;
3:28 p. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER A—DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS, ETC.

[Order No. 201]

PART 5—FOREIGN CLEARANCES

JANUARY 17, 1942.

Section 5.85 (*Foreign vessels*) is hereby amended to read as follows:

¹ § 203.392 is added.

§ 5.85 *Passengers and crew.* (a) Final clearance shall not be granted to any foreign vessel (watercraft or aircraft), wherever bound, until the master has filed with the collector a list of all the members of the crew of the vessel, together with the nationality of each member, which list shall be sworn to by the master.

(b) No clearance shall be granted to any vessel (watercraft or aircraft) while having on board any citizen of the United States whether as a passenger or member of the crew, except in accordance with the rules and regulations prescribed by the Secretary of State pursuant to Proclamation 2523 issued by the President on November 14, 1941. (R.S. 161; 5 U.S.C. 22)

[SEAL] ROBERT H. HINCKLEY,
Acting Secretary of Commerce.

[F. R. Doc. 42-509; Filed, January 17, 1942;
12:32 p. m.]

[Order No. 203]

ORDER WAIVING COMPLIANCE WITH CERTAIN OF THE PROVISIONS OF SECTION 27 OF THE MERCHANT MARINE ACT, 1920, AS AMENDED

JANUARY 19, 1942.

Upon the recommendation of the Director General of the Office of Production Management and by virtue of the authority vested in me by the provisions of Executive Order No. 8976, dated December 12, 1941 (6 F.R. 6441), I hereby waive compliance with the provisions of section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 883), to such extent as to permit the transportation of tungsten concentrates on Canadian steamships between Stewart, B. C., and Prince Rupert, B. C., as a portion of the transportation of those concentrates between Hyder, Alaska, and Cleveland, Ohio.

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

[F. R. Doc. 42-517; Filed, January 19, 1942;
10:58 a. m.]

SUBCHAPTER K—SEAMEN

[Order No. 202]

ORDER WAIVING COMPLIANCE WITH CERTAIN OF THE PROVISIONS OF SECTION 4511 R.S., AS AMENDED

JANUARY 17, 1942.

By virtue of the authority vested in me by the provisions of Executive Order No. 8976, dated December 12, 1941 (6 F.R. 6441), I hereby waive compliance with the provisions of section 4511 R.S. as amended (46 U.S.C. 564), to the extent and upon the terms hereinafter set forth.

(a) So much of section 4511 R.S., as amended, as requires shipping articles to contain particulars of the amount of wages which each seaman is to receive is waived to the extent necessary to permit the omission from shipping articles of particulars with regard to the amount of wages which each seaman is to receive as a bonus under Maritime War Emergency Board Decision No. 2, dated January 10,

1942, with its attachments Nos. 1, 2, and 3: *Provided*, That

(1) Said Decision with its attachments is incorporated in the shipping articles by reference thereto by name.

(2) Said Decision and its attachments Nos. 1, 2, and 3, together with the shipping articles, is read by the Shipping Commissioner or his deputy to every person signing such articles.

(3) A copy of said Maritime War Emergency Board Decision No. 2 dated January 10, 1942, with its attachments Nos. 1, 2, and 3, is filed in the office of the shipping commissioner before whom the shipping articles are entered into.

[SEAL] ROBERT H. HINCKLEY,
Acting Secretary of Commerce.

[F. R. Doc. 42-510; Filed, January 17, 1942; 12:32 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

PART 75—REGULATIONS APPLYING TO SHIPPERS

ORDER IN THE MATTER OF REGULATIONS FOR TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of December, A. D. 1941.

It appearing, that pursuant to section 233 of the Transportation of Explosives Act approved March 4, 1921 (41, Stat. 1444), the Commission has formulated and published certain regulations for transportation of explosives and other dangerous articles applying to carriers engaged in interstate or foreign commerce by land and water, in freight, express, or baggage service by rail, or by water, or highway;

And it appearing, that by application of the Phillips Petroleum Company, dated October 6, 1941, we are asked to order the temporary and limited amendment of the aforesaid regulations so as to permit experimental shipments to be made of liquefied petroleum gas in not to exceed 5,000 test cylinders manufactured in accordance with an additional type of specification 4B alloy steel construction for which specification is included herein and made part hereof;

It further appearing, that the efficiency of the test type of cylinders has been considered and such construction is in accord with the best-known practicable means for securing safety in the transportation of liquefied petroleum gas;

It further appearing, that the test type cylinders will be constructed by manufacturers considered by the Bureau of Explosives to be competent to fully carry out the provisions of the test specification;

It further appearing, that paragraph 22 of shipping container specification 4B

provides that additional type alloy steel cylinders are not authorized for construction under this specification, although authorized under master specification 3A which with certain exceptions must also be complied with in the construction of cylinders under specification 4B;

And it further appearing, that by no means other than by modification of existing regulations for the transportation of liquefied petroleum gas may the proposed tests be made of the additional type cylinders:

It is ordered, That the regulations for transportation of explosives and other dangerous articles be, and they are hereby amended as follows:

Temporary and limited amendment of section 303 (n) (2) and paragraph 22 of shipping container specification 4B to permit applicant Phillips Petroleum Company to offer for transportation, and carriers subject to said regulations to accept and transport, for the purposes of test a total of not to exceed 5,000 cylinders of additional specification 4B type, in accordance with said regulations and as amended herein: *Provided*, That applicant shall keep an exact record of all of the test cylinders, shall furnish the Commission at a reasonably early date after construction the letters and numerical designations which identify the cylinders, and shall report in detail from time to time to the Bureau of Explosives for transmission to the Commission with comments concerning the success or failure of the tests, together with explanations and probable reasons therefor, and recommendations for appropriate final disposition of the pending application: *Provided further*, That this authority shall apply only to the shipments herein specified, shall be effective on and after the date of service of this authority, and shall remain in effect until further order of the Commission: *And provided further*, That in all respects and for all shipments, except only those made under this authority; the aforesaid regulations herein modified be and shall remain in full force and effect.

Sec. 303 (n) (2). *Liquefied petroleum gas—packing*. Spec. 3, 3A, 3B, 3E, 4, 4A, 4B, 48-240X, 25, 26, or 38—Cylinders authorized under sec. 303 (p) (2) to 303 (p) (6) may be used.

APPENDIX—SHIPPING CONTAINER SPECIFICATIONS SPECIFICATION 4B ALLOY STEEL CYLINDERS¹

22. *Additional type*. Cylinders without longitudinal welded seam when made for service pressure at least 150 pounds to not over 500 pounds per square inch are authorized when complying with this specification with exceptions and additional requirements as follows:

(a) *Exceptions*: (1) Yield point not over 75 percent of tensile strength is acceptable.

(2) Wall thickness is acceptable, subject to the additional requirement specified in par. 22 (b) (1), as follows:

¹ Diagram filed as part of the original document.

Inside diameter of cylinders (inches):	Minimum thickness (inch) ¹
13 or less.....	0.078
Over 13 to 14.....	.081
Over 14 to 14½.....	.084
Over 14½ to 15.....	.087
Over 15 to 16.....	.092
Over 16.....	.100

¹ Excluding galvanizing or other protective coating.

(3) Elongation percentages as prescribed in par. 16 (a) may be reduced by 2 percent for 2-inch specimens, and 1 percent in other cases, for each 7,500 pounds per square inch increment of tensile strength above 50,000 pounds per square inch up to the maximum of 80,000 pounds per square inch.

(b) *Additional requirements*: (1) Wall stress at test pressure, as calculated under par. 9 (b), must not exceed 50 percent of the minimum tensile strength of the steel.

(2) Ratio of length of cylinder to its diameter must not exceed 3.5 when wall thickness is less than 0.10 inch.

(3) Each cylinder, except when braced throughout, must be thermally stress relieved after all welding operations have been completed and prior to the hydrostatic test.

(4) Weld test specimens must be cut from one cylinder taken at random from each lot of 200 or less cylinders after stress relieving as prescribed and must pass satisfactorily the following tests:

(a) *Tensile test*. Without preparation other than finishing the edges parallel for a distance of approximately 2 inches on each side of the weld, the specimen must be fractured in a tensile test; the unit breaking load must be at least equal to the minimum unit breaking load in the tensile tests made under the requirements of par. 15.

(b) *Guided bent test*. A specimen 1½ inches wide, on which the edges have been machined parallel and rounded with a file, but without other preparation, shall be bent to refusal in the guided bent jig shown in drawing as an appendix attachment made part hereof. The root of the weld (inside surface of cylinder) shall be located away from the ram of the jig. Any specimen which shows a crack exceeding ⅛ inch in any direction upon completion of the test shall be considered unsatisfactory.

(5) All markings must be applied on a plate of ferrous material attached to the top end of the cylinder or permanent part thereof; sufficient space must be left on the plate to provide for stamping at least six retest dates; the plate must not be attached to the side wall of the cylinders; the plate must be at least ¼ inch thick and it must be attached by welding, or by brazing at a temperature of at least 1,400° F., throughout all edges of the plate: *Provided*, That marks may be stamped into the metal of the valve boss or valve protecting sleeve or similar part permanently attached to the top end of the cylinder: *Provided further*, That marks other than those prescribed in par. 19 may be stamped into the foot ring. Stamping of letters, figures or

other marks into the metal of the cylinder for any purpose whatever, except as above authorized, is expressly prohibited.

(6) Reports of manufacture shall include percentage of each alloying element in the steel and shall state that the cylinders are made under the provisions of par. 22 of this specification.

(7) Carbon content of steel must not exceed 0.20 percent.

(c) Marking requirements of paragraph 19 (b) of specification No. 4 must be complied with. The marking of cylinders must be as follows:

I. C. C.—4B—240 X

And it is further ordered, that copies of this order be served upon all parties of record herein, and that notice to the public be given by posting in the office of the Secretary of the Commission at Washington, D. C. (Sec. 233, 41 Stat. 1445)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-553; Filed, January 19, 1942;
11:27 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-139]

IN THE MATTER OF PERRY COAL COMPANY, A CORPORATION, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

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

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 24, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Broadview Hotel, East St. Louis, Illinois.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or by subsequent notice, and to prepare and submit proposed find-

ings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

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

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

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

1. The defendant, 1409 Boatmen's Bank Building, St. Louis, Missouri, code member in District No. 10, operating the St. Ellen Mine, Mine Index No. 153, in St. Clair County, Illinois, offered for sale to the Dewey Portland Cement Company, Kansas City, Missouri, during the period from April 14, 1941, to April 19, 1941, both dates inclusive, upon the basis of a guaranteed analysis, approximately 2527 net tons of $\frac{3}{16}$ " x 0 washed coal, Size Group No. 25, produced at the aforesaid mine, and accepted an order from said Dewey Portland Cement Company for said coal, upon a penalty basis, without filing a report of the analysis used with the Field Office for District No. 10, in violation of Rules 1 and 5 of section VIII of the Marketing Rules and Regulations.

2. The defendant allowed to the Dewey Portland Cement Company, with respect to the coal sold as indicated in paragraph 1 hereof, a penalty adjustment of 19½ cents per net ton from the effective minimum price of \$1.00 per net ton f. o. b. the mine for F. A. S. delivery as established in Supplement No. 1 to the Schedule of Effective Minimum Prices for District No. 10 For All Shipments Except Truck, said penalty ad-

justment amounting to \$492.78, thereby reducing the aggregate contract price below the applicable minimum price established by the Division for said coal, as indicated above, in violation of section 4 II (e) of the Act, Part II (e) of the Code, and Rule 6 of Section VIII of the Marketing Rules and Regulations.

3. The defendant failed to file with the Field Office for District No. 10, as required by said Rule, the analysis made by Dewey Portland Cement Company of the coal referred to in Paragraph 2 hereof, and accepted by code member as the basis for the adjustment made on said coal, in violation of Rule 4 of Section VIII of the Marketing Rules and Regulations.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-519; Filed, January 19, 1942;
11:21 a. m.]

[Docket No. B-183]

IN THE MATTER OF GEORGE HANEY, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated December 23, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on December 24, 1941, by the Bituminous Coal Producers Board for District No. 8, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 24, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky.

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

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceed-

ings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That said defendant, whose address is R. R. #1, Rush, Kentucky, during the period March 22, 1941 to July 11, 1941, both dates inclusive, sold, delivered and offered to sell to E. M. Hammonds of Olive Hill, Kentucky, approximately 526.570 net tons of High Volatile mine run Size Group 6 coal, produced by said defendant at his Haney Mine, Mine Index No. 1050, located in Rush, Carter County, Kentucky, in District No. 8, at the price of \$2.00 per net ton f. o. b. said mine, and thereafter said defendant allowed and paid to the said E. M. Hammonds a cash rebate of 30 cent per net ton on each ton of coal so sold; that the allowance and payment of said cash rebate constituted a violation of the Code, the Effective Minimum Price established thereunder, and the rules and regulations made pursuant thereto, and particularly Rule 6 of section XIII of the Marketing Rules and Regulations.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-520; Filed, January 19, 1942;
11:21 a. m.]

[Docket No. B-161]

IN THE MATTER OF WESLEY CONLEY, LEONARD CONLEY, ARTHUR BATES AND RISOM FANKELL, INDIVIDUALLY, AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF KILGORE COAL COMPANY, (WESLEY CONLEY, LEONARD CONLEY, ARTHUR BATES AND RISOM FANKELL, (KILGORE COAL COMPANY)), CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated December 20, 1941, pursuant to the provisions of sections 4

II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on December 22, 1941, by Bituminous Coal Producers Board for District No. 8, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 20, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky.

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

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

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

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above named defendants of the Bi-

uminous Coal Code or rules and regulations thereunder as follows: That defendants, whose addresses are R. F. D. #1, Rush, Carter County, Kentucky, during the period December 20, 1940, to July 15, 1941, both dates inclusive, sold, delivered, and offered to sell to E. M. Hammonds, Olive Hill, Kentucky, approximately 1388.51 net tons of High Volatile Size Group 6 or mine-run coal produced by defendants at their Kilgore Mine, Mine Index No. 3139, located at Rush, Carter County, Kentucky, in District No. 8, at a price of \$2.00 per net ton f. o. b. said mine, and thereafter allowed and paid to said Hammonds a cash rebate of \$.30 per net ton on each ton so sold, this coal, being classified as Size Group 6 and priced at \$2.00 per net ton f. o. b. said mine in the Schedule of Effective Minimum Prices for District No. 8, For Truck Shipments, in violation of the effective minimum prices established therefor and the rules and regulations of the Division, and particularly section XIII, Rule 6 of the Marketing Rules and Regulations.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-521; Filed, January 19, 1942;
11:21 a. m.]

[Docket No. B-172]

IN THE MATTER OF O. E. HOUSER,
CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 6, 1942, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 19, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Armstrong County Court House, Kittanning, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties

in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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

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

(a) That the defendant, O. E. Houser, of New Bethlehem, Pennsylvania, whose code membership became effective as of November 1, 1938, operator of the Houser Mine, Mine Index No. 1537, Subdistrict No. 4 of District No. 1, Armstrong County, Pennsylvania, sold and delivered to the Pittsburg and Shawmut Coal Company by truck to the Colwell Siding of the Freebrook Company, an affiliate of the Pittsburg and Shawmut Coal Company, 385.90 net tons of run of mine coal during the months of December 1940 and January and February 1941, at a price below the effective minimum prices therefor of \$2.15 per net ton, plus at least the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character from the transportation facilities at the mine to said point of delivery; or

(b) That the aforesaid defendant sold during the months of December 1940, January and February, 1941, approximately 385.90 net tons of run of mine coal produced at the aforesaid Houser Mine, Mine Index No. 1537, to the Pittsburg & Shawmut Coal Company for rail shipment and delivered said coal by truck to a ramp on a rail siding of said Freebrook Company, located at Colwell, Pennsylvania, at a price of approximately \$1.50 per net ton, although at the time

of said transactions no rail classifications or prices, temporary or final, had been established for the coal produced at the aforesaid mine. Said transactions thereby constituted violations of the Order of the Director dated October 9, 1940 in General Docket No. 19.

Dated: January 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-522; Filed, January 19, 1942;
11:21 a. m.]

[Docket No. B-167]

IN THE MATTER OF SCOTT L. REARICK, CODE
MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 6, 1942, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 20, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Armstrong County Court House, Kittanning, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statisti-

cal bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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

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

(a) The defendant, Scott L. Rearick, Distant, Pennsylvania, whose code membership became effective as of November 18, 1938, operator of the Rearick Mine, Mine Index No. 1930, Subdistrict No. 11 of District No. 1, Armstrong County, Pennsylvania sold and delivered at approximately \$1.50 per net ton to the Pittsburg and Shawmut Coal Company, a registered distributor, Registration No. 7349, whose address is Kittanning, Pennsylvania, during December 1940 and January 1941, approximately 933 tons of run of mine coal produced at said mine. Said coal was classified as Size Group 3 and priced at \$2.10 per net ton f. o. b. said mine as set forth in the Schedule of Effective Minimum Prices for District No. 1, For Truck Shipments. Said code member allowed Pittsburg and Shawmut Coal Company unauthorized excessive discounts in the form of commissions, deductions for reject coal, amounts for railroad car stop-over, railroad car transfer, cleaning and sizing charges upon the sale of said coal. This coal was purchased for resale, by said Pittsburg and Shawmut Coal Company and physically handled by said vendee. The "discounts" above-mentioned were paid contrary to the provisions of Rule 1 Section III of the Marketing Rules and Regulations and the above transactions constituted sales below the minimum price established for said mine and, therefore, in violation of section 4 Part II (e) of the Act and Part II (e) of the Code.

(b) The aforesaid defendant sold and delivered the above-mentioned coal in his own trucks or in trucks under his control to a railroad loading dock located at Colwell, Pennsylvania, situated on the Pittsburg and Shawmut Railroad, contrary to the provisions of Price Instruction No. 6 of the schedule referred to in (a) hereof as amended by Supplement No. 2 to said schedule in that said code member evaded and/or violated the price provisions of the Act through the use of transportation facilities through the absorption, directly or indirectly, of the transportation costs of said coal to said

loading dock, which was located at a point other than the transportation facilities at the mine, without adding to the applicable minimum f. o. b. mine price provided in the schedule referred to herein, an amount at least equal, as nearly as practicable, to the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character, from the transportation facilities at the mine to the point from which all such charges were assumed and directly paid by the purchaser in violation of section 4 Part II (g) of the Act and Part II (g) of the Code; or

The aforesaid defendant sold during the months of December 1940 and January 1941, approximately 933 net tons of run of mine coal produced at the aforesaid Rearick Mine, Mine Index No. 1930 to Pittsburg & Shawmut Coal Company for rail shipment and delivered said coal by truck to a ramp on a rail siding of said Freebrook Company, located at Colwell, Pennsylvania, at a price of approximately \$1.50 per net ton, although at the time of said transactions no rail classifications or prices, temporary or final, had been established for the coal produced at the aforesaid mine. Said transactions thereby constituted violations of the Order of the Director dated October 9, 1940, in General Docket No. 19.

Dated: January 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-523; Filed, January 19, 1942;
11:22 a. m.]

[Docket No. B-181]

IN THE MATTER OF M. L. SHUMAKER AND CHARLES SHUMAKER, INDIVIDUALLY AND AS CO-PARTNERS DOING BUSINESS UNDER THE NAME AND STYLE OF M. L. & CHARLES SHUMAKER (M. L. SHUMAKER) CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 6, 1942, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 20, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Armstrong County Court House, Kittanning, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any

books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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

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

(a) The defendants, M. L. Shumaker and Charles Shumaker, individually and as co-partners, of Seminole, Pennsylvania, whose code membership became effective as of August 1, 1939, operator of the Shumaker Mine, Mine Index No. 2569, District No. 1, Armstrong County, Pennsylvania, sold and delivered to the Pittsburg & Shawmut Coal Company by truck to the Colwell Siding of the Freebrook Company, an affiliate of the Pittsburg & Shawmut Coal Company, 140.50 net tons of run of mine coal during the months of January and February, 1941, at a price below the effective minimum price established therefor, as set forth in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments, of \$2.15 per net ton, plus at least the actual transportation charges, handling charges, or incidental charges of whatsoever kind or

character from the transportation facilities at the mine to said point of delivery; or

(b) The aforesaid defendants, individually and as co-partners, sold during the months of January and February 1941, approximately 140.50 net tons of run of mine coal produced at the Shumaker Mine, Mine Index No. 2569, to the Pittsburg & Shawmut Coal Company for rail shipment and delivered said coal by truck to a ramp on a rail siding of said Freebrook Company, located at Colwell, Pennsylvania, at a price of approximately \$1.50 per net ton, although at the time of said transactions no rail classifications or prices, temporary or final, had been established for the coal produced at the aforesaid mine. Said transactions thereby constituted violations of the Order of the Director dated October 9, 1940, in General Docket No. 19.

Dated: January 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-524; Filed, January 19, 1942;
11:22 a. m.]

[Docket No. B-169]

IN THE MATTER OF LOYAL T. HENDERSON,
CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 6, 1942, by Bituminous Coal Producers Board for District No. 1, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 24, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Armstrong County Court House, Kittanning, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such pro-

ceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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

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

(a) The defendant, Loyal T. Henderson, R. D. 5, New Bethlehem, Pennsylvania, whose code membership became effective on September 15, 1937, operator of the Loyal T. Henderson Mine, Mine Index No. 1491, located in Clarion County, Pennsylvania, District No. 1, sold and delivered to the Pittsburg and Shawmut Coal Company by truck to the Colwell Siding of the Freebrook Company, an affiliate of the Pittsburg and Shawmut Coal Company, approximately 307.275 net tons of run of mine coal produced at said mine, during the months of December 1940, January and February 1941, at a price below the effective minimum price established therefor, as set forth in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments, of \$2.15 per net ton, plus at least the actual transportation charges, handling charges or incidental charges of whatsoever kind or character from the transportation facilities at the mine to said point of delivery; or

(b) The aforesaid defendant sold during the period from January 1, 1941, to February 28, 1941, both dates inclusive, approximately 307.275 net tons of run of mine coal, produced at the aforesaid Loyal T. Henderson Mine, Mine Index No. 1491, to the Pittsburg and Shawmut Coal Company for rail shipment and delivered said coal by truck to a ramp on a rail siding of said Freebrook Company, located at Colwell, Pennsylvania, at a price of approximately \$1.50 per net ton,

although at the time of said transactions no rail classifications or prices, temporary or final, had been established for the coal produced at the aforesaid mine. Said transactions thereby constituted violations of the Order of the Director dated October 9, 1940, in General Docket No. 19.

Dated: January 15, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-525; Filed, January 19, 1942;
11:22 a. m.]

[Docket No. B-171]

IN THE MATTER OF F. J. ADAMS, CODE
MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 6, 1942, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 25, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Armstrong County Court House, Kittanning, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: The defendant, F. J. Adams, of New Bethlehem, Pennsylvania, whose code membership became effective as of January 7, 1938, operator of the Adams Mine, Mine Index No. 1001, located in Subdistrict No. 4 of District No. 1, Armstrong County, Pennsylvania, sold and delivered to the Pittsburg and Shawmut Coal Company by truck to the Colwell Siding of the Freebrook Company, an affiliate of the Pittsburg and Shawmut Coal Company, 777.275 net tons of run of mine coal during the months of December 1940 and January and February 1941, at a price below the effective minimum price therefor, as set forth in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments, of \$2.15 per net ton, plus at least the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character from the transportation facilities at the mine to said point of delivery; or

The aforesaid defendant sold during the months of December, 1940, January and February, 1941, approximately 777.275 net tons of run of mine coal produced at the aforesaid Adams Mine, Mine Index No. 1001, to the Pittsburg & Shawmut Coal Company for rail shipments and delivered said coal by truck to a ramp on a rail siding of said Freebrook Company, located at Colwell, Pennsylvania, at a price of approximately \$1.50 per net ton, although at the time of said transactions no rail classifications or prices, temporary or final, had been established for the coal produced at the aforesaid mine. Said transactions thereby constituted violations of the Order of the Director dated October 9, 1940, in General Docket No. 19.

Dated: January 15, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-526; Filed, January 19, 1942;
11:22 a. m.]

[Docket No. B-117]

IN THE MATTER OF ANDREW J. FRY AND J. C. FRY, INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF J. C. FRY AND A. J. FRY, (ALSO KNOWN AS CAMP CREEK COAL CO.) CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

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

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 25, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky.

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

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answers to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

No. 13—7

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above named defendants of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendants, whose addresses are East Lynn, Wayne County, West Virginia, during the period May 25, 1941 to June 8, 1941, both dates inclusive, sold, delivered and offered to sell to the Ann Arbor Railroad Company, Norman B. Pitcairn and Frank C. Nicodemus, Jr., Receivers, for use as railway locomotive fuel, approximately 350 tons of 2" x 5" egg coal produced by the defendants at their mine designated as Mine Index No. 2421, located in Wayne County, West Virginia, in District No. 8, at \$1.85 per net ton f. o. b. said mine, whereas this coal is classified as Size Group 7 and is priced at \$2.30 per net ton f. o. b. said mine in the Schedule of Effective Minimum Prices for District No. 8, For All Shipments Except Truck.

Dated: January 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-527; Filed, January 19, 1942;
11:23 a. m.]

[Docket No. B-162]

IN THE MATTER OF GEORGE STEPHENS, AN INDIVIDUAL DOING BUSINESS UNDER THE NAME OF MOORE BRANCH COAL COMPANY (GEORGE STEPHENS, (MOORE BRANCH COAL COMPANY)), DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 29, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on December 2, 1941, by Bituminous Coal Producers Board for District No. 8, a District Board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 21, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena

witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

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

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: (a) That the defendant during the months of October, November and December 1940, sold, delivered and offered to sell approximately 4,669.43 net tons of coal produced at defendant's Moore Branch Coal Company Mine No. 1, Mine Index No. 1071, located in Carter County, Kentucky, in District No. 8, in various sizes and quantities, to General Refractories Company, Lee Clay Products Company and Morehead State Teachers College, delivered by truck to General Refractories Company at Hitchens, Kentucky, to Morehead State Teachers College at Morehead, Kentucky, and to Lee Clay Products Company at Clearfield, Kentucky, at the effective minimum f. o. b. mine prices for said coal as set forth in the Schedule of Effective Minimum Prices for District No. 8 For Truck Ship-

ment. In said transactions the defendant failed to add to the applicable minimum f. o. b. mine prices for said coal, as required by Price Instruction No. 5 of said Schedule, amounts at least equal, as nearly as practicable, to the actual transportation charges from the transportation facilities at said mine to the points of delivery to the purchasers, which charges were approximately 25 cents per net ton for coal sold and delivered to the General Refractories Company at Hitchens, Kentucky, and approximately \$1.00 per net ton for coal sold and delivered to the Morehead State Teachers College at Morehead, Kentucky, and the Lee Clay Products Company at Clearfield, Kentucky. (b) That the defendant, whose address is Hitchens, Carter County, Kentucky, during the period October 2, 1940, to February 17, 1941, both dates inclusive, sold, delivered and offered to sell approximately 3,174 net tons of coal produced at defendant's Moore Branch Coal Company Mine No. 1, Mine Index No. 1071, located in Carter County, Kentucky, in District No. 8, to General Refractories Company, Appalachian Power Company, Kentucky Fire Brick Company, and Lee Clay Products Company, for rail shipment, in various quantities and sizes, delivered to railroad cars at Hitchens, Kentucky, although at the time of said transactions no minimum prices, temporary or final, had been established by the Division for the coal so sold, delivered and offered for sale, and thereby violated the Order of the Director in General Docket No. 19.

Dated: January 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-528; Filed, January 19, 1942;
11:23 a. m.]

[Docket No. B-170]

IN THE MATTER OF C. F. MILLER, FRED MILLER AND WARREN MILLER, INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF C. F., FRED & WARREN MILLER (C. F. MILLER), CODE MEMBERS, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 6, 1942, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 25, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Armstrong County Court House, Kittanning, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is

hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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

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

(a) The above-named defendants, C. F. Miller, Fred Miller and Warren Miller, individually and as co-partners of R. F. D., New Bethlehem, Pennsylvania, whose code membership became effective August 28, 1940, operators of the mine designated as Mine Index No. 2533, District No. 1, Clarion County, Pennsylvania, sold and delivered to the Pittsburg and Shawmut Coal Company by truck to the Colwell Siding of the Freebrook Company, an affiliate of the Pittsburg and Shawmut Coal Company, 458.887 net tons of run of mine coal during the months of December 1940 and January and February 1941, at a price below the effective minimum price established therefor, as set forth in the Schedule of Effective Minimum Prices for District No. 1 for

Truck Shipments, of \$2.15 per net ton, plus at least the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character from the transportation facilities at the mine to said point of delivery; or

(b) The aforesaid defendants, individually and as co-partners, sold during the months of December 1940, January and February 1941, approximately 458.887 net tons of run of mine coal produced by said defendants at their mine designated as Mine Index No. 2533, to the Pittsburg & Shawmut Coal Company for rail shipment and delivered said coal by truck to a ramp on a rail siding of said Freebrook Company, located at Colwell, Pennsylvania, at a price of approximately \$1.50 per net ton, although at the time of said transactions no rail classifications or prices, temporary or final, had been established for the coal produced at the aforesaid mine. Said transactions thereby constituted violations of the Order of the Director dated October 9, 1940, in General Docket No. 19.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-529; Filed, January 19, 1942;
11:23 a. m.]

[Docket No. A-1192]

PETITION OF BITUMINOUS COAL CONSUMERS' COUNSEL TO AMEND RULE 2 OF SECTION VI OF THE MARKETING RULES AND REGULATIONS

NOTICE OF AND ORDER FOR HEARING

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

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on February 12, 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 Scott A. Dahlquist 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 pro-

ceeding 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 February 7, 1942.

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

The matter concerned herewith is in regard to the petition of Bituminous Coal Consumers' Counsel to amend Rule 2 of section VI of the Marketing Rules and Regulations; and, more particularly, to amend the said Rule by adding thereto a provision reading substantially as follows:

Provided, however, That contracts may be entered into on or after November 1 of any year for coal to be shipped as lake cargo during the following lake season.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-530; Filed, January 19, 1942;
11:23 a. m.]

[Docket No. B-118]

IN THE MATTER OF ANDREW J. FRY, (ALSO KNOWN AS ANDREW J. FRY DOING BUSINESS AS CAMP CREEK COAL COMPANY), CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

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

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 25, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at the hear-

ing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant of material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

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

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That defendant, whose address is East Lynn, Wayne County, West Virginia, during the period May 25, 1941 to June 8, 1941, both dates inclusive, sold, delivered and offered to sell to the Ann Arbor Railroad Company, Norman B. Pitcairn and Frank C. Nicodemus, Jr., Receivers, for use as railway locomotive fuel, approximately 350 net tons of 2" x 5" egg coal, produced by the defendant at his Camp Creek Coal Co. Mine, Mine Index No. 2420, located in Wayne County, West Virginia, in District No. 8, at \$1.85 per net ton f. o. b. said mine, whereas this coal is classified as Size Group 7, and is priced at \$2.30 per net ton f. o. b. said mine in the Schedule of Effective Mini-

imum Prices for District No. 8 For All Shipments Except Truck.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-531; Filed, January 19, 1942;
11:23 a. m.]

[Docket No. B-173]

IN THE MATTER OF JOHN PRIESTER AND CHARLES PRIESTER, INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF JOHN AND CHARLES PRIESTER, CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 6, 1942, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 25, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Armstrong County Court House, Kittanning, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, That answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty

(20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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

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

(a) The defendants, John Priester and Charles Priester, individually and as co-partners, of Distant, Pennsylvania, whose code membership became effective as of October 1, 1938, operators of the Priester Mine, Mine Index No. 1910, Subdistrict No. 11 of District No. 1, Armstrong County, Pennsylvania, sold and delivered to the Pittsburg & Shawmut Coal Company by truck to the Colwell Siding of the Freebrook Company, an affiliate of the Pittsburg and Shawmut Coal Company, 156.625 net tons of run of mine coal during the month of December 1940 and January and February 1941, at a price below the effective minimum price established therefor, as set forth in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments, of \$2.15 per net ton, plus at least the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character from the transportation facilities at the mine to said point of delivery; or

(b) The aforesaid defendants, individually and as co-partners, sold during the months of December 1940, January and February 1941, approximately 156.625 net tons of run of mine coal produced at the aforesaid Priester Mine, Mine Index No. 1910, to the Pittsburg and Shawmut Coal Company, for rail shipment and delivered said coal by truck to a ramp on a rail siding of said Freebrook Company, located at Colwell, Pennsylvania, at a price of approximately \$1.50 per net ton, although at the time of said transactions no rail classifications or prices, temporary or final had been established for the coal produced at the aforesaid mine. Said transactions thereby constituted violations of the Order of the Director dated October 9, 1940, in General Docket No. 19.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-532; Filed, January 19, 1942;
11:24 a. m.]

[Docket No. B-176]

IN THE MATTER OF C. O. SHICK, CODE
MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 6, 1942, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 24, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Armstrong County Court House, Kittanning, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter

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

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

(a) The defendant, C. O. Shick, R. F. D., New Bethlehem, Pennsylvania, whose code membership became effective on September 21, 1940, operator of the Shick Mine, Mine Index No. 2599, Clarion County, Pennsylvania, District No. 1, sold and delivered to the Pittsburg and Shawmut Coal Company by truck to the Colwell Siding of the Freebrook Company, an affiliate of the Pittsburg and Shawmut Coal Company, 309.35 net tons of run of mine coal during the months of January and February, 1941, at a price below the effective minimum price established therefor, as set forth in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments, of \$2.15 per net ton, plus at least the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character from the transportation facilities at the mine to said point of delivery; or

(b) The aforesaid defendant sold during the period from January 1, 1941 to February 28, 1941, both dates inclusive, approximately 309.35 net tons of run of mine coal, produced at the aforesaid Shick Mine, Mine Index No. 2599, to the Pittsburg and Shawmut Coal Company for rail shipment and delivered said coal by truck to a ramp on a rail siding of said Freebrook Company, located at Colwell, Pennsylvania, at a price of approximately \$1.50 per net ton, although at the time of said transactions no rail classifications or prices, temporary or final, had been established for the coal produced at aforesaid mine. Said transactions thereby constituted violations of the Order of the Director dated October 9, 1940, in General Docket No. 19.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-533; Filed, January 19, 1942;
11:24 a. m.]

[Docket No. B-179]

IN THE MATTER OF C. H. GATHERS, CODE
MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 6, 1942, by Bituminous Coal Producers Board for District No. 1, a District

Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 24, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Armstrong County Court House, Kittanning, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bitu-

minous Coal Code or rules and regulations thereunder as follows:

(a) The defendant, C. H. Gathers of R. F. D. Brookville, Pennsylvania, whose code membership became effective on November 20, 1940, operator of the Thompson Mine (Mine Index No. 2783), located in Clarion County, Pennsylvania, District No. 1, sold and delivered to the Pittsburg and Shawmut Coal Company by truck to the Colwell Siding of the Freebrook Company, an affiliate of the Pittsburg and Shawmut Coal Company, 109.30 net tons of run of mine coal during the month of February 1941, at a price below the effective minimum price established therefor as set forth in the Schedule of Effective Minimum Prices for District No. 1 For Truck Shipments, of \$2.15 per net ton, plus at least the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character from the transportation facilities at the mine to said point of delivery; or

(b) The aforesaid defendant sold during the month of February 1941 approximately 109.30 net tons of run of mine coal produced at the aforesaid Thompson Mine, Mine Index No. 2783, to the Pittsburg and Shawmut Coal Company for rail shipment and delivered said coal by truck to a ramp on a rail siding of said Freebrook Company, located at Colwell, Pennsylvania, at a price of approximately \$1.50 per net ton, although at the time of said transactions no rail classifications or prices, temporary or final, had been established for the coal produced at the aforesaid mine. Said transactions thereby constituted violations of the Order of the Director dated October 9, 1940, in General Docket No. 19.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-534; Filed, January 19, 1942;
11:24 a. m.]

[Docket No. B-153]

IN THE MATTER OF JOHN WEBB, A CODE
MEMBER, DEFENDANT

NOTICE AND ORDER FOR HEARING

A complaint dated November 28, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on December 2, 1941, by Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 21, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky.

It is further ordered, That Joseph A. Huston or any other officer or officers of

the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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

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

The defendant, John Webb, whose address is Webbville, Kentucky, during the period March 31, 1941, to July 18, 1941, sold to Deer Creek Coal Company, Olive Hill, Kentucky, approximately 552.32 tons of high volatile mine run coal, Size Group No. 6, produced at defendant's Webb Mine, Mine Index No. 2872, located in Lawrence County, Kentucky, in District No. 8, at a price of \$1.50 per net ton f. o. b. the mine, whereas the effective

minimum price established for such coal was \$2.00 per net ton f. o. b. the mine, as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments.

Dated: January 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-535; Filed, January 19, 1942;
11:24 a. m.]

[Docket No. B-159]

IN THE MATTER OF FRANK B. MORRISON,
CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 27, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on November 28, 1941, by Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 24, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky.

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

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defend-

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

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

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

That said defendant, whose address is R. F. D. No. 1, Rush, Carter County, Kentucky, during the period January 6, 1941, to February 7, 1941, both dates inclusive, sold, delivered and offered to sell to E. M. Hammonds, whose address is Olive Hill, Kentucky, approximately 86.075 net tons of High Volatile mine run Size Group 6 coal, produced by the said defendant at his Morrison Mine, Mine Index No. 1066, located in Rush, Carter County, Kentucky, in District No. 8, at the price of \$2.00 per net ton f. o. b. said mine, and thereafter, said defendant allowed and paid to the said E. M. Hammonds a cash rebate of 30 cents per net ton on said coal; that the allowance and payment of said cash rebate constituted a violation of the Code, the effective minimum prices established thereunder, and the rules and regulations made pursuant thereto, and particularly Rule 6 of Section XIII of the Marketing Rules and Regulations.

Dated: January 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-536; Filed, January 19, 1942;
11:25 a. m.]

[Docket No. B-168]

IN THE MATTER OF R. W. DUNCAN, CODE
MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 6, 1942, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 21, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Armstrong County Court House, Kittanning, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing

in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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

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

(a) The defendant, R. W. Duncan, Rimer, Pennsylvania, code member, whose code membership became effective October 28, 1938, operator of the Duncan Mine, Mine Index No. 1308, located in District No. 1, Armstrong County, Pennsylvania, sold and delivered to the Pittsburgh and Shawmut Coal Company, by truck to the Colwell Siding of the Freebrook Company, an affiliate of the Pittsburgh and Shawmut Coal Company, 8.65 net tons of run of mine coal produced at said mine during the month of February 1941, at a price below the effective minimum price established therefor, as set forth in the Schedule of Effective Mini-

imum Prices for District No. 1 for Truck Shipments, of \$2.15 per net ton, plus at least the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character from the transportation facilities at the mine to said point of delivery; or

(b) The aforesaid defendant sold during the month of February 1941, approximately 8.65 tons of run of mine coal produced at the aforesaid Duncan Mine, to the Pittsburg and Shawmut Coal Company for rail shipment and delivered said coal by truck to a ramp on a rail siding of said Freebrook Company, located at Colwell, Pennsylvania, at a price of approximately \$1.50 per net ton, although at the time of said transactions no rail classifications or prices, temporary or final, had been established for the coal produced at the aforesaid mine. Said transactions thereby constituted violations of the Order of the Director dated October 9, 1940, in General Docket No. 19. Dated: January 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-537; Filed, January 19, 1942;
11:25 a. m.]

[Docket No. B-155]

IN THE MATTER OF HOBERT L. FELTY AND JESS RUCKER, INDIVIDUALLY, AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF HOBERT L. FELTY AND JESS RUCKER, CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 27, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on November 28, 1941, by Bituminous Coal Producers Board for District No. 8, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 20, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the rec-

ommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answers to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above named defendants of the Bituminous Coal Code or rules and regulations thereunder as follows: That defendants, whose addresses are R. F. D. #1, Rush, Kentucky, during the period June 22, 1941 to July 18, 1941, both dates inclusive, sold, delivered and offered to sell to E. M. Hammonds, Olive Hill, Kentucky, approximately 69.6 net tons of High Volatile Size Group 6 or mine-run coal produced by said defendants at their Feltz Mine, Mine Index No. 2475, located near Rush, Carter County, Kentucky, in District No. 8, at a price of \$2.00 per net ton f. o. b. said mine and thereafter allowed and paid to said Hammonds a cash rebate of 30 cents per net ton on each ton so sold, this coal being classified as Size Group 6 and priced at \$2.00 per net ton f. o. b. said mine in the Schedule of Effective Minimum Prices for District No. 8, For Truck Shipments, in violation of the effective minimum prices established therefor and the rules and regulations of the Division, and particularly Section XIII, Rule 6 of the Marketing Rules and Regulations.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-538; Filed, January 19, 1942;
11:25 a. m.]

[Docket No. B-177]

IN THE MATTER OF CHARLES REDDINGER AND TERRY REDDINGER, INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF CHARLES & TERRY REDDINGER (TERRY REDDINGER) CODE MEMBERS, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 6, 1942, by Bituminous Coal Producers Board, No. 1, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 21, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Armstrong County Court House, Kittanning, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and

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

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

(a) The defendants, Charles Reddinger and Terry Reddinger, individually, and as co-partners, of Distant, Pennsylvania, whose code membership became effective on October 22, 1940, sold and delivered to the Pittsburg and Shawmut Coal Company by truck to the Colwell Siding of the Freebrook Company, an affiliate of the Pittsburg and Shawmut Coal Company, 987.975 net tons of run of mine coal during the months December 1940 and January and February, 1941, at a price below the effective minimum price therefor, as set forth in the Schedule of Effective Minimum Prices for Truck Shipments of \$2.15 per net ton, plus at least the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character from the transportation facilities at the mine to said point of delivery; or

(b) Sold during the period from December 1, 1940 to February 28, 1941, both dates inclusive, approximately 987.975 net tons of run of mine coal, produced at the aforesaid Doverspike Mine, Mine Index No. 1303, to the Pittsburg and Shawmut Coal Company, for rail shipments and delivered said coal by truck to a ramp on a rail siding of said Freebrook Company, located at Colwell, Pennsylvania, at a price of approximately \$1.50 per net ton, although at the time of said transactions no rail classifications or prices, temporary or final, had been established for the coal produced at the aforesaid mine. Said transactions thereby constituted violations of the Order of the Director dated October 9, 1940 in General Docket No. 19.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-539; Filed, January 19, 1942;
11:25 a. m.]

[Docket No. B-182]

IN THE MATTER OF WILLIAM HANEY, CODE
MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated December 23, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on December 24, 1941, by the Bituminous Coal Producers Board for District No. 8, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 24, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky.

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

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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

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

That said defendant, whose address is R. R. #1, Rush, Kentucky, during the period January 8, 1941 to August 22, 1941, both dates inclusive, sold, delivered and offered to sell to E. M. Hammonds of

Olive Hill, Kentucky, approximately 555.495 net tons of High Volatile mine run Size Group 6 coal, produced by said defendant at his Haney Mine, Mine Index No. 2517, located at Rush, Carter County, Kentucky, in District No. 8, at the price of \$2.00 per net ton f. o. b. said mine, and thereafter said defendant allowed and paid to the said E. M. Hammonds a cash rebate of 30 cents per net ton on each ton of coal so sold; that the allowance and payment of said cash rebate constituted a violation of the Code, the Effective Minimum Price established thereunder, the rules and regulations made pursuant thereto and particularly Rule 6 of Section XIII of the Marketing Rules and Regulations.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-540; Filed, January 19, 1942;
11:25 a. m.]

[Docket No. B-3]

IN THE MATTER OF C. E. WERNER, JR.,
REGISTERED DISTRIBUTOR, REGISTRATION
No. 9584, RESPONDENT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing at Nashville, Tennessee, on December 3, 1941, by Order of the Director dated October 9, 1941, as amended by Order of the Director dated November 4, 1941, and subsequently having been rescheduled for hearing on January 21, 1942, at 10:00 a. m. at the Chancery Court Room, 7th and Georgia Avenue, Chattanooga, Tennessee, before Travis Williams, Trial Examiner, by Order of the Acting Director dated December 2, 1941; and

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

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and the same is hereby, further postponed to January 23, 1942, at 10:00 a. m. at the place and before the officer heretofore designated by Order of the Acting Director dated December 2, 1941.

It is further ordered, That the Notice of and Order for Hearing herein dated October 9, 1941, as amended by Order dated November 4, 1941, shall in all other respects remain in full force and effect.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-541; Filed, January 19, 1942;
11:25 a. m.]

[Docket No. 1793-FD]

IN THE MATTER OF HERMAN SANDERS, CODE
MEMBER, DEFENDANT

ORDER AMENDING AND SUPPLEMENTING NOTICE OF AND ORDER FOR HEARING AND RESCHEDULING HEARING AND REDESIGNATING EXAMINER

A complaint dated July 1, 1941, pursuant to the provisions of sections 4 II (j)

and (5) (b) of the Bituminous Coal Act of 1937, having been filed on July 5, 1941, by Bituminous Coal Producers Board for District No. 13, a district board, as complainant, and an amended and supplemental complaint dated December 15, 1941, alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder, having been filed with the Division by the complainant herein, pursuant to Order of the Acting Director dated January 16, 1942; and

The above-entitled matter having been scheduled for hearing on October 2, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Chancery Court Room, County Court House, Chattanooga, Tennessee, pursuant to the Order of the Director dated August 20, 1941, and subsequently postponed pursuant to the Order of the Director dated September 11, 1941, to a date and place to be thereafter designated by an appropriate order; and

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

Now, therefore, it is ordered, That a hearing in the above-entitled matter be held on February 18, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Chancery Court Room, 7th and Georgia Avenue, Chattanooga, Tennessee.

It is further ordered, That Scott A. Dalquist be and he is hereby designated to preside at such hearing vice Travis Williams.

It is further ordered, That the Notice of and Order for Hearing dated August 20, 1941, in the above-entitled matter be and the same is hereby amended and supplemented by adding to the last paragraph thereof the following:

By selling and delivering during the period December 13, 1940, through June 30, 1941, to Penn-Dixie Cement Company, Richard City, Tennessee, approximately 782.83 tons of slack coal produced at defendant's Sanders Mine, Mine Index No. 1070, at a price of not more than \$1.65 per net ton delivered to the Penn-Dixie Cement Company, at Richard City, Tennessee, whereas the effective minimum price established for such coal was and is \$2.05 per net ton f. o. b. the mine as contained in the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipments to which was required to be added an amount at least equal as nearly as practicable to the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character (exclusive of customary costs of mine operation) from the transportation facilities at the mine to said point of delivery as provided in Price Instruction 7, Supplement No. 1 of the aforesaid Schedule.

By selling during the period November 23, 1940, to December 13, 1940, to Penn-Dixie Cement Company, Richard City, Tennessee, approximately 257 tons of slack coal produced by the defendant at his Sanders Mine, Mine Index No. 1070,

at a price of \$1.65 per net ton f. o. b. the mine, whereas minimum prices, temporary or final, had not been established by the Division for the coal produced at said mine during said period.

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

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-542; Filed, January 19, 1942;
11:26 a. m.]

[Docket No. A-792]

PETITION OF WEST VIRGINIA COAL AND TRANSPORTATION COMPANY, A CODE MEMBER OF DISTRICT NO. 8 FOR PRELIMINARY, OR TEMPORARY, AND PERMANENT ORDER FOR ESTABLISHMENT OF FREE ALONGSIDE PRICES FOR COAL PRODUCED IN DISTRICT NO. 8 BY CODE MEMBERS AND SHIPPED IN RIVER BARGES TO THE NORTHERN STATES POWER COMPANY, ST. PAUL AND MINNEAPOLIS, MINNESOTA

MEMORANDUM OPINION AND ORDER REOPENING THE HEARING FOR LIMITED PURPOSES

This proceeding was instituted upon petition filed with the Bituminous Coal Division by West Virginia Coal and Transportation Company (the "Petitioner"), a code member in District No. 8, in behalf of the Northern States Power Company (the "Power Company"), pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, seeking an Order permitting certain District No. 8 coals to be sold at free alongside prices to the Power Company for consumption at its plants located at Minneapolis and St. Paul, Minnesota.

A hearing in this matter was held on May 14, 1941, before Floyd McGown, a duly designated Examiner of the Division, at a hearing room of the Division in Washington, D. C. At the conclusion of the hearing, all parties waived the preparation and filing of a report by the Examiner, and the record was thereupon submitted to the Director.

Pursuant thereto the Director made and entered Findings of Fact and Conclusions of Law, and rendered an Opinion which were filed herein. On October 8, 1941, a final Order was entered denying relief.

On November 7, 1941, Petitioner filed herein its petition for reconsideration of the final Order denying relief. The petition further requested that, in the event reconsideration should not be granted, the hearing be reopened for the taking of additional and new evidence. District Board No. 7 opposed the petition.

Reconsideration of the final Order denying relief is urged by Petitioner on the alleged ground that the Director erred in finding, on the evidence, that the barge rate in question approximated \$3.625 per net ton. The evidence on this point was discussed in the Opinion of the Director in the light of the Spe-

cial Case provision relating to transportation charges. It is not necessary to repeat that discussion at this time. There is no occasion to upset the Director's finding in the present state of the record.

The Petitioner alternatively requested that an Order be entered reopening the hearing in order to take further evidence with respect to the barge rates applicable to coals produced in District No. 8 when shipped by river to the Power Company.

In support of this request, the Petitioner urged that additional evidence would disclose that the cost of transporting coals produced in District No. 8 by river to the Power Company is materially less than that found by the Director. Upon consideration of the record and the petition to reopen the hearing, I conclude that the petition should be granted and opportunity should be afforded to the Petitioner and any other parties or interested persons to adduce evidence with respect to the cost of barge transportation from District No. 8 to the Power Company plant.

The reopened hearing should be limited, however, to evidence relating to the cost of transporting coal produced in District No. 8 by river to the Power Company plant and to the prospect that Power Company will purchase river-shipped District No. 8 coals from the Petitioner.

It is therefore ordered, That the hearing in the above matter be reopened for the limited purpose of taking additional evidence not available at the prior hearing herein and not cumulative of evidence already adduced with respect to:

(1) The transportation charges for shipping coal produced in District No. 8 by river to the Northern States Power Company, for consumption at its plants located at Minneapolis and St. Paul, Minnesota.

(2) The prospect that coals produced in District No. 8 would be purchased from the West Virginia Coal and Transportation Company by the Northern States Power Company for shipment by river, for consumption at its plants located at Minneapolis and St. Paul, Minnesota.

It is further ordered, That such hearing be held on February 24, 1942, at 10 o'clock in the forenoon of that day, before Examiner Floyd McGown, 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 the Examiner shall submit supplementary Findings of Fact and Conclusions of Law and the Recommendation of an appropriate Order in the premises upon the basis of the entire record in this proceeding.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-543; Filed, January 19, 1942;
11:26 a. m.]

[Docket No. A-1242]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF AN ADDITIONAL RAIL LOADING POINT FOR THE COALS OF THE R. & G. MINE (MINE INDEX NO. 104) OF HENRY W. STRIETELMEIER, A CODE MEMBER IN DISTRICT NO. 11

ORDER GRANTING TEMPORARY RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was duly filed with this Division by the above-named party on December 26, 1941, requesting the establishment of Linton, Indiana, as an additional shipping point for the coals of the R. & G. Mine (Mine Index No. 104) of Henry W. Strietelmeier, a code member in District No. 11.

Price classifications and minimum prices have already been established for the coals of Mine Index No. 104 and Midland, Indiana, via the CI&L Railroad and Dugger, Indiana, via the IC Railroad have already been established as shipping points for the coals of this mine.

It appears that Linton, Indiana, the additional shipping point now requested for Mine Index No. 104 is the shipping point for the Pleasantville No. 6 Mine (Mine Index No. 119) of Henry W. Strietelmeier and is located within Freight Origin Group No. 62 for shipment via the IC Railroad. Freight rates via the IC Railroad from both Dugger and Linton, Indiana, are the same.

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

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices for the R. & G. Mine (Mine Index No. 104) of Henry W. Strietelmeier heretofore established in Supplement No. 2 to the Schedule of Effective Minimum Prices for District No. 11, For All Shipments Except Truck, shall be applicable to shipments from this mine originating at Linton, Indiana, via the I. C. Railroad.

It is further ordered, That, pending final disposition of the above-entitled matter, the price classifications and minimum prices heretofore applicable to the coals of Mine Index No. 104 for rail shipments from Dugger, Indiana, be and the same hereby are suspended.

Notice is hereby given that all applications to stay, terminate or modify the temporary relief granted herein 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: January 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-544; Filed, January 19, 1942;
11:26 a. m.]

[Docket No. 1753-FD]

IN THE MATTER OF JASPER NICHELSON,
DEFENDANT

ORDER APPROVING AND ADOPTING EXAMINER'S REPORT AND REVOKING CODE MEMBERSHIP

A complaint having been filed with the Bituminous Coal Division pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board No. 11, alleging willful violation by Jasper Nicholson, a code member in District 11, the defendant, of the Bituminous Coal Code and rules and regulations thereunder as follows:

That the defendant with full knowledge of the requirements contained in the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments and with intent to violate the same and in violation thereof, during the period from October 1, 1940 to May 13, 1941, sold for truck shipments, coal produced at his French Lick Mine, Indiana, (Mine Index No. 941) in District No. 11, as follows: an unknown quantity of mine run coal to the Homestead Hotel, West Baden, Indiana, at a delivered price of \$2.15 per net ton, the effective minimum f. o. b. mine price applicable thereto being \$2.15 per net ton; and an unknown quantity of 1½" x 0 to Hise Brothers, Orleans, Indiana, at a price of \$1.65 per ton delivered a distance of 23 miles from the mine, when the effective minimum f. o. b. mine price applicable thereto was \$1.55 per net ton, without adding to the applicable minimum f. o. b. mine prices an amount equal, as nearly as practicable, to the actual transportation charge from the mine to the points of delivery; and failed to comply with the Division's Orders Nos. 296, 297 and 307, by not maintaining and filing the records required by said Orders.

Pursuant to an Order of the Director, and after notice to all interested persons, a hearing having been held in this matter on September 15, 1941, before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof in Shoals, Indiana;

All interested persons having been afforded an opportunity to be present at the hearing, to adduce evidence, cross-examine witnesses, and otherwise be heard;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in the above proceeding, dated November 19, 1941, recommending that the code membership of the defendant be revoked and cancelled;

An opportunity having been afforded to the defendant to file exceptions thereto and supporting briefs, and no such exceptions and supporting briefs having been filed;

The undersigned having considered this matter and having determined that the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is, therefore, ordered, That the Proposed Findings of Fact, Proposed Con-

clusions of Law and Recommendations of the Examiner be and they are hereby adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That pursuant to section 5 (b) of the Code, the code membership of the defendant, Jasper Nicholson, be and the same is hereby revoked and cancelled, effective fifteen (15) days from the date of this Order;

It is further ordered, That prior to any reinstatement of the defendant, Jasper Nicholson, to membership in the Code, he shall pay to the United States a tax in the amount of \$881.08 as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: January 17, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-545; Filed, January 19, 1942;
11:26 a. m.]

[Docket No. 1793-FD]

IN THE MATTER OF HERMAN SANDERS, CODE
MEMBER, DEFENDANT

ORDER GRANTING LEAVE TO FILE AMENDED AND
SUPPLEMENTAL COMPLAINT

The Bituminous Coal Producers Board for District No. 13, complainant herein, having on December 19, 1941, filed its motion herein dated December 15, 1941, for leave to file an amended and supplemental complaint herein dated December 15, 1941, submitted therewith; and

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

Now, therefore, it is ordered, That leave be and the same is hereby granted to the complainant herein to file its said amended and supplemental complaint dated December 15, 1941, in the above-entitled matter.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-546; Filed, January 19, 1942;
11:27 a. m.]

[Docket No. A-1248]

PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 10 FOR THE ISSUANCE OF A TEMPORARY ORDER PERMITTING THE FRANKLIN COUNTY COAL CORPORATION, MINE INDEX NO. 151, TO REDUCE THE MINIMUM PRICE ON APPROXIMATELY 14,000 TONS OF STORAGE SCREENINGS

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

This proceeding was instituted upon a petition filed by District Board 10 with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the issuance of a temporary order permitting the Franklin County Coal Corporation, a code member producer in District 10, to sell approximately 14,000 tons of screenings of its Royaltan #7 Mine (Mine Index No. 151) at a price of \$1.40 per ton.

Pursuant to § 301.106 of the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, and notice to all interested persons, an informal conference was held on January 6, 1942, at Washington, D. C. District Board 10 and the Franklin County Coal Corporation appeared.

The petition sets forth that Franklin County Coal Corporation (hereinafter called the "Company") is a code member in District 10 operating the Royalton #7 Mine in the Southern Illinois Subdistrict of District 10; that the Company now has in storage approximately 14,000 tons of 2" washed screenings which were mined during June, July, August, and September 1941; that these screenings were mined from a section of the vein containing coals substantially inferior to the coals usually marketed from the Company's mine and substantially inferior to the base coals of Southern Illinois; that the Company believed that by washing the coal could be brought up to a quality that would make it merchantable at existing minimum prices but that this did not prove to be the case; that the Company has been unable to dispose of the coal although it has made a diligent effort so to do; that the coals of the Company's mine are mostly competitive with the coals produced in the Southern Illinois Subdistrict of District 10; and that it is the opinion of the petitioner that a minimum price of \$1.40 per ton limited to destinations which would not involve the dislocation of competitive tonnage will permit the sale of such substandard screenings. Accordingly, the petitioner requests that a price be established of \$1.40 per ton¹ on approximately 14,000 tons of Royalton #7 substandard 2" washed screenings for sale to four large named consumers:

Commonwealth Edison Company Chicago, Illinois, Lehigh Portland Cement Company, Mason City, Iowa, Northwestern States Portland Cement Co., Mason City, Iowa, and Universal Atlas Cement Company, Buffington, Indiana.

No one appeared at the conference or otherwise indicated a desire to oppose the requested relief.

From statements by J. R. Henderson, chairman of District Board 10, and Herbert H. Taylor, vice president of the Franklin County Coal Corporation, made at the informal conference, the following facts appear:

A portion of the Royalton #7 Mine has rock bands disseminated through the coal. While the Company has known that this coal was inferior to the other coal in the mine, beginning in June 1941, it made a serious attempt to recover it because it was easily workable. It is of this coal that the 14,000 tons in question of 2" washed screenings consist.

Proximate analyses of samples taken from these 14,000 tons, made by Commercial Testing and Engineering Co., en-

gineers who make tests and analyses for District Board 10, indicate that the coals as to which the petition herein was filed have a moisture content of 10.45 per cent, an ash content, on a dry basis, of 12.39 per cent, a B. t. u. content, as received, of 11,248, and a B. t. u. content, on a dry basis, of 12,562. These analyses indicate that the coals are substandard.

A comparison of these analyses with an analysis of Price Group 29 coals of District 10, which deliver into Chicago at a price 75 cents below Royalton #7 washed screenings, indicates that the Price Group 29 coals have 6 per cent dry ash and 11,578 B. t. u. on an as received basis. Similarly, Price Group 17 coals of District 10, which deliver into Chicago at a price 60 cents below the Royalton #7 coals, have 100 B. t. u. as received more than the Royalton coals and 1½ per cent lower dry ash. Similarly, Price Group 18 coals of District 10, which have a 60-cent lower delivered price than the Royalton #7 coals, have 100 B. t. u. more than the latter coals and 2 per cent lower dry ash. Similarly, Price Group 8 coals of District 11, which have a 55-cent lower delivered price into Chicago than the Royalton coals, have 500 B. t. u. more than the Royalton coals and 3 per cent lower dry ash.

Similarly, also, the raw screenings of the Royalton #7 Mine have a B. t. u. content approximately 700 higher than the substandard coals in question, and a dry ash content approximately 2½ per cent lower.

The Company has made many efforts, by re-washing, resizing, and otherwise, to bring these substandard 2" washed screenings up to standard, but to no avail. The Company also attempted to market this substandard coal by applying it to each of the railroads that serve the Company's properties—the Chicago, Burlington, and Quincy, the Illinois Central, and the Missouri Pacific. However, the use of this coal on the Illinois Central resulted in an engine failure. Nor would it work successfully on the Missouri Pacific. Altogether, the Company sold the three railroads about 1,000 tons, but they refused to purchase any more. Thereafter, the Company knew that it could not possibly apply this coal on any commercial orders at the effective minimum price.

It thus appears that the washed screenings in question are of substandard quality, cannot be improved, and cannot be disposed of at the effective minimum prices. As a result, unless the Company receives some sort of relief affording it an opportunity to sell this coal, the Company will have to dispose of the coal at a considerable cost, as the Company cannot leave the coal where it is.

It appears, on the other hand, that the granting of relief herein will not seriously affect the competitors of the Company. No one has seen fit to oppose the petition herein. District Board 10 believes that the sale of the substandard screenings in question to the four consumers named in the petition will not interfere with the normal flow of tonnage of other mines.

Commonwealth Edison Company uses principally Central Illinois coals, which it obtains exclusively from Peabody Coal

Company. Peabody has indicated its consent to the granting of relief herein. Indeed, if and when sales of this coal are made to Commonwealth Edison Company, they will probably be made through Peabody as a distributor. Lehigh Portland Cement Company and Northwestern States Portland Cement Company use Southern Illinois coals almost exclusively and obtain the greater portion thereof from Franklin County Coal Corporation. Universal Atlas Cement Company is also a regular customer of Franklin County Coal Corporation. The two other Southern Illinois producers who also ship to Universal Atlas have indicated to the Company their consent to the granting of relief herein. District Board 11 has also indicated its consent to the granting of relief herein.

While the Company has no assurance of being able to sell its substandard screenings, even at the requested reduced price, to the four named consumers, all these consumers would pulverize this coal and could therefore use it and Commonwealth Edison has indicated that it would be willing to buy 10 or 15 cars of it to see how it works.

The Company does not intend to mine any more of this substandard coal, Taylor, vice president of the Company, stating, "this thing was not done with any foresight in getting to this point [of having] to get rid of these screenings, and this is nothing that we intend to repeat and repeat * * * we are not trying to establish a precedent here at all. I want that clearly understood * * *. As soon as we ran into trouble and realized we were up against something we stopped the operation * * *."

From the foregoing, it appears that unless the Company is afforded an opportunity to market the 14,000 tons of 2" washed screenings it now has in storage, it will suffer a considerable and irreparable loss and that affording the Company such an opportunity by means of the relief here sought will not affect substantially the fair competitive opportunities of other producers, particularly since once the coal now in storage is disposed of the problem will not recur. In these circumstances, and in view of the lack of expressed opposition to the petition herein, I find that the requested relief should be granted.

Now, therefore, it is ordered, That the Franklin County Coal Corporation is hereby permitted to sell approximately 14,000 tons of 2" washed screenings (Size Group 23) of substandard quality, now in storage at the Royalton #7 Mine (Mine Index No. 151) in District 10, for shipment to any or all of the following:

Commonwealth Edison Company, Chicago, Illinois, Lehigh Portland Cement Company, Mason City, Iowa, Northwestern States Portland Cement Co., Mason City, Iowa, Universal Atlas Cement Company, Buffington, Indiana.

at a minimum price of \$1.40 per net ton f. o. b. the mine: *Provided, however,* That any and all such sales shall be consummated within six months from the date hereof: *And provided, further,* That Franklin County Coal Corporation shall file with the Division copies of all in-

¹ The existing f. o. b. mine price for Royalton #7, 2" x 0 washed screenings is \$1.90 per ton.

voices covering such sales and shall file with the Division, six months from the date hereof or at such time within such six months' period as the entire 14,000 tons of 2" storage screenings have been disposed of, a report consisting of a summary of such invoices, showing the consumers to whom such coal was shipped, the number of tons shipped to such consumers, the dates when the shipments were made, and the price at which the coal was sold. The copies of invoices and the report filed pursuant to this Order shall indicate on their face that they are being filed pursuant thereto.

Applications to stay the effect of, terminate, or modify this Order 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: January 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-547; Filed, January 19, 1942; 11:26 a. m.]

DEPARTMENT OF AGRICULTURE.

Commodity Credit Corporation.

PUBLIC ANNOUNCEMENT WITH RESPECT TO THE EXPANSION OF PRODUCTION OF NON-BASIC AGRICULTURAL COMMODITIES

Section 4 of the Act approved July 1, 1941 (Public Law 147-77th Congress) provides as follows:

(a) Whenever during the existing emergency the Secretary of Agriculture finds it necessary to encourage the expansion of production of any non-basic agricultural commodity, he shall make public announcement thereof and he shall so use the funds made available under section 3 of this Act or otherwise made available to him for the disposal of agricultural commodities, through a commodity loan, purchase, or other operation, taking into account the total funds available for such purpose for all commodities, so as to support a price for the producers of any such commodity with respect to which such announcement was made of not less than 85 per centum of the parity or comparable price therefor. The comparable price for any such commodity shall be determined and used by the Secretary for the purposes of this section if the production or consumption of such commodity has so changed in extent or character since the base period as to result in a price out of line with parity prices for basic commodities. Any such commodity loan, purchase, or other operation which is undertaken shall be continued until the Secretary has given sufficient public announcement to permit the producers of such commodity to make a readjustment in the production of the commodity. For the purposes of this section, commodities other than cotton, corn, wheat, tobacco, and rice shall be deemed to be non-basic commodities.

Pursuant to the foregoing provisions of law, public announcement is hereby made that I have found it necessary, as a result of the existing emergency, to encourage the expansion of production of the commodities named below, and the Department of Agriculture will, during

the period ending June 30, 1943, through loans, purchases, or other operations, support a price for eligible producers of each of these commodities at not less than the price level stated opposite such commodity, with adjustments, where applicable, for location, type, grade, and class:

Commodity and Level at Which Price Will Be Supported

Hogs, Eggs, Evaporated Milk, Dry Skim Milk, Cheese, and Chickens. (excluding broilers); 85% of the parity price.

The 1942 crop of Dry Peas of the following varietal types: Alaska, Bluebell, First and Best, White Canada, Alderman, Perfection, Surprise, and Thomas Laxton; 85% of the comparable price as of the beginning of the marketing year (August 1), but in no event less than \$5.25 per hundred weight for U. S. No. 1 peas, and \$5.00 per hundred weight for U. S. No. 2 peas, in bags f. o. b. cars at country shipping points.

The 1942 crop of Dry Edible Beans of the following varietal types: Pea and Medium White, Great Northern, California Small White, Pink, and Pinto; 85% of the parity price as of the beginning of the marketing year (September 1), but in no event less than \$4.75 per hundred weight for U. S. No. 1 beans, and \$4.60 per hundred weight for U. S. No. 2 beans, in bags f. o. b. cars at country shipping points.

The 1942 crop of Peanuts for Oil; 85% of the comparable price as of the beginning of the marketing year (August 1), but in no event less than \$82 per ton for U. S. No. 1 White Spanish type peanuts, \$78 per ton for U. S. No. 1 Runner type peanuts, and \$70 per ton for U. S. Class A Virginia type peanuts, delivered to an approved local receiving agency.

The 1942 crop of Soybeans for Oil; 85% of the comparable price as of the beginning of the marketing year (October 1), but in no event less than \$1.60 per bushel, farm basis, for U. S. No. 2 Yellow soybeans of recognized varieties of high oil content designated by the State Agricultural Experiment Station with the approval of the U.S.D.A. State War Board.

The 1942 crop of Flaxseed for Oil; 85% of the parity price as of the beginning of the marketing year (June 1), but in no event less than \$2.10 per bushel, farm basis.

Inasmuch as the production and consumption of dry peas, peanuts for oil, and soybeans for oil have so changed in extent and character since the base period as to result in parity prices for such commodities out of line with parity prices for basic agricultural commodities, comparable prices therefor have been used for the purpose of this announcement. Such prices shall be determined by multiplying the following base prices by the index of prices paid by farmers for commodities purchased, including interest and taxes payable per acre, as published by the Department of Agriculture: Dry Peas \$2.07 per hundred weight; Soybeans \$0.95 per bushel; Spanish type peanuts 2.4 cents per pound; Runner type peanuts 2.3 cents per pound; and Virginia type peanuts 2.0 cents per pound. These base prices bear the same relation to the average base prices of corn, cotton, wheat, rice, and tobacco as the actual prices of the same commodities were to the average actual prices of these five basic commodities in the sixty months, August 1934 through July 1939.

This announcement supersedes the announcement dated August 29, 1941.

Done at Washington, D. C., this 15th day of January 1942. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 42-518; Filed, January 19, 1942; 11:09 a. m.]

Rural Electrification Administration.

[Administrative Order No. 654]

MODIFICATION OF PROJECT DESIGNATIONS

JANUARY 5, 1942.

I hereby amend the administrative orders specified below to change the project designations therein mentioned as follows:

16 FR. 4644.

Administrative order		Change project designation	
No.	Date	From—	To—
394	September 27, 1939.....	Arizona 0014W1 Cochise.....	Arizona 0014S1 Cochise.
466	May 28, 1940.....	Arizona 0014U1 Cochise.....	Arizona 0014S2 Cochise.
338	April 18, 1939.....	Illinois R9033W1 Hancock.....	Illinois R9033S1 Hancock.
471	June 7, 1940.....	Illinois 0-R9033R1 Hancock.....	Illinois 0-R9033S2 Hancock.
544	December 6, 1940.....	Illinois 1033W2 Hancock.....	Illinois 1033S3 Hancock.
635	November 5, 1941.....	Illinois 2033S3 Hancock.....	Illinois 2033S4 Hancock.
313	December 12, 1938.....	Mississippi 9029W1 Oktibbeha.....	Mississippi 9029S1 Oktibbeha.
390	September 21, 1939.....	Mississippi 0029R1 Oktibbeha.....	Mississippi 0029S2 Oktibbeha.
390	September 21, 1939.....	Mississippi 0029W2 Oktibbeha.....	Mississippi 0029S3 Oktibbeha.
597	June 6, 1941.....	Mississippi 1-9029R2 Oktibbeha.....	Mississippi 1-9029S4 Oktibbeha.
318	January 31, 1939.....		
	Amended by—	New Mexico 9004W1 Eddy.....	New Mexico 9004S1 Eddy.
539	November 13, 1940.....		
539	November 13, 1940.....	New Mexico 9004U1 Eddy.....	New Mexico 9004S2 Eddy.
322	February 20, 1939.....		
	Amended by—	New Mexico R9004U2 Eddy.....	New Mexico R9004S3 Eddy.
405	October 26, 1939.....		
539	November 13, 1940.....		
506	August 15, 1940.....		
	Amended by—	New Mexico 1004U3 Eddy.....	New Mexico 1004S4 Eddy.
539	November 13, 1940.....		
506	August 15, 1940.....	New Mexico 1004W3 Eddy.....	New Mexico 1004S5 Eddy.
368	June 30, 1939.....		
	Amended by—	New Mexico 9-0008W1 Roosevelt.....	New Mexico 9-0008S1 Roosevelt.
457	May 10, 1940.....		

Administrative order		Change project designation	
No.	Date	From—	To—
441	March 11, 1940	New Mexico 0-R9008U1 Roosevelt	New Mexico 0-R9008S2 Roosevelt
506	August 15, 1940	New Mexico 1008U2 Roosevelt	New Mexico 1008S3 Roosevelt
268	July 7, 1938	Ohio 9001R1 Miami	Ohio 9001S1 Miami
	Amended by—		
437	February 28, 1940	Ohio R9001R2 Miami	Ohio R9001S2 Miami
310	December 3, 1938	Ohio R9001W1 Miami	Ohio R9001S3 Miami
	Amended by—		
437	February 28, 1940	Ohio 1001R3 Miami	Ohio 1001S4 Miami
318	January 31, 1939	Oklahoma 8006AW Caddo	Oklahoma 8006S1 Caddo
	Amended by—		
437	February 28, 1940	Oklahoma 9-8006W2 Caddo	Oklahoma 9-8006S2 Caddo
567	March 21, 1941	Oklahoma R9006W1 Caddo	Oklahoma R9006S3 Caddo
134	September 8, 1937	Oklahoma 0006R1 Caddo	Oklahoma 0006S4 Caddo
	Amended by—		
263	June 13, 1938	Oklahoma R9022W1 Cotton	Oklahoma R9022S1 Cotton
284	September 1, 1938	Oklahoma 0-R9022U1 Cotton	Oklahoma 0-R9022S2 Cotton
	Amended by—		
448	April 22, 1940	South Carolina R9014W1 Aiken	South Carolina R9014S1 Aiken
457	May 10, 1940	South Carolina 0-7014R1 Aiken	South Carolina 0-7014S2 Aiken
348	May 19, 1939	South Carolina 0014W2 Aiken	South Carolina 0014S3 Aiken
441	March 11, 1940	South Carolina 1014R2 Aiken	South Carolina 1014S4 Aiken
348	May 19, 1939	Texas 8047W1 Deaf Smith	Texas 8047S1 Deaf Smith
	Amended by—		
448	April 22, 1940	Texas 8047U1 Deaf Smith	Texas 8047S2 Deaf Smith
450	April 22, 1940	Texas R9047U2 Deaf Smith	Texas R9047S3 Deaf Smith
352	June 9, 1939	Texas R9054W1 Wood	Texas R9054S1 Wood
	Amended by—		
361	June 19, 1939	Texas 0054R1 Wood	Texas 0054S2 Wood
422	December 26, 1939	Texas 2054W2 Wood	Texas 2054S3 Wood
	Amended by—		
457	May 10, 1940	Texas R9055W1 Floyd	Texas R9055S1 Floyd
463	May 22, 1940	Texas 1055U1 Floyd	Texas 1055S2 Floyd
564	March 14, 1941	Alabama 2022S2 Butler	Alabama 2022S3 Butler
163	November 24, 1937	Wyoming 9-0014W1 Laramie	Wyoming 9-0014S1 Laramie
	Amended by—		
570	March 26, 1941	Wyoming 0-R9014U1 Laramie	Wyoming 0-R9014S2 Laramie
570	March 26, 1941	Wyoming 1014W2 Laramie	Wyoming 1014S3 Laramie
331	March 31, 1939	Wyoming 2014U2 Laramie	Wyoming 2014S4 Laramie
	Amended by—		
405	October 26, 1939	Wyoming 2014W3 Laramie	Wyoming 2014S5 Laramie
570	March 26, 1941	Nebraska 8076W1 Southern Nebraska District Public	Nebraska 8076S1 Southern Nebraska District Public
335	April 12, 1939	Nebraska R9076W2 Southern Nebraska District Public	Nebraska R9076S2 Southern Nebraska District Public
381	August 16, 1939	Nebraska R9076W3 Southern Nebraska District Public	Nebraska R9076S3 Southern Nebraska District Public
610	July 25, 1941	Nebraska 0076W4 Southern Nebraska District Public	Nebraska 0076S4 Southern Nebraska District Public
318	January 31, 1939	Nebraska 0-R9076U1 Southern Nebraska District Public	Nebraska 0-R9076S5 Southern Nebraska District Public
538	November 5, 1940	Nebraska 0076U2 Southern Nebraska District Public	Nebraska 0076S6 Southern Nebraska District Public
635	November 5, 1941	Nebraska R9078W1 Dawson District Public	Nebraska R9078S1 Dawson District Public
368	June 30, 1939	Nebraska R9078U1 Dawson District Public	Nebraska R9078S2 Dawson District Public
	Amended by—		
447	April 22, 1940	Nebraska 0078W2 Dawson District Public	Nebraska 0078S3 Dawson District Public
457	May 10, 1940	Nebraska 0-7078U2 Dawson District Public	Nebraska 0-7078S4 Dawson District Public
533	October 26, 1940	Nebraska 1078W3 Dawson District Public	Nebraska 1078S5 Dawson District Public
449	April 22, 1940		
	Amended by—		
533	October 26, 1940		
466	May 28, 1940		
	Amended by—		
533	October 26, 1940		
291	September 16, 1938		
	Amended by—		
573	April 7, 1941		
338	April 18, 1939		
	Amended by—		
405	October 26, 1939		
406	October 26, 1939		
573	April 7, 1941		
389	September 11, 1939		
	Amended by—		
469	June 4, 1940		
573	April 7, 1941		
409	November 6, 1939		
	Amended by—		
457	May 10, 1940		
571	March 28, 1941		
573	April 7, 1941		
569	March 25, 1941		
	Amended by—		
573	April 7, 1941		

Surplus Marketing Administration.

DETERMINATION PURSUANT TO 7 U.S.C. 1940 ED. § 608c (9), WITH RESPECT TO THE ISSUANCE OF AN ORDER REGULATING THE HANDLING OF IRISH POTATOES GROWN IN THE STATES OF MICHIGAN, WISCONSIN, MINNESOTA, AND NORTH DAKOTA¹

The Under Secretary of Agriculture of the United States, having reason to believe that the execution of a marketing agreement and the issuance of an order would tend to effectuate the declared policy of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), with respect to the establishment and maintenance of such orderly marketing conditions for Irish potatoes grown in the States of Michigan, Wisconsin, Minnesota, and North Dakota as would establish prices to the producers of such Irish potatoes at a level that would give such Irish potatoes a purchasing power, with respect to the articles that the producers of such Irish potatoes buy, equivalent to the purchasing power of such Irish potatoes during the base period, August 1919-July 1929, conducted a public hearing in Cadillac, Michigan, on August 11 and 12, 1941, in Grand Forks, North Dakota, on August 11, 1941, in St. Paul, Minnesota, on August 14, 1941, and in Antigo, Wisconsin, on August 14, 1941, pursuant to notice duly given to all interested parties, on a proposed marketing agreement and a proposed order regulating such handling of such Irish potatoes as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce in such Irish potatoes; and at the aforesaid hearing all interested persons in attendance were afforded due opportunity to be heard concerning the proposed marketing agreement and the proposed order.

The marketing agreement, drafted subsequent to, and upon the basis of the evidence adduced at, the aforesaid hearing, was tentatively approved on October 2, 1941, by the Acting Secretary of Agriculture of the United States. Subsequent to the tentative approval of the marketing agreement on October 2, 1941, handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping Irish potatoes grown in the aforesaid area) of more than fifty (50) percentum of the volume of such Irish potatoes, produced in the production area defined in such order, refused or failed to sign the aforesaid tentatively approved marketing agreement.

Now, therefore, pursuant to the provisions of said act, it is hereby determined that:

(1) the aforesaid refusal or failure of said handlers to sign the aforesaid tentatively approved marketing agreement tends to prevent the effectuation of the

¹ See also Title 7, Chapter IX, *supra*.

[SEAL]

HARRY SLATTERY,
Administrator.

declared policy of the act with respect to such Irish potatoes;

(2) the issuance of an order, which will regulate the handling of such Irish potatoes in the same manner as the tentatively approved marketing agreement and which will be applicable only to persons in the respective classes of industrial or commercial activity specified in the tentatively approved marketing agreement, is the only practical means, pursuant to said act, of advancing the interests of the producers of such Irish potatoes; and

(3) the issuance of the aforesaid order is approved or favored by at least two-thirds of the producers who participated in a referendum, conducted pursuant to an order signed by the Acting Secretary of Agriculture of the United States, and who, during the representative period determined by the Acting Secretary of Agriculture of the United States, were engaged, within the production area specified in said tentatively approved marketing agreement and the aforesaid order, in the production for market of the commodity specified in said tentatively approved marketing agreement and the aforesaid order.

Issued at Washington, D. C., this 13th day of January 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.
JANUARY 14, 1942.

[F. R. Doc. 42-497; Filed, January 17, 1942;
11:38 a. m.]

DETERMINATION, APPROVED BY THE PRESIDENT OF THE UNITED STATES, WITH RESPECT TO AN ORDER REGULATING THE HANDLING OF IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, AND KLAMATH IN THE STATE OF OREGON, AND MODOC AND SISKIYOU IN THE STATE OF CALIFORNIA¹

The Acting Secretary of Agriculture of the United States, having reason to believe that the execution of a marketing agreement and the issuance of an order would tend to effectuate the declared policy of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), with respect to the establishment and maintenance of such orderly marketing conditions for Irish potatoes grown in the counties of Crook, Deschutes, and Klamath in the State of Oregon, and Modoc and Siskiyou in the State of California, as would establish prices to the producers of such Irish potatoes at a level that would give such Irish potatoes a purchasing power, with respect to the articles that the producers of such Irish potatoes buy, equivalent to the purchasing power of such Irish potatoes during the base period

¹ See also Title 7, Chapter IX, *supra*.

August 1919-July 1929, conducted a public hearing in Klamath Falls, Oregon, on July 10, 1941, pursuant to notice duly given to all interested parties, on a proposed marketing agreement and a proposed order regulating such handling of such Irish potatoes as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce in such Irish potatoes; and at the aforesaid hearing all interested persons in attendance were afforded due opportunity to be heard concerning the proposed marketing agreement and the proposed order. The aforesaid hearing held in Klamath Falls, Oregon, on July 10, 1941, was reopened, pursuant to notice duly given in August 1, 1941, by the Under Secretary of Agriculture of the United States and said hearing thus reopened was held in San Francisco, California, on August 18, 1941, pursuant to the aforesaid notice dated August 1, 1941, with respect to the proposed marketing agreement and the proposed order regulating such handling of said Irish potatoes as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce in said Irish potatoes; and at the aforesaid hearing in San Francisco, California, on August 18, 1941, all interested persons in attendance were afforded due opportunity to be heard concerning the proposed marketing agreement and the proposed order.

The marketing agreement, drafted subsequent to, and upon the basis of the evidence adduced at, the aforesaid hearing in Klamath Falls, Oregon, on July 10, 1941, and the hearing in San Francisco, California, on August 18, 1941, was tentatively approved on September 16, 1941, by the Acting Secretary of Agriculture of the United States. Subsequent to the tentative approval of the marketing agreement on September 16, 1941, handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping Irish potatoes grown in the aforesaid area) of more than fifty (50) per centum of the volume of such Irish potatoes, produced in the production area defined in such order, refused or failed to sign the aforesaid tentatively approved marketing agreement.

Now, therefore, pursuant to the provisions of said act, it is hereby determined that:

(1) the aforesaid refusal or failure of said handlers to sign the aforesaid tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act with respect to such Irish potatoes;

(2) the issuance of an order, which will regulate the handling of such Irish potatoes in the same manner as the tentatively approved marketing agreement and which will be applicable only to persons in the respective classes of industrial or commercial activity specified in the tentatively approved marketing agreement, is the only practical means, pursuant to said act, of advancing the interests of the producers of such Irish potatoes; and

(3) the issuance of the aforesaid order is approved or favored by at least

two-thirds of the producers who participated in a referendum, conducted pursuant to an order signed by the Acting Secretary of Agriculture of the United States, and who, during the representative period determined by the Acting Secretary of Agriculture of the United States, were engaged, within the production area specified in said tentatively approved marketing agreement and the aforesaid order, in the production for market of the commodity specified therein.

Issued at Washington, D. C., this 13th day of January, 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.

JANUARY 14, 1942.

[F. R. Doc. 42-498; Filed, January 17, 1942;
11:38 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

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 Manufacturing 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 January 19, 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

I. Mausner Company, 22 Jeanette Street, Carteret, New Jersey; Men's & Boys' Clothing; 5 learners (T); January 19, 1943.

Single Pants, Shirts, and Allied Garments and Women's Apparel

Co-Ed Frocks, Incorporated, Hillsboro, Illinois; Women's Wear, Washable Service Apparel; 100 learners (E); July 15, 1942. (This certificate effective January 15, 1942, and omitted from FEDERAL REGISTER of that date.)

Doylestown Manufacturing Company, Doylestown, Pennsylvania; Children's Dresses; 4 learners (T); January 19, 1943.

Israel Feather, 88 Kingston Street, Boston, Massachusetts; Cotton Dresses; 10 percent (T); January 19, 1943.

Morris Freezer and Company, Inc., Wytheville, Virginia; Boys' Shirts; 10 percent (T); January 19, 1943.

Hospital Clothing Company, 1107 Walnut Street, Philadelphia, Pennsylvania; Nurses' Uniforms; 5 learners (T); January 19, 1943.

H. Lang Company, Branch No. 2, 3rd and Vine Streets, Des Moines, Iowa; Work Suits; 10 percent (T); January 19, 1943.

Night Comfort, Inc., Cressona, Pennsylvania; Men's Pajamas, Men's Night Shirts; 10 percent (T); January 19, 1943.

Penn State Manufacturing Company, 268 Broadway, Mauch Chunk, Pennsylvania; Children's Overalls and Play Suits; 10 learners (E); July 19, 1942.

Piedmont Shirt Company, 2202 N. Howard Avenue, Tampa, Florida; Men's Sport Shirts, Slacks; 10 percent (T); August 1, 1942.

S. L. Robinson Company, 119 South 9th Street, Omaha, Nebraska; Trousers; 5 learners (T); January 19, 1943.

The Star Union Company, Inc., Lumberton, North Carolina; Pajamas; 10 learners (T); January 19, 1943.

Taunton Dress Company, 42 Adams Street, Taunton, Massachusetts; Dresses; 10 percent (T); January 19, 1943.

Union Manufacturing Company, 901 E. Missouri Street, El Paso, Texas; Men's Cotton Pants and Cotton Shirts; 5 percent (T); January 19, 1943.

Wolens Trouser Company, 4th and Water Street, Kankakee, Illinois; Single Trousers; 42 learners (E); June 8, 1942.

Gloves

Baus Manufacturing Company, 410 East First Street, Hopkinsville, Kentucky; Work Gloves; 5 learners (T); January 19, 1943.

The Boss Manufacturing Company, 70 Washington Street, Brooklyn, New York; Work Gloves; 25 learners (E); July 19, 1942.

The Boss Manufacturing Company, 901 Hawley, Toledo, Ohio; Work Gloves; 35 learners (E); July 19, 1942.

The Boss Manufacturing Company, 3012 S. Adams Street, Peoria, Illinois; Work Gloves; 25 learners (E); July 19, 1942.

The Boss Manufacturing Company, 1512 Fairfield Avenue, Fort Wayne, Indiana; Work Gloves; 45 learners (E); July 19, 1942.

The Boss Manufacturing Company, 100-116 Walnut Street, Peoria, Illinois; Work Gloves; 30 learners (E); July 19, 1942.

The Boss Manufacturing Company, 320 Ballard Street, Lebanon, Indiana; Work Gloves; 15 learners (E); July 19, 1942.

The Boss Manufacturing Company, Bluffton, Ohio; Work Gloves; 20 learners (E); July 19, 1942.

The Boss Manufacturing Company, 319 W. Main Cross, Findlay, Ohio; Work Gloves; 25 learners (E); July 19, 1942.

The Boss Manufacturing Company, 701-3-5 Broadway, Kansas City, Missouri; Work Gloves; 120 learners (E); July 19, 1942.

The Boss Manufacturing Company, 107 N. Boss, Kewanee, Illinois; Work Gloves; 50 learners (E); July 19, 1942.

Krupp Manufacturing Company, 3849 W. Grand Avenue and 2007 W. Division Street, Chicago, Illinois; Leather Dress and Work Gloves; 5 learners (T); January 19, 1943.

Hosiery

Baker-Mebane Hosiery Mills, Inc., Highway 103, Mebane, North Carolina; Seamless Hosiery; 13 learners (T); September 19, 1942.

Moreland Knitting Mills, Moreland, Georgia; Seamless Hosiery; 5 percent (T); January 19, 1943.

S. and F. Hosiery Mills, Incorporated, Dayton, Tennessee; Full Fashioned Hosiery; 10 learners (T); January 19, 1943.

Tower Hosiery Mills, Inc., Broad Street, Burlington, N. C.; Full Fashioned Hosiery; 10 percent (T); January 19, 1943.

Knitted Wear

Walnut Dye Works, 409 Franklin Street, Utica, New York; Bleaching and Dyeing and Scouring Knit Goods; 5 learners (T); January 19, 1943.

Textile

Charles Horn Silk Company, North Brown Street, Titusville, Pennsylvania; Narrow Fabrics; 3 percent (T); January 19, 1943.

Lane Cotton Mills Company, 434 Cadiz Street, New Orleans, Louisiana; Ticking, Cotton Bagging; 6 percent (T); January 19, 1943. (This certificate replaces one issued bearing expiration date of August 4, 1942.)

Strasburg Silk Mills, Inc., Strasburg, Virginia; Weaving Rayon Piece Goods; 3 learners (T); January 19, 1943.

Signed at Washington, D. C., this 19th day of January 1942.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 42-554; Filed, January 19, 1942; 11:36 a. m.]

NOTICE OF POSTPONEMENT OF FURTHER HEARING ON THE HOME WORK PROBLEM IN THE WOMEN'S APPAREL INDUSTRY

To be held February 17, 1942, at Washington, D. C.

Whereas in accordance with a notice published in the FEDERAL REGISTER for December 30, 1941, the public hearing originally scheduled to be held on January 13, 1942, was postponed until February 16, 1942, for the purpose of taking further 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 such order, and to safeguard the 40-cent minimum wage rate established therein; and

Whereas it is deemed advisable further to postpone such hearing;

Now, therefore, notice is hereby given that the hearing on the home work problem in the women's apparel industry is postponed to February 17, 1942, at 10 a. m., in room 3229, United States Department of Labor Building, at Washington, D. C.

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

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42-555; Filed, January 19, 1942; 11:36 a. m.]

FEDERAL POWER COMMISSION.

[Project No. 120]

IN THE MATTER OF SOUTHERN CALIFORNIA EDISON COMPANY, LTD.

ORDER POSTPONING HEARING

JANUARY 16, 1942.

It appearing that: (a) By order dated November 8, 1941, the Commission, upon request therefor of Southern California Edison Company Ltd., postponed the rehearing on this proceeding to January 19, 1942;

(b) Counsel for said Southern California Edison Company, Ltd., on January 16, 1942, orally requested that said rehearing be further continued for approximately three weeks;

It is ordered, That the rehearing on this proceeding now set for January 19, 1942, is hereby postponed to February 17,

16 F.R. 6810.

1942, beginning at 9:45 a. m., in the Hearing Room of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-516; Filed, January 19, 1942;
10:23 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-2279]

IN THE MATTER OF THE STANDARD COMMERCIAL TOBACCO CO., INC. COMMON STOCK, \$1 PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of January A. D., 1942

The New York Stock Exchange having made application to the Commission pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 of the General Rules and Regulations promulgated thereunder, to strike from listing and registration the shares of the common stock, \$1 par value, of the Standard Commercial Tobacco Co.; and

A hearing having been held on said application, the Commission being fully advised in the premises and having this day issued and filed its Findings and Opinion herein;

It is ordered, That said application be, and it hereby is granted, provided, however, that this Order shall not become effective until ten days after the date hereof.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-496; Filed, January 17, 1942;
11:45 a. m.]

[File Nos. 54-40, 59-40]

IN THE MATTERS OF CONSOLIDATED ELECTRIC AND GAS COMPANY, APPLICANT; AND CENTRAL PUBLIC UTILITY CORPORATION, AND CONSOLIDATED ELECTRIC AND GAS COMPANY, RESPONDENTS

ORDER EXTENDING TIME FOR FILING ANSWERS AND POSTPONING HEARING

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

The Commission having on December 27, 1941, issued its Notice of and Order for Hearing on a plan filed under section 11 (e) of the Public Utility Holding Company Act of 1935, Notice of and Order instituting proceedings and setting date for hearing under sections 11 (b) (1) and 11 (b) (2) of said Act, and Order consolidating such proceedings for purposes of hearing wherein it was ordered that Central Public Utility Corporation and

Consolidated Electric and Gas Company, respondents herein, file with the Secretary of the Commission on or before January 15, 1942, their respective answers admitting or denying the allegations of paragraphs II, III, IV, and V of said Order and wherein the date of such hearing was fixed as January 20, 1942; and

Central Public Utility Corporation and Consolidated Electric and Gas Company, respondents herein, having requested that the time for filing their respective answers be extended and that the hearing herein be postponed;

It is hereby ordered, That the time within which Central Public Utility Corporation and Consolidated Electric and Gas Company, respondents herein, shall file with the Secretary of the Commission their respective answers admitting or denying the allegations of paragraphs II, III, IV, and V of the Commission's Order aforesaid be, and the same hereby is, extended to January 22, 1942.

It is further ordered, That the time within which any person desiring to be heard in connection with these proceedings shall file with the Secretary of the Commission a written statement relative thereto and the time within which any person proposing to intervene shall file with the Secretary of the Commission his application therefor as provided in Rule XVII of the Commission's Rules of Practice, be and the same hereby is, extended to January 28, 1942;

It is further ordered, That the date of the hearing in the above-entitled matters be, and the same hereby is, postponed to February 2, 1942, at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., in such room as may be designated on such day by the hearing-room clerk in Room 1102 at 10:00 o'clock a. m., on said day.

It is further ordered, That in all other respects the Commission's Order of December 27, 1941, above referred to, be and the same hereby is, affirmed.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-551; Filed, January 19, 1942;
11:35 a. m.]

[File No. 70-355]

IN THE MATTER OF NORTHERN INDIANA PUBLIC SERVICE COMPANY, GARY ELECTRIC AND GAS COMPANY, GARY HEAT, LIGHT & WATER COMPANY, AND CLARENCE A. SOUTHERLAND AND JAY SAMUEL HARTT, TRUSTEES OF THE ESTATE OF MIDLAND UTILITIES COMPANY

SECOND SUPPLEMENTAL ORDER

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

The Commission by its Order of November 25, 1941 (Holding Company Act Release No. 3145), having approved the sale by Gary Electric and Gas Company (hereinafter referred to as "Gary Elec-

tric") of its principal asset, the common stock of Gary Heat, Light & Water Company (hereinafter referred to as "Gary Heat") to Northern Indiana Public Service Company (hereinafter referred to as "Northern") for a consideration amounting to \$10,066,000 payable as follows:

A. \$7,042,000 in cash.

B. \$2,268,000 in Common Stock of Northern (278,000 shares at a stated value of \$8.1575 per share).

C. The balance \$756,000 at the option of Gary Electric either in cash or additional shares of Northern (maximum of 92,675 at a stated value of \$8.1575 per share), the amount of cash to be determined by the cash required by Gary Electric to pay holders of its publicly held common stock who accept Gary Electric's invitation to tender common stock of Gary Electric at \$6.50 a share.

The Commission in its said order having imposed a condition that Gary Electric shall notify Northern within 60 days from the date of said order as to how it would exercise the said option; and

The Commission in its said Order of November 25, 1941, having also granted an exemption pursuant to Section 6 (b) of the Act with respect to the issue and sale by Northern to the Prudential Insurance Company of America (hereinafter referred to as "Prudential") under an agreement dated September 12, 1941, of \$5,000,000 principal amount of its serial notes dated October 1, 1941, bearing interest at 2.75%, in order to raise part of the cash required to purchase the Gary Heat common stock; and

The said Agreement dated September 12, 1941 having provided that Prudential would pay Northern a premium of \$15,500 and accrued interest from October 1, 1941 to the date of the issuance and sale of the said notes; and

The commitment, as extended, of Prudential to purchase the said notes, having been about to expire on January 15, 1942, and, through unavoidable delay, Northern being unable to avail itself of the commitment of Prudential by January 15, 1942; and

Northern and Prudential having negotiated a modification of the agreement of September 12, 1941, by a supplemental agreement dated January 9, 1942, which extends the commitment of Prudential to February 16, 1942 but provides that no premium shall be paid by Prudential and that Northern shall pay accrued interest to Prudential from October 1, 1941, to the date of the issuance and sale of Northern's serial notes; and

Northern having filed a supplemental amendment herein requesting that the exemption granted for the issuance and sale of its serial notes by our Order of November 25, 1941, be extended to the issuance and sale of the notes as modified by the said supplemental agreement of January 9, 1942; and

Gary Electric having filed a supplemental amendment herein requesting that the date on which it must notify Northern of how it will exercise its option referred to above be extended for at least 60 days from the date of this Second Supplemental Order; and

It appearing to the Commission that the issuance and sale of Northern's serial notes pursuant to the said agreement dated September 12, 1941, as modified by the said supplemental agreement dated January 9, 1942, is entitled to the exemption set forth in the third sentence of section 6 (b) and that a reasonable extension of the date on which Gary shall notify Northern as to how it will exercise the option referred to above should be granted;

It is ordered, That the exemption pursuant to section 6 (b) granted in our said Order of November 25, 1941, for the issuance and sale of Northern's serial notes pursuant to the said agreement dated September 12, 1941 between Pru-

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dential and Northern be and the same hereby is extended to the issuance and sale of Northern's serial notes pursuant to the said agreement dated September 12, 1941, as modified by the said supplemental agreement dated January 9, 1942; and that the period in which Gary Electric shall notify Northern as to how it will exercise its option to obtain the balance, \$756,000, of the purchase price of Gary Heat common stock either in cash, or in Northern common stock at \$8.1575 per share, or partly in cash and partly in Northern common stock, be and the same hereby is extended to and including February 16, 1942, all subject, however, to the conditions contained in our Order herein dated November 25, 1941 and our

Supplemental Order herein dated January 2, 1942, and subject to the further condition that Gary Electric shall accompany its invitation for tenders of its publicly-held common stock with a copy of our Findings and Opinion attached to our Order herein of November 25, 1941, a copy of our Supplemental Findings and Opinion attached to our Supplemental Order herein dated January 2, 1942, and a copy of this Second Supplemental Order.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-522; Filed, January 19, 1942;
11:35 a. m.]