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Washington, Saturday, August 1, 1942

The President

EXECUTIVE ORDER 9207

EXTENDING THE LIMITS OF THE CUSTOMS PORT OF ENTRY OF SALEM, MASSACHUSETTS, IN CUSTOMS COLLECTION DISTRICT NUMBER 4 (MASSACHUSETTS)

By virtue of the authority vested in me by section 1 of the act of August 1, 1914, 38 Stat. 609, 623 (U.S.C., title 19, sec. 2), it is ordered that the limits of the customs port of entry of Salem, Massachusetts, in Customs Collection District Number 4 (Massachusetts), be, and they are hereby, extended to include the territory embracing the municipality of Peabody, Massachusetts.

This order shall become effective on the thirtieth day following the date hereof.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
July 29, 1942.

[F. R. Doc. 42-7386; Filed, July 30, 1942; 12:44 p. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Administration

PART 952—MILK IN THE SHREVEPORT, LOUISIANA, MARKETING AREA

SUSPENSION OF ORDER REGULATING THE HANDLING OF MILK

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (7 U. S. C. 1940 ed. 601 *et seq.*), it is hereby determined that the order regulating the handling of milk in the Shreveport, Louisiana, marketing area, effective December 1, 1940,[1] obstructs and no longer tends to effectuate the declared policy of the said act; and the said order is hereby suspended, effective as of 12:01 a. m., c. w. t., August 1, 1942, until the further order of the Secretary of Agriculture.

This order of suspension shall not affect, waive, suspend, or terminate any right, duty, obligation, or liability which shall have arisen, or which may hereafter arise, in connection with any of the terms and provisions of the order regulating the handling of milk in the Shreveport, Louisiana, marketing area, provided such right, duty, obligation, or liability was incurred prior to the effective date of this suspension; nor shall this suspension release or waive any violation of the said order occurring prior to the effective date of this suspension.

Done at Washington, D. C., this 30th day of July 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] THOMAS J. FLAVIN,
Assistant to the Secretary of Agriculture.[2]

[F. R. Doc. 42-7404; Filed, July 30, 1942; 4:22 p. m.]

[1] 5 F.R. 2808, 4701.

[2] Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 7 F.R. 2656).

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

MISCELLANEOUS AMENDMENTS

PART 71—ENLISTMENT IN THE REGULAR ARMY

Section 71.3 (a) (5) is hereby added as follows:

§ 71.3 *Age.* (a) * * *

(5) *Enlistment of applicants over 45 years of age.* Citizens of the United States who reached their forty-fifth birthday prior to February 16, 1942, and who at the time of application for enlistment have not attained their fiftieth birthday, will be accepted for enlistment and direct assignment to corps area

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service command or War Department overhead units or installations, provided that they are otherwise qualified and vacancies exist in the units, or that the assignment of men in this category will release enlisted men fit for general military service. The enlistment of men in this age group will be restricted to individuals having character, skills, or aptitudes which make their enlistment desirable. Prior to acceptance, men enlisted under this authority will be cleared through their local selective service boards. (41 Stat. 765; 10 U. S. C. 42) [Par. 13*a* (5), AR 600-750, April 10, 1939, as added by Cir. 238, W.D., July 21, 1942]

* * * * *

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

Section 73.215 (b)[1] is hereby amended to read as follows:

§ 73.215 *Methods of separation.* * * *

(b) *Discharge and dismissal*—(1) *Discharge.* Except when ordered by the President under authority of the one hundred and eighteenth article of war, the discharge of officers, initially appointed in the Army of the United States, by reason of inefficiency or other unfitness (except physical unfitness) will be accomplished as provided in AR 605-230, but the procedure prescribed therein will not preclude trial by court martial when such action is indicated. Whenever a reduction in the strength of the Army as a whole becomes necessary, such officers will be honorably discharged by procedure to be prescribed at that time.

(2) *Dismissal.* Except by order of the President under authority of the one hundred and eighteenth article of war, such officers will be dismissed from the service only by sentence of a general court martial.

(3) *Date of termination.* Except in case of dismissal pursuant to sentence of a general court martial, an officer on active duty will be returned to his home and relieved from active duty prior to the effective date of termination of commission. (55 Stat. 728; 10 U.S.C. Sup. 484) [Par. 25, AR 605-10, Dec. 10, 1941, as amended by Cir. 242, W.D., July 23, 1942]

PART 79—PRESCRIBED SERVICE UNIFORM

Section 79.15 (a) (2)[2] is hereby amended to read as follows:

§ 79.15 *Shirt*—(a) *Service.* * * *

(2) *General description.* Of adopted pattern. For officers and warrant officers only, on each shoulder a loop of same material as the shirt let into the sleeve head seam and reaching to the edge of the collar, buttoning at the upper end with a small regulation shirt button. Loops about 2 inches in width at lower end and 1½ inches in width at collar end, and cross-stitched down to shoulder for a distance of 2 inches from lower end. (R.S. 1296; 10 U.S.C. 1391) [Par. 15*a* (2), AR 600-35, Nov. 10, 1941, as amended by Cir. 245, W.D., July 25, 1942]

* * * * *

[SEAL] H. B. LEWIS,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 42-7410; Filed, July 31, 1942; 9:45 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1158 Part II]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

ORDER GRANTING RELIEF, ETC.

Findings of fact, conclusions of law, memorandum opinion and order in the matter of the petition of District Board No. 14 for establishment of price classifications and minimum prices for the coals of the Prairie Creek Coal Company No. 1 Mine (Mine Index No. 540) and for the coals of the New Blue Valley Coal Company, Blue Valley Mine (Mine Index No. 562), pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

This proceeding was instituted upon a petition filed with the Bituminous Coal

[1] 6 F.R. 5661.

[2] 7 F.R. 14.

Division on November 10, 1941, by District Board No. 14 pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. In its petition the District Board requested establishment of price classifications and minimum prices for all shipments except truck and for truck shipments for certain mines in District No. 14, among them the mines of the Prairie Creek Coal Company (Mine Index No. 540) and the Blue Valley Coal Company (Mine Index No. 562).

For the mines of the Prairie Creek Coal Company the District Board proposed classification "C", in Size Group 3 for rail shipments and a price of $3.85 per ton for truck shipments, and a classification of "O" in Size Group 18 with a price of $3.15 per ton for truck shipments.

In the case of the New Blue Valley Coal Company, the District Board proposed the following classification when for rail shipments: "J", in Size Group 4, "K", in Size Groups 6, 7, and 8, "B", in Size Groups 14, 15, and 16, and "Q", in Size Group 18. For truck shipment, the District Board proposed a price of $4.05 in Size Groups 4, 6, 7, and 8, $1.35 in Size Group 14, $1.15 in Size Group 15, $1.05 in Size Group 16, and $3.15 in Size Group 18.

On November 24, 1941, the Prairie Creek Coal Company filed a petition of intervention requesting that the price classifications and minimum prices proposed by the District Board, for Size Groups 3 and 18 coal produced by the Prairie Creek Coal Company at its No. 1 Mine be denied and in their place that the Division establish a classification of "E" in Size Group 3 for rail shipment with a price of $3.55 for truck shipment, and a classification of "Q" in Size Group 18 for rail shipment, with $2.70 per ton for truck shipment.

On November 27, 1941, the New Blue Valley Coal Company filed a petition of intervention requesting that the Division establish the following prices for coal produced at its Blue Valley Mine:

Size group	Rail shipments (shown in letter symbols)	Truck shipments
4	L	$3.85
6	N	3.85
7	N	3.85
8	N	3.85
14	B	1.35
15	B	1.15
16	B	1.05
18	O	3.15

On December 16, 1941, the Acting Director issued an Order separating from Docket No. A-1158[1] and designating as Docket A-1158 Part II that portion of the former docket relating to the establishment of price classifications and minimum prices for the coals produced by the Prairie Creek Coal Company (Mine Index No. 540) and the New Blue Valley Coal Company, (Mine Index No. 562). Temporary price classifications and minimum prices were established for these mines by the Order of the Acting Director, dated December 16, 1941.

[1] As to the mines not severed, temporary and conditionally final minimum prices were established.

Pursuant to appropriate orders of the Acting Director and after due notice to interested persons, a hearing was held before Scott A. Dahlquist, a duly designated examiner of the Division, at a hearing room thereof, at Fort Smith, Arkansas. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The petitioner, District Board 14, and the intervenors, Prairie Creek Coal Company and New Blue Valley Coal Company appeared. Preparation and filing of a report by the examiner were waived, and the record was thereupon submitted to the undersigned.

At the hearing a witness for the District Board testified that after the petitions of intervention were filed in this case, the Board conducted an investigation to determine whether or not the prices proposed for these mines, as compared with prices previously established for coals of other mines, properly reflected the value of all coal produced within District No. 14. As a result of such investigation it was stated that the District Board was of the opinion that the prices of coals produced by certain mines comparable to those produced by Prairie Creek Coal Company and New Blue Valley Coal Company should be increased and that a petition to that effect would be filed by the District Board in the immediate future.

As a result of this decision by the District Board, both the New Blue Valley Coal Company and the Prairie Creek Coal Company expressed themselves as satisfied with the prices proposed for them by the District Board and withdrew their petitions of intervention in which they had requested the establishment of other prices for their coals.

In its original petition the District Board had, at the request of the Prairie Creek Coal Company, proposed that the Division establish Excelsior, Arkansas, and Midland, Arkansas, as loading points for coals of that producer. In his Order dated December 16, 1941, the Acting Director called attention to the fact that in order to load at Excelsior the coal from the Prairie Creek Coal Company would have to be moved through or around Midland, and since no reason for such an arrangement had been shown, the classifications and minimum price for such coals, for rail shipment, are applicable only to loadings at Midland, Arkansas. At the hearing the testimony showed that Midland is on the St. Louis-San Francisco Railway Co. and Excelsior is on the Midland Valley Railroad. Midland is also on the Midland Valley Railroad. It appears that the reason for requesting the loading point at Midland is in order to take advantage of a train load rate of $2.00 per ton on coal to St. Louis. It further appears that the loading point at Excelsior would be used by the producer on shipments to points other than St. Louis, for which the loading point at Excelsior might be more advantageous in reaching other markets. However, at the present time the producer appears to be shipping most of its coal into the St. Louis market. No objection was made by the Prairie Creek Coal Company either to the District Board or to the Division because of the failure to obtain the two loading points, and as a matter of fact, in its petition of intervention, producer definitely stated that its loading point was Midland, Arkansas.

In the case of the New Blue Valley Coal Company, the District Board in proposing prices requested the establishment of loading points at both Hartman and Coal Hill, Arkansas. In its Order of December 16, 1941, the Division pointed out that Coal Hill is not on any railroad and accordingly established a loading point for the New Blue Valley Coal Company at Hartman, Arkansas only. At the hearing, the witness for the District Board testied that the establishment of Hartman as a single loading point was correct and agreeable to the producer.

On June 9, 1942, the District Board filed its petition proposing increases in prices and changes in price classification for certain mines. No hearing on this petition has as yet been held, however, and it therefore devolves upon the undersigned to grant relief in the premises without regard to the fact that intervenors have withdrawn their petitions, inasmuch as said petitions were withdrawn upon the representation that such a petition would be filed by the District Board in sufficient time to be considered in disposing of this matter. It would appear inequitable to withhold relief until that petition can be disposed of by appropriate hearing. In the event the relief requested by this later petition is granted, appropriate adjustments in the prices of the mines here involved can, if necessary, then be made.

It appears from the record that the coals of the New Blue Valley Coal Company are comparable and compete with those not only of the Acme Coal Company (Mine Index No. 148), but also those of the Liberty Coal Company (Mine Index No. 66), and the Kelly Coal Company, (Mine Index No. 528). The Acme Coal Company, however, uses a different method of mining, known as the solid shot system, while the New Blue Valley Coal Company, the Liberty Coal Company and the Kelly Coal Company all machine mine their coal. It appears appropriate, therefore, to establish prices and classifications for the coals of the New Blue Valley Coal Company, which are in line with those of the mines using the same method of operation. The prices proposed by the District Board and temporarily established by the Order dated December 16, 1941, for the New Blue Valley Coal Company are similar to those of mines using the same method of operation and should be established permanently.

In the case of the Prairie Creek Coal Company, the intervenor states that the coals of its mine are more nearly comparable to those of the Bull Moose Coal Company (Mine Index No. 158), A. M. Hobbs Coal Company (Mine Index No. 205), Bonanza Smokeless Coal Company (Mine Index No. 547), and Vandermillion Coal Company (Mine Index No. 341).

While no analyses were filed to support this claim, there is some indication in the record to support the position that stained coal from this mine should be priced the same as Size Group 3 coal produced by these mines. However, the record indicates that the lower portion of the seam, which is approximately three feet in thickness, is of a very firm structure, and comparable to coals priced at $4.15 per ton. Further, the witness for the District Board stated that in its proposed petition it would request an increase for Mine Index Nos. 158, 205 and 517 in this size group from $3.55 to $3.70.[1] In its original petition the District Board requested that a permissible reduction of 15 cents on account of stained coal be granted the Prairie Creek Coal Company.

[1] The District Board has since filed its petition, Docket No. A-1495, proposing increases on approximately 100 mines, on which a hearing has been scheduled for August 10.

At the hearing the District Board withdrew this request. However, on May 27, 1942, the District Board filed a petition requesting the amendment of Price Exception No. 5 to read as follows:

> Prices listed herein for all code members in all production groups may be reduced a maximum of 15 cents per net ton for stained off-grade coal, in Size Groups 1 through 8, inclusive, and Size Group 18: *Provided*, That the District Board, with the approval of the Bituminous Coal Division, upon petition of the producer, or upon its own motion, determines that such coal is stained off-grade coal. All orders, acknowledgments, and invoices shall contain a complete description of such stained off-grade coal.

The Order granting temporary relief and conditionally providing for final relief was issued on July 10, 1942 in Docket No. A-1479.

It appears, therefore, that the prices proposed by the District Board and temporarily established by the Order dated December 16, 1941, for the Prairie Creek Coal Company are in line with prices and classifications of other mines in the district and should be established permanently.

I can find no evidence in the record which supports a need for dual loading points at this time on the part of the Prairie Creek Coal Company nor have they signified any objection to the Order of December 16, 1941, in which this request was denied. In the case of the New Blue Valley Coal Company, the request for dual loading points has in effect been withdrawn.

For the foregoing reasons and based upon the findings of fact set forth above, I conclude that the price classifications and minimum prices proposed by the District Board and temporarily established by the Order of the Division dated December 16, 1941, for the New Blue Valley Coal Company (Mine Index No. 562), and the Prairie Creek Coal Company (Mine Index No. 540), are proper and will effectuate the purposes of sections 4 II (a) and 4 II (b) of the Act and will comply with all the standards thereof.

Now, therefore, it is ordered, That § 334.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R and § 334.24 (*General prices for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.[1]

Dated: July 23, 1942.

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

[1] These prices, of course, are subject to the temporary increases established in Docket No. A-1360, effective May 13, 1942.

DISTRICT NO. 14 (RAIL)

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and supplements thereto.

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

[Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel]

Mine index No.	Code member	Mine name	Production group No.	Shipping point	Railroad	Freight origin group No.	Price classification by size group																			
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
562	New Blue Valley Coal Co., The (Marshall Whitecotton).	Blue Valley	2	Hartman, Ark.	MP	33				J	K	K	K							B	B	B		O		
540	Prairie Creek Coal Co. (Arthur L. Rains)	No. 1	5	Midland, Ark.	SL-SF&MV	18			C											B				O		

DISTRICT NO. 14 (TRUCK SHIPMENTS)

§ 334.24 *General prices for shipment into all market areas*—Supplement T

Mine index No.	Code member	Mine name	Product group No.	County	Prices and size group Nos.																			
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
562	New Blue Valley Coal Co., The (Marshall Whitecotton).	Blue Valley	2	Johnson, Arkansas				405		405	405	405						135	115	105		315		
540	Prairie Creek Coal Co. (Arthur L. Rains)	No. 1	5	Sebastian, Arkansas			385											135				315		

NOTE: The above classifications and prices are subject to the order granting Temporary Relief in Docket No. A-1360, 7 F.R. 3130.

[F. R. Doc. 42-7368; Filed, July 30, 1942; 11:12 a. m.]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

[Docket No. A-1324]

ORDER MAKING RELIEF PERMANENT

Findings of fact, conclusions of law, memorandum opinion, and order in the matter of the petition of Bituminous Coal Producers Board for District No. 3 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 3.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division (the "Division") on February 17, 1942, by District Board 3, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 (the "Act"), requesting the establishment for all shipments except truck of the price classification "F" for a mixture of the coals of the Emily Mine (Mine Index No. 54) and the Emily #2 Mine (Mine Index No. 1241) of the Monongahela Rail and River Coal Corporation ("Monongahela").

On March 7, 1942, 7 F.R. 2147, the Acting Director issued an order consolidating the above-entitled matter with Docket No. A-1327 and granting temporary and conditionally final relief by appending to the District No. 3 schedule for all shipments except truck a note reading:

If coals from Mine Index 54 and 1241 are loaded into the same car, the minimum price that shall apply to the mixture shall be the price which is listed for the coal in the mixture which has the highest price classification. (Classification "F" in Size Groups 1 to 10, inclusive).

On April 21, 1942, the Bituminous Coal Consumers' Counsel ("Consumers' Counsel") filed an answer[1] opposing the temporary and conditionally final relief on the ground that the price classifications and minimum prices temporarily established for such mixture were predicated solely upon the allegation that the producer asked for the establishment for the mixture of the same classification as that of the coal in the mixture having the highest price classification, and on the further grounds that such price classifications and minimum prices for the mixture do not give due consideration to the interests of the consuming public and do not reflect the quality and the relative market value of the coal. The answer prayed for the termination of the temporary and conditionally final relief or its modification so that the applicable minimum prices be determined in accordance with the proportions of the different coals going into the mixture, for a severance of this Docket from Docket No. A-1327, and for a public hearing to be held.

By Order dated May 23, 1942, 7 F.R. 3947, Docket No. A-1324 was severed from Docket No. A-1327, and the temporary relief granted in the Order of March 7, 1942, as to Mine Index Nos. 54 and 1241 was continued in effect until otherwise ordered.

Pursuant to order of the Acting Director, a hearing in this matter was held on June 25, 1942, before Examiner Charles S. Mitchell, at a hearing room of the Division in Washington, D. C. All interested persons were afforded an opportunity to be present and participate fully in the hearing. Petitioner and Consumers' Counsel appeared. Daniel P. Buckley, Chairman of District Board 3, was the only witness.

The openings of Mine Index Nos. 54 and 1241 are approximately 400 yards apart. Both mines are in Freight Origin Group No. 52 and have Maidsville, West Virginia, as their shipping point over the Monongahela Railway. Both mines are served by the same tipple, which is located closer to Mine Index No. 54. On trips to the tipple over a tramroad, cars from both mines are run at the same time, the tonnage from each mine being too small to justify the coals of Mine Index No. 54 and of Mine Index No. 1241 being picked up separately. To construct a separate tipple for each mine would be impractical, not only because of the small tonnage involved, but also because Mine Index No. 1241 produces coal from the Redstone Seam, which is 30 feet higher than the Pittsburgh Seam from which Mine Index No. 54 produces. It was testified that if a tipple were to be erected at Mine Index No. 1241 it would be necessary to float the cars down as the mine is on the side of a hill; this is said to be impractical. The petition averred that it would be difficult to operate the tipple without in some degree mixing the coals from the two mines prepared there. The uncontroverted evidence was to the effect that it would be impossible to prepare the coals of the two mines from the same tipple without mixing them, and that Mine Index No. 1241 would be forced to shut down if the privilege of mixing were denied.

The coals of Mine Index No. 54 are classified "F" and those of Mine Index No. 1241 are classified "J" (15 cents less per ton) in Size Groups 1 to 10, inclusive, which are the only Size Groups in which these coals are classified. The coals of both mines are priced identically for truck shipments, except that those of Mine Index No. 54 are priced 10 cents higher in Size Group No. 5 (run of mine).

The coals of these two mines are sold in normal times principally for railroad locomotive fuel use, but substantial amounts are also sold for cement burning purposes. Under present conditions some sales are made to war industries, but few sales are ever made for domestic use.

The coals produced at Mine Index Nos. 54 and 1241 are similar in character to those of the majority of the Pittsburgh Seam (except the low-sulphur coals) and the Redstone Seam coals, respectively.

The physical characteristics of the coals of these two mines are about the same except that Mine Index No. 1241 coals have a slight stain, giving them a reddish color in the domestic sizes and in mine run, which is not noticeable in the screenings. This discoloration in the mine run is not objectionable when the coal is used for railroad locomotive fuel. The analyses of the coals of the two mines indicate that the mixture of the coals of the two mines contains less ash than the coals of Mine Index No. 1241 and that the ash fusion temperature is decreased below that of those coals. The sulphur content of the mixture is lower than that of Mine Index No. 54, and, it was testified, would be preferable to some customers. The average percentage run over the tipple is 75 percent of Mine Index No. 54 coals and 25 percent of Mine Index No. 1241 coals. Evidence was presented that, if the ratio of coals from these two mines in the mixture were changed to 50 percent each, giving the lower price of Mine Index No. 1241 coals to the mixture would result in an advantage to Monongahela over its competitors, especially in a normal market. No opposition to the requested relief was raised by operators in District No. 3 or other districts.

Accordingly, I find that a mixture of coals produced at Mine Index Nos. 54 and 1241 is proper, in view of the method of preparation of the coals at the same tipple. I further find that such mixture should take the minimum price of the higher-priced coal in the mixture, in view of the physical and analytical characteristics of the coals, their markets, and their uses, and in order to maintain the proper coordination of the prices of these mixed coals and the prices of competing coals, and to effectuate the purposes of sections 4 II (a) and 4 II (b) of the Act and to comply in all respects with the standards thereof.

Now, therefore, it is ordered, That the temporary relief continued in effect by the Order of May 23, 1942, severing this Docket from Docket No. A-1327, be and it hereby is made permanent, so that § 323.6 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 3 for All Shipments Except Truck be and it hereby is supplemented by including therein a note reading as follows:

If coals from Mine Index Nos. 54 and 1241 are loaded into the same car, the minimum price that shall apply to the mixture shall be the price which is listed for the coal in the mixture which has the highest price classification. (Classification "F" in Size Groups 1 to 10, inclusive.)

Dated: July 30, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-7422; Filed, July 31, 1942; 11:52 a. m.]

[1] On June 19, 1942, the Consumers' Counsel had filed a notice of appearance.

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 45]

SHENANDOAH NATIONAL PARK PROJECT

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby

designate the Shenandoah National Park Project to be work of national importance, to be known as Civilian Public Service Camp No. 45. Said camp, located near Luray, Page County, Virginia, will be the base of operations for park and forestry work in the Shenandoah National Park, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to Civilian Public Service Camp No. 45 will consist of construction, improvement and maintenance of park and recreational facilities, including roads, trails, utilities and park structures, the restoration, conservation and protection of natural resources by reforestation, erosion control, fire suppression and presuppression, grading, sloping banks, planting, seeding, sodding, and completing the construction of an underground telephone system, and shall be under the technical direction of the National Park Service of the Department of the Interior insofar as concerns the planning and direction of the work program. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

JULY 27, 1942.

[F. R. Doc. 42-7387; Filed, July 30, 1942; 2:40 p. m.]

[No. 46]

BIG FLATS PROJECT

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Big Flats Project to be work of national importance, to be known as Civilian Public Service Camp No. 46. Said camp, located at Big Flats, Chemung County, New York, will be the base of operations for soil conservation work in the State of New York, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to Civilian Public Service Camp No. 46 will consist of the provision of labor for a nursery, the provision of planting material for erosion control and reclamation of idle land for Federal and State agencies and Soil Conservation Districts, the maintenance of a fire fighting unit for the protection of a forest area, and shall be under the technical direction of the Soil Conservation Service of the Department of Agriculture insofar as concerns the planning and direction of the work program. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

JULY 27, 1942.

[F. R. Doc. 42-7388; Filed, July 30, 1942; 2:40 p. m.]

[No. 98]

ORDER TO REPORT FOR INDUCTION

ORDER PRESCRIBING FORM

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 § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 150, entitled "Order to Report for Induction," effective immediately upon the filing hereof with the Division of the Federal Register.[1] The existing DSS Forms 150 now on hand and other forms corrected by overprinting will be used until exhausted.

The foregoing revision shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JULY 1, 1942.

[F. R. Doc. 42-7389; Filed, July 30, 1942; 2:40 p. m.]

[No. 99]

DELIVERY LIST

ORDER PRESCRIBING FORM

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 § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 151 "Delivery List," effective immediately upon the filing hereof with the Division of the Federal Register.[1] The supply of original DSS Form 151 on hand will be used until exhausted.

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

LEWIS B. HERSHEY,
Director.

APRIL 13, 1942.

[F. R. Doc. 42-7420; Filed, July 31, 1942; 11:41 a. m.]

[No. 100]

ORDER FOR TRANSFERRED MAN TO REPORT FOR INDUCTION

ORDER PRESCRIBING FORM

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 § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 156, entitled "Order for Transferred Man to Report for Induction," effective immediately upon the filing hereof with the Division of the Federal Register.[1] The existing DSS Forms 156 now on hand and other forms corrected by overprinting will be used until exhausted.

The foregoing revision shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JULY 1, 1942.

[F. R. Doc. 42-7421; Filed, July 31, 1942; 11:41 a. m.]

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment XVII]

PART 802—GENERAL LICENSES

PERSONAL BAGGAGE

Section 802.11 *Personal baggage*[2] is hereby amended to read as follows:

§ 802.11 *Personal baggage.* (a) General licenses are hereby issued, subject to the restrictions contained in paragraphs (c) and (d) hereof, permitting exportation to all destinations of the following classes of articles when shipped in a passenger's baggage solely for his own or his immediate family's use and for non-commercial purposes:

[1] Filed as part of the original document.

[2] 7 F.R. 5006.

(1) Household articles, including furniture, refrigerators, radios, decorations and other household furnishings.

(2) Personal effects, including clothing, books, toilet articles, souvenirs, articles of personal adornment and similar articles.

(3) Professional instruments and tools of trade, including typewriters, which have been used by the passenger in his occupation, profession or employment.

(4) Passenger automobiles when the personal property of persons departing from this country and not being exported for purposes of re-sale. The passenger must file with the Collector of Customs an affidavit certifying that the exportation is not for re-sale.

(b) General licenses are hereby issued, subject to the restrictions contained in paragraphs (c) and (d) hereof, permitting exportation to all destinations of personal effects, including clothing, books, toilet articles, souvenirs, articles of personal adornment, and similar articles, when shipped in the baggage of a member of a crew of a vessel solely for his own or his immediate family's use and for non-commercial purposes.

(c) Passengers or crew members of vessels operating under the control of countries other than those designated by numbers 1 through 81, 88, 89, 90, 91, 96 and 99 in § 802.2 (a) may not export radios, radio parts or food stuffs under these general licenses.

(d) Photographic film may be exported under general license only in accordance with the provisions of § 802.12. (Sec. 6, 54 Stat. 714, Public Law 75, 77th Cong., Public Law 638 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951.)

Dated: July 24, 1942.

F. R. KERR,
Colonel, Infantry,
Chief, Export Control Branch,
Office of Exports.

[F. R. Doc. 42-7412; Filed, July 31, 1942; 11:03 a. m.]

[Amendment XVIII]

PART 804—INDIVIDUAL LICENSES

CERTIFICATES OF NECESSITY

Section 804.8 *Certificates of necessity*[1] is hereby amended by adding the following new paragraph:

(e) When a shipment of allocated materials has been lost at sea, the exporter may submit a new application covering such materials, in accordance with the following procedure:

(1) A complete new application must be filed, together with a reference to the number of the license under which the original shipment was made, and a certification that the application is filed to replace allocated materials lost at sea.

(2) The requirements of paragraph (b) of this section are not applicable to such an application. (Sec. 6, 54 Stat. 714, Pub. Law 75, 77th Cong., Pub. Law 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951)

[1] 7 F.R. 5012, 5519.

Dated: July 27, 1942.

F. R. KERR,
Colonel, Infantry,
Chief, Export Control Branch,
Office of Exports.

[F. R. Doc. 42-7413; Filed, July 31, 1942; 11:03 a. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S-69]

NORTHUMBERLAND CORPORATION OF NEW YORK

Northumberland Corporation of New York, New York, is a former silk converter. It owns the Wyoming Textile Company, Wilkes-Barre, Pennsylvania, a former silk weaver. After restrictions were placed on the use of silk, the Northumberland Corporation applied for and received allocations of reserved rayon yarn pursuant to the provisions of Supplementary Order M-37-a.[1] The company knew that Supplementary Order M-37-a prohibited the unauthorized delivery of reserved rayon yarn. Nevertheless, during the months of January, February, and March, 1942, the company, without authorization delivered to various companies for commission knitting reserved rayon yarn which had been allocated to it for weaving by Wyoming Textile Company. During April, 1942, the company violated Supplementary Order M-37-c[2] by making similar deliveries of reserved rayon yarn without authorization. Deliveries in violation of Supplementary Orders M-37-a and M-37-c amounted to a total of 23,523 pounds.

These violations of Supplementary Orders M-37-a and M-37-c, dealing with the supply and distribution of rayon yarn, have impeded and hampered the war effort of the United States by diverting reserved rayon yarn to uses unauthorized by the War Production Board. In view of the foregoing,

It is hereby ordered:

§ 1010.69 *Suspension Order No. 69.* (a) Deliveries of material to Northumberland Corporation, or Wyoming Textile Company, its wholly owned subsidiary, their successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries by means of Preference Rating Certificates, Preference Rating Orders, General Preference Orders or any other orders or regulations of the Director-General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to Northumberland Corporation, or Wyoming Textile Company, its wholly owned subsidiary, their successors and assigns, of any material the supply or distribution of which is governed by any order of the Director General for Operations, except as specifically authorized by the Director General for Operations.

[1] 6 F.R. 4945, 5730, 6358; 7 F.R. 1023.
[2] 7 F.R. 1719, 3660.

(c) Northumberland Corporation, or Wyoming Textile Company, its wholly owned subsidiary, their successors and assigns, shall not order or accept the delivery of reserved rayon yarn, as the same is defined in Supplementary Order M-37-c, except as specifically authorized by the Director General for Operations.

(d) Nothing contained in this Order shall be deemed to relieve Northumberland Corporation, or Wyoming Textile Company, its wholly owned subsidiary, their successors and assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations, or the Director General for Operations, except insofar as the same may be inconsistent with the provisions hereof.

(e) This Order shall take effect on August 1, 1942, and shall expire on November 1, 1942, at which time the restrictions contained in this Order shall be of no further effect. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of July 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-7391; Filed, July 30, 1942; 2:53 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-70]

ALUMINUM PRODUCTS COMPANY

Aluminum Products Company, LaGrange, Illinois, is a manufacturer of aluminum kitchen utensils and various aluminum specialties. In connection with such manufacture, the company maintains a rolling mill and fabricating division. During the period of June 1 to December 31, 1941, the company, in wilful disregard of General Preference Order M-1[1] and Supplementary Order M-1-a[2] delivered aluminum to its fabricating division for use in the manufacture of aluminum utensils and various specialties, despite the fact that no authorization therefor had been obtained from the Director of Industry Operations. From June 1, 1941, through April 9, 1942, the company manufactured such articles, having a total value in excess of $265,000. During October 1941, the company delivered aluminum and manufactured therefrom milking machine pails of a total value of approximately $26,000 despite the fact that it had requested authorization for such delivery and manufacture and authorization had been

[1] 6 F.R. 1598, 2521; 7 F.R. 27, 655.
[2] 6 F.R. 1599, 2521; 7 F.R. 27, 655.

specifically denied. Furthermore, in using aluminum in the manufacture of such articles as pots and vacuum cleaners after January 23, 1942, the company wilfully violated Supplementary Order M-1-e[3] which prohibits the use of aluminum in the manufacture of all but certain specified essential items.

These violations of General Preference Order M-1 and Supplementary Orders M-1-a and M-1-e have impeded and hampered the war effort of the United States by diverting aluminum to uses unauthorized by the War Production Board. In view of the foregoing,

It is hereby ordered:

§ 1010.70 *Suspension Order No. 70.* (a) Aluminum Products Company, its successors and assigns, shall accept no deliveries from any source of primary aluminum, secondary aluminum, aluminum scrap, or alloys of which aluminum constitutes the major part for a period of six months from the effective date of this Order, except as specifically authorized by the Director General for Operations.

(b) Aluminum Products Company, its sucessors and assigns, shall not process, fabricate, assemble or in any way use any primary aluminum, secondary aluminum, aluminum scrap, or alloys of which aluminum constitutes the major part for a period of six months from the effective date of this Order, except as specifically authorized by the Director General for Operations.

(c) Aluminum Products Company, its successors and assigns, shall not transfer or deliver any articles, heretofore produced by it which contain aluminum, except as specifically authorized by the Director General for Operations: *Provided, however,* That it may deliver or transfer any such articles for the purpose of storing the same for its own account.

(d) Nothing contained in this Order shall be deemed to relieve Aluminum Products Company, its successors and assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Direction of Industry Operations, or the Director General for Operations, except insofar as the same may be inconsistent herewith.

(e) This Order shall take effect on August 1, 1942, and shall remain in effect until revoked. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of July 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-7390; Filed, July 30, 1942; 2:53 p. m.]

[3] 7 F.R. 539.

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

[Supplementary Order M-15-f]

ORDER RESTRICTING THE USE OF RUBBER CEMENTS AND ADHESIVES

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

§ 940.8 *Supplementary Order M-15-f*—(a) *Definitions.* For the purposes of this order:

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

(2) "Rubber cement" means any type of cement, adhesive or coating made in whole or in part of crude rubber, latex, reclaimed rubber or scrap rubber.

(b) *Restriction on the use of rubber cement.* Except as otherwise permitted by general or special authorization of the Director General for Operations, no person who for compensation or profit engages in manufacturing, repairing, combining, laminating, coating, impregnating or otherwise treating any luggage, handbags, belts for wearing apparel, pocketbooks, wallets, key rings or cases, hats or other millinery, cosmetic appliances, cosmetic bags, tobacco pouches, furs or embroidered or other materials for emblems, pennants, chevrons, appliques or other similar decorative material, or in laminating, combining or treating any fabrics or materials, or in manufacturing shoes, shall use any rubber cement in manufacturing, repairing, combining, laminating, coating, impregnating or treating any such products or materials; except that rubber cement may be used (i) in the following operations only in the manufacture or repair of shoes: Cutting and fitting room operations, bed and side lasting, folding, gem duck, heel breasting, insole rib and lip, moccasin seam, prewelt, platform attaching (but only if no equipment for the use of another method is available), rand, soft box toe, sole attaching, semi-automatic toe lasting (but only if no equipment for the use of another method is available), unishank, leather welting, channelling McKay shoes and Littleway sewed shoes (but no others), and shoe repair, and (ii) in the manufacture, application or repair of any products for the manufacture of which crude rubber, latex, reclaimed rubber or scrap rubber may be consumed under the provisions of § 940.3 (Supplementary Order No. M-15-b),[1] as amended from time to time.

[1] 6 F.R. 6406, 6644, 6792; 7 F.R. 511, 1106, 1634, 2229, 2459, 2782, 3080, 4614, 5747, 5748.

(c) *Restriction on the purchase and sale of rubber cement.* No person shall purchase rubber cement for the purpose of using such rubber cement for any of the purposes for which rubber cement may not be used under the provisions of paragraph (b) hereof; nor shall any person sell, trade, transfer or deliver, or offer to sell, trade, transfer or deliver, any rubber cement to any other person if he knows or has reason to believe such other person intends or proposes to use such rubber cement for any of the purposes prohibited by paragraph (b) hereof.

(d) *Exceptions as to supplies on hand.* Notwithstanding the restrictions imposed by paragraph (b) of this order, any person who on the date of issuance of this order had in his possession any rubber cement which he purchased or was holding for his own use for any of the purposes prohibited by paragraph (b) may use in operations prohibited by paragraph (b) hereof an amount of rubber cement not exceeding five gallons.

(e) *Miscellaneous provisions*—(1) *Applicability of Priorities Regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(2) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, purchases, production and sales of rubber cement and the uses to which such persons put rubber cement now owned or hereafter acquired by them.

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

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

(5) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(6) *Appeals.* Any person affected by this order who considers that compliance with this order would work an exceptional and unreasonable hardship upon him or that it would result in a problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work,

may apply for relief to the War Production Board, setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(7) *Communications.* All communications concerning this order shall be addressed to: Rubber and Rubber Products Branch, War Production Board, Washington, D. C., Ref.: Supplementary Order M-15-f. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a) Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 31st day of July 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-7417; Filed, July 31, 1942; 11:06 a. m.]

PART 1052—KITCHEN, HOUSEHOLD AND OTHER MISCELLANEOUS ARTICLES

[Amendment 5 to Limitation Order L-30]

Paragraph (b) of § 1052.1 (General Limitation Order L-30 [1]) is hereby amended by adding at the end thereof a new paragraph (b) (9) as follows:

(9) During the period from August 1 to August 15, 1942, inclusive, no manufacturer shall use:

(i) More iron and steel in his total production of:

(a) Group I Products than one-half of 90% of his average monthly use of scarce materials in the production of such products in the base period, or

(b) Group II Products than one-half of 70% of his average monthly use of scarce materials in the production of such products in the base period.

except that a manufacturer may use in the production of Group I Products any part of his quota of iron and steel for Group II Products, provided that he reduces his quota of iron and steel for Group II Products by an equivalent amount; or

(ii) more zinc in his total production of Group II Products than one-half of 50% of his average monthly use of zinc in the production of such products during the base period. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 31st day of July 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-7414; Filed, July 31, 1942; 11:06 a. m.]

[1] 7 F.R. 2463, 2785, 3473, 4450, 5045.

PART 1123—SHELLAC

[Conservation Order M-106 as amended July 31, 1942]

Section 1123.1 *Conservation Order M-106* is hereby amended to read as follows:

§ 1123.1 *Conservation Order M-106* [1]—(a) *Definition.* For the purpose of this order, "shellac" means lac of all grades produced from the secretions of tachardia lacca, but not including lac which has been bleached, cut or incorporated in protective or technical coatings, or seedlac in any state.

(b) *Restriction on use, processing and delivery of shellac.* No person shall use, process, deliver or accept delivery of shellac except as specifically authorized by the Director General for Operations upon application pursuant to paragraph (c) hereof: *Provided, however,* That such authorization shall not be required with respect to:

(1) The use or processing for testing purposes by any person in any one calendar month of 20 lbs. or less of shellac; or the delivery of samples of shellac of not more than 20 lbs. each by any person to any other person and the use of such samples of shellac by the deliveree for testing purposes, provided that no person during any one calendar month shall accept delivery of more than 20 lbs. of shellac for testing purposes, or deliver more than 50 lbs. of shellac for testing purposes.

(2) Delivery of shellac by, or the use or processing of shellac by, the United States Army, Navy, Coast Guard, Maritime Commission or War Shipping Administration.

(3) Delivery of shellac by any person to Defense Supplies Corporation, Commodity Credit Corporation, or any other Government agency which may from time to time be specified by the Director General for Operations.

(4) The importation of shellac into the United States or its territorial possessions, the acceptance of delivery of such shellac by the consignee thereof and the delivery by such consignee to any person who purchased or contracted to purchase such shellac prior to its importation: *Provided,* That nothing contained in this paragraph (b) (4) shall limit the requirements of General Imports Order M-63,[2] as now or hereafter amended.

(5) Delivery to an established shellac dealer or importer by any person of shellac held by such person on July 31, 1942, where the aggregate amount of shellac held by such person on such date is less than ten thousand (10,000) lbs.

(6) The use or processing of shellac by any person during July and August, 1942 in the manufacture of the following products, or the delivery to and the acceptance of delivery by any person of shellac required by such person for the manufacture during July and August, 1942 of the following products:

(i) Electrical equipment, where shellac is required for its dielectric properties.

(ii) Coatings for munitions, where such coating is necessary for military effectiveness.

(iii) Military explosives and pyrotechnics.

(iv) Navigational, aeronautical and scientific instruments.

(v) Communication instruments.

(vi) Cement for juncture of glass with base stock of electric light or radio bulbs or tubes.

(vii) Grinding wheels, emery cloth or emery paper.

(viii) Coatings for wood patterns for metal castings.

(ix) Health supplies as defined by General Preference Order No. P-29, as amended September 30, 1941.

(x) Pharmaceutical and medicinal supplies and dental plates, where such products require shellac as a coating or as an ingredient.

(xi) Matrices for grinding and polishing optical glass.

(xii) Tanning agents for leather where such leather is tanned pursuant to a specific contract or sub-contract for the United States Army, Navy, Coast Guard, Maritime Commission or War Shipping Administration, or for any country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(xiii) Marine paint.

(c) *Application for authorization.* (1) Application for authorization with respect to the use, processing or delivery of shellac shall be filed with the War Production Board, Chemicals Branch, Washington, D. C., Ref.: M-106, on Form PD-617 in the manner prescribed therein. Such application shall be made by the person seeking to use, process or accept delivery of shellac, except in the case of a person seeking to have shellac processed by his supplier before delivery to him, in which case such person rather than his supplier shall file application on Form PD-617.

(2) Each person accepting delivery of shellac as defined in paragraph (a) hereof or of bleached or cut shellac, pursuant to authorization upon application as provided in paragraph (c) (1) hereof, shall use or process such shellac in accordance with his representations in his application for authorization.

(d) *Reports.* In addition to such other reports as may from time to time be required by the Director General for Operations:

(1) Each person who shall accept delivery of shellac pursuant to paragraph (b) (5) or (6) hereof, shall, within twenty-four hours after such delivery, report by letter addressed to the War Production Board, Chemicals Branch, Washington, D. C., Ref.: M-106, the amount and grade of shellac delivered,

[1] 7 F.R. 2817.

[2] 7 F.R. 4199, 4404, 4878, 5638.

and the names of the persons making and accepting such delivery;

(2) Within forty-five days after the calendar quarter ending June 30, 1942, and within twenty days after the end of each calendar quarter thereafter, each person having on the last day of any such calendar quarter five thousand (5,000) lbs. or more of shellac and seedlac shall report the amount of each grade of such shellac and seedlac and its location by letter addressed to the War Production Board, Chemicals Branch, Washington, D. C., Ref.: M-106.

(e) *Notification of customers.* Shellac importers, processors and dealers shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but the failure to receive such notice shall not excuse any such person from complying with the terms hereof.

(f) *Records.* Each person who on and after April 14, 1942, shall use or participate in any transaction with respect to shellac as defined in paragraph (a) hereof, or who shall purchase or accept delivery of bleached or cut shellac from the bleacher or cutter thereof, shall keep and preserve for a period of not less than two years accurate and complete records of all such transactions and of his use and inventory of shellac as defined in paragraph (a) hereof.

(g) *Revocation of special authorizations.* All special authorizations granted prior to June 24, 1942, on appeals from this order are hereby revoked, and all those authorizations granted on and after June 24, 1942, are continued in effect until further notice.

(h) *Miscellaneous provisions*—(1) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of shellac shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment.

In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C., Ref.: M-106. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F. R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 31st day of July 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-7418; Filed, July 31, 1942; 11:07 a. m.]

PART 1171—ELEVATORS

[Amendment 1 to General Conservation Order L-89]

Paragraph (a) (2) of § 1171.1 *General Conservation Order L-89* [1] is amended to read as follows:

(2) "Elevator" means a hoisting and lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction (except hydraulic, electro-hydraulic and hand elevators, or elevators to be used aboard ship). (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 31st day of July 1942.

AMORY HOUGHTON,
Director General for Operations

[F. R. Doc. 42-7415; Filed, July 31, 1942; 11:06 a. m.]

PART 1278—DOMESTIC WATTHOUR METERS

[General Limitation Order L-151]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain materials, used in the production of domestic watthour meters, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 1278.1 *General Limitation Order L-151*—(a) *Definitions.* For the purpose of this order:

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

(2) "Domestic watthour meter" means any device designed and manufactured for the purpose of measuring the consumption of electrical power with respect to time, and includes single phase, two and three wire types, with capacities up to 25 amperes and voltages up to 240 volts, for use on alternating current of any frequency. The term does not include electric power meters for use on direct current or on polyphase circuits, maximum demand meters, or integrating meters, calibrated in terms other than electric power (i. e. meters integrating weight, pressure, etc.)

[1] 7 F.R. 5272.

(3) "Manufacture" means the production, fabrication or assembly of any domestic watthour meters.

(b) *Prohibition of production.* On and after September 26, 1942, regardless of the terms of any order, contract of sale, or purchase, or other commitment, or of any preference rating certificate, or blanket preference rating order, no person shall manufacture any domestic watthour meters or accept delivery of any raw material, semi-fabricated or fabricated parts for incorporation into any domestic watthour meters.

(c) *Restrictions on production until the date of prohibition.* During the period beginning on the date of issuance of this order and ending September 25, 1942, no person shall manufacture a number of domestic watthour meters in excess of 2½ percent of the aggregate number of domestic watthour meters manufactured by such person during the calendar year 1941.

(d) *Restrictions on delivery.* (1) Regardless of the terms of any order, contract of sale or purchase, or other commitment, or of any preference rating certificate, or blanket preference rating order, no person shall deliver, and no person shall accept delivery of any domestic watthour meters except:

(i) Pursuant to an order for domestic watthour meters by and for the use of the Army, Navy, Maritime Commission, or War Shipping Administration;

(ii) Pursuant to an order bearing a preference rating assigned by Preference Rating Order P-46, as amended;

(iii) Pursuant to an order accompanied by a specific authorization of the Director General for Operations as provided in paragraph (d) (2);

Provided, however, That the provisions of this paragraph (d) (1) shall not apply to domestic watthour meters in the hands of a common or contract carrier, on the date of issuance of this order, for delivery to a purchaser.

(2) Application for the authorization of the Director General for Operations required by the provisions of paragraph (d) (1) (iii) above may be made by the purchaser by furnishing to the War Production Board a statement supplying in detail the following information:

(i) The names of the purchaser and seller,

(ii) The purchaser's inventory of domestic watthour meters

(iii) The number of units for which authorization is requested,

(iv) The purpose for which the meters are to be used by the purchaser and their relation to military needs, war production, public health and safety.

Authorization will, if advisable, be granted on Form PD-423, which form shall be retained by the manufacturer.

(e) *Parts for repairs and maintenance.* The provisions of this order restricting or prohibiting the manufacture, delivery or acquisition of domestic watthour meters shall not apply to the manufacture, delivery or acquisition of parts for repair or maintenance of domestic watthour meters: *Provided, however,* That no per-

son shall manufacture repair or maintenance parts to the extent that such production will result in such person acquiring an inventory of such parts in excess of his average monthly inventory thereof during the calendar year of 1941.

(f) *Miscellaneous provisions*—(1) *Records and reports.* All persons affected by this order shall keep and preserve for not less than two years, accurate and complete records concerning inventories, production and sales. All persons affected by this order shall execute and file with the War Production Board, such reports and questionnaires as the War Production Board shall from time to time require. Not later than 15 days after the date of issuance of this order, and thereafter on the tenth day of each succeeding calendar month, each manufacturer shall file a report, in quadruplicate, in letter form showing:

(i) His inventory of domestic watthour meters on hand as of the first day of the calendar month in which such report is filed;

(ii) His deliveries of domestic watthour meters during the preceding month; and

(iii) His unfilled orders, scheduled for delivery during the current and succeeding months;

Provided, however, That no such report need be made of deliveries of or unfilled orders for maintenance and repair parts.

(2) *Violations.* Any person who wilfully violates any provisions of this order, or who wilfully furnishes false information to the Director General for Operations in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the Director General for Operations.

(3) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the Director General for Operations, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(4) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board Washington, D. C. Ref.: L-151. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 31st day of July 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-7416; Filed, July 31, 1942; 11:06 a. m.]

Chapter XI—Office of Price Administration

PART 1340—FUEL

[Amendment 7 to Maximum Price Regulation 137 [1]]

PETROLEUM PRODUCTS SOLD AT RETAIL

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

In § 1340.88 the headnote and (a) are amended and a new section, § 1340.88a is added as set forth below:

§ 1340.88 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 137 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damage provided for by the Emergency Price Control Act of 1942.

* * * * *

§ 1340.88a *Licensing; applicability of the registration and licensing provisions of the General Maximum Price Regulation.*[2] The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this Maximum Price Regulation selling at wholesale or retail any petroleum product covered by this Maximum Price Regulation. When used in this section the terms "selling at wholesale" and "selling at retail" have the definitions given to them by §§ 1499.20 (p) and 1499.20 (o) respectively of the General Maximum Price Regulation. Said registration and licensing provisions became effective as to persons selling at wholesale on May 11, 1942, and as to persons selling at retail on May 18, 1942.

§ 1340.93a *Effective dates of amendments.* * * *

(g) Amendment No. 7 (§§ 1340.88 (a) and 1340.88a) to Maximum Price Regulation No. 137 shall become effective July 31, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7398; Filed, July 30, 1942; 3:38 p. m.]

PART 1340—FUEL

[Amendment 3 to Maximum Price Regulation 121 [3]]

MISCELLANEOUS SOLID FUELS DELIVERED FROM PRODUCING FACILITIES

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

A new section, § 1340.247a, is added to read as set forth below:

§ 1340.247a *Petitions for adjustment.* (a) The Office of Price Administration, or any duly authorized officer thereof, may by order adjust the maximum prices established under this Maximum Price Regulation No. 121 for any seller of miscellaneous solid fuels in any case in which such seller shows:

(1) That such maximum price causes him substantial hardship and is abnormally low in relation to the maximum prices established for competitive sellers of miscellaneous solid fuels; and

(2) That establishing for him a maximum price, bearing a normal relationship to the maximum prices established for competitive sellers of miscellaneous solid fuels, will not cause or threaten to cause an increase in the level of retail prices of miscellaneous solid fuels.

Petitions for adjustment under this paragraph (a) shall be filed in accordance with Procedural Regulation No. 1.[3]

(b) Any person seeking relief, for which no provision is made in the foregoing paragraph (a) of this section, from a maximum price established by this Maximum Price Regulation No. 121, may present the special circumstances of his case, in a petition for an order of adjustment. Such petition shall be filed in accordance with Procedural Regulation No. 1 and shall set forth facts relating to the hardship to which such maximum price subjects the applicant together with a statement of the reasons why he believes that the granting of relief in his case and in all like cases will not defeat or impair the policy of the Emergency Price Control Act and of Maximum Price Regulation No. 121 to eliminate the danger of inflation.

§ 1340.250a *Effective dates of amendments.* * * *

(c) Amendment No. 3, (§ 1340.247a) to Maximum Price Regulation No. 121 shall become effective July 31, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7397; Filed, July 30, 1942; 3:36 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Amendment 1 to Maximum Rent Regulation 33 [1]]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES IN THE PETERSBURG DEFENSE-RENTAL AREA

The title, preamble and § 1388.2051 (a) of Maximum Rent Regulation No. 33 are hereby amended to read as follows:

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3165, 3749, 4273, 4653, 4780, 4853.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027.

[3] 7 F.R. 3237, 3989, 4483.

[1] 7 F.R. 5751.

[2] 7 F. R. 971, 3663.

Maximum Rent Regulation No. 33 for housing accommodations other than hotels and rooming houses in the Petersburg Defense-Rental Area.

In the judgment of the Administrator, rents for housing accommodations within the Petersburg Defense-Rental Area, as designated in the Designation and Rent Declaration issued by the Administrator on April 28, 1942, as amended on May 30, 1942, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said Designation and Rent Declaration.

The Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within the Petersburg Defense-Rental Area on or about April 1, 1941. It is his judgment that defense activities had not resulted in increases in rents for such housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 prior to April 1, 1941, but did result in such increases commencing on or about that date. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation for housing accommodations within the Petersburg Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation is hereby issued.

§ 1388.2051 *Scope of regulation.* (a) This Maximum Rent Regulation No. 33 applies to all housing accommodations within the Petersburg Defense-Rental Area, as designated in the Designation and Rent Declaration (§§ 1388.1101 to 1388.1105,[2] inclusive) issued by the Administrator on April 28, 1942, as amended on May 30, 1942 (consisting of the Independent Cities of Hopewell and Petersburg, the Counties of Dinwiddie and Prince George, and in the County of Chesterfield the Magisterial District of Matoaca, in the State of Virginia), except as provided in paragraph (b) of this section.

* * * * *

§ 1388.2064a *Effective dates of amendments.* (a) Amendment No. 1 (§ 1388.2051 (a)) to Maximum Rent Regulation No. 33 shall become effective August 1, 1942. (Pub. Law 421, 77th Cong.)

Issued this 30th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7399; Filed, July 30, 1942; 3:37 p. m.]

[2] 7 F.R. 3193, 4179.

PART 1388—DEFENSE-RENTAL AREAS

HOTELS AND ROOMING HOUSES IN THE PETERSBURG DEFENSE-RENTAL AREA

[Amendment 1 to Maximum Rent Regulation 34A[1]]

The title, preamble and § 1388.3001 (a) of Maximum Rent Regulation No. 34A are hereby amended to read as follows:

Maximum Rent Regulation No. 34A for hotels and rooming houses in the Petersburg Defense-Rental Area.

In the judgment of the Administrator, rents for housing accommodations within the Petersburg Defense-Rental Area, as designated in the Designation and Rent Declaration issued by the Administrator on April 28, 1942, as amended on May 30, 1942, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said Designation and Rent Declaration.

The Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within the Petersburg Defense-Rental Area on or about April 1, 1941. It is his judgment that defense activities had not resulted in increases in rents for such housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 prior to April 1, 1941, but did result in such increases commencing on or about that date. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation for rooms in hotels and rooming houses within the Petersburg Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation is hereby issued.

§ 1388.3001 *Scope of regulation.* (a) This Maximum Rent Regulation No. 34A applies to all rooms in hotels and rooming houses within the Petersburg Defense-Rental Area, as designated in the Designation and Rent Declaration (§§ 1388.1101 to 1388.1105,[2] inclusive) issued by the Administrator on April 28, 1942, as amended on May 30, 1942 (consisting of the Independent Cities of Hopewell and Petersburg, the Counties of Dinwiddie and Prince George, and in the County of Chesterfield the Magisterial District of Matoaca, in the State of Virginia), except as provided in paragraph (b) of this section.

* * * * *

[1] F.R. 5754.
[2] 7 F.R. 3193, 4179.

§ 1388.3014a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1388.3001 (a)) to Maximum Rent Regulation No. 34A shall become effective August 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7400; Filed, July 30, 1942; 3:37 p. m.]

PART 1394—RATIONING OF FUEL, AND FUEL PRODUCTS

[Correction to Amendment 2[1] to Ration Order 5A[2]]

GASOLINE RATIONING REGULATIONS

A new subdivision (i) added to § 1394.604 (b) (2) by Amendment No. 2 is corrected to read as added to § 1394.604 (a) (2).

§ 1394.1902 *Effective dates of amendments.* * * *

(f) Correction (§ 1394.604 (a) (2)) to Amendment No. 2 to Ration Order No. 5A shall become effective July 30, 1942. (Pub. No. 671, 76th Cong., 3rd sess., as amended by Pub. No. 89, 77th Cong., 1st sess., and by Pub. No. 507, 77th Cong., 2nd sess., Pub. No. 421, 77th Cong., 2nd sess., W.P.B. Directive No. 1, Amendment No. 2 to Supp. Dir. No. 1 (H) 7 F.R. 562)

Issued this 30th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7405; Filed, July 30, 1942; 4:53 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 18 to Supplementary Regulation 1,[3] to General Maximum Price Regulation[4]]

ETHYL ALCOHOL

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.* A new phrase is added to subdivision (iv) of § 1499.26 (a) (25) as set forth below:

§ 1499.26 *Exceptions for certain commodities and certain sales and deliveries.* (a) * * *

(25) *Aviation gasoline and components, synthetic rubber and components and toluene manufactured from petroleum.* * * *

(iv) * * * and ethyl alcohol.

* * * * *

(e) *Effective dates.* * * *

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5566.
[2] 7 F.R. 5225, 5362, 5426, 5566, 5606, 5666, 5674.
[3] 7 F.R. 3158, 3488, 3892, 4183, 4410, 4408, 4487, 4488, 4493, 4669, 5066, 5192, 5276, 5366.
[4] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445.

(19) Amendment No. 18 (§ 1499.26 (a) (25) (iv)) to Supplementary Regulation No. 1 shall become effective August 4, 1942. (Public Law 421, 77th Cong.)

Issued this 30th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7396; Filed, July 30, 1942; 3:36 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Docket No. GF1-249-P]

SMITH-FAUS DRUG COMPANY

ADJUSTMENT OF MAXIMUM PRICES

Order No. 10 under § 1499.18 (b) of the General Maximum Price Regulation.

For reasons set forth in an opinion issued simultaneously herewith, it is ordered:

§ 1499.310 *Adjustment of maximum prices for Smith-Faus Drug Company.* (a) Smith-Faus Drug Company, of Salt Lake City, Utah, may sell and deliver, and any person may buy and receive from Smith-Faus Drug Company the following commodities at prices not higher than those set forth below:

Hydrogel, 4 oz. (per dozen)	$7.12
Lotion CZO, pints (per dozen)	8.04
Lotion CZO, gallons (each)	3.80
Haliver Oil Plain 10-cc (per dozen)	5.30
Flusgel, 10 oz. (per dozen)	13.31
Mentho-Laxene (per dozen)	8.90
Monroe Asafetida, 40s (per pound)	2.40
Carbonated Witch Hazel Ointment (per dozen)	2.00
Lee's Creolyptos (per dozen)	4.68

(b) All prayers of the application not granted herein are denied.

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

(d) This Order No. 10 (§ 1499.310) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 10 (§ 1499.310) shall become effective July 30, 1942. (Pub. Law, 421, 77th Cong.)

Issued this 30th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7395; Filed, July 30, 1942; 3:35 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER, AND PAPER PRODUCTS

[Amendment 7 to Maximum Price Regulation 129 [1]]

Waxed paper.
Envelopes.
Paper cups, paper containers and liquid tight containers.
Sanitary closures and milk bottle caps.
Drinking straws.
Certain sulphate and certain sulphite papers.
Certain tissue papers.
Rope and jute papers.
Technical papers.
Gummed papers.
Tags, pin tickets and marking machine tickets.
Glazed and fancy papers.
Standard grocer's and variety bags.
Resale book matches.
Unprinted single weight crepe paper in folds.

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

Paragraph (a) (10) of § 1347.22 is amended to read as set forth below:

§ 1347.22 *Definitions.* (a) When used in this Maximum Price Regulation No. 129, the term:

* * * * *

(10) "Waxed paper" includes oil loin paper and the following classes of waxed paper products and variations thereof: bread wraps, carton wraps, cutter box papers, delicatessen papers, waxed glassine and greaseproof, plain waxed papers, twisting tissue, waxed kraft, and waxed tissue.

§ 1347.25 *Effective dates of amendments.* * * *

(g) Amendment No. 7 (§ 1347.22, Paragraph (a) (10)) to Maximum Price Regulation No. 129 shall become effective August 5, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 31st day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7429; Filed, July 31, 1942; 12:01 p. m.]

PART 1359—BATTING, PADDING, WADDING, AND UPHOLSTERY FILLING

[Maximum Price Regulation 190]

FREE COTTON LINTERS

For reasons set forth in the Statement of Considerations issued simultaneously herewith and filed with the Division of the Federal Register,* and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1 [1] issued by the Office of Price Administration, Maximum Price Regulation No. 190 is hereby issued.

Sec.
1359.1 Prohibition against dealing in free cotton linters above maximum prices.
1359.2 Maximum prices for the sale of free cotton linters.
1359.3 Export sales.
1359.4 Less than maximum prices.
1359.5 Adjustable pricing.
1359.6 Records and reports.
1359.7 Evasion.
1359.8 Enforcement.
1359.9 Applicability of General Maximum Price Regulation.
1359.10 Petitions for amendment.
1359.11 Definitions.
1359.12 Effective date.

AUTHORITY: §§ 1359.1 to 1359.12 inclusive, issued under Pub. Law, 421, 77th Cong.

§ 1359.1 *Prohibition against dealing in free cotton linters above maximum prices.* (a) Except as otherwise provided in this Maximum Price Regulation No. 190, on and after August 5, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver free cotton linters, and no person shall buy or receive free cotton linters in the course of trade or business, at prices higher than the maximum prices established herein; and no person shall agree, offer, solicit, or attempt to do any of the foregoing.

(b) The provisions of this Maximum Price Regulation No. 190 shall be applicable to all offers, sales, transfers, and deliveries of free cotton linters regardless of whether said linters are in the possession of the seller, unless prior to August 5, 1942, such linters were received by a carrier, other than a carrier owned or controlled by the seller for shipment to the purchaser, or unless prior to said date the purchaser made full payment for such linters.

§ 1359.2 *Maximum prices for the sale of free cotton linters.* (a) The following are base maximum prices for free cotton linters; these prices are f. o. b. seller's shipping point and include all commissions.

The grades listed below are the official standards of the United States Government for American cotton linters, as described in Service and Regulatory Announcement No. 94 of the United States Department of Agriculture.[1] Prices for bales classified as off-grade because of excess trash or other defects shall be appropriately reduced.

[Cents per pound]

Grade	Low	Middle	High
1	10.50	10.75	11.00
2	9.75	10.125	10.50
3	9.00	9.375	9.75
4	7.00	7.50	8.00
5	6.00	6.50	7.00

[1] 7 CFR 28.201-28.211, inclusive.

(b) The maximum price for a sale to a consumer by a dealer who is independent of a cottonseed oil mill shall be 107 per cent of the base maximum price for free cotton linters for which said base maximum price is 9¢ per pound or above, and 108% of the base maximum price for free cotton linters for which the base maximum price is less than 9¢ per pound. On sales by an independent dealer to a consumer, freight from the cottonseed oil mill to the consumer's place of business may also be added: *Provided,* That on such sales the dealer shall either pay or make allowance for such freight. A dealer who sells to a consumer free cotton linters which he has purchased from another dealer and which have been shipped to such other dealer from the cottonseed oil mill may charge only for direct transportation computed at the lowest published rate from the cottonseed oil mill to the consumer's place of business. No freight charges may be

[1] 7 F.R. 3178, 3242, 3482, 3554, 4176, 4668.

* Copies may be obtained from Office of Price Administration.

[1] 7 F.R. 971, 3663.

added to the maximum price on dealer to dealer sales.

§ 1359.3 *Export sales.* The maximum price at which a person may export free cotton linters shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[2] issued by the Office of Price Administration.

§ 1359.4 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 190 may be charged, demanded, paid or offered.

§ 1359.5 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In appropriate situations, where a petition for amendment or for adjustment or exception requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1359.6 *Records and reports.* (a) Every person making any offer, sale, transfer or delivery of free cotton linters subject to this Maximum Price Regulation No. 190 on or after August 5, 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 purchase or sale made, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity of each grade purchased or sold.

(b) Such person shall submit such reports to the Office of Price Administration as it may from time to time require.

§ 1359.7 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 190 shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale or delivery of, purchase or receipt of or relating to free cotton linters, alone or in conjunction with any other commodity, or by way of commission, service, transportation or any other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1359.8 *Enforcement.* Persons violating any provisions of this Maximum Price Regulation No. 190 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

§1359.9 *Applicability of General Maximum Price Regulation.* This Maximum Price Regulation No. 190 shall apply and the General Maximum Price Regulation[3] shall not apply to sales of free cotton linters for which maximum prices are established by this regulation.

§ 1359.10 *Petitions for amendment.* Any person seeking a modification of any provision of this Maximum Price Regulation No. 190 may file a Petition for Amendment in accordance with the provisions of Procedural Regulation No. 1 issued by the Office of Price Administration.

[2] 7 F.R. 5059.

[3] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192.

§ 1359.11 *Definitions.* (a) As used in this Maximum Price Regulation No. 190 the term:

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

(2) "Consumer" means any person, other than a dealer, who purchases free cotton linters;

(3) "Dealer" means any person, other than a cottonseed oil mill, who offers to sell or sells free cotton linters;

(4) "Free cotton linters" means domestic cotton linters not allocated under any War Production Board General Preference Order;

(5) "Independent" means not controlling, controlled by, or under control with;

(6) "For export" means to a person outside the United States, its territories and possessions.

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

§ 1359.12 *Effective date.* This Maximum Price Regulation No. 190 (§§ 1359.1 to 1359.12 inclusive) shall become effective August 5, 1942.

Issued this 31st day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7430; Filed, July 31, 1942; 12:02 p. m.]

PART 1393—ICE

[Amendment 1 to Maximum Price Regulation 154 as Amended[1]]

APPLICATIONS FOR ADJUSTMENT

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

In § 1393.8, the headnote and paragraphs (b) and (c) are amended, and a new paragraph (d) is added, as set forth below:

§ 1393.8 *Applications for adjustment.* * * *

(b) In making application for adjustment under paragraph (a) of this section, any manufacturer of ice who sells ice at retail and also sells ice to distributors and peddlers for resale at retail may make application for adjustment on behalf of those distributors and peddlers who customarily purchase ice from him. If an adjustment of the manufacturer's maximum price is granted upon such application, a like adjustment of the maximum prices of the distributors and peddlers included in the application may be granted. In any such case the manufacturer's prices to such distributors and peddlers may be, but are not required to be, increased by an amount not in excess of the adjustment granted with respect to retail prices. In the event any such manufacturer raised his retail prices during April 1942, so that it is unnecessary for him to make an application under paragraph (a) of this section, but some or all of the distributors and peddlers who customarily purchase ice from him did not raise their prices during April 1942, such manufacturer may make application for adjustment on behalf of such distributors and peddlers. In such case an adjustment of the maximum prices of the distributors and peddlers included in the application may be granted which shall not exceed the increase in retail prices effected by the manufacturer during April 1942.

(c) The Office of Price Administration, or any duly authorized officer thereof, may by Order adjust the maximum prices established under this Maximum Price Regulation No. 154 As Amended, for any seller of ice other than a seller at retail in any case in which such seller shows:

(1) That such maximum price cause him substantial hardship and is abnormally low in relation to the maximum prices established for competitive sellers of ice; and

(2) That establishing for him a maximum price bearing a normal relation to the maximum prices established for competitive sellers of ice will not cause or threaten to cause an increase in the level of retail prices.

Applications for adjustment under this paragraph (c) shall be filed in accordance with Procedural Regulation No. 1.[2]

(d) Any person seeking relief, for which no provision is made in the foregoing paragraphs (a), (b), and (c) of this section, from a maximum price established under this Maximum Price Regulation No. 154 as amended may present the special circumstances of his case in an application for an order of adjustment. Such an application shall be filed in accordance with Procedural Regulation No. 1 and shall set forth the facts relating to the hardship to which such maximum price subjects the applicant together with a statement of the reasons why he believes that the granting of relief in his case and in all like cases will not defeat or impair the policy of the Emergency Price Control Act of 1942 and of this Maximum Price Regulation No. 154 as amended, to eliminate the danger of inflation.

§ 1393.11 *Effective dates of amendments.* * * *

(c) Amendment No. 1 (§ 1393.8) to Maximum Price Regulation No. 154, as

*Copies may be obtained from Office of Price Administration.

[1] 7 F.R. 5139, 5276.

[2] 7 F.R. 971, 3663.

amended, shall become effective August 5, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 31st day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7431; Filed, July 31, 1942; 12:01 p. m.]

TITLE 45—PUBLIC WELFARE

Chapter IV—National Youth Administration

[Administrative Order No. 19]

PART 402—WAR PRODUCTION TRAINING PROGRAM

By virtue of and pursuant to the authority vested in the National Youth Administrator by the National Youth Administration Appropriation Act, 1942, approved July 2, 1942, the following rules and regulations are prescribed relating to hours of work, earnings, selection and other conditions of employment for youth employed under the War Production Training Program of the National Youth Administration:

Sec.
402.1 Definitions.
402.2 Hours of work for youth employees.
402.3 Earnings schedule applicable to non-resident youth employees.
402.4 Monthly earnings applicable to resident youth employees.
402.5 Regional youth administrator's wage orders.
402.6 Authorized adjustments in earning schedule for non-resident youth employees.
402.7 Eligibility requirements for youth employees.
402.8 Disability or injury compensation benefits.
402.9 Assignment of wages.
402.10 Administration of affidavits and oaths.
402.11 Selection, referral, assignment, classification, transfer and termination of youth employees.
402.12 Illegal activities.
402.13 Effective date.

AUTHORITY: §§ 402.1 to 402.13, inclusive, issued under Pub. Law 647, 77th Cong.

§ 402.1 *Definitions*—(a) *War Production Training Program.* The term "war production training program," as used herein, shall mean the program of war production training projects financed in whole or in part from funds appropriated by paragraph 1 of the National Youth Administration Appropriation Act, 1943.

(b) *War production training project.* The term "war production training project," as used herein, shall mean a unit or units of work training and services incident thereto. Projects shall be approved by the Chairman of the War Manpower Commission as needed in the prosecution of the war in furnishing work experience and work training in occupations in which there is a present or potential shortage of labor. The term "work unit," as used herein, shall mean a unit of work and training activity which is an integral part of a war production training project. The term "subsistence unit," as used herein, shall mean the facilities of a project which provide some or all of such subsistence services as food; lodging; sanitation; water and bathing facilities; medical and dental care, including hospitalization; essential clothing; transportation; personal laundry service; recreation; and other subsistence services. The term "property and transportation unit," shall mean the facilities of a project which provide for the proper safekeeping, storage, maintenance, repair and disposition of equipment, materials and supplies, and which provides transportation services incident to the operation of the project.

(c) *Youth employees.* The term "youth employees," as used herein, shall mean young persons employed upon work units of projects who are at least 16 years of age and who have not attained their 25th birthday. The term "resident youth employee," as used herein, shall mean a youth employee whose employment upon a project involves his complete maintenance from a subsistence unit. The term "non-resident youth employee," as used herein, shall mean a youth employee whose employment upon a project does not involve his complete maintenance from a subsistence unit.

(d) *Regional Youth Administrator.* The term "regional youth administrator," as used herein, shall mean the officer appointed by the National Youth Administrator to administer the war production training program of the National Youth Administration within a region comprising one or more states.

§ 402.2 *Hours of work for youth employees.* Except for such projects as may be exempted by the National Youth Administrator, the several regional youth administrators shall establish hours of work and training for youth employees engaged upon projects under the War Production Training Program within a maximum of eight hours per day and a minimum of 160 hours per month. The several regional youth administrators are authorized by the National Youth Administrator to grant exemptions:

(a) Due to emergencies involving the public welfare, the protection of work already done on a project, or other emergency circumstances which make project operations for the established number of hours impractical; and

(b) To permit youth employees to make up time lost due to conditions which in the judgment of the regional youth administrator warrant authorizing youth employees to make up lost time.

§ 402.3 *Earnings schedule applicable to non-resident youth employees.* The schedule of monthly earnings hereinafter prescribed shall be applicable to non-resident youth employees, except in the case of:

(a) Such projects or work units of projects as may be exempted by the National Youth Administrator, or

(b) Emergency circumstances or making up lost time as provided in § 402.2.

SCHEDULE OF MONTHLY EARNINGS FOR NON-RESIDENT YOUTH EMPLOYEES

Wage zones:	War Production Training Program
[1] I	$25
[2] II	24
[3] III	22

[1] Zone I: California, Connecticut, Illinois, Indiana, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, Wisconsin.

[2] Zone II: Arizona, Colorado, Delaware, District of Columbia, Idaho, Iowa, Kansas, Kentucky, Maryland, Montana, Missouri, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, South Dakota, Texas, Utah, Virginia, West Virginia, Wyoming.

[3] Zone III: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Tennessee.

§ 402.4 *Monthly earnings applicable to resident youth employees.* Except for such projects or work units of projects as the National Youth Administrator may hereafter exempt, the net earnings rate for resident youth employees shall be $10.80 per pay roll month, and in addition such resident youth employees shall be furnished subsistence including such items as food; lodging; sanitation; water and bathing facilities; medical and dental care, including hospitalization; essential clothing; transportation; personal laundry service; recreation; and other sundry items.

During pay roll periods in which services are performed, deductions for voluntary absence from duty shall be made only when resident youth employees are voluntarily absent during days or portions of days when they are scheduled to work. Such deductions shall be made in the amount of one-thirtieth of the monthly wage for each full day of voluntary absence. The minimum deduction for any fraction of a day shall be one-fourth the deduction for a full day, and all deductions for voluntary absence during various portions of a day shall be made in multiples of one-fourth. No wage deduction shall be made for resident youth employees on any day or days upon which employees are not required to work.

§ 402.5 *Regional youth administrator's wage orders.* In accordance with §§ 402.2, 402.3 and 402.4, each regional youth administrator is authorized and directed to issue regional youth administrator's wage orders prescribing the schedule of monthly earnings and assigned hours of work for non-resident youth employees, and the monthly earnings, subsistence and assigned hours of work for resident youth employees engaged upon war production training projects in the region.

§ 402.6 *Authorized adjustments in earning schedule for non-resident youth employees.* The several regional youth administrators are authorized to issue regional youth administrator's wage orders making adjustments in the foregoing schedule of monthly earnings and hours of work for non-resident youth employees in the case of:

(a) Adjustments of not to exceed sixty cents upward or downward in the schedule in order to avoid the computation of fractional payments of less than one cent or the assignment of hours of work which would involve partial hours during any monthly pay period; and

(b) Adjustments of not to exceed four dollars below the schedule for non-resident youth employees furnished lunches or other items of subsistence.

§ 402.7 *Eligibility requirements for youth employees.* To be eligible for employment on a war production training project, young persons shall be citizens of the United States (or of the Commonwealth of the Philippines), shall be at least 16 years of age but shall not have attained their 25th birthday, and unemployed. Each youth employee shall be required to execute the following Employment Affidavit and Oath of Allegiance prior to his entrance on duty:

I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office (or employment) on which I am about to enter (or which I now occupy). So help me God. I further depose and say that I am a citizen of the United States (or the Commonwealth of the Philippines) and that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the Government of the United States by force or violence. I hereby agree to accept employment in industry related to national defense if and when offered in good faith.

§ 402.8 *Disability or injury compensation benefits.* The provisions of the Act of February 15, 1934 (48 Stat. 351), as amended, relating to disability or death compensation and benefits, shall apply to youth employees under the war production training program of the National Youth Administration.

§ 402.9 *Assignment of wages.* Wages paid by the Federal Government may not be pledged or assigned, and any purported pledge or assignment shall be null and void.

§ 402.10 *Administration of affidavits and oaths.* The National Youth Administrator hereby designates employees holding the following positions in the several regional youth administrations and the several war production training projects, to administer the employment affidavit and oath of allegiance required by § 402.7 above, and such affidavits and other sworn statements as are required in connection with claims for injury compensation:

(a) Regional youth administrator.
(b) Assistant regional youth administrator.
(c) Regional administrative officer.
(d) Regional director of youth personnel.
(e) Regional director of finance and statistics.
(f) Project manager.
(g) Project youth personnel officer.
(h) Project finance officer.

The several regional youth administrators, who are the authorized representatives of the National Youth Administrator within their regions are hereby authorized to designate such additional compensated or uncompensated employees as may be required for the purpose of administering required oaths and statements. No fee shall be charged for oaths administered by designated employees of the National Youth Administration.

§ 402.11 *Selection, referral, assignment, classification, transfer and termination of youth employees.* The regional youth administrator, or his authorized representatives, shall be responsible for the assignment, classification, transfer or termination of youth employees paid from funds appropriated to the National Youth Administration. The facilities and services of the United States Employment Service of the Social Security Board shall be utilized wherever possible in the selection and referral of youth for employment and work training on projects. When the facilities and services of the United States Employment Service do not provide sufficient qualified applicants to fill vacancies existing on projects, the Regional Youth Administrator, or his authorized representatives, shall then be responsible for the registration, selection and referral of youth to projects.

§ 402.12 *Illegal activities.* Under the National Youth Administration Appropriation Act, 1943, the activities listed below are punishable as felonies. No person shall be eligible for further employment with the National Youth Administration if he knowingly and with intent to defraud the United States:

(a) Makes any false statement in connection with any application for any project;

(b) Diverts, or attempts to divert, or assists in diverting, for the benefit of any person or persons not entitled thereto, any funds, services or real or personal property of the National Youth Administration;

(c) Deprives, attempts to deprive, or assists in depriving any person of any of the benefits to which he may be entitled under the appropriation by means of fraud, force, threat, intimidation, boycott, or discrimination on account of race, religion, political affiliation, or membership in a labor organization.

§ 402.13 *Effective date.* These rules and regulations shall become effective at the beginning of pay roll periods on and after August 1, 1942, and shall supersede Administrative Order No. 17,[1] dated July 10, 1942, except for that part of § 402.1 which repromulgated § 402.9 of Administrative Order No. 15,[2] dated September 27, 1941, as amended by Administrative Order No. 16,[3] dated February 12, 1942.

[SEAL] AUBREY WILLIAMS,
National Youth Administrator.

Approved: July 29, 1942.

PAUL V. MCNUTT,
Federal Security Administrator.

[F. R. Doc. 42-7419; Filed, July 31, 1942; 11:19 a. m.]

[1] 7 F.R. 5718.
[2] 6 F.R. 4975.
[3] 7 F.R. 1045.

Chapter V—The President's War Relief Control Board

PART 501—SOLICITATION AND COLLECTION OF FUNDS AND CONTRIBUTIONS FOR WAR RELIEF AND WELFARE

Pursuant to the provisions of Executive Order No. 9205 of July 25, 1942, the following regulations are hereby prescribed by The President's War Relief Control Board:

Sec.
501.1 Effective date.
501.2 Definition of person.
501.3 Registration.
501.4 Application for registration.
501.5 Relations with Government agencies.
501.6 Registration of affiliates.
501.7 Registration restrictions.
501.8 Reports.
501.9 Maintenance and inspection of records.
501.10 Revocation of registration.
501.11 Reading of regulations.

AUTHORITY: §§ 501.1 to 501.11, inclusive, issued under E.O. 9205; 7 F.R. 5803.

§ 501.1 *Effective date.* The regulations in this part shall become effective on and after the sixtieth day following the date of approval, and shall supersede, as of their effective date, regulations promulgated by the Secretary of State[1] under the authority of sections 8 and 13 of the Neutrality Act of 1939 relating to the solicitation and collection of contributions for relief.

§ 501.2 *Definition of person.* The term "person" as used herein and in Executive Order No. 9205 includes an agency, partnership, company, association, organization or corporation, as well as a natural person.

§ 501.3 *Registration.* Any person, other than those exempted by Executive Order No. 9205 or by the regulations in this part and other than those organized locally for purely local purposes, within the United States, its territories, insular possessions, the Canal Zone, and the District of Columbia, who is engaged in or desires to engage in any of the war relief or welfare activities as defined in section 2 (a) of Executive Order No. 9205 shall make application to the War Relief Control Board upon the form provided therefor for registration with the Board.

Valid registrations with the Secretary of State under regulations issued by him remain valid under these regulations until revoked or cancelled by the Board. Similarly, persons who are in possession of a valid notice of recognition by The President's Committee on War Relief Agencies and who have been submitting periodic reports of their activities to the Committee shall be deemed to have complied with the registration requirements of the regulations in this part.

§ 501.4 *Application for registration.* (a) No application for registration will be accepted until satisfactory evidence is presented to the Board that:

(1) The project is not against the public interest and there is need for the particular relief or welfare carried out or proposed;

(2) The applicant has organized an active and responsible governing body

[1] 4 F.R. 4511; 5 F.R. 1597, 1695, 2211, 4532; 6 F.R. 1922, 2001, 2160, 6631; 7 F.R. 3957.

which will serve without compensation and which will exercise a satisfactory administrative control; and the funds collected will be handled by a competent and trustworthy treasurer;

(3) The purpose to be served is not adequately fulfilled or cannot be adequately fulfilled by existing programs and organizations;

(4) There is no avoidable conflict of national appeals for public support with the recognized campaigns of the American Red Cross; the United Service Organizations; and the Community Chests and other essential local charities;

(5) Limitations upon transportation and communication facilities, economic or military controls, or other restrictions are not such as to make it impracticable to effect the proposed relief efficiently and economically; and

(6) The estimated costs properly chargeable to overhead are not unreasonable.

(b) No application for registration will be accepted if the means proposed to be used to solicit or collect contributions include:

(1) The employment of solicitors on commission or any other commission method of raising money;

(2) The use of the "remit or return" method of raising money by the sale of merchandise or tickets;

(3) The giving of entertainments for money-raising purposes if the estimated cost of such entertainments in relation to the gross proceeds is unreasonable; or

(4) Any other wasteful or unethical methods.

§ 501.5 *Relations with Government agencies.* All necessary clearances with other government agencies as to the acceptability of proposed relief or welfare projects will be undertaken by the Board and should not be undertaken by applicants for registration.

§ 501.6 *Registration of affiliates.* Organizations or associations having chapters or affiliates shall list them in the application for registration. The parent body shall immediately apply to the Board for an amendment to its notice of acceptance of registration in respect to any additional chapters or affiliates which it proposes to establish.

§ 501.7 *Registration restrictions.* (a) No person, subject to the registration requirements in § 501.3, shall solicit or collect contributions, or make sales of or offer to sell merchandise or services for the direct or implied purposes of war relief and welfare as defined in section 2 (a) of Executive Order No. 9205 without the authority of a notice of acceptance of registration from the Board which is in full force and effect.

(b) Any registration may be revoked if the registrant under the name used in its application for registration engages in activities other than those authorized in the notice of acceptance of registration.

(c) A registrant may act as an agent for the transmittal of funds received by another registrant, but reports to the Board by each registrant shall show details of all such transactions.

§ 501.8 *Reports.* (a) All registrants shall submit to the Board not later than the fifteenth day of each month following the receipt of notice of acceptance of registration sworn statements, on forms provided therefor, setting forth fully the information called for therein, including separate reports for each benefit. Accounts audited by a certified public accountant shall be submitted to the Board semiannually. The information periodically submitted as required herein shall be supplemented by such further information as the Board may deem necessary.

(b) Any changes in the facts set forth in the registrant's application for registration, such as change of address, of officers, or of methods of operation shall be reported promptly to the Board and properly sworn to.

§ 501.9 *Maintenance and inspection of records.* All persons registered with the Board must maintain for its inspection or that of its duly authorized agent, complete records of all transactions in which the registrant, including chapters and affiliates, engages.

§ 501.10 *Revocation of registration.* Any registration may be revoked upon failure on the part of the registrant to maintain compliance with the provisions or purposes of the law, the Executive Order, or the regulations of the Board.

§ 501.11 *Reading of regulations.* No registration will be accepted until the Board has been informed in writing by a responsible officer of the applicant for registration that he has read the regulations in this part.

JOSEPH E. DAVIES,
Chairman.

Approved: July 30, 1942.

CHARLES P. TAFT.
FREDERICK P. KEPPEL.

[F. R. Doc. 42-7401; Filed, July 30, 1942; 2:57 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES [1]

[No. 3666]

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of July, A. D. 1942.

It appearing, that certain new and amended regulations for the transportation of explosives and other dangerous articles by rail in freight, express and baggage services, and by water and highway, have been proposed for our approval, pursuant to section 233 of the Criminal Code (Transportation of Explosives Act), and section 204 (a) (2) of Part II of the Interstate Commerce Act;

It further appearing, that by notice dated June 6, 1942, these matters were circulated among all parties of record, specifying all changes proposed for our approval; except certain emergency applications hereinafter considered;

It further appearing, that in said notice it was stated that any party desiring to be heard upon any such proposed amendment should advise the Commission in writing with 20 days from the date of this notice; otherwise the Commission might proceed to investigate and determine the matters involved in the applications, or might suspend action pending formal hearing;

It further appearing, that as a result of conferences on matters involved in the applications as set out in notice of June 6, 1942, and certain emergency applications later received, agreement was reached by all parties of record with respect to the suggested requirements attached to and made part of this order;

And it further appearing, that the said new and amended regulations have been considered, and the Division finds that the said new and amended regulations attached to and made a part of this order, are in accord with the best-known practicable means for securing safety in transit covering the packing, marking, loading, handling while in transit, and the precautions necessary to determine whether the material when offered is in proper condition to transport:

It is ordered, That the aforesaid regulations heretofore published in orders of

[1] Issued under the authority contained in sec. 233, 41 Stat. 1445, 18 U.S.C. 383, and sec. 204 (a) (2), Part II, Interstate Commerce Act.

August 16, 1940,[2] March 31, 1941,[3] November 8, 1941,[4] February 26, 1942,[5] and June 15, 1942,[6] be and they are hereby superseded and amended as indicated in the regulations made a part hereof, as of the effective date of this order, as follows:

PART 2—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES[1]

List of Explosives and Other Dangerous Articles

Superseding and amending list, order August 16, 1940, as follows:

Article	Classed as	Exemptions and packing (sec.)	Label	Maximum quantity, express
(Add) *Nitrocellulose, colloided, granular, or flake, wet with 20 per cent water, See* Wet nitro cellulose, colloided, granular, or flake—20 percent water.				
(Add) *Pentolite, dry, See* High explosives.				
(Change) Permanganate of potash	Oxi. M	153, 173, 194	Yellow	100 pounds.
(Add) Wet nitrocellulose, colloided, granular, or flake—20 percent water.	Inf. S	153, 184	Yellow	100 pounds.

PART 3—REGULATIONS APPLYING TO SHIPPERS

Superseding and amending pars. (f) (1) and (f) (3) (a), section 61, order Mar. 31, 1941, to read as follows (*packing high explosives with no liquid explosive ingredient nor any chlorate*):

(f) (1) Ammonium picrate, nitroguanidine, nitrourea, picric acid, tetryl, trinitroresorcinol, trinitrotoluene, and pentolite, in dry condition, in addition to containers prescribed in sec. 61 (e) (1) to (e) (6), must be shipped in containers complying with the following specifications:

(f) (3) (a) Trinitrotoluene and pentolite, in dry condition, in addition to containers prescribed in sec. 61 (e) (1) to (e) (6), (f) (2) and (f) (3), may be shipped in specification containers as follows:

Superseding and amending par. (b), section 72, order Aug. 16, 1940, to read as follows (*packing primers*):

(b) (1) Packing.—Primers (cannon, combination and small-arms), percussion caps, and empty grenades, primed, must be packed in strong, tight, outside wooden boxes, with special provision for securing individual packages against movement in the box.

(b) (2) Empty cartridge cases, primed, must be packed in strong, tight, outside wooden or fiberboard boxes.

Superseding and amending section 110, orders August 16, 1940, and November 8, 1941, as follows (*packing inflammable liquids*):

(Change) (a) (4) Spec. 17E.—Metal drums (single-trip), not over 5 gallons capacity, without opening except bunghole not exceeding 2.3 inches in diameter. (See also par. (a) (18) this section.)

(Add to (a) (18)) Note.—Because of the present emergency and until further order of the Commission, l. c. l. and l. t. l. shipments will be permitted.

(Add) (a) (21) Spec. 5L.—Metal barrels or drums for gasoline shipments offered by or consigned to the War or Navy Department of the United States Government or Allies. Use of this container will be permitted because of the present emergency and until further order of the Commission.

Superseding and amending par. (f), section 113, order Nov. 8, 1941, to read as follows (*packing paints, etc.—exemptions*):

(f) Paint, enamel, lacquer, stain, shellac, varnish, aluminum, bronze, gold, wood filler, liquid, and lacquer base liquid, and thinning, reducing and removing compounds therefor, and driers, liquid, therefor, in glass or earthenware containers of not over 1 quart capacity each, or metal containers of not over 5 gallons capacity each, packed in strong outside containers are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight and highway. When offered for transportation by rail express such shipments are exempt from specification packaging and marking requirements but must bear the red label as prescribed in section 404 (e). When offered for transportation by carrier by water such shipments are exempt from specification packaging, marking other than name of contents, and labeling requirements. When fiberboard box is used for such shipments by rail freight, rail express, highway, or water gross weight must not exceed 65 pounds.

Superseding and amending par. (a), section 184, order Aug. 16, 1940, to read as follows (*packing nitrocellulose, wet, etc.*):

(a) Nitrocellulose or collodion cotton, wet, or nitrocellulose, colloided, granular, or flake, wet, or nitrostarch, wet, or nitroguanidine, wet, must be uniformly wet with at least 20 pounds of water to 80 pounds of dry material and must be packed in specification containers as follows:

Amending order Aug. 16, 1940, as follows (*packing permanganate of potash, potassium permanganate*):

(Add) 194 (a) Potassium permanganate must be packed in specification containers as follows:

(b) In containers as prescribed in sec. 173.

(c) Spec. 37G.—Metal barrels or drums (single-trip).

Superseding and amending par. (e), section 257, order Nov. 8, 1941, to read as follows (*packing electrolyte, etc.*):

(e) Spec. MC 310.—Tank motor vehicles, except that unlined tanks must not be used.

Amending section 263, order Aug. 16, 1940, as follows (*packing hydrochloric acid, etc.*):

(Add) (a) (9) Because of the present emergency and until further order of the Commission, hydrochloric acid may be offered for transportation by carriers by water in conformity with Regulations for Explosives or Other Dangerous Articles on Board Vessels, Section 146.23–13, effective December 20, 1941, issued by the Secretary of Commerce.

Superseding and amending par. (o) (2), section 264, order Aug. 16, 1940, to read as follows (*packing hydrofluoric acid, anhydrous*):

(o) (2) Spec. 3, 3A, 3B, 3C, 3E, 4, 4A, 25 or 38, also 4B or 4C if not brazed.—Cylinders.

Superseding and amending par. (g) (2), section 268, order Aug. 16, 1940, to read as follows (*packing nitric acid*):

(g) (2) The use of special aluminum alloy tank cars for test service is also provided for by I. C. C. authority in docket 3666 dated November 14, 1939, June 7, 1940, and August 19, 1941, for the shipment of 95 per cent or greater HNO_3.

Amending section 272, order August 16, 1940, as follows (*packing sulfuric acid*):

(Add) (n) Because of the present emergency and until further order of the Commission, sulfuric acid may be offered for transportation by carriers by water in conformity with Regulations for Explosives or Other Dangerous Articles on Board Vessels, Section 146.23–10, effective April 9, 1941, issued by the Secretary of Commerce.

Superseding and amending par. (b), section 346, order Aug. 16, 1940, to read as follows (*packing methyl bromide*):

(b) Spec. 3A300, 3B300, 3E1800, or 4B300.—Metal cylinders of not over 125 pounds water capacity (nominal). Valves or other closing devices must be protected, to prevent injury in transit, by screw-on metal caps or by packing the cylinders in strong boxes or crates. Cylinders less than 18 inches in length or less than 5 inches in diameter must be packed in boxes or crates. (See sec. 25).

Superseding and amending par. (a) (11), section 357, order Feb. 26, 1942, to read as follows (*packing cyanides, etc.*):

(Change) (a) (11) Spec. 21A.—Fiber drums with one added ply of asphalt laminated Kraft, 30/60/30 basis weight in side walls and heading (metal heading excluded): drums to withstand two drops from height of 4 feet in same spot or one

[1] Parts 2, 3, and 7 in this order appear in the Code of Federal Regulations as Parts 73, 75, and 85.
[2] 5 F.R. 4905.
[3] 6 F.R. 1841.
[4] 6 F.R. 6211.
[5] 7 F.R. 2910.
[6] 7 F.R. 4701.

6-foot drop, in place of drop test as provided in specification 21A; maximum loaded capacity 225 pounds net. Use of this container will be permitted because of the present emergency and until further order of the Commission.

Amending section 361, order Aug. 16, 1940, as follows (*packing poisonous solids*):

(Add to "Note" par. (g)) Note.—Because of the present emergency and until further order of the Commission, tape 2½" may be used.

(Add to par. (k)) Or, because of the present emergency and until further order of the Commission, use of the following container will be permitted:

Spec. 21A.—Fiber drums with one added ply of asphalt laminated Kraft, 30/60/30 basis weight in side walls and heading (metal heading excluded): drums to withstand two drops from height of 4 feet in same spot or one 6-foot drop, in place of drop test as provided in specification 21A; maximum loaded capacity 225 pounds net.

Superseding and amending par. (p) section 402, order Aug. 16, 1940, to read as follows (*marking and labeling packages*):

(p) Labels and marking name of contents are not required on shipments forwarded in carload or truckload quantities by rail freight, rail express or highway, when such shipments are to be unloaded by the consignee. This exception does not apply to class A or class C poisons.

APPENDIX—SHIPPING CONTAINER SPECIFICATIONS

Amending *specification 2J*, order Aug. 16, 1940, as follows:

(Add to par. 1) Note: Because of the present emergency and until further order of the Commission, a ream may consist of 500 sheets.

Amending *specification 2K*, order August 16, 1940, as follows:

(Add to par. 1) Note: Because of the present emergency and until further order of the Commission, a ream may consist of 500 sheets.

Amending *specification 2L*, order August 16, 1940, as follows:

(Add to par. 2 (a)) Note: Because of the present emergency and until further order of the Commission, a ream may consist of 500 sheets.

Amending *specification 3A*, order Aug. 16, 1940, as follows:

(Add to par. 22 (3)) Note: Because of the present emergency and until further order of the Commission, the minimum wall thickness of cylinders of 1100 cubic inch water capacity or less for shipment by the United States Government or its Allies shall be such that the wall stress shall not exceed 70,000 pounds per square inch when calculated under paragraph 9 of this specification.

Amending order Aug. 16, 1940, as follows: (Add)

SPECIFICATION 5L—STEEL BARRELS OR DRUMS

(Removable head containers not authorized)

Containers must comply with specification 5A except as follows (paragraph references are to specification 5A):

5. (c) Flanged spout for filling and emptying container welded in place or attached in a manner approved by Bureau of Explosives.

6. This paragraph does not apply.

7. Parts and dimensions—As follows:

Marked capacity not over (gallons)	Type of container	Minimum thickness in the black (gage, U. S. standard)		Rolling hoops		
		Body sheet	Head sheet	Type	Minimum	
					Size (gage or inch)	Weight (pounds per foot)
5	Rectangular	20	20	None		

8. This paragraph does not apply.

9. (b) Closing part must be of sufficient strength to withstand the drop test prescribed in paragraph 13 (a).

9. (c) This paragraph does not apply.

9. (e) Openings over 2.5 inches diameter not permitted.

11. (a) ICC–5L. This mark shall be understood to certify that the container complies with all specification requirements. * *

13. (b) Hydrostatic pressure test of 15 pounds per square inch sustained for 5 minutes.

14. *Leakage test.* Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 5 pounds per square inch. Leakers shall be rejected or repaired and retested.

Amending *specification 12B*, order Aug. 16, 1940, as follows:

(Add to par. 11) NOTE: Because of the present emergency and until further order of the Commission, a ream may consist of 500 sheets.

(Add to par. 16 (b)) NOTE: Because of the present emergency and until further order of the Commission, tape 2½" may be used.

Amending *specification 12E*, order Mar. 31, 1941, as follows:

(Add to par. 16 (b)) NOTE: Because of the present emergency and until further order of the Commission, tape 2½" may be used.

Amending *specification 13*, order Aug. 16, 1940, as follows:

(Add to par. 10 (b)) NOTE: Because of the present emergency and until further order of the Commission, a ream may consist of 500 sheets.

Amending *specification 22A*, order Aug. 16, 1940, as follows:

(Add to par. 7) NOTE: Because of the present emergency and until further order of the Commission, tape 2½" may be used.

(Add to par. 11) NOTE: Because of the present emergency and until further order of the Commission, a ream may consist of 500 sheets.

(Add) Additional Container Specification 22A.

A. Because of the present emergency and until further order of the Commission, use of containers made under the following specification will be permitted; containers must comply with specification 22A except as follows (paragraph references are to specification 22A):

6. *Parts and dimensions.* As follows:

Maximum net weights authorized	Thickness (minimum)		Size of hoops (minimum)		Head liners (minimum)
	Body	Heads	Wooden	Metal	
Pounds	*Inch*	*Inch*	*Inch*	*Inch*	*Inch*
33	0.16	⅜	⅛ x 2	0.023 x 1 7/16 .015 x 2⅜*	⅕ x ⅝
56	.18	⅜	⅙ x 2	.023 x 1 7/16 .015 x 2⅜*	⅕ x ⅝
115	.20	⅜	⅙ x 2¼	.023 x 1 9/16 .015 x 2⅜*	¼ x ¾
200	.28	0.43	¼ x 3	.028 x 1 9/16	¼ x ¾

*Authorized only when metal hoop is between body of drum and wooden hoop as described in par. 8.

8. *Hoops.* 1 wooden and 1 metal required at each chime; wooden hoops secured by staples, clinched, at 3" centers, with .023" or .028" metal hoops to be outside wooden hoops and secured by punching, or other equivalent method, at 6" centers; or .015" metal hoop placed between body of drum and outer wooden hoop and secured by staples, clinched at 3 inch centers; each staple passing through wooden hoop, metal hoop, body of drum and *inside* head liner, respectively.

9. *Head battens.* Required for heads of drums having net weight over 115 pounds, ¾" x 3" minimum; ends rounded to fit chime.

10. *Head liners.* Required inside and outside for full circumference of heads. To be securely fastened by staples or nails,

clinched. On drums with diameters over 15'', when battens are not used, two head liners shall be required outside to hold head in place.

11. *Head lining paper.* Required for each head, 1½'' larger than head diameter; of No. 1 Kraft paper 50 pounds per ream (500 sheets 24'' x 36'') waxed one side to 65 pounds or equivalent.

16. *Closing heads.* Insert head lining paper, head, and head liner; nail with 15-gauge nails, clinched at 2-inch centers through head liner, body and wooden hoop; equivalent stapling authorized. Nail through outer hoop with two 7-penny nails into each end of head batten, if any.

For drums containing 115 pounds net weight, or less, closing by hand drum stapling tool also authorized; using 14-gauge staples driven through head liner, body, 0.015-inch metal and wood hoops respectively, on 2-inch centers.

When double head liners are required, each liner shall be applied separately and stapled on 4-inch centers, with staples of second liner staggered so as to be equidistant from staples of first liner. Staples of second liner to be driven through both liners and into body of drum.

Amending specification 36A, order Aug. 16, 1940, as follows:

(Add to par. 4) NOTE: Because of the present emergency and until further order of the Commission, a ream may consist of 500 sheets.

Amending specification 36B, order Aug. 16, 1940, as follows:

(Add to par. 4) NOTE: Because of the present emergency and until further order of the Commission, a ream may consist of 500 sheets.

Amending specification 44B, order Aug. 16, 1940, as follows:

(Add to pars. 1 (a), (b), 4 (a)) NOTE: Because of the present emergency and until further order of the Commission, a ream may consist of 500 sheets.

Amending specification 45B, order Nov. 8, 1941, as follows:

(Add to par. 6) NOTE: Because of the present emergency and until further order of the Commission, a ream may consist of 500 sheets.

Tank Car Tank Specifications

Superseding and amending specification 103B, par. 14 (a), order Feb. 26, 1942, to read as follows:

14. *Safety vents.* (a) Safety valves prohibited, but a safety vent must be applied. For experimental purposes, and unitl further order of the Commission, hydrochloric acid, except hydrochloric (muriatic) acid over 20° Baume strength, and other fuming acids, may be transported in specification 103B tank cars having safety vents equipped with frangible discs having ⅛-inch breather holes in the center thereof, or in not to exceed a total of twenty-five specification 103B tank cars with an approved specially designed saftey vent equipped with a porous carbon cylinder.

Superseding and amending specifications emergency USG-A, USG-B, and USG-C, par. 6 (c), order June 15, 1942, to read as follows:

(c) *Welding.* Welded joints formed in the manufacture of the tanks and expansion dome proper must be of double-welded butt-joint type, fusion welded by a process which investigation and laboratory tests by the mechanical division of the Association of American Railroads have proved will produce satisfactory results.

Cargo Tanks for Tank Motor Vehicles

Amending specification MC 320, order Nov. 8, 1941, as follows:

(Add) 37. *Protection of valves and fittings.* Every tank motor vehicle transporting compressed gases shall have all piping, valves, hose, pumps, and other pressure containing appurtenances so arranged as to be protected at any time from damage due to collision. The protection shall consist of locating such appurtenances within the tank itself, or within the motor vehicle frame, or a suitable collision-resisting subframe, guard or housing.

PART 4—REGULATIONS APPLYING PARTICULARLY TO CARRIERS BY RAIL FREIGHT

Superseding and amending headlines "b" and "2", section 533, order Feb. 26, 1942, to read as follows (*loading and storage chart*):

Change description in headline and sideline "b" to read as follows: High explosives, and smokeless powder for small arms in quantity exceeding 50 pounds.

Change description in headline and sideline "2" to read as follows: Smokeless powder for cannon or not exceeding 50 pounds of smokeless powder for small arms.

PART 7—REGULATIONS APPLYING TO SHIPMENTS MADE BY WAY OF COMMON OR CONTRACT CARRIERS BY PUBLIC HIGHWAY

825 Loading and Storage Chart of Explosives and Other Dangerous Articles

Superseding and amending in part the chart, order Nov. 8, 1941, as follows:

Change description in headline and sideline "b" to read as follows: High explosives, and smokeless powder for small arms in quantity exceeding 50 pounds.

Change description in headline and sideline "2" to read as follows: Smokeless powder for cannon or not exceeding 50 pounds of smokeless powder for small arms.

Amending par. (a)(4), section 828, order Nov. 8, 1941, as follows:

(Add) NOTE: Liquid nitroglycerin may be destroyed by use of a solution composed of

60% commercial sodium sulfide	1 ounce.
Denatured alcohol	7½ fluid ounces
Acetone	2 fluid ounces
Water	3 fluid ounces

It is further ordered, That the aforesaid regulations as further amended herein shall remain in full force and effect on and after October 15, 1942, and shall be observed until the further order of the Commission;

It is further ordered, That compliance with the aforesaid regulations, as amended, made effective by this order, is hereby authorized on and after the date of service hereof;

And it is further ordered, That copies of this order be served upon all the parties of record herein and that notice be given to the public by posting in the Office of the Secretary of the Commission at Washington, D. C.

By the Commission, division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 42-7411; Filed, July 31, 1942; 10:43 a. m.]

Chapter II—Office of Defense Transportation

[Amendment No. 1 to General Order O. D. T. No. 10[1]]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBPART G—CHARTER AND SIGHTSEEING SERVICE

PROHIBITION OF CERTAIN CHARTER SERVICE

By virtue of the authority vested in me by Executive Order No. 8989, dated December 18, 1941, General Order O. D. T. No. 10, Chapter II of this Title, Part 501, § 501.39 is hereby amended, and new §§ 501.40 and 501.41 are added, as follows:

* * * * *

§ 501.39 *Certain charter service prohibited.* No person shall engage in charter service by bus, except:

(a) In the transportation of (1) Prisoners, insane, mentally disordered or mentally incompetent persons, and their custodians, guards, and other necessary attendants, if such transportation is furnished upon written request of an authorized officer of the law or other official charged with the custody of such persons;

(2) A jury and its official custodians and other authorized court attendants, if such transportation is furnished upon written request of the presiding judge of the court in which such jury is serving.

(b) In the transportation hereinafter specified when such transportation cannot readily be performed by existing facilities and established scheduled services of common carriers of passengers operating over regular routes between fixed termini, to-wit: The transportation of (1) Military or naval personnel or persons participating in organized recreational activities at military establishments to or from Army and Navy establishments provided such transportation is furnished on written request of the commanding officer at such establishment;

[1] 7 F.R. 3786.

(2) The armed forces of any State to or from any military establishment provided such transportation is furnished on written request of the commanding officer of such establishment;

(3) Selectees to or from examining or induction stations on the written request of an authorized official of the Selective Service System;

(4) Students, teachers, and other school employees en route between their homes and their schools;

(5) Employees en route between their homes and their places of work;

(6) Children under eighteen (18) years of age and their attendants, from their homes to summer camps, for the purpose of permitting such children to attend such camps for periods in excess of one day, or from such camps to their homes after such periods of attendance. Such service may be given only after written application showing the necessity therefor has been filed with and approved in writing by a Regional Office of the Office of Defense Health and Welfare Services, Division of Recreation;

(7) Persons en route between their homes and their places of regular weekly worship for the purpose of attending religious services;

(8) Civilians from their homes for purposes of evacuation, in the interest of their safety or to serve military purposes, or to their homes after evacuation, pursuant to orders of governmental or military authorities;

(9) Passengers of common carriers by railroad or by air en route on an established scheduled service operated over a regular route between fixed termini by any such carrier, if such transportation is furnished upon the written request of any such carrier and is furnished in lieu of and as a substitute for such established scheduled service of such carrier which has been temporarily discontinued or interrupted as a result of adverse weather conditions, an act of God, a catastrophe, accident, or other emergency, not within the control of such carrier.

§ 501.40 *Special or general permits.* The provisions of this subpart shall be subject to any special or general permit issued by this Office to meet specific needs or exceptional circumstances.

§ 501.41 *Notice of changes in operations of regulated motor carriers.* Every person engaged in charter or sightseeing service at the effective date of this subpart, who was required by law to file tariffs of rates, charges, rules, or practices, forthwith shall file with the Interstate Commerce Commission, in respect of transportation in interstate or foreign commerce and with each appropriate State regulatory body in respect of transportation in intrastate commerce, and publish in accordance with law and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in the operations, rules, regulations, and practices of such person which may be necessary to accord with this subpart, together with a notice describing the operations which will be or have been discontinued or suspended in compliance with the provisions hereof, and a copy of this subpart as hereby amended; and forthwith shall apply to said Commission and each such regulatory body for special permission for such tariffs or supplements to become effective on one day's notice.

This amendment shall become effective August 1, 1942.

Issued at Washington, D. C., this 30th day of July 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-7406; Filed, July 30, 1942; 5:00 p. m.]

[General Permit O.D.T. No. 3-4]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—PERMITS

SUBPART B—COMMON CARRIERS OF PROPERTY

TRANSPORTATION OF FARM PRODUCTS AND SUPPLIES

In accordance with the provisions of General Order O.D.T. No. 3, revised,[1] Title 49, Chapter II, Part 501, Subpart B, § 501.8,

It is hereby authorized, That:

§ 521.503 *Transportation of farm products and supplies.* Any common carrier when operating a motor truck engaged exclusively in the transportation of farm products from a farm or farms to a processing or packing plant, dehydrating, brining, freezing, or storage place, cannery, mill, warehouse, stockyard, wholesale or retail market, or to a rail or a water carrier, or when operating a motor truck engaged exclusively in the transportation of farm supplies to a farm or farms, is hereby relieved, in respect of any truck so engaged in such operations, from compliance with the provisions of subparagraph (2) of paragraph (a) of § 501.6 of General Order O.D.T. No. 3, revised, for a period of ninety-two (92) days commencing August 1, 1942 and ending October 31, 1942. (E.O. 8989, 6 F.R. 6725; E.O. 9156, 7 F.R. 3349; Gen. Order O.D.T. No. 3, revised, 7 F.R. 5445).

Issued at Washington, D. C., this 31st day of July 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-7432; Filed, July 31, 1942; 12:11 p. m.]

[General Permit O.D.T. No. 17-11]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—PERMITS

SUBPART K—MOTOR CARRIERS OF PROPERTY

TRANSPORTATION OF FOREST PRODUCTS

In accordance with the provisions of General Order O.D.T. No. 17,[2] Title 49, Chapter II, Part 501, Subpart K, § 501.71,

It is hereby authorized, That:

[1] 7 F.R. 5445.

[2] 7 F.R. 5678.

§ 521.2886 *Transportation of forest products.* Any motor carrier is hereby relieved from compliance with the provisions of § 501.67, subparagraph (2) of paragraph (a) of § 501.69 of General Order O.D.T. No. 17, in respect of the operations of any motor truck when engaged exclusively in the transportation of forest products, as follows:

(a) Sawlogs, veneer logs, peeler logs, bolts, or unfinished lumber, from the point of production to a sawmill, a processing plant, the nearest point at which adequate rail or water transportation is available, or to any other point which is nearer to such point of production than such rail or water transportation point;

(b) Finished lumber from a processing plant which does not have rail or water shipping facilities to the nearest point at which adequate rail or water transportation is available;

(c) Poles, pilings, posts, round timbers, hewn ties, or fuel-wood from the point of production to the nearest point at which adequate rail or water transportation is available, or to any other point which is nearer to such point of production than such rail or water transportation point;

(d) Pulpwood, chemical wood, extract wood, or pulpwood logs to a point at which adequate rail or water transportation is available, or to a consuming, processing or storage point. (E.O. 8989, 6 F.R. 6725; E.O. 9156, 7 F.R. 3349; Gen. Order O.D.T. No. 17, 7 F.R. 5678).

This General Permit shall become effective August 1, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C. this 31st day of July 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-7433; Filed, July 31, 1942; 12:11 p. m.]

[General Permit O. D. T. No. 17-12]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—PERMITS

SUBPART K—MOTOR CARRIERS OF PROPERTY

TRANSPORTATION IN CONNECTION WITH CONSTRUCTION

In accordance with the provisions of General Order O.D.T. No. 17,[2] Title 49, Chapter II, Part 501, Subpart K, § 501.71,

It is hereby authorized, That:

§ 521.2887 *Operations within a construction area.* Any motor carrier when operating a motor truck wholly within the territorial limits of a construction project and engaged in the transportation of property used or to be used in or in connection with such construction project is hereby relieved, in respect of any truck engaged in such transportation, from compliance with the provisions of § 501.67, paragraph (c) of § 501.68 and subparagraphs (1) and (2) of paragraph

(a) of § 501.69 of General Order O.D.T. No. 17.

§ 521.2888 *Operations of dump trucks.* Any motor carrier operating a dump truck in local delivery service when such truck is engaged exclusively in the transportation of soil or waste material from or to a construction project is hereby relieved, in respect of trucks so engaged in such transportation, from compliance with the provisions of § 501.67, paragraph (c) of § 501.68 and subparagraph (2) of paragraph (a) of § 501.69 of General Order O.D.T. No. 17. (E.O. 8989, 6 F.R. 6725; E.O. 9156, 7 F.R. 3349; Gen. Order O.D.T. No. 17, 7 F.R. 5678).

This General Permit shall become effective August 1, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C. this 31st day of July 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-7434; Filed, July 31, 1942; 12:12 p. m.]

Notices

WAR DEPARTMENT.

[General Orders No. 123]

HAWAII

AUTHORIZATION FOR REGULATIONS GOVERNING SECURITIES

Office of the Military Governor, Territory of Hawaii, Iolani Place, Honolulu, T. H.

JULY 3, 1942.

Securities. 1. By virtue of the power vested in the Military Governor of the Territory of Hawaii, the Governor of the Territory of Hawaii is hereby authorized to make and administer regulations relating to perforation, destruction and custody of all securities physically located in the Territory of Hawaii, subject to such restrictions and limitations as may be promulgated by the Congress, President, or Secretary of the Treasury.

2. Whoever is found guilty of violating any of the provisions of such regulations, shall, upon conviction, be fined not more than five thousand dollars ($5,000), or, if a natural person, may be imprisoned for not more than five (5) years, or both; and any officer, director, or agent of any corporation who knowingly participates in such a violation may be punished by a like fine, imprisonment, or both.

By order of the Military Governor.

[SEAL] THOMAS H. GREEN,
Brigadier General, A. U. S. Executive.

Confirmed:

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-7402; Filed, July 30, 1942; 3:45 p. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-303]

J. J. FOUTZ, CODE MEMBER

NOTICE OF AND ORDER FOR HEARING

A complaint dated July 2, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on July 6, 1942, by the Bituminous Coal Producers Board for District No. 18, a District Board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by J. J. Foutz, (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 21, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Franciscan Hotel, Albuquerque, New Mexico.

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

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

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

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code, and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

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

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging

That the code member, whose address is Kirtland, New Mexico, whose code membership became effective as of October 8, 1937, and who operates the Fourtz Mine, Mine Index No. 129, located in San Juan County, New Mexico, Subdistrict 8 of District No. 18:

(a) Sold and delivered by truck during the period from October 11, 1941, to November 10, 1941, both dates inclusive, approximately 90.795 net tons of 1" lump coal (Size Group No. 2) to the school board for District No. 22, Kirtland, New Mexico, for use at the Central High School, located at a point approximately four miles from the aforesaid mine, at a delivered price of $2.50 per net ton, whereas the effective minimum f. o. b. mine price for said coal was $2.50 per net ton, as set forth in the Schedule of Effective Minimum Prices for District No. 18 For All Shipments, to which minimum price there should have been added an amount at least equal as nearly as practicable to the transportation, handling and other incidental charges from the transportation facilities at the mine to Kirtland, New Mexico, as required by Price Instruction and Exception No. 10, as amended and contained in Supplement No. 1 to the aforesaid Schedule, resulting in violations of section 4 II (e) and (g) of the Act and Part II (e) and (g) of the Code;

(b) Misrepresented the size of the coal referred to above in that said size was falsely recorded on truck sales tickets as mine run coal, resulting in violations of section 4 II (i) 8 of the Act, Part II (i) 8 of the Code, Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations.

(c) Entered into a written contract with the school board for District No. 22, Kirtland, New Mexico, pursuant to which the coal referred to above was sold and delivered, and failed to incorporate into said contract the terms and conditions required by Rules 1, 3 and 8 of section

VI of the Marketing Rules and Regulations, resulting in violations of said rules; and

(d) Failed to file with the Statistical Bureau or Bureaus a true copy of said contract within fifteen (15) business days from the date of execution thereof as required by Rule 7 of section VI of the Marketing Rules and Regulations, resulting in violation of said rule.

Dated: July 29, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-7423; Filed, July 31, 1942; 11:52 a. m.]

[Docket No. B-164]

REED & RENNICK, CODE MEMBER

ORDER POSTPONING HEARING

In the matter of Kenneth Reed and George M. Rennick, individually and as co-partners, doing business under the name and style of Reed & Rennick, Code Member.

The above-entitled matter by Order dated July 6, 1942, having been scheduled for hearing at 10:00 a. m. on August 3, 1942, at a hearing room of the Bituminous Coal Division at the County Courthouse, Danville, Illinois; and

The Acting Director deeming it advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10:00 a. m. on August 3, 1942 to a time and place to be hereafter designated by an appropriate order.

Dated: July 29, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-7424; Filed, July 31, 1942; 11:52 a. m.]

[Docket No. B-10 District No. 4]

J. B. WILLIAMSON, CODE MEMBER, DEFENDANT

ORDER DENYING MOTION TO VACATE ORDER REOPENING AND RESCHEDULING HEARING, POSTPONING SAID RESCHEDULED HEARING AND REDESIGNATING TRIAL EXAMINER

The above-entitled matter, pursuant to order issued July 17, 1942, having been reopened and rescheduled for hearing on July 31, 1942, at 10 a. m. at a hearing room of the Division, Room 518, Bulkley Building, Cleveland, Ohio; and

Defendant having filed a motion with the Division on July 27, 1942, for an order vacating and setting aside said order issued July 17, 1942, or in the alternative postponing said hearing to September 1, 1942; and

It appearing that said motion does not state grounds warranting the issuance of an order vacating and setting aside said order issued July 17, 1942, and good reasons appearing for the postponement of said hearing to August 21, 1942 instead of September 1, 1942, as requested by the defendant;

Now, therefore, it is ordered, That the motion for an order vacating and setting aside said order issued July 17, 1942, be and it hereby is denied;

It is further ordered, That the rescheduled hearing in the above-entitled matter be postponed from 10 a. m. on July 31, 1942 to 10 a. m. on August 21, 1942 at a hearing room of the Bituminous Coal Division, Room 518, Bulkley Building, Cleveland, Ohio; and

It is further ordered, That time of the defendant in which to file an application for disposition of this proceeding without formal hearing pursuant to § 301.132 of the Rules and Regulations of the Division be and it hereby is extended to August 7, 1942; and

It is further ordered, That Trial Examiner W. A. Cuff or any other officer of the Bituminous Coal Division that may be designated shall preside at said hearing vice Charles S. Mitchell; and

It is further ordered, That said order issued July 17, 1942, shall, in all other respects, remain in full force and effect.

Dated: July 30: 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-7425; Filed, July 31, 1942; 11:52 a. m.]

[Docket No. B-34]

HIGH POINT COAL COMPANY, CODE MEMBER

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP AND CEASE AND DESIST ORDER

A complaint dated September 15, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on September 16, 1941 with the Bituminous Coal Division (the "Division"), by the Bituminous Coal Producers Board for District No. 8, alleging wilful violation by High Point Coal Company, Knoxville, Tennessee, a corporation and code member in District No. 8, of the Bituminous Coal Code (the "Code"), and the effective minimum prices established thereunder, and an amendment to said complaint having been granted by Order herein dated February 28, 1942; and

High Point Coal Company, pursuant to § 301.132 of the Rules of Practice and Procedure, having duly filed with the Division on January 19, 1942 an application dated January 16, 1942 for disposition of the above-entitled matter without formal hearing, and on February 10, 1942, and February 18, 1942, having filed with the Division supplements to said application; and

An Order having been entered herein on July 15, 1942 (a) granting the aforesaid application as supplemented, (b) cancelling and revoking the membership of High Point Coal Company in the Code as of fifteen (15) days from the date of service of said Order on High Point Coal Company, (c) providing, pursuant to section 5 (c) of the Act for payment to the United States of a tax in the amount of Four Hundred and Sixty-five Dollars and Ninety Cents ($465.90) as a condition precedent to restoration of the membership of High Point Coal Company in the Code and (d) providing that any order of restoration of the membership of High Point Coal Company in the Code shall require that said High Point Coal Company, its representatives, officers, servants, agents, employees, attorneys, receivers, and successors or assigns, and all persons acting or claiming to act in its behalf or interest cease and desist and that they be permanently enjoined and restrained from violating the Act, the Code, and rules and regulations thereunder; and

High Point Coal Company having filed with the Division on July 29, 1942 its application dated July 27, 1942 for restoration of its code membership to become effective simultaneously with the effective date of said cancellation and revocation of its code membership; and

It appearing from said application and other information in the possession of the Division that said High Point Coal Company has paid to the Deputy Collector of Internal Revenue for the District of Tennessee the sum of Four Hundred and Sixty-five Dollars and Ninety Cents ($465.90) as provided in said Order dated July 15, 1942, as a condition precedent to the restoration of its code membership.

Now, therefore, it is ordered, That said application of High Point Coal Company for restoration of its code membership be, and the same hereby is, granted.

It is further ordered, That said restoration of the code membership of High Point Coal Company be effective simultaneously with the effective date of said Order isued herein on July 15, 1942 revoking and cancelling the code membership of High Point Coal Company.

It is further ordered, That, pursuant to said Order issued herein on July 15, 1942, High Point Coal Company, its representatives, agents, servants, employees, attorneys, officers and successors or assigns and all persons acting or claiming to act in its behalf or interest, cease and desist and they hereby are permanently enjoined and restrained from selling or offering to sell coal below the applicable minimum prices therefor or from otherwise violating the Bituminous Coal Act, the Bituminous Coal Code and rules and regulations thereunder.

It is further ordered, That the Division, upon failure of High Point Coal Company to comply with this Order, may apply to the Circuit Court of Appeals for the United States within any circuit where High Point Coal Company carries on business for the enforcement hereof or take other appropriate action.

Dated: July 30, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-7427; Filed, July 31, 1942; 11:53 a. m.]

[Docket No. B-51]

EASTERN COAL & COKE COMPANY

ORDER FOR REINSTATEMENT OF REGISTRATION

An order having been issued in the above-entitled matter on June 10, 1942, suspending the registration of respondent, Eastern Coal & Coke Company, as a distributor, Registration No. 2615, for a period of thirty (30) days, beginning fifteen (15) days after the date of said Order; and

Said Order having been duly served upon said respondent on June 18, 1942; and

Eastern Coal & Coke Company, respondent herein, having duly filed with the Division on July 14, 1942, an affidavit sworn to on July 11, 1942, and thereafter on July 21, 1942, having filed a supplemental affidavit sworn to on July 20, 1942, pursuant to § 304.15 of the Rules and Regulations for the Registration of Distributors, and said Order issued June 10, 1942; and

It appearing to the Acting Director that said affidavits of Eastern Coal & Coke Company sufficiently comply with the provisions of § 304.15 of the Rules and Regulations for the Registration of Distributors and said Order dated June 10, 1942;

Now, therefore, it is ordered, That the registration of Eastern Coal & Coke Company be and it hereby is reinstated simultaneously with the expiration of said thirty (30) day period of suspension.

Dated: July 30, 1942.

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

[F. R. Doc. 42-7428; Filed, July 31, 1942; 11:53 a. m.]

[Docket No. B-48]

SUN COAL COMPANY, CODE MEMBER

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP AND CEASE AND DESIST ORDER

A complaint, dated September 9, 1941, in the above-entitled matter, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act") having been filed with the Bituminous Coal Division (the "Division") on September 24, 1941 by the Bituminous Coal Producers Board for District No. 8, complainant, alleging that Sun Coal Company wilfully violated the provisions of the Bituminous Coal Code (the "Code") and the effective minimum prices established thereunder, and an amendment to said complaint having been filed with the Division on February 2, 1942; and

Sun Coal Company having filed with the Division on January 19, 1942, an application pursuant to § 301.132 of the Rules of Practice and Procedure for disposition of the above-entitled matter without formal hearing and on February 10, 1942 and April 22, 1942 having filed with the Division supplements to said application; and

An order having been entered herein on July 15, 1942 (a) revoking and cancelling the code membership of Sun Coal Company effective fifteen (15) days from the date of service of said order on Sun Coal Company; (b) providing that prior to restoration of Sun Coal Company to membership in the Code, there shall be paid to the United States Government a tax in the amount of Three Thousand Four Hundred and Twelve Dollars and Thirty-nine Cents ($3,412.39) as provided in section 5 (c) of the Act; and (c) providing that any order or restoration of the membership of Sun Coal Company in the Code shall require that Sun Coal Company, its representatives, officers, servants, agents, employees, attorneys, receivers, and successors or assigns and all persons acting or claiming to act in its behalf or interest cease and desist and that they be permanently enjoined and restrained from violating the Act, the Code, and rules and regulations thereunder; and

Said order issued July 15, 1942 having been duly served on Sun Coal Company on July 23, 1942; and

Sun Coal Company having on July 29, 1942 filed with the Division an application dated July 27, 1942, for restoration of its code membership, and it appearing from said application that Sun Coal Company has paid to the Deputy Collector of Internal Revenue for the District of Tennessee the sum of Three Thousand Four Hundred and Twelve Dollars and Thirty-nine Cents ($3,412.39) as provided in said order, as a condition precedent to the restoration of its code membership.

Now, therefore, it is ordered, That said application of said Sun Coal Company for restoration of its code membership be and the same hereby is granted and said restoration is to become effective simultaneously with the effective date of cancellation and revocation of its code membership, as provided in order issued herein on July 15, 1942; and

It is further ordered, That pursuant to said order issued herein on July 15, 1942, Sun Coal Company, its representatives, officers, servants, agents, employees, attorneys, receivers, and successors or assigns and all persons acting or claiming to act in its behalf or interest, cease and desist and they are permanently enjoined and restrained from violating the Act, the Code, and rules and regulations thereunder; and

It is further orered, That the Division, upon failure of Sun Coal Company to comply with this Order, may apply to the Circuit Court of Appeals for the United States within any circuit where Sun Coal Company carries on business for the enforcement hereof or take other appropriate action.

Dated July 30, 1942.

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

[F. R. Doc. 42-7426; Filed, July 31, 1942; 11:53 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

CINCINNATI, OHIO, MARKETING AREA

NOTICE OF REPORT AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED MARKETING AGREEMENT, AND TO A PROPOSED MARKETING ORDER, REGULATING HANDLING OF MILK, PREPARED BY THE ADMINISTRATOR OF THE AGRICULTURAL MARKETING ADMINISTRATION

Pursuant to § 900.12 (a)[1] of the General Regulations, as amended, of the Agricultural Marketing Administration, United States Department of Agriculture, governing proceedings to formulate marketing orders and marketing agreements, notice is hereby given of the filing with the hearing clerk of this report of the Administrator of the Agricultural Marketing Administration, with respect to a proposed marketing agreement and to a proposed marketing order regulating the handling of milk in the Cincinnati, Ohio, marketing area. Interested parties may file exceptions to the report with the Hearing Clerk, Room 0312, Department of Agriculture, Washington, D. C., not later than the close of business on the 7th day after publication of this notice in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary Statement

The proceedings were initiated by the Agricultural Marketing Administration upon receipt of a petition dated March 9, 1942, from the Cincinnati Sales Association, Cincinnati, Ohio, for a public hearing on a marketing agreement and marketing order program which it proposed. Following this request a number of proposed provisions were received from other interested parties. After consideration of all the proposals received, notice of the hearing was issued on April 16, 1942, and the hearing was convened on May 5, 1942. The time for filing briefs was set at the close of the hearing, to expire at midnight May 16, 1942.

The underlying issue in this proceeding is whether or not the Secretary shall issue a marketing order. It is concluded from the record that an order should be issued and that a marketing agreement should be offered to the handlers who regularly sell milk in the prescribed marketing area to be known as the Cincinnati, Ohio, marketing area, irrespective of the original source of the milk sold. By this means orderly marketing conditions will be promoted and preserved and the policy of the act will be effectuated.

From the conclusion on the underlying issue, several principal issues pertaining to certain features of the proposed program assume prominence from the record, as follows:

1. What constitutes the most practical marketing area, and what constitutes

[1] 6 F.R. 6573.

its supply of milk which should be regulated?

2. At what level shall the minimum class prices be fixed?

3. By what method shall the proceeds of these minimum prices be distributed to producers?

On these issues, it is concluded that:

1. The marketing area should include the city of Cincinnati, Ohio, and the territory within the boundary lines of Hamilton County, Ohio.

2. Parity prices calculated from the period August 1919–July 1929 are unreasonable in view of present conditions and that the prices fixed will reflect the price of feeds, the available supplies of feeds and other economic conditions which affect the market supply and demand for milk produced for sale in the marketing area, will insure a sufficient supply of pure and wholesome milk for such area, and will be in the public interest.

3. The reserve supplies of milk of the fluid milk plants serving the marketing area are not proportionately distributed among the handlers of milk, and in order that equity as among producers and as among handlers may be achieved, payment should be made to all producers delivering milk to all handlers of uniform prices for all milk so delivered, irrespective of the uses made of such milk by the individual handler to whom it is delivered.

4. The purchasing power of milk in the Cincinnati, Ohio, marketing area, specified in sections 2 and 8e of the act cannot be determined satisfactorily from available statistics of the Department of Agriculture for the period August 1909–July 1914, but can be determined satisfactorily from available statistics of the Department of Agriculture for the postwar period August 1919–July 1929, and that the post-war period should be the base period to be used in determining the purchasing power of milk sold in the Cincinnati, Ohio, marketing area.

The following proposed marketing order and proposed marketing agreement prepared pursuant to § 900.12 (a) of the General Regulations, As Amended, Agricultural Marketing Administration, are recommended as the detailed means by which these conclusions may be carried out.

This report filed at Washington, D. C., the 30th day of July 1942.

[SEAL] ROY F. HENDRICKSON,
Administrator.

PROPOSED MARKETING ORDER, REGULATING THE HANDLING OF MILK IN THE CINCINNATI, OHIO, MARKETING AREA

It is found upon the evidence introduced at the public hearing held in Cincinnati, Ohio, May 5 and 6, 1942:

Findings

1. That prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e (50 Stat. 246; 7 U.S.C. 1940 ed. 602, 608e), are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk and that the minimum prices set forth in this order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

2. That all handling of milk sold or disposed of by handlers as defined in section 1 (a) (5) of this order is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products, and that handlers so defined are engaged in the handling of milk which is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk or its products;

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

4. That a prorata assessment on handlers as provided by section 9 of this order at a rate not to exceed 2 cents per hundredweight on all milk received from producers, or produced by them, during each delivery period will provide funds necessary to pay such expenses as necessarily will be incurred by the market administrator under such order for the maintenance and proper functioning of his office; and

5. That orderly conditions for milk flowing into the Cincinnati, Ohio, marketing area are so disrupted as to result in the impairment of the purchasing power of such milk, and that the issuance of this order and all of its terms and conditions, will tend to effectuate the declared policy of the act.

Provisions

SECTION 1. *Definitions*—(a) *Terms*. The following terms shall have the following meanings:

(1) The term "Secretary" means the Secretary of Agriculture of the United States.

(2) The term "Cincinnati, Ohio, marketing area," hereinafter called the "marketing area," means the city of Cincinnati, Ohio, and the territory included within the boundary lines of Hamilton County, Ohio.

(3) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(4) The term "producer" means any person who produces milk which is received by a handler at a plant from which, under approval of the proper health authorities, milk is disposed of as milk in the marketing area, or milk which is caused to be diverted under the conditions set forth in subparagraph (5) of this paragraph with respect to milk diverted by a cooperative association to a plant from which no milk is disposed of as milk in the marketing area.

(5) The term "handler" means any person who, on his own behalf or on behalf of others, purchases or receives milk from producers, associations of producers, or other handlers, all, or a portion, of which milk is disposed of as milk in the marketing area, and who, on his own behalf or on behalf of others, engages in such handling of milk as is in the current of interstate commerce, or which directly burdens, obstructs, or affects interstate commerce in milk and its products. This definition shall be deemed to include any cooperative association with respect to the milk of any producer whose milk previously has been received by a handler which such cooperative association causes to be delivered during the delivery periods of April, May, and June, to a plant from which no milk is disposed of as milk in the marketing area, for the account of such cooperative association and for which such cooperative association collects payment. This definition shall not be deemed to include any person from whom emergency milk is received or any person who handles only milk of his own production.

(6) The term "delivery period" means any calendar month.

(7) The term "act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(8) The term "market administrator" means the agency which is described in section 2 for the administration hereof.

(9) The term "emergency milk" means milk or skimmed milk received by a handler from sources other than producers under a permit to receive such milk issued to him by the proper health authorities: *Provided*, That the total quantity so received shall be in excess of the total quantity of milk diverted on the same day by a cooperative association under the conditions set forth in subparagraph (5) of this paragraph.

SEC. 2. *Market administrator*—(a) *Designation*. The agency for the administration hereof shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers*. The market administrator shall:

(1) Administer the terms and provisions hereof; and

(2) Report to the Secretary complaints of violations of the provisions hereof.

(c) *Duties*. The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Pay, out of the funds provided by section 9, the cost of his bond, and of the bonds of those of his employees who handle funds entrusted to the market administrator, his own compensation, and all other expenses which are necessarily incurred in the maintenance and

functioning of his office and in the performance of his duties;

(3) Keep such books and records as will clearly reflect the transactions provided for herein, and shall surrender the same to his successor or to such other person as the Secretary may designate;

(4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within two days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to section 3 or (ii) made payments pursuant to sections 7 and 9;

(5) Promptly verify the information contained in the reports submitted by handlers; and

(6) Furnish such information and verified reports as the Secretary may request, and shall submit his books and records to examination by the Secretary at any and all times.

SEC. 3. *Reports of handlers*—(a) *Reports to market administrator.* Each handler, under his own signature or under that of a person certified by such handler to the market administrator as being authorized to sign the reports required by this section, shall report to the market administrator in the detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 10th day after the end of each delivery period, (i) the receipts of milk at each plant from producers, (ii) the receipts of milk at each plant from handlers, (iii) the receipts of milk at each plant from his own production, (iv) the receipts of milk and cream at each plant from any other source, and (v) the utilization of all receipts of milk for the delivery period;

(2) Within 10 days after the market administrator's request with respect to each producer for whom such information is not in the files of the market administrator and with respect to a period or periods of time designated by the market administrator, (i) the name and address, (ii) the total pounds of milk received, (iii) the average butterfat test of milk received, and (iv) the number of days upon which milk was received;

(3) On or before the 10th day after the end of each delivery period, his producer pay roll, which shall show for each producer, (i) the total receipts of milk with the average butterfat test thereof, (ii) the amount of the advance payment to such producer made pursuant to section 7 (a), and (iii) the deductions and charges made by the handler;

(4) On or before the 5th day after the end of each delivery period, the disposition of Class I milk outside the marketing area as follows: (i) the amount and the utilization of such milk, (ii) the butterfat test thereof, (iii) the date of such sale or disposition, (iv) the point of use, (v) the plant from which such milk was shipped, and (vi) such other information with respect thereto as the market administrator may request;

(5) On or before the day such handler receives emergency milk, his intention to receive such milk;

(6) On or before the 10th day after the end of each delivery period, the receipts of emergency milk as follows: (i) the amount of such milk, (ii) the date or dates upon which such milk was received during the delivery period, (iii) the plant from which such milk was shipped, (iv) the price per hundredweight paid, or to be paid, for such milk, (v) the utilization of such milk, and (vi) such other information with respect thereto as the market administrator may request; and

(7) On or before the 10th day after each delivery period, the milk diverted by a cooperative association under the conditions set forth in section 1 (a) (5) as follows: (i) the amount of such milk, (ii) the date or dates upon which such milk was diverted during the delivery period, (iii) the plant to which such milk was shipped, (iv) the utilization of such milk, and (v) such other information with respect thereto as the market administrator may request.

(b) *Reports to a cooperative association.* In the event a handler receives milk during the delivery period from a cooperative association, either directly or from producers who have authorized such cooperative association to receive payments for them under section 8 (b), such handler shall submit to such cooperative association, on or before the 10th day after the end of the delivery period, a report of the utilization of such milk determined pursuant to section 4. For the purpose of this report the milk so received shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were used in each class.

(c) *Verification of reports.* Each handler shall make available to the market administrator or his agent, or to such other person as the Secretary may designate, (1) those records which are necessary for the verification of the information contained in the reports submitted in accordance with this section, and (2) those facilities which are necessary for the sampling and for weighing of the milk of each producer.

SEC. 4. *Classification of milk*—(a) *Basis of classification.* Milk handled by a cooperative association under the conditions set forth in section 1 (a) (5) and milk received by each handler, including milk produced by him, shall be classified by the market administrator in the classes set forth in paragraph (b) of this section.

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

(1) Class I milk shall be all milk and skim milk disposed of in the form of milk, buttermilk, and milk drinks, whether plain or flavored, and all milk not accounted for as Class II milk or Class III milk.

(2) Class II milk shall be all milk used to produce cream (for consumption as cream) and creamed cottage cheese.

(3) Class III milk shall be all milk accounted for (i) as actual plant shrinkage but not to exceed 2½ percent of total receipts of milk from producers (including the handler's own production) and (ii) as used to produce a milk product other than those specified in Class II milk.

(c) *Interhandler and nonhandler sales.* Milk or skim milk disposed of by a handler to another handler or to a person who is not a handler but who distributes milk or manufactures milk products, shall be Class I milk: *Provided,* That if the selling handler on or before the 10th day after the end of the delivery period furnishes to the market administrator a statement, which is signed by the buyer and the seller, that such milk or skim milk was used as Class II milk or Class III milk, such milk or skim milk shall be classified accordingly, subject to verification by the market administrator.

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

(1) Determine the total pounds of milk (i) received from producers, including milk of the handler's own production, (ii) received from other handlers, (iii) received as emergency milk, (iv) received as milk or cream (converted to 4.0 percent milk equivalent) from any other source, and (v) add together the resulting amounts.

(2) Determine the total pounds of butterfat received as follows: (i) multiply the weight of the milk received from producers, including the handler's own production, by its average butterfat test; (ii) multiply the weight of milk received from other handlers by its average butterfat test; (iii) multiply the weight of emergency milk by its average butterfat test; (iv) multiply the weight of milk and cream received from any other source by its average butterfat test; and (v) add together the resulting amounts.

(3) Determine the total pounds of milk in Class I as follows: (i) convert to half pints the quantity of milk and skim milk disposed of in the form of milk, buttermilk, and milk drinks, whether plain or flavored, and multiply by 0.5375; (ii) multiply the result by the average butterfat test of such milk; and (iii) if the quantity of butterfat so computed, when added to the pounds of butterfat in Class II milk and Class III milk computed pursuant to subparagraphs (4) (ii) and (5) (iv) of this paragraph, is less than the total pounds of butterfat received, computed in accordance with subparagraph (2) of this paragraph, an amount equal to the difference shall be divided by 4.0 percent and the resulting amount shall be added to the quantity of milk determined pursuant to (i) of this subparagraph.

(4) Determine the total pounds of milk in Class II as follows: (i) multiply the actual weight of each of the several products of Class II milk by its average butterfat test; (ii) add together the resulting amounts; and (iii) divide the result obtained in (ii) of this subparagraph by 4.0 percent.

(5) Determine the total pounds of milk in Class III as follows: (i) multiply

the actual weight of each of the several products of Class III milk by its average butterfat test (ii) add together the resulting amounts; (iii) subtract the total pounds of butterfat in Class I milk and Class II milk, computed pursuant to subparagraphs (3) (ii) and (4) (ii) of this paragraph, and the total pounds of butterfat computed pursuant to (ii) of this subparagraph, from the total pounds of butterfat computed pursuant to subparagraph (2) of this paragraph, which resulting quantity shall be allowed as plant shrinkage for the purposes of this paragraph (but in no event shall such plant shrinkage allowance exceed 2½ percent of the total receipts of butterfat from producers by the handler); (iv) add together the results obtained in (ii) and (iii) of this subparagraph; and (v) divide the sum obtained in (iv) of this subparagraph by 4.0 percent.

(6) Determine the classification of milk received from producers, as follows: (i) subtract from the total pounds of milk in each class the total pounds of milk which were received from other handlers and used in such class; (ii) subtract pro rata out of the remaining milk in each class the total pounds of emergency milk; and (iii) subtract from the remaining milk in each class the total pounds of milk (and milk equivalent of cream converted to 4.0 percent milk), except emergency milk, received from sources other than producers or handlers and used in such class.

(e) *Reconciliation of utilization of milk by classes with receipts of milk from producers.* (1) If the total utilization of milk in the various classes for any handler, as computed pursuant to paragraph (d) of this section, is less than the receipts of milk from producers, the market administrator shall increase the total pounds of milk in Class III for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler.

(2) If the total utilization of milk in the various classes for any handler, as computed pursuant to paragraph (d) of this section, is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk in Class III for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler.

SEC. 5. *Prices*—(a) *Class prices.* Except as set forth in paragraphs (b) and (c) of this section each handler shall pay at the time and in the manner set forth in section 7 not less than the following prices per hundredweight for milk received at such handler's plant, on the basis of milk of 4.0 percent butterfat content, as follows:

(1) Class I milk, $3.55.

(2) Class II milk, $2.65.

(3) Class III milk, the price resulting from the following computation by the market administrator: determine the arithmetical average of the basic, or field, prices per hundredweight ascertained to have been paid for milk of 4.0 percent butterfat content received during the delivery period at the following plants:

Concern and location of plants

M. & R. Dietetic Laboratories, Inc., Chillicothe, Ohio.
Carnation Milk Co., Hillsboro, Ohio.
Nestle's Milk Products, Inc., Greenville, Ohio.
Osgood Milk Co., Osgood, Ind.
Carnation Milk Co., Maysville, Ky.

Provided, That if the price so determined is less than the price computed by the market administrator in accordance with the following formula, such formula price shall be the price for Class III milk for the delivery period: multiply by 4 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and add 20 percent: *Provided*, That such price shall be subject to the following adjustments: (i) add 3½ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption is above 5½ cents per pound, or (ii) subtract 3½ cents per hundredweight for each full one-half cent that the price of such dry skim milk is below 5½ cents per pound. For purposes of determining these adjustments the price per pound of dry skim milk to be used shall be the average of the carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, as published by the United States Department of Agriculture for a Chicago area during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such dry skim milk for the previous delivery period. In the event the United States Department of Agriculture does not publish carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, the average of the carlot prices for dry skim milk for human consumption, delivered at Chicago, shall be used, and the following adjustments shall be made in lieu of the adjustments set forth above: add 3½ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption, delivered at Chicago, is above 7½ cents per pound, or subtract 3½ cents per hundredweight for each full one-half cent that such price of dry skim milk at Chicago is below 7½ cents per pound.

(b) *Price of Class I milk disposed of outside the marketing area.* (1) The price to be paid by such handler for Class I milk disposed of outside the marketing area, in lieu of the price otherwise applicable pursuant to this section and except as provided in subparagraph (2) of this paragraph, shall be, as ascertained by the market administrator, such price as is being paid to farmers for milk of equivalent use in the market where such milk is disposed of, subject to a reasonable adjustment on account of transportation with respect to Class I milk moved from the handler's plant in the marketing area to the plant outside the marketing area where such milk was loaded on wholesale and retail routes: *Provided*, That such Class I price minus the adjustment for transportation shall not be lower than the price for Class I milk determined pursuant to paragraph (a) (1) of this section, less 20 cents.

(2) The price to be paid by such handler for Class I milk disposed of outside the marketing area for which no price can be ascertained on the basis provided for in subparagraph (1) of this paragraph, including Class I milk disposed of to Government institutions and establishments, shall be the price for Class I milk determined pursuant to paragraph (a) (1) of this section.

(c) *Price of Class I milk disposed of for relief distribution.* The price to be paid by such handler for Class I milk disposed of through a recognized relief agency or under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, shall be the price for Class I milk determined under paragraph (a) (1) of this section, less 46 cents.

(d) *Computation of value of milk for each handler.* For each delivery period the market administrator shall compute the value of milk which each handler has received from producers (including milk of his own production), as follows:

(1) Multiply the hundredweight of milk in each class, computed in accordance with section 4 (d) and (e) by the respective class prices for 4 percent milk: *Provided*, That if the butterfat content of milk received by such handler from producers (including milk of his own production) is other than 4 percent, there shall be added, for each one-tenth of 1 percent of average butterfat content above 4 percent, or there shall be subtracted, for each one-tenth of 1 percent of average butterfat content below 4 percent, an amount computed as follows: to the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, add 20 percent thereof, and divide the result by 10.

If such handler has received milk (or cream), except emergency milk, from sources other than producers or handlers as referred to in section 4 (d) (6) (iii), and has disposed of such milk (or cream) other than as Class III milk, there shall be added to the value of milk thus far determined an additional amount computed as follows: multiply the hundredweight of such milk (or milk equivalent of cream) by the difference between the Class III price and the price applicable to the class in which it was disposed.

For the hundredweight of milk involved in any adjustment made pursuant to section 4 (e) the handler shall be debited or credited, as the case may be, at the Class III price.

(2) Add together the resulting amounts.

(3) If, in the verification of reports submitted by the handler, the market administrator discovers errors in such

reports which result in payments due the producer-settlement fund or the handler for any previous delivery period, there shall be added or subtracted, as the case may be, the amount necessary to correct such errors.

(e) *Notification to each handler of value of milk.* On or before the 13th day after the end of each delivery period, the market administrator shall bill each handler for the value of milk computed in accordance with paragraph (d) of this section.

SEC. 6. *Computation and announcement of uniform price.* For each delivery period, the market administrator shall compute and announce the uniform price, as provided in paragraphs (a) and (b) of this section.

(a) *Computation of uniform price.* The market administrator shall compute the uniform price per hundredweight of milk received by handlers during each delivery period as follows:

(1) Add together the values of milk as computed in section 5 (d) for each handler who made the payments to the producer-settlement fund as required by section 7 (b).

(2) Subtract, if the average butterfat test of all such milk is greater than 4.0 percent, or add, if the average butterfat test of such milk is less than 4.0 percent, an amount computed as follows: multiply the hundredweight of milk by the variance of such average butterfat test from 4.0 percent, and multiply the resulting amount by $0.50 if the average price of butter sold at wholesale in the Chicago market during the delivery period, as reported by the United States Department of Agriculture, was more than 40 cents; by $0.40 if such average price of butter was more than 30 cents; or by $0.30 if such average price of butter was 30 cents or less.

(3) Add the cash balance in the producer-settlement fund.

(4) Divide by the total hundredweight of milk received.

(5) Subtract from the figure obtained in subparagraph (4) of this paragraph not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining a cash balance to provide against errors in reports and in payments by handlers. The result shall be known as the uniform price per hundredweight for such delivery period for milk of producers which contains 4.0 percent butterfat.

(b) *Announcement of prices and transportation rates.* On or before the beginning of the following delivery period, the market administrator shall notify each handler of the uniform price for milk, and of the price for Class III milk, and shall make public announcement of the uniform price computation. From time to time, the market administrator shall also publicly announce the amounts per hundredweight deducted by each handler from the payments made to producers pursuant to section 8, and the amounts actually paid to handlers, for the transportation of milk from the farms of producers to such handler's plant or plants, as ascertained from reports submitted pursuant to section 3 (a) (3).

SEC. 7. *Payment for milk*—(a) *Payment to producers.* On or before the 5th day after the end of each delivery period, each handler shall pay, with respect to all milk received during the delivery period, $1 per hundredweight of milk to each producer: *Provided*, That in the event the total amount of the deductions and charges authorized by any producer against payments due such producer for the delivery period next preceding is greater than the payment computed for such producer pursuant to section 8 (a) with respect to milk received from such producer during such preceding delivery period, the handler may deduct from the payment required by this paragraph a sum equal to the difference between such amounts.

(b) *Payment to producer-settlement fund.* On or before the 17th day after the end of each delivery period, each handler shall pay to the market administrator the amount of money which represents the value of milk billed to him for such delivery period, pursuant to section 5 (d), less the amount paid out to each producer in accordance with paragraph (a) of this section, and less the amount of the deductions and charges authorized by such producer which are itemized on the handler's producer pay roll: *Provided*, That in the calculation of the total amount of such deductions and charges to be subtracted, the deductions and charges to be considered with respect to each individual producer shall not be greater than an amount which, when added to the payment made to such producer in accordance with paragraph (a) of this section (inclusive of the deductions and charges authorized by paragraph (a) of this section), will not exceed the total value of the milk received from such producer. The market administrator shall maintain a separate fund, known as the producer-settlement fund, in which he shall deposit all payments of handlers received pursuant to this paragraph.

SEC. 8. *Payments from producer-settlement fund*—(a) *Calculation of payments for each producer.* For each delivery period, the market administrator shall calculate the payment due each producer from whom milk was received during such delivery period by a handler who paid into the producer-settlement fund in accordance with section 7, as follows:

(1) Multiply the hundredweight of milk received from each producer by the uniform price computed in accordance with section 6 (a): *Provided*, That if the milk of such producer was of an average butterfat content other than 4.0 percent, there shall be added or subtracted for each one-tenth of 1 percent variance above or below 4 percent, 5 cents if the average price of butter described in section 6 (a) (2) was more than 40 cents, 4 cents if such average price of butter was more than 30 cents, or 3 cents if such average price of butter was 30 cents or less.

(2) Subtract the amount of the payment made pursuant to section 7 (a), and the charges and the deductions, if any, which are made pursuant to section 7 (b).

(b) *Payments.* On or before the 20th day after the end of each delivery period, the market administrator shall pay, subject to the provisions of section 10, to each cooperative association authorized to receive payments due producers who market their milk through such cooperative association, the aggregate of payments calculated pursuant to paragraph (a) of this section, for all producers certified to the market administrator by such cooperative association as having authorized such cooperative association to receive such payments, and shall pay direct to each producer, who has not been certified as having authorized such cooperative association to receive such payments, the amount of the payments calculated pursuant to paragraph (a) of this section.

SEC. 9. *Expense of administration*—(a) *Payment by handler.* As his pro rata share of the expenses which will be necessarily incurred in the maintenance and functioning of the office of the market administrator, each handler, with respect to all milk received from producers, and produced by him, during the delivery period, shall pay to the market administrator, on or before the 17th day after the end of each delivery period, that amount per hundredweight, not to exceed 2 cents, which is announced by the market administrator on or before the 13th day after the end of the delivery period.

SEC. 10. *Marketing services*—(a) *Deductions for marketing services.* The market administrator shall deduct an amount not exceeding 4 cents per hundredweight of milk (the exact amount to be determined by the market administrator), from the payments made pursuant to section 8 (b), with respect to those producers for whom the marketing services set forth in paragraph (b) of this section are not being performed by a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," for the purpose of performing for such producers the services set forth in paragraph (b) of this section.

(b) *Marketing services to be rendered.* The moneys received by the market administrator pursuant to paragraph (a) of this section shall be expended by the market administrator for market information to, and for verification of weights, samples, and tests of milk received from, producers for whom a cooperative association, as described in paragraph (a) of this section, is not performing the same services on a comparable basis, as determined by the market administrator, subject to the review of the Secretary.

SEC. 11. *Effective time, suspension, or termination of order*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* The Secretary may suspend or terminate this order or any provision hereof whenever he finds that this order or any provision hereof obstructs or does not tend

to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until removed by the Secretary, (ii) from time to time account for all receipts and disbursements and, when so directed by the Secretary, deliver all funds on hand, together with the books and records of the market administrator or such other person to such person as the Secretary shall direct, and (iii) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

PROPOSED MARKETING AGREEMENT REGULATING THE HANDLING OF MILK IN THE CINCINNATI, OHIO, MARKETING AREA

The parties hereto agree as follows:

1. The terms and provisions of sections 1 through 11 of Order No. —, Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area, issued __________, 1942, shall be the terms and provisions of sections 1 through 11 of the marketing agreement with the exception that wherever the word "order" is used the words "marketing agreement" shall be substituted therefor; and

2. The following sections shall also be a part of the marketing agreement in addition to sections 1 through 11 of said order:

SEC. 12. *Liability*—(a) *Handlers.* The liability of the handlers hereunder is several and not joint and no handler shall be liable for the default of any other handler.

SEC. 13. *Counterparts and additional parties*—(a) *Counterparts.* This agreement may be executed in multiple counterparts, and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument, as if all such signatures were obtained in one original.

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

SEC. 14. *Record of milk handled and authorization to correct typographical errors*—(a) *Record of milk handled.* The undersigned certified that he handled during the month of ____________, __________ pounds of milk covered by this agreement and disposed of within the marketing area.

(b) *Authorization to correct typographical errors.* The undersigned hereby authorizes the Chief, Dairy and Poultry Branch, Agricultural Marketing Administration, to correct any typographical errors which may have been made in this marketing agreement.

SEC. 15. *Signature of parties.* In witness whereof, the contracting handlers, acting under the provisions of the act, for the purposes and subject to the limitations herein contained and not otherwise, have hereunto set their respective hands and seals.

[F. R. Doc. 42-7403; Filed, July 30, 1942; 4:22 p. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order O.D.T. No. 2-3]

SUBSTITUTION OF MOTOR VEHICLE FOR RAIL PASSENGER SERVICE

CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY

Upon consideration of the application for authority to substitute motor vehicle service for certain railroad passenger service filed with this Office by the Chicago, Burlington & Quincy Railroad Company, as contemplated by General Order O.D.T. No. 2,[1] and good cause appearing therefor,

It is hereby ordered, That:

1. Chicago, Burlington & Quincy Railroad Company is authorized to abandon the passenger, express and baggage train service now operated by it as train nos. 24-27 and 28-23 between Billings, Montana and Cody, Wyoming, and to substitute therefor motor vehicle bus service to be operated by Burlington Transportation Company, a subsidiary of Chicago, Burlington & Quincy Railroad Company: *Provided, however,* That Burlington Transportation Company forthwith shall file with the Interstate Commerce Commission and publish in accordance with law and continue in effect only for the duration of the present emergency, unless otherwise ordered, tariffs or appropriate supplements to filed tariffs, setting forth any changes in the rates, charges, rules, regulations or practices which may be necessary to accord with this Supplementary Order, together with a copy of this Supplementary Order, and forthwith shall apply to said Commission for special permission for such tariffs or supplements, to become effective on one-day's notice.

[1] 7 F.R. 2952.

This Supplementary Order shall become effective on the 31st day of July 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this 31st day of July 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-7435; Filed, July 31, 1942; 12:11 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[Docket No. 3077-5]

CALUMET COAL & COKE CO.

ORDER GRANTING PETITION

Order No. 4 under Revised Price Schedule No. 77[1]—Beehive Oven Furnace Coke Produced in Pennsylvania.

On June 22, 1942, Calumet Coal & Coke Company, Scottdale, Pennsylvania, filed a petition for an exception pursuant to § 1345.57 (b) of Revised Price Schedule No. 77. Due consideration has been given to the petition and an opinion in support of this Order No. 4 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, it is hereby ordered:

(a) Calumet Coal & Coke Company may sell, offer to sell, deliver or transfer, beehive oven furnace coke produced in Pennsylvania at its ovens located at Calumet, Pennsylvania, at a price not to exceed $6.55 per net ton f. o. b. cars or trucks, Connellsville, Pennsylvania. Any person may buy, offer to buy or accept delivery of such coke at such price from Calumet Coal & Coke Company.

(b) The price stated herein may be charged for shipments of such coke made on or after May 1, 1942.

(c) The permission granted to Calumet Coal & Coke Company in this Order No. 4 is subject to the condition that so long as its said ovens shall remain in operation there shall be filed with the Office of Price Administration on or before the 10th day of each month itemized and verified statement of all costs and

[1] 7 F.R. 1352, 1836, 2030, 2132, 2760.
[2] 7 F.R. 971, 3663.

expenses incurred in the production of such coke during the preceding month; also balance sheet and profit and loss statement of Calumet Coal & Coke Company, as of the last day of the preceding month.

(d) All prayers of the petition not granted herein are denied.

(e) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires, the definitions set forth in § 1345.58 of Revised Price Schedule No. 77 shall apply to terms used herein.

(g) This Order No. 4 shall become effective July 31, 1942.

Issued this 30th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7392; Filed, July 30, 1942; 3:33 p. m.]

HURLEY MACHINE DIVISION OF ELECTRIC HOUSEHOLD UTILITIES CORPORATION

APPROVAL OF MAXIMUM PRICES

Order No. 3 under Revised Price Schedule No. 86 [1]—Domestic Washing Machines and Ironing Machines.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

(a) Hurley Machine Division of Electric Household Utilities Corporation may sell, offer to sell, or deliver the following models of ironers at prices no higher than those specified:

Model 89-B	Model 89-C	
$20.44	$21.34	F. o. b. factory for sales to distributors.
24.50	25.58	F. o. b. distributing point for sales to dealers in shipments of 4 or more.
26.59	27.77	F. o. b. distributing point for sales to dealers in shipments of less than 4.

subject to discounts, allowances, and terms of sale no less favorable than those in effect with respect to the maximum price of Model 89. as determined by Revised Price Schedule No. 86.

(b) This Order No. 3 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1380.9 of Revised Price Schedule No. 86 shall apply to the terms used herein.

(d) This Order No. 3 shall become effective on the 31st day of July 1942.

Issued this 30th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7393; Filed, July 30, 1942; 3:34 p. m.]

[1] 7 F. R. 1367, 1836, 2132.

CENTURY STEEL CORPORATION

ORDER DENYING PETITION

Order No. 8 under revised price schedule No. 49,[1] resale of iron or steel products.

Century Steel Corporation of Chicago, Illinois has filed a petition for exception from the provisions of Revised Price Schedule No. 49. This petition has also been considered as a petition for amendment. Due consideration has been given to the petition, and an Opinion in support of this Order No. 8 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the Opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, it is hereby ordered that:

The petition filed by Century Steel Corporation be, and it hereby is, denied.

This order No. 8 shall become effective July 31, 1942.

Issued this 30th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7394; Filed, July 30, 1942; 3:35 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-571]

CONSOLIDATED ELECTRIC AND GAS CO., ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 30th day of July, A. D. 1942.

In the matter of Consolidated Electric and Gas Company, Baraga County Light and Power Company, Central Indiana Gas Company, Citizens Gas Company, Florida Public Utilities Company, Hoosier Gas Corporation, Houghton County Electric Light Company, Lynchburg Gas Company, and Maine Public Service Company.

Notice is hereby given that declarations or applications (or both) have been filed with this Commission by Consolidated Electric and Gas Company, a registered holding company, and its subsidiary companies, Baraga County Light and Power Company, Central Indiana Gas Company, Citizens Gas Company, Florida Public Utilities Company, Hoosier Gas Corporation, Houghton County Electric Light Company, Lynchburg Gas Company, and Maine Public Service Company, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6, 7, 9, 10, and 12 thereof and Rules U-42, U-43, U-44, U-45 and U-50 of the rules and regulations promulgated thereunder. All interested persons are referred to said declarations or applications, which are on file in the office of said Commission for a statement of the transactions therein proposed, which are summarized as follows:

[1] 7 F.R. 1300, 1836, 2132, 2473, 2540, 2682, 2790, 2791, 3330, 3540, 3763, 3893, 4342.

[2] 7 F.R. 971.

Consolidated Gas and Electric Company (hereinafter referred to as Consolidated) proposes to redeem and retire Central Gas and Electric Company First Lien Collateral Trust Sinking Fund Bonds (hereinafter referred to as Cengas Bonds) in the principal amount of $7,490,600, heretofore assumed by Consolidated. Pledged as collateral under the Cengas Bonds are certain securities of Central Indiana Gas Company (hereinafter referred to as Indiana), Florida Public Utilities Company (hereinafter referred to as Florida), Hoosier Gas Corporation (hereinafter referred to as Hoosier), Houghton County Electric Light and Power Company (hereinafter referred to as Houghton), Lynchburg Gas Company (hereinafter referred to as Lynchburg) and Maine Public Service Company (hereinafter referred to as Maine). Central, Florida, Hoosier, Houghton, Lynchburg and Maine, severally, propose to issue and sell first mortgage bonds and to use the proceeds in part to retire the securities owned by Consolidated and pledged under the Cengas Bonds. Preliminary thereto Baraga is to be merged into Houghton and Consolidated is to sell Maine and New Brunswick Electrical Power Company, Limited, to Maine.

The plan submitted is to be effected by the following proposed transactions:

(1) Consolidated will sell to Houghton all of Baraga's outstanding common stock for approximately $300,000 which will be paid for with a promissory note of Houghton in the face amount of $210,000 and the issuance of additional shares of the common stock of Houghton at their par value. This note and common stock of Houghton will be pledged by Consolidated under the Cengas indenture.

Baraga will then be liquidated and Houghton will acquire its assets and either assume or pay its outstanding 4% bonds in the amount of $290,000 held by an insurance company.

(2) Houghton proposes to issue and sell $1,300,000 first mortgage bonds and to apply the proceeds (a) to redeem and retire the $290,000 Baraga bonds and (b) to pay Consolidated $1,010,000 to retire $800,000 face amount of Houghton 6% notes, presently owned by Consolidated, and the $210,000 Houghton note, above mentioned.

In case the $290,000 of assumed bonds of Baraga cannot be redeemed, they will remain outstanding and the amount of new bonds to be issued will be reduced to $1,000,000.

(3) Consolidated, which owns all the outstanding securities of Maine and New Brunswick Electrical Power Company,

Limited, with the exception of $7,900 of 6% Perpetual Debenture Stock, proposes to sell these securities (which are pledged under the Cengas Indenture), to Maine for approximately $1,400,000. Maine proposes, in exchange for the securities so to be transferred to it, to issue and deliver to Consolidated a promissory note in the principal amount of $507,200.39, and additional shares of common stock of an aggregate par value equivalent to the balance of the purchase price, which securities will be pledged under the Cengas Indenture.

(4) Maine proposes to issue and sell $2,000,000 principal amount of first mortgage bonds and to apply the proceeds in payment of its 5% and 6% notes in the aggregate face amount of $1,492,799.61 and the $507,200.39 note described above, both notes being held and pledged by Consolidated under the Cengas Indenture.

(5) Indiana proposes to issue and sell $3,750,000 principal amount of first mortgage bonds and to apply the proceeds upon its present obligations as follows: (a) to redeem $1,281,000 principal amount of publicly held Series A Bonds at 103, (b) to redeem 1,881 publicly held shares of 6½% Cumulative Preferred Stock (par $100) at 105, (c) to pay $1,675,000 principal amount of Series B Bonds at par (owned and pledged by Consolidated under the Cengas Indenture), (d) to pay $558,065 on acount of 5% note in the face amount of $1,625,000 (owned and pledged by Consolidated under the Cengas Indenture).

The unpaid balance of the 5% note and 3,119 shares of 6½% Cumulative Preferred Stock (owned and pledged by Consolidated under the Cengas Indenture) will be surrendered by Consolidated as a capital contribution.

(6) Citizen proposes to issue and sell $100,000 principal amount of first mortgage bonds and to apply the proceeds in part payment of its First Mortgage 5½% Bonds in the principal amount of $209,000 owned by Consolidated and pledged under the Cengas Indenture. The unpaid balance of the bonds will be discharged by the issue of additional shares of common stock, at stated value, which will then be pledged by Consolidated under the Cengas Indenture.

(7) Florida proposes to issue and sell $1,400,000 principal amount of first mortgage bonds and to apply the proceeds in part payment of its 6% notes in the aggregate face amount of $2,100,500 owned by Consolidated and pledged under the Cengas Indenture. The unpaid balance of the notes will be discharged by the issuance of additional common stock which will be pledged under the Cengas Indenture.

(8) Hoosier proposes to issue and sell $350,000 principal amount of first mortgage bonds and to apply the proceeds (a) to redeem and retire at par a Newton Pipe Line Company Bond (heretofore assumed by it) in the principal amount of $38,500, (b) to retire at par its First Mortgage 6% Bonds in the principal amount of $87,500 owned and pledged by Consolidated under the Cengas Indenture, and (c) to apply $224,000 to its 6% Ten Year Subordinated Income Notes, owned and pledged by Consolidated under the Cengas Indenture. The unpaid balance of the notes is to be discharged at par by the issuance of additional shares of common stock, at stated value of $25 per share, which will be pledged by Consolidated under the Cengas Indenture.

(9) Lynchburg proposes to issue and sell $500,000 principal amount of first mortgage bonds and to apply the proceeds in partial payment of its 6% note in the face amount of $889,800 which is owned and pledged by Consolidated under the Cengas Indenture. The unpaid balance of the note will be discharged at par by the issuance of additional common stock at a stated value of $50 per share, which will be pledged under the Cengas Indenture.

(10) Consolidated will received from its subsidiary companies approximately $7,554,565, all of which will be deposited with the trustee of the Cengas Indenture. The funds so deposited will be applied to the redemption of all the 6% Series of the Cengas Bonds at 102 and of all the 5½% Series of the Cengas Bonds at 102¼. Consolidated will supply whatever remaining cash will be needed to consummate the proposed redemptions.

Indiana, Florida, Houghton and Maine request exemption from the competitive bidding requirements of paragraphs (b) and (c) of Rule U-50, pursuant to paragraph (a) (5) of Rule U-50, with respect to the issuance and sale of bonds by Indiana, Florida, Houghton and Maine.

Additional information concerning the proposed transactions is to be filed by amendment.

It is ordered, That a hearing on such matter under the applicable provisions of said Act and rules of the Commission thereunder be held on August 18, 1942, at 10:00 o'clock a. m., E. W. T., at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in the room designated on said day by the hearing-room clerk in Room 318. A such hearing, cause shall be shown why such declarations or applications (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarants or applicants and to all interested persons, said notice to be given to said declarants or applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

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

It is further ordered, That without limiting the scope of the issues presented by said application and declaration, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the issue and sale by each of the said subsidiary companies of their own securities, for which exemption is sought from section 6 (a) of the above-cited Act, are solely for the purpose of financing the business of such respective subsidiary companies and have been expressly authorized by the State commissions of the States in which such subsidiary companies are respectively organized and doing business.

(2) Whether the common stock and bonds to be issued and sold by Florida are reasonably adapted to the security structure and earning power of Florida and other companies in the holding company system of which it is a part; whether the issue and sale are necessary or appropriate to the economical and efficient operation of a business in which Florida is lawfully engaged or has an interest; whether the terms and conditions of the issue and sale are detrimental to the public interest or the interest of investors or consumers; whether there has been compliance with applicable state laws with respect to the issue and sale.

(3) Whether the acquisition of securities by Consolidated or any of its subsidiary companies (a) will tend toward interlocking relations or the concentration of control of public utility companies, of a kind or to an extent detrimental to the public interest or the interest of investors or consumers; (b) will unduly complicate the capital structure of the holding-company system or will be detrimental to the public interest or the interest of investors or consumers or the proper functioning of the holding-company system; (c) is detrimental to the carrying out of the provisions of section 11; aid (d) will tend toward the economical and efficient development of an integrated public-utility system.

(4) Whether there has been compliance with applicable state laws in respect to each of the several transactions proposed.

(5) Whether the issuance and sale of bonds by Indiana, Florida, Houghton and Maine should be exempted in accordance with Rule U-50 (a) (5) from the competitive bidding requirements of paragraphs (b) and (c) of Rule U-50.

(6) What, if any, terms and conditions should be imposed, pursuant to the applicable statutory provisions, by any order, or orders, if such should be entered, approving the said several proposed transactions, or any one or more of them, as necessary or appropriate in the public interest or for the protection of investors or consumers.

(7) Generally, whether all actions proposed to be taken, comply with the requirements of such Act and rules, regulations, or orders promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-7407; Filed, July 31, 1942; 9:45 a. m.]

[File No. 70-554]

DERBY GAS & ELECTRIC CORPORATION

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 30th day of July 1942.

Derby Gas & Electric Corporation having filed an application pursuant to section 10 of the Public Utility Holding Company Act of 1935 regarding the acquisition of 48 shares of stock of The Derby Gas and Electric Corporation of Connecticut from Clement F. Springer, a partner in the legal firm retained by applicant, for $1,016.40 in cash; and

Said application having been filed on May 27, 1942, and certain amendments having been filed thereto, the last of said amendments having been filed on July 22, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The applicant having requested that said application, as amended, be granted as soon as practicable; and

It appearing to the Commission that no adverse findings are necessary under section 10 (b) and section 10 (c) (1) of said Act, and that the transaction involved has the tendency required by section 10 (c) (2) of said Act, and being satisfied that the effective date of such application, as amended, should be advanced;

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

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F. R. Doc. 42-7408; Filed, July 31, 1942; 9:45 a. m.]

[File No. 70-583]

MILWAUKEE ELECTRIC RAILWAY & TRANSPORT CO. AND WISCONSIN ELECTRIC POWER CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of July, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than August 12, 1942 at 5:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pa.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

The Milwaukee Electric Railway & Transport Company, a nonutility subsidiary of The North American Company, a registered holding company, proposes (1) to redeem on September 1, 1942, at par plus accumulated interest $250,000 principal amount of its First Mortgage 4% Bonds, such bonds being outstanding in the aggregate principal amount of $9,200,000 and being pledged under the mortgage of Wisconsin Electric Power Company, a public utility subsidiary of The North American Company and the parent of The Milwaukee Electric Railway & Transport Company; (2) to purchase, retire, and cancel, and Wisconsin Electric Power Company proposes to sell, at par, 5,000 shares of The Milwaukee Electric Railway & Transport Company's common capital stock, par value $100 per share, from Wisconsin Electric Power Company, the owner of all the outstanding securities of The Milwaukee Electric Railway & Transport Company.

The application or declaration states that Wisconsin Electric Power Company will obtain the release of the required amount of bonds from its mortgage by certifying to the trustee thereof a sufficient amount of net bondable property additions, and will reinvest the funds to be received by it from the proposed redemption and sale to meet, in part, capital expenditures required to be made by it in the completion of its current construction program.

It is further stated that The Milwaukee Electric Railway & Transport Company has accumulated cash substantially in excess of its requirements and desires to reduce its capital obligations insofar as surplus capital funds are available for such purposes and that the expenditure of $750,000 by The Milwaukee Electric Railway & Transport Company will not impair its ability adequately to meet its increased demands for transportation service in and around the City of Milwaukee, Wisconsin.

It is further stated that the Public Service Commission of Wisconsin has no jurisdiction over the proposed redemption of bonds but that it has jurisdiction over the proposed sale by Wisconsin Electric Power Company of said 5,000 shares of stock, and Wisconsin Electric Power Company in its application to the Public Service Commission of Wisconsin has offered to accept a condition to the effect that the company will deduct $500,000 in addition to all other required deductions from net bondable property additions certified to the trustee under its mortgage; and further, that there are no underwriters or persons to whom fees, commissions, or other remuneration are to be paid other than a nominal fee to be paid to said trustee by Wisconsin Electric Power Company in connection with the release from the trust estate of the bonds to be redeemed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F. R. Doc. 42-7409; Filed, July 31, 1942; 9:45 a. m.]