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Washington, Tuesday, January 6, 1942

The President

EXTENDING THE PERIOD FOR THE ESTABLISHMENT OF AN ADEQUATE SHIPPING SERVICE FOR, AND DEFERRING EXTENSION OF THE COASTWISE LAWS TO, CANTON ISLAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 21 of the Merchant Marine Act, 1920 (41 Stat. 977), as amended and as incorporated into section 877, title 46, United States Code, provides:

From and after February 1, 1922, the coastwise laws of the United States shall extend to the island Territories and possessions of the United States not covered thereby on June 5, 1920, and the Commission is directed prior to the expiration of such year to have established adequate steamship service at reasonable rates to accommodate the commerce and the passenger travel of said islands and to maintain and operate such service until it can be taken over and operated and maintained upon satisfactory terms by private capital and enterprise: *Provided*, That if adequate shipping service is not established by February 1, 1922, the President shall extend the period herein allowed for the establishment of such service in the case of any island Territory or possession for such time as may be necessary for the establishment of adequate shipping facilities therefor * * *.;

AND WHEREAS an adequate shipping service to accommodate the commerce and the passenger travel of Canton Island has not been established as provided in the aforesaid section; and

WHEREAS the extension of the coastwise laws of the United States to Canton Island, as provided in the aforesaid section, is dependent upon the establishment of such adequate shipping service; and

WHEREAS by Proclamation No. 2448[1] of November 23, 1940, the period for the establishment of an adequate shipping service for Canton Island was extended to January 1, 1942, and the extension of the coastwise laws of the United States to Canton Island was deferred to January 1, 1942:

[1] 5 F.R. 4659.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 21 of the aforesaid Merchant Marine Act, 1920, as amended, do hereby declare and proclaim that the period for the establishment of an adequate shipping service for Canton Island is further extended to January 1, 1943, and that the extension of the coastwise laws of the United States to Canton Island is further deferred to January 1, 1943.

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

DONE at the City of Washington this 31st day of December in the year of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2534]

[F. R. Doc. 42-64; Filed, January 3, 1942; 10:54 a. m.]

EXECUTIVE ORDER

CERTIFYING THE TERRITORY OF HAWAII AS A DISTRESSED EMERGENCY AREA

WHEREAS section 2 (c) of the act of January 29, 1937, entitled "An Act to provide for loans to farmers for crop production and harvesting during the year 1937, and for other purposes" (50 Stat. 5, 6), provides:

No loan made under the provisions of this Act to any borrower shall exceed $400, nor shall a loan be so made in any calendar year which, together with the unpaid principal of prior loans so made to such borrower in that year, shall exceed $400 in amount: *Provided, however*, That in any area certified by the President of the United States to the Governor [of the Farm Credit Administra-

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tion] as a distressed emergency area, the Governor may make loans without regard to the foregoing limitations as to amount, under such regulations, with such maturities, and in such amounts as he may prescribe.

AND WHEREAS it appears that on account of the conditions now prevailing therein, the Territory of Hawaii is a distressed emergency area:

NOW, THEREFORE, by virtue of the authority vested in me by the statutory

provisions above set out, and upon recommendation of the Secretary of Agriculture and the Governor of the Farm Credit Administration, I hereby certify the Territory of Hawaii as a distressed emergency area during the continuance of the present war and for six months after termination thereof, or until such earlier time as I may designate.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 2, 1942.

[No. 9006]

[F. R. Doc. 42-69; Filed, January 3, 1942; 10:58 a. m.]

EXECUTIVE ORDER

TRANSFERRING TO THE SERVICE AND JURISDICTION OF THE NAVY DEPARTMENT CERTAIN OFFICERS OF THE UNITED STATES COAST AND GEODETIC SURVEY

By virtue of the authority vested in me by section 16 of the act of May 22, 1917, 40 Stat. 87 (U.S.C., title 33, sec. 855), and in view of the existing national emergency, it is ordered that the following-named commissioned officers of the Coast and Geodetic Survey be, and they are hereby, transferred to the service and jurisdiction of the Navy Department:

Lieutenant George L. Anderson
Lieutenant Ralph L. Pfau
Lieutenant (jg) Ira T. Sanders
Lieutenant (jg) Franklin R. Gossett
Lieutenant (jg) John C. Tribble, Jr.

The above-named officers shall serve under their commissions in the Coast and Geodetic Survey and while so serving shall constitute a part of the naval forces of the United States and shall be under direct orders of the Navy Department and subject to all laws, regulations, and orders for the government of the Navy in so far as the same may be applicable; and such officers shall be returned to the Coast and Geodetic Survey when the present national emergency ceases to exist.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 2, 1942.

[No. 9007]

[F. R. Doc. 42-68; Filed, January 3, 1942; 10:58 a. m.]

EXECUTIVE ORDER

AMENDING EXECUTIVE ORDER No. 8990 OF DECEMBER 23, 1941, RELATING TO APPOINTMENT OF STATE EMPLOYMENT SECURITY PERSONNEL TO POSITIONS IN THE SOCIAL SECURITY BOARD

By virtue of the authority vested in me by section 2 of the Civil Service Act (22 Stat. 404) and by section 4 of the act of November 26, 1940, 54 Stat. 1214, it is ordered as follows:

1. Paragraph numbered 2 of Executive Order No. 8990[1] of December 23, 1941, relating to appointment of State employment security personnel to positions in the Social Security Board, is hereby amended to read:

Finding that such action is necessary to the more efficient operation of the Government, it is ordered that positions required by the Federal Security Agency in connection with its operation of employment office facilities and services for the performance of functions heretofore performed by state employment security agencies shall be excluded from the provisions of the Classification Act, as amended and extended, until such time as the Federal Security Administrator shall determine that such positions shall be classified in accordance with the administrative provisions and salary rates of the Classification Act, as amended.

2. The second sentence of paragraph numbered 3 of the said order is hereby amended to read:

Persons so appointed may, subject to the satisfactory completion of a six-months' probationary period, acquire a competitive classified civil-service status in the Federal service, subject to such regulations as the Civil Service Commission may prescribe.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
Jan. 2, 1942.

[No. 9008]

[F. R. Doc. 42-67; Filed, January 3, 1942; 10:58 a. m.]

[1] 6 F.R. 6727.

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER I—FARM CREDIT ADMINISTRATION

PART 28—FEDERAL LAND BANK OF OMAHA

PARTIAL RELEASE OF SECURITY FEES

Section 28.3 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 28.3 *Partial release of security fees.* No partial release fee will be collected unless appraisal is required by the bank. Where appraisal is required by the bank a $10.00 fee will be collected. Fees need not be submitted with partial release applications. (Sec. 13 "Ninth", 39 Stat. 372, Sec. 26, 48 Stat. 44, Sec. 32, 48 Stat. 48, as amended; 12 U.S.C. 781 "Ninth", 723 (e), 1016 (e) and Sup.; 6 CFR 19.4019) (Res. Bd. Dir., November 19, 1941)

[SEAL] THE FEDERAL LAND BANK OF OMAHA,
By CHAS. MCCUMSEY,
President.

Confirmed:
WAYNE E. SMITH,
Assistant Secretary.

[F. R. Doc. 42-110; Filed, January 5, 1942; 11:32 a. m.]

TITLE 7—AGRICULTURE

CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

PART 1101—FOOD STAMP PLAN

COMPLIANCE

Section 1101.200 (*Eligibility to accept food stamps*[1]) (section 200, Article II of the "Food Stamp Plan Regulations", made and prescribed by the Secretary of Agriculture on May 17, 1941, effective May 19, 1941, as amended) is hereby amended to read as follows:

§ 1101.200 *Privilege of accepting food stamps.* The privilege of accepting food stamps may be granted to a retail food store upon compliance with such conditions as to eligibility to participate as, in the judgment of the Administration, will effectuate the purposes of the Food Stamp program. The Administration may, at any time, place such restrictions upon participation, or upon the duration of the participation of any retail food store, as it deems proper.

Section 1101.301 (*Collection agents*[2]) (section 301, Article III of the "Food Stamp Plan Regulations", made and prescribed by the Secretary of Agriculture on May 17, 1941, effective May 19, 1941, as amended) is hereby amended to read as follows:

§ 1101.301 *Collection agents.* Wholesalers and banks may act as collection agents for retail food stores, only when expressly authorized by the Administration. The privilege of acting as collection agents may, at any time, be conditioned upon compliance with such requirements and restricted as to such duration, as, in the judgment of the Administration, will effectuate the purposes of the Food Stamp program.

Done at Washington, D. C., this 3d day of January 1942. Witness my hand and the seal of the Department of Agriculture. (Sec. 32, 49 Stat. 774 as amended, 50 Stat. 323 as amended; 7 U.S.C., Sup., 612c, 15 U.S.C., Sup., 713c)

Effective date: January 3, 1942.

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

[F. R. Doc. 42-70; Filed, January 3, 1942; 11:10 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VII—PERSONNEL

PART 79—PRESCRIBED SERVICE UNIFORM[3]

§ 79.60 *Belts*—(a) *Officers.* (1) The officers' belt, M1921 of Army russet leather and brass trimmings with single shoulder strap.

(2) The officers' belt, cloth, matching the coat in color and fabric, 1¾ inches in width, equipped with a removable brass 1¾ inch tongueless bar buckle, and having a tapered end, the belt will be sewed down around the waist line of the coat to a point approximately 2½ inches from

[1] 6 F.R. 2536.
[2] 6 F.R. 2537.
[3] § 79.60 (a) is amended.

the front edge of the coat on each side. The belt will cover the horizontal seam at the waistline of the coat, and the buckle will be centered over the bottom button of the coat when buttoned. The tapered end of the belt will pass through the buckle to the left, will extend not more than 3 inches beyond the buckle, and be held in place by a cloth keeper ½ inch in width. (R.S. 1296; 10 U.S.C. 1391) [Par. 60*a*, AR 600-35, Nov. 10, 1941, as amended by Circular 267, W.D., Dec. 24, 1941]

* * * * *

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

[F. R. Doc. 42-63; Filed, January 3, 1942; 10:22 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Amendment 20-32, Civil Air Regulations]

PART 20—PILOT CERTIFICATES

PRIVATE PILOT LIMITATIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 2d day of January 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective January 2, 1942, Part 20 of the Civil Air Regulations is amended as follows:

Section 20.612 is amended to read as follows:

§ 20.612 *Private pilot.* A person possessed of a valid private pilot certificate shall not pilot for hire any aircraft carrying any person or property; nor pilot any aircraft in furtherance of a business except as an incident to his personal transportation: *Provided,* That this section shall not prevent such pilot from receiving remuneration by direction of the Government of the United States, or of any State or political subdivision thereof, for participation in official missions of the Civil Air Patrol or of any other recognized semi-military organization, while a member of such organization.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-126; Filed, January 5, 1942; 11:44 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 259—FORMS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

ADOPTION OF REVISED FORMS U-12 (I)-A AND U-12 (I)-B FOR INFORMATION PURSUANT TO SECTION 12 (i) OF THE ACT

Acting pursuant to the Public Utility Holding Company Act of 1935, particularly sections 12 (i) and 20 (a) thereof, and finding that such action is necessary and appropriate in the public interest and for the protection of investors and consumers and necessary to carry out the provisions of the Act, the Securities and Exchange Commission hereby adopts a revised Form U-12 (I)-A and a revised Form U-12 (I)-B,[1] each designated by the caption "Effective August 1, 1938 Revised December 31, 1941," and rescinds Form U-12 (I)-A and Form U-12 (I)-B previously adopted.

The table of forms accompanying the rules and regulations under the Public Utility Holding Company Act of 1935 is hereby amended so that the date opposite the description of Forms U-12 (I)-A and U-12 (I)-B shall read *12-31-41* instead of 8-1-38.

Effective January 3, 1942, except that, prior to February 1, 1942, it is permissible to use either Form U-12 (I)-A designated "Effective August 1, 1938, Revised December 31, 1941," or said form as heretofore in effect.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-119; Filed, January 5, 1942; 11:43 a. m.]

[1] Filed with the original document.

TITLE 20—EMPLOYEES' BENEFITS

CHAPTER II—RAILROAD RETIREMENT BOARD

AMENDMENTS TO STATUTORY PROVISIONS OF THE REGULATIONS UNDER THE RAILROAD RETIREMENT ACT OF 1937

Pursuant to the general authority contained in section 10 of the Act of June 24, 1937 (sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j), as amended by secs. 1, 3, Pub. No. 764, 76th Cong., Chap. 664, 3d Sess., approved August 13, 1940; secs. 1, 2, Pub. Res. No. 81, 76th Cong., Chap. 307, 3d Sess., approved June 11, 1940; and sec. 26, Pub. No. 833, 76th Cong., Chap. 842, 3d Sess., approved October 10, 1940, §§ 202.01, 203.01, 204.01, 204.04, and 255.01 of the Regulations of the Railroad Retirement Board under such Act (4 F.R. 1477) are amended, effective as of the dates indicated, by Board Order 41-526 dated December 16, 1941, by the inclusion therein of statutory provisions, as follows:

PART 202—EMPLOYERS UNDER THE ACT

Section 202.01 by adding at the end thereof the following, effective August 29, 1935:

§ 202.01 *Words and phrases.* * * * The term "employer" shall not include any company by reason of its being engaged in the mining of coal, the supplying of coal to an employer where delivery is not beyond the mine tipple, and the operation of equipment or facilities therefor, or in any of such activities. (Sec. 1, Pub. No. 764, 76th Cong., Chap. 664, 3d Sess., approved August 13, 1940)

PART 203—EMPLOYEES UNDER THE ACT

Section 203.01 by adding as a new paragraph at the end of the first paragraph thereof the following, effective August 29, 1935:

§ 203.01 *Statutory provision.* * * * The term "employee" shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple. (Sec. 3, Pub. No. 764, 76th Cong., Chap. 664, 3d Sess., approved August 13, 1940)

* * * * *

and by adding as a new paragraph, before the last paragraph of § 203.01 the following, effective August 29, 1935:

* * * * *

An individual is in the service of an employer whether his service is rendered within or without the United States if he is subject to the continuing authority of the employer to supervise and direct the manner of rendition of his service, which service he renders for compensation: *Provided, however,* That an individual shall be deemed to be in the service of an employer not conducting the principal part of its business in the United States only when he is rendering service to it in the United States: *Provided further,* That an individual not a citizen or resident of the United States shall not be deemed to be in the service of an employer when rendering service outside the United States to an employer who is required under the laws applicable in the place where the service is rendered to employ therein, in whole or in part, citizens or residents thereof; and the laws applicable on August 29, 1935, in the place where the service is rendered shall be deemed to have been applicable there at all times prior to that date. (Sec. 1 (c), 50 Stat. 307; 45 U.S.C. Sup. III, 228a; amended by sec. 1, Pub. Res. No. 81, 76th Cong., Chap. 307, 3d Sess., approved June 11, 1940)

* * * * *

PART 204—EMPLOYMENT RELATION

Section 204.01 by substituting for the proviso therein the following, effective August 29, 1935:

§ 204.01 *Statutory provision.* * * * *Provided, however,* That an individual shall not be deemed to be in the employment relation to an employer unless during the last pay-roll period in which he rendered service to it he was with respect to that service in the service of an employer in accordance with subsection (c) of this section. (Sec. 1, Pub. Res. No. 81, 76th Cong., Chap. 307, 3d Sess., approved June 11, 1940) * * *

Section 204.04 by changing the period at the end thereof to a colon and adding the following, effective August 29, 1935:

§ 204.04 *Statutory provision of 1935 Act as amended.* * * * *Provided, however,* That an individual shall not be deemed to be in the employment relation to a carrier unless during the last payroll period in which he rendered service to it he was with respect to that service in the service of a carrier in accordance with subsection (c) of this section. (Sec. 2, Pub. Res. No. 81, 76th Cong., Chap. 307, 3d Sess., approved June 11, 1940)

PART 255—RECOVERY OF ERRONEOUS PAYMENTS

Section 255.01 by substituting for the present language the following, effective July 1, 1940:

§ 255.01 *Statutory provisions.* (a) If the Board finds that at any time more than the correct amount of annuities, pensions, or death benefits has been paid to any individual under this Act or the Railroad Retirement Act of 1935 or a payment has been made to an individual not entitled thereto (including payments made prior to July 1, 1940), recovery by adjustments in subsequent payments to which such individual is entitled under this Act or any other Act administered by the Board may, except as otherwise provided in this section, be made under regulations prescribed by the Board. If such individual dies before recovery is completed, recovery may be made by set-off or adjustments, under regulations prescribed by the Board, in subsequent payments due, under this Act or any other Act administered by the Board, to the estate, designee, next of kin, legal representative, or surviving spouse of such individual, with respect to the employment of such individual.

(b) Adjustments under this section may be made either by deductions from subsequent payments or, with respect to payments which are to be made during a lifetime or lifetimes, by subtracting the total amount of annuities, pensions, or death benefits paid in excess of the proper amount from the actuarial value, as determined by the Board, of such payments to be made during a lifetime or lifetimes and recertifying such payments on the basis of the reduced actuarial value. In the latter case, recovery shall be deemed to have been completed upon such recertification.

(c) There shall be no recovery in any case in which more than the correct amount of annuities, pensions, or death benefits under this Act or the Railroad Retirement Act of 1935 has been paid to an individual or payment has been made to an individual not entitled thereto (including payments made prior to July 1, 1940) who, in the judgment of the Board, is without fault when, in the judgment of the Board, recovery would be contrary to the purpose of the Acts or would be against equity or good conscience.

(d) No certifying or disbursing officer shall be held liable for any amount certified or paid by him in good faith to any person where the recovery of such amount is waived under subsection (c) of this section or has been begun but cannot be completed under subsection (a) of this section. (Sec. 9, 50 Stat. 314; 45 U.S.C. Sup. III, 228i; as amended by Sec. 26, Pub. No. 833, 76th Cong., Chap. 842, 3d Sess., approved October 10, 1940)

By Authority of the Board.

[SEAL] JOHN C. DAVIDSON,
Secretary of the Board.

JANUARY 2, 1942.

[F. R. Doc. 42-65; Filed, January 3, 1942; 10:52 a. m.]

AMENDMENTS TO STATUTORY PROVISIONS OF THE REGULATIONS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT

Pursuant to the authority contained in section 12 of the Act of June 25, 1938 (52 Stat. 1094, 1107; 45 U.S.C. Sup. IV, 362), as amended by the Act of June 20, 1939 (53 Stat. 845; Pub. No. 141, 76th Cong., 1st Sess.), as amended by Sec. 1, Pub. No. 764, 76th Cong., Chap. 664, 3d Sess., approved August 13, 1940, as amended by Sec. 5, Pub. No. 833, 76th Cong., Chap. 842, 3d Sess., approved October 10, 1940, the Railroad Retirement Board, by Board Order 41-526 dated December 16, 1941, amends §§ 301.01 and 325.01 of the Regulations under the Railroad Unemployment Insurance Act, effective as of the dates indicated, by the inclusion therein of statutory provisions, as follows:

PART 301—EMPLOYERS UNDER THE ACT

Section 301.01 [1] by adding at the end of the first paragraph thereof the following, effective July 1, 1939:

§ 301.01 *Statutory provisions.* * * * The term "employer" shall not include any company by reason of its being engaged in the mining of coal, the supplying of coal to an employer where delivery is not beyond the mine tipple, and the operation of equipment or facilities therefor, or in any of such activities. (Sec. 1, Pub. No. 764, 76th Cong., Chap. 664, 3d Sess., approved August 13, 1940) * * *

PART 325—REGISTRATION AND CLAIMS FOR BENEFITS

Section 325.01 by substituting for the present quotation from section 1 (k) of the Railroad Unemployment Insurance Act the following, effective November 1, 1940:

§ 325.01 *Statutory provisions.*[2]

* * * * *

* * * a day of unemployment, with respect to any employee, means a calendar day on which he is able to work and is available for work and with respect to which (i) no remuneration is payable or accrues to him, and (ii) he has, in accordance with such regulations as the Board may prescribe, registered at an employment office: *Provided, however,* That "subsidiary remuneration", as * * * defined * * * (see § 310.60 of these Regulations) shall not be considered remuneration for the purpose of this subsection except with respect to an employee whose base-year compensation, exclusive of earnings from the position or occupation in which he earned such subsidiary remuneration, is less than $150: *Provided further,* That remuneration for a working day which includes a part of each of two consecutive calendar days shall be deemed to have been earned on the second of such two days, and any individual who takes work for such working day shall not by reason thereof be deemed not available for work on the first of such calendar days.

* * * * *

(Sec. 1 (k), 52 Stat. 1095, 45 U.S.C. Sup. IV, 351 (k); amended by Sec. 6, Pub. No. 141, 76th Cong., Chap. 227, 1st Sess., approved June 20, 1939 (53 Stat. 845); as amended by Sec. 5, Pub. No. 833, 76th Cong., Chap. 842, 3d Sess., approved October 10, 1940)

By authority of the Board.

[SEAL] JOHN C. DAVIDSON,
Secretary to the Board.

Dated JANUARY 2, 1942.

[F. R. Doc. 42-66; Filed, January 3, 1942; 10:52 a. m.]

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[1] 5 F.R. 2718.
[2] 5 F.R. 2111.

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1183]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1, AND FOR CHANGE IN SHIPPING POINTS FOR MINE INDEX NO. 1122 AND NO. 2062

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1 and for change in shipping points for coals of the Bonner Mine (Mine Index No. 1122) of H. C. Bonner and the Smith Mine (Mine Index No. 2062) of Claude Smith; and

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

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

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

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows:

1. Commencing forthwith, § 321.7 (*Alphabetical list of code members*) and § 321.24 (*General Prices*) in the Schedules of Effective Minimum Prices for District No. 1, For All Shipments Except Truck, and For Truck Shipments, are amended to include the price classifications and minimum prices set forth in the Schedules marked "Supplement R" and "Supplement T," annexed hereto and hereby made a part hereof.

2. Commencing forthwith, the effective minimum prices for rail shipments from the Bonner Mine (Mine Index No. 1122) of H. C. Bonner shall be applicable only for shipments on the Pittsburgh & Shawmut Railroad from Conifer, Pennsylvania, and no longer shall be applicable for shipments on the Baltimore & Ohio Railroad from Juneau, Pennsylvania. The adjustments required or permitted mines in Freight Origin Group 119 shall be applicable to rail shipments from this mine from Conifer, Pennsylvania.

3. Commencing forthwith, the effective minimum prices for rail shipments from the Smith Mine (Mine Index No. 2062) of Claude Smith shall be applicable only for shipments on the Pittsburgh & Shawmut Railroad from Sprankles Mills, Pennsylvania, and no longer shall be applicable for shipments on the Pennsylvania Railroad from Anita, Pennsylvania. The adjustments required or permitted mines in Freight Origin Group 119 shall be applicable to rail shipments from this mine from Sprankles Mills, Pennsylvania.

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

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

Dated: December 17, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

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

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

FOR ALL SHIPMENTS EXCEPT TRUCK

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

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

Mine index no.	Code member	Mine name	Subdistrict no.	Seam	Shipping point	Railroad	Freight origin group no.	1	2	3	4	5
3242	Ancharuk, Mike	Sincell #1 Upper Bench.	44	E	Gorman, Md	W. Md. Ry.	68	(†)	(†)	E	E	E
3248	Ancharuk, Mike	Sincell #1 Lower Bench.	44	E	Gorman, Md	W. Md. Ry.	68	(†)	(†)	H	K	K
3246	Apple Coal Company (Howard Apple).	Apple #3	18	E	Fallen Timber, Pa.	PRR	52	(†)	(†)	F	(†)	(†)
1062	Kiser & Siegel Coal Co. (Harold A. Siegel).	Kiser & Siegel	1	A	Tylersburg, Pa	B&O	20	(†)	(†)	F	(†)	(†)
2502	Lasky, Sherman	Lasky & Sons	36	B	Boswell, Pa	B&O	100	(†)	(†)	E	(†)	(†)
2799	O'Rourke, John A	D-11	16	D	Hastings, Pa	PRR	50	(†)	(†)	E	(†)	(†)

†Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

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

Code member index	Mine Index No.	Mine	Subdistrict No.	County	Seam	All lump coal, double screened, top size 2" and over	Double screened, top size 2" and under	Run of mine, modified R/M	2" and under, slack	¾" and under, slack
						1	2	3	4	5
Ancharuk, Mike	3242	Sincell #1 Upper Bench	44	Garrett	E			225	215	205
Ancharuk, Mike	3248	Sincell #1 Lower Bench	44	Garrett	E			210	190	180
Apple Coal Company (Howard Apple).	3246	Apple #3	18	Cambria	E			220		
Hoffman, Roy	3211	Hoffman	9	Clearfield	D			230		
Kuhstos and Bambling	3247	Glendale #6	39	Bedford	Barnett			240		
Kukenberger, Rudolph	3254	Asbestos Coal Co	29	Cambria	C'			225		
Rader, Myers & Myers (A. A. Rader).	3222	Rankin	15	Indiana	E			225		
Sayers, Fred & James Travis (Fred Sayers).	990	Hilliard Coal	4	Clarion	D	240	215	215	200	190

[F. R. Doc. 42-35; Filed, January 2, 1942; 11:41 a. m.]

[Docket No. A-1172]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO 2

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 2 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 2

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 2; and

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

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

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

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 322.9 (*Special prices—*(c) *Railroad fuel*) is amended by adding thereto Supplement R–II, and § 322.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

The petition proposed price classifications and minimum prices for all shipments except truck for coals of the Stahl Mine (Mine Index No. 1477) of Sarver Coal Company, Inc. It appears from official records of the Division that this mine is successor to the Coal Hollow Mine of Coal Hollow Coal Company (James E. G. Stahl), whose coals were priced for all shipments except truck in Docket No. A-398. No price classifications or minimum prices are therefore established herein for coals of this mine.

The petition proposed a "C" classification in Size Groups 1–4, inclusive; an "F" classification in Size Groups 5 and 6; and a "J" classification in Size Groups 7–9, inclusive, for coals of the Verner Mine (Mine Index No. 1888) of McDonald Mining Company for all shipments except truck. It appears that analogous coals are classified "J" in Size Groups 1 and 2, "H" in Size Groups 3–6, inclusive, and "J" in Size Groups 7–9, inclusive, for all shipments except truck. As the petition does not state any facts to justify classifying coals of the Verner Mine differently from coals of other mines in the same seam and the same subdistrict, the price classification and minimum prices established for analogous coals should be established for coals of the Verner Mine (Mine Index No. 1888) for all shipments except truck.

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

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

Dated: December 18, 1941.

[SEAL]

DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R–I

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

Mine index No.	Code member	Mine name	Seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Size group Nos.															
								1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1726	Arnold, J. Harold	Arnold	Pittsburgh	3	Dickerson Run, Pa.	P&LE	36						B	C	C	C							
431	Brown, J. R	Brown	Pittsburgh	9	Boston, Pa	P&LE	73	D	D	C	C	C	C	C	C	C							
2234	Carr Coal Company	Clements (Strip)	Pittsburgh	9	Renton, Pa	Unity	42	D	D	C	C	G	F	G	G	G							
2218	Central Iron & Coal Co. (J. P. MacKay).	Nagy #2 (Strip)	U. Freeport	1	Hilliards, Pa	B&LE	20	F	F	E	E	E	E	F	F	F							
2241	Central Iron & Coal Co. (J. P. MacKay).	Keller #1 (Strip)	Kittanning	1	New Castle, Pa	PRR	50	E	E	E	E	E	E	F	F	F							
1061	Dunkard Coal Co. (Elden Osborne)	McClure	Pittsburgh	3	Dilliner, Pa	Monon	30	F	F	E	E	E	E	E	E	E							
					Poland, Pa	Monon	River	F	F	E	E	E	E	E	E	E							
548	Fidelity Supply Company c/o Robert J. Steenson.	Fidelity #1	Pittsburgh	7	Piney Fork, Pa	PRR	74	C	C	C	C	F	F	F	F	F							
2167	Ford, Lee S. (Ford Coal Co.)	Andrews Farm (Strip)	Pittsburgh	3	Calumet, Pa	PRR	74						D	D	D	D							
310	Gallardi Coal Co. (L. J. Lowney)	Rich Hill #3	Pittsburgh	3	Rich Hill, Pa	B&O	80	F	F	E	E	E											
318	Galiardi Coal Co. (L. J. Lowney)	Rich Hill (Strip)	Pittsburgh	3	Rich Hill, Pa	B&O	80	F	F	E	E	E											
1318	Griffith, H. N	Griffith	Pittsburgh	6	Wilpen, Pa	Lig Val	10	G	G	G	G	H	H	G	G	G							
2207	Harris & Stahl (Edward Harris)	Wineland (Strip)	Pittsburgh	9	Smithton, Pa	B&O	83						C	C	C	C							
1260	Houpt, Chas. D	Houpt	Pittsburgh	6	Wilpen, Pa	Lig., Val	10	G	G	G	G	H	H	G	G	G							
2211	Hutler Coal Co. (H. P. Taylor)	Workman	Pittsburgh	3	Perryopolis, Pa	P&LE	73						B	C	C	C							
2223	Johnston, J. H. (Vance Coal Company).	Katherine	U. Freeport	1	Wampum, Pa	PRR	45	E	E	D	D	C	C	D	D	D							
2210	Kahley & Edwards (D. W. Edwards)	Beeson (Strip)	Pittsburgh	3	Evans Station, Pa	B&O	82						B	C	C	C							
2232	Klein, S. (Klein Coal Company)	Port View (Strip)	Pittsburgh	9	Wylie, Pa	P&LE	73						F	G	G	G							
4	Leechburg Collieries Co	Armstrong	U. Freeport	2	Leechburg, Pa	PRR	79	F	F	E	E	E		F	F	F							
70	Leechburg Collieries Co	Foster #4	U. Freeport	2	Salina, Pa	PRR	90	F	F	E	E	E		F	F	F							
71	Leechburg Collieries Co	Foster #5	U. Freeport	2	Salina, Pa	PRR	90	F	F	E	E	E		F	F	F							
1365	Ligonier Coal Co. (S. R. Kelly)	Kelly	Pittsburgh	6	Wilpen, Pa	Lig Val	10	G	G	G	G	H	H	G	G	G							
2242	Little Valley Coal Company, The	Ligioner (Strip)	Pittsburgh	6	N. Ligonier, Pa	Lig Val	10	G	G	G	G	H	H	G	G	G							
597	Logans Ferry Coal Co	Logans Ferry Hill	Pittsburgh	8	New Kensington, Pa.	PRR	79	D	D		C	C			D	D							
2215	Lynch, James	Yvonne (Strip)	Pittsburgh	7	Bridgeville, Pa	PRR	74						H	H	H	H							
1888	McDonald Mining Company	Verner	Pittsburgh	7	Bulger, Pa	PRR	74	J	J	H	H	H	H	J	J	J							
2209	Marolt, Joseph	Marolt	Pittsburgh	3	Crawford #3, Pa	B&O	114						D	D	D								
2020	Newman, A. E. & Sons	Anderson	Pittsburgh	3	Masontown, Pa	Monon	30						E	E	E	E							
1024	Newman, A. E. & Sons	Newman	Pittsburgh	3	Masontown, Pa	Monon	30						E	E	E	E							
2238	Newman, A. E. & Sons	Newman #2	Pittsburgh	3	Masontown, Pa	Monon	30						E	E	E	E							

§ 322.7 *Alphabetical list of code members*—Supplement R-I—Continued

Mine index No.	Code membe	Mine name	Seam	Sub-district No.	Shipping point	Railroad	Freight origin group No.	Size group Nos.															
								1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
2226	Opperman, Fred S. (Connellsville Bluestone Co.).	Opperman (Deep)	Pittsburgh	3	Connellsville, Pa	PRR	31						B	C	C	C							
2233	Opperman, Fred S. (Connellsville Bluetsone Co.).	Opperman (Strip)	Pittsburgh	3	Connellsville, Pa	PRR	31						B	C	C	C							
2239	Parshall & Crow Coke Co. (Frank R. Crow, Jr.).	Warman (Deep)	Pittsburgh	3	Lackrone, Pa	B&O	114						D										
2245	Parshall & Crow Coke Co. (Frank R. Crow, Jr.).	Warman (Strip)	Pittsburgh	3	Lackrone, Pa	B&O	114						D										
2229	Portman & Rankin (J. A. Portman, Jr.).	Battle Ridge (Strip)	Pittsburgh	7	Oakdale, Pa	PRR	74						H	H	H	H							
649	Reiter Coal Co	Reiter Coal Co	Pittsburgh	7	Superior, Pa	PC&Y	69	A	A	C	C	F	D	E	E	E							
595	Schlegel, August	Schlegel (Strip)	Pittsburgh	7	Imperial, Pa	Mont	72	G	G	F	F	H	H	H	H	H							
2235	Silhol, Fred, Jr	Silhol #2 (Strip)	Pittsburgh	7	Treveskyn, Pa	PRR	74						H	H	H	H							
2198	Taylor Coal Co. (Edwin J. Taylor)	Fast (Strip)	Pittsburgh	3	Griffin, Pa	Monon	30						E	E	E	E							
1798	Tosh, E. P	Tosh	Pittsburgh	6	Wilpen, Pa	Lig. Val	10	G	G	G	G	H	H	G	G	G							
1750	Treasure, Francis L	Willyard (Deep)	Pittsburgh	8	Parnassus, Pa	PRR	79	D	D	C	C	C	D	D	D	D							
2228	Treasure, Francis L	Willyard (Strip)	Pittsburgh	8	Parnassus, Pa	PRR	79	D	D	C	C	C	D	D	D	D							
2236	Tri-County Fuel Co., Inc	Anderson (Strip)	#6	1	Negley	PL&W	120		C	C	C	B	B	B	B	B							
1452	Walsh, Walter J	Ackman (Strip)	Pittsburgh	7	Imperial, Pa	Mont	72	G	G	F	F	H	H	H	H	H							

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R-II. In § 322.9 (c) in Minimum Price Schedule add the mine index numbers in groups shown. Group No. 1: 431, 649, 2167, 2207, 2211, 2223. Group No. 2: 548, 595, 1452, 1888, 2215, 2229, 2232, 2234, 2235. Group No. 6: 1726, 2209, 2210, 2226, 2233, 2239, 2245. Group No. 7: 1024, 1061, 2020, 2198, 2238. Group No. 9: 1750, 2228. Group No. 10: 2236. Group No. 12: 2241. Group No. 14: 1260, 1318, 1365, 1798, 2242. Group No. 15: 2218.

All mines in Freight Origin Group No. 45 will take the same necessary or permissible adjustments as Freight Origin Group No. 74 for shipments into Market Area Nos. Tidewater 1, 2, 3, 100, and to market areas for movement via Lake Erie and Lake Ontario ports; for shipments into Market Area No. 10, the adjustments applicable to Freight Origin Group No. 74 plus 33 cents will apply; for shipments into Market Area Nos. 4, 5, 6, the same adjustments as Freight Origin Group No. 79 will apply; for shipments into Market Area Nos. 11, 12, 16, the same adjustments as Freight Origin Group No. 50 will apply; and for shipments into Market Area Nos. 13 and 14, the same adjustments as Freight Origin Group No. 100 will apply, except for shipments to the following specific destinations in Market Area No. 13, which adjustments shall be as follows: shipments to Akron, Barberton, and Cuyahoga Falls must be increased 22 cents per net ton; shipments to Akron Water Works Switch and Ravenna must be increased 2 cents per net ton; and shipments to East Akron, Fairlawn, Huron (Proper), Kent, Mogadore, and Rittman may be reduced 11 cents per net ton.

FOR TRUCK SHIPMENTS

§ 322.23 *General prices*—Supplement T

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

Code member index	Mine index No.	Mine	Seam	Base sizes										
				Lump over 4"	Lump 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Stove 1" x 4"	Pea ¾" x 1¼"	Run of mine	2" N/S	1¼" slack	¾" slack
				1	2	3	4	5	6	7	8	9	10	11
ALLEGHENY COUNTY														
Carr Coal Company	2234	Clements (Strip)	Pittsburgh	270	260	250	225	210	210	200	210	185	175	165
Lynch, James	2215	Yvonne (Strip)	Pittsburgh	275	265	255	235	215	215	210	220	190	180	170
Portman & Rankin (J. A. Portman, Jr.).	2229	Battle Ridge (Strip).	Pittsburgh	275	265	255	235	215	215	210	220	190	180	170
Silhol, Fred, Jr	2235	Silhol #2 (Strip)	Pittsburgh	275	265	255	235	215	215	210	220	190	180	170
BEAVER COUNTY														
Michael, Harry A	2212	Badger (Strip)	#7	300	290	280	275	250	245	225	225	185	175	165
Tri-County Fuel Co., Inc	2236	Anderson (Strip)	#6	300	290	280	275	250	245	225	225	185	175	165
BUTLER COUNTY														
Armstrong, Watson	2208	Armstrong	U. Kittanning	325	305	285	265	260	245	245	230	190	180	170
Central Iron & Coal Co. (J. P. MacKay).	2218	Nagy #2 (Strip)	U. Freeport	325	305	285	265	260	245	245	230	190	180	170
Hutchison, Howard H	2217	Peacock	L. Kittanning	300	290	280	255	250	245	225	225	185	175	165
Rankin, F. H	2243	Fairview	U. Freeport	325	305	285	265	260	245	245	230	190	180	170
FAYETTE COUNTY														
Dawson Coal Co. (Randall King)	2222	Elder	Pittsburgh	280	270	260	245	225	210	210	210	200	195	175
Fayette Fuel Company	2237	Bowers	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Hutlor Coal Co. (H. P. Taylor)	2211	Workman	Pittsburgh	280	270	260	245	225	210	210	210	200	195	175
Johnson, Louis	2119	Palmer (Slate Dump).	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Kahley and Edwards (D. W. Edwards).	2210	Beeson (Strip)	Pittsburgh	300	290	280	260	240	230	225	230	210	200	175
Marolt, Joseph	2209	Marolt	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Moser, L. B., Sr	2213	Barnhart	Sewickley	275	265	255	240	220	210	210	210	195	190	175
Nemchik, John	2216	Nemchik No. 2	Pittsburgh	275	265	255	240	220	210	210	210	195	190	175
Newman & Sons, A. E	2238	Newman No. 2	Pittsburgh	275	265	255	240	220	210	210	210	195	190	175
Opperman, Fred S. (Connellsville Bluestone Co.)	2226	Opperman (deep)	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Opperman, Fred S. (Connells-2 ville Bluestone Co.)	233	Opperman (Strip)	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Parshall & Crow Coke Co. (Frank R. Crow, Jr.).	2239	Warman (deep)	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Parshall & Crow Coke Co. (Frank R. Crow, Jr.).	2245	Warman (Strip)	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Stannis, John	2244	Morrell	Pittsburgh	310	300	290	270	250	240	235	240	210	200	185
Wiggins, Ben	2227	Rist	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
GREENE COUNTY														
Slater & Hegedus (Sam Slater)	2214	S. & H	Sewickley	265	255	245	235	215	205	205	200	180	170	150
Virgil Hilverding Coal Co	2240	Highrock	Waynesburg	265	255	245	235	215	205	205	200	180	170	150
LAWRENCE COUNTY														
Central Iron & Coal Co. (J. P. MacKay).	2241	Keller #1 (Strip)	Kittanning	325	310	300	290	285	275	240	240	200	190	150
Johnston, J. H. (Vance Coal Company).	2223	Katherine	U. Freeport	325	310	300	290	285	275	240	240	200	190	150
Williams, Harry	2225	Williams	Kittanning	300	290	280	255	250	245	225	225	185	175	165
MERCER-VENANGO COUNTIES														
Sopher, O. A	2246	Sopher	Brookville	325	310	290	275	270	255	255	240	185	175	160
WASHINGTON COUNTY														
Marth, Joseph	2224	Duvall	Waynesburg	265	255	245	220	205	195	190	195	175	165	155
McDonald Mining Company	1888	Verner	Pittsburgh	275	265	255	230	220	205	195		180	170	160
Norcia, R. T	2230	Norcia	Pittsburgh	275	265	255	230	220	205	195	205	180	170	160

No. 3——2

§ 322.23 *General prices*—Supplement T—Continued

Code member index	Mine index No.	Mine	Seam	Base sizes										
				Lump over 4"	Lump 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Stove 1" x 4"	Pea ¾" x 1¼"	Run of mine	2" N/S	1¼" slack	¾" slack
				1	2	3	4	5	6	7	8	9	10	11
WESTMORELAND COUNTY														
Byrne, Helen B. & Frank F. (Frank F. Byrne).	2219	John R	Pittsburgh	290	280	270	260	240	230	230	225	205	195	175
Harris & Stahl (Edward Harris)	2207	Wineland (Strip)	Pittsburgh	280	270	260	245	240	230	210	215	195	185	175
Little Valley Coal Company, The.	2242	Ligonier (Strip)	Pittsburgh	265	255	245	235	225	220	215	205	185	175	165
Miller, Darwin, W	2221	Miller	Pittsburgh	280	270	260	245	240	230	210	215	195	185	175

[F. R. Doc. 42-31; Filed, January 2, 1942; 11:40 a. m.]

[Docket No. A-1187]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 2, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 2

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 2; and

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

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

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

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 322.9 (*Special prices*—(c) *Railroad fuel*) is amended by adding thereto Supplement R-II, and § 322.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

No relief is granted herein with respect to the coals of the W. W. Allen Mine, Mine Index No. 458, as it appears that minimum prices were established for the coals of this mine in Docket No. A-935.

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

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

Dated: December 17, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R–I

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

Mine index No.	Code member	Mine name	Seam	Sub-dist. No.	Shipping point	Railroad	Freight origin group No.	Size group Nos.															
								1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
2115	Rothey Brothers, Inc., c/o Burnett W. Rothey.	Rothey Bros. #1 (Strip).	Pittsburgh	7	Elizabeth, Pa	P&LE	73	C	C	C	C	F	F	F	F	F							

§ 322.9 *Special prices—(c) Railroad fuel*—Supplement R–II

In § 322.9 (c) in Minimum Price Schedule, add the mine index number in group shown. Group No. 2: 2115.

FOR TRUCK SHIPMENTS

§ 322.23 *General prices*—Supplement T

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

Code member index	Mine index No.	Mine	Seam	Base sizes										
				Lump over 4"	Lump 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Stove 1" x 4"	Pea ¾" x 1¼"	Rune of mine	2" N/S	1¼" slack	¾" slack
				1	2	3	4	5	6	7	8	9	10	11
Rothey Brothers, Inc. c/o Burnett W. Rothey.	2115	Rothey Bros. #1 (Strip).	Pittsburgh	295	285	275	250	225	225	220	220	195	185	180

[F. R. Doc. 42-34; Filed, January 2, 1942; 11:41 a. m.]

[Docket No. A-999]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER GRANTING RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR REVISION OF THE PRICE CLASSIFICATIONS AND EFFECTIVE MINIMUM PRICES FOR RAIL AND TRUCK SHIPMENTS OF THE COALS OF THE HALSTEAD MINE (MINE INDEX NO. 345) OF THE HALSTEAD COAL COMPANY, INC., A CODE MEMBER IN DISTRICT NO. 8

This is a proceeding instituted upon an original petition filed on August 5, 1941, with the Bituminous Coal Division pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board No. 8, requesting and proposing a revision of the effective minimum prices established for the coals of the Halstead Mine (Mine Index No. 345) of the Halstead Coal Company, Inc., located in Clay County, Kentucky.

A petition of intervention was filed by District Board No. 2.

Pursuant to an Order of the Director, a hearing on this matter was held in Washington, D. C. on October 6, 1941, at which time a continuance was granted on motion of the original petitioner.

In accordance with subsequent Orders of the Director, the hearing was resumed on November 5, 1941, before Edward J. Hayes, a duly designated Examiner of the Division, at a hearing room thereof, in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. The petitioner, District Board No. 8, appeared, but no appearance was entered by either Halstead Coal Company, Inc. or the intervener, District Board No. 2.

The preparation and filing of a report by the Examiner was waived and the matter was thereupon submitted to the undersigned.

John F. Daniel, Director of Compliance and Truck Mining Service for District Board No. 8, testified that the Halstead Mine (Mine Index No. 345) was located on the Horse Creek Seam in Clay County, Kentucky, and produced coal of the same quality and analytical properties as that produced by all of the other mines on the same seam, in the same county, but that when effective minimum prices were established for these mines, the minimum prices for the Halstead Mine were based on a $2.45 price level, while the minimum prices for all the other mines on this seam were based on a $2.65 price level. A statement showing the similarity of analyses of the coals of four neighboring mines on the Horse Creek Seam as compared with an analysis of the coal produced by the Halstead Mine was introduced in evidence in support of this testimony. Daniel further testified that he knew of no reason why the coals of the Halstead Mine should not be priced the same as those produced by all the other mines on the Horse Creek Seam in Clay County. It also appears from the testimony of this witness that under present market conditions the coal produced at the Halstead Mine is being sold at the same prices as the coals of the other mines in Clay County, but that if conditions should change so that it became necessary to sell coal at the effective minimum prices, then the Halstead Mine would have a decided advantage over competing mines because of its lower price level.

Upon the basis of the uncontroverted testimony in this proceeding, I find and conclude that the revision of the effective minimum prices for the coals produced at the Halstead Mine, as requested by the petitioner and as set forth in Supplements R and T attached hereto, will effectuate the purposes of sections 4 II (a) and 4 II (b) of the Act and that the price classifications and minimum prices as set forth comply with all the standards thereof.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof, be and the same are hereby established and made effective for the coals produced at the Halstead Mine (Mine Index No. 345), and that the Schedule of Effective Minimum Prices for District No. 8 For All Shipments Except Truck, and the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments, be and the same are hereby amended accordingly.

Dated: December 15, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

DISTRICT NO. 8

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

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

[Alphabetical list of code members having *railway* loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Sub-dist. No.	High volatile seam	Freight origin group No.	Price classifications by size group Nos. — For destinations other than Great Lakes																For Great Lakes cargo only													
						1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
345	Halstead Coal Company, Inc.	Halstead	6	Horse Creek	111	M*	M*	K	J	G	E*	G*	E	D	K	---	---	---	---	---	---	M*	M*	K*	G	E	E	---	M	K	---	---	---	---	---

*Indicates change in price classification from previous price classification for the respective size groups.

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 5"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 6, SOUTHERN APPALACHIAN, CLAY COUNTY, KY.											
Halstead Coal Company, Inc.	Halstead	345	Horse Creek	*265	*245	220	220	*205	210	155	150

*Indicates change in price classification from previous price classification for the respective size groups.

[F. R. Doc. 42-28; Filed, January 2, 1942; 11:39 a. m.]

[Docket No. A-1213]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 9 FOR TRUCK SHIPMENTS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 9 for truck shipments; and

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

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

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

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith, § 329.24 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

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

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

No relief is granted herein for the coals of the Mitchell Mine (Mine Index No. 930) of Bennie D. Flener because prices have already been established for this mine in an Order dated September 23, 1941, 6 F.R. 5172, granting temporary relief and conditionally providing for final relief in Docket No. A-1030.

No relief is granted herein for the coals of the Meredith & Ashby Mine (Mine Index No. 856) of Hilry Meredith because the records of the Division indicate that the present owner is the successor to Meredith & Ashby, owners of the mine at the time price classifications and minimum prices were established for it in an Order of consolidation and Order granting temporary relief and conditionally providing for final relief dated January 16, 1941, 6 F.R. 670, in Docket No. A-547. Those prices remain applicable to Mine Index No. 856.

Dated: December 24, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 329.24 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1, 2	3	4	5	6	7	8	9	10, 11, 12	13, 14	15	17	18, 19, 20	21, 22	23, 24	25	26, 27	28, 29
BUTLER COUNTY																					
Barrow, Elbert	951	Martin	#6	235	225	215	175	170	160	160	150	140	110	50						120	115
Shepard, Chas	968	Shepard	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
West, F. A	976	F. A. West	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
DAVIESS COUNTY																					
Trogden, H. J	977	Best	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Williams, H. B	974	Williams	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
HANCOCK COUNTY																					
Epperson & Evans (J. D. Evans)	978	Gibbs		205	195	185	175	170	160	160	150	140	110	50						120	115
HOPKINS COUNTY																					
Bryant, F. W	970	Bryant	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Capps, Spurgeon	964	Capps	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Morris & Gillard (E. E. Morris)	969	Pleasant Ridge	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Oak Hill Coal Co. (Leamon Rector)	971	Oak Hill	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Patterson & Ball (W. T. Patterson)	972	Patterson & Ball	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Stokes, Noble	974	Military	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
M'LEAN COUNTY																					
Brown, June	980	June	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
MUHLENBERG COUNTY																					
Rickard & Tyson (W. H. Rickard)	973	Sunrise	#11	205	195	185	175	170	160	160	150	140	110	50						120	115
OHIO COUNTY																					
Baggarly, Cecil	981	Green	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Walters, G. H	979	Walters	#14	205	195	185	175	170	160	160	150	140	110	50						120	115
WEBSTER COUNTY																					
Belville Coal Co. (V. E. Teague)	963	Belville	#9	205	195	185	175	170	160	160	150	140	110	50						120	115

[F. R. Doc. 42-29; Filed, January 2, 1942; 11:39 a. m.]

[Docket No. A-1209]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 10 FOR TRUCK SHIPMENT

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 10 for truck shipment.

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

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

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

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith, § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

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

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

Dated: December 19, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR TRUCK SHIPMENT

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

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																												
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
SECTION NO. 1, LIVINGSTON COUNTY																																
Coalville Coal Company, The	1534	Mine #4	7	325	320	315	305	300	295	240	235	205	200	200	200	170	160	105														
SECTION NO. 3, KNOX COUNTY																																
Strandburg & Co. (Oliver E. Strandburg)	1535	No. 2	6	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														

[F. R. Doc. 42-30; Filed, January 2, 1942; 11:39 a. m.]

[Docket No. A-1158]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 14 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 14

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 14; and

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

Petitions of intervention having been filed with the Division in the above-entitled matter in regard to the price classifications and minimum prices proposed for the coals of the Prairie Creek Coal Company No. 1 Mine (Mine Index No. 540) and of the New Blue Valley Coal Company, Blue Valley Mine (Mine Index No. 562); and

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

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 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.

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

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

The original petitioner alleges that the coals of the East Side Coal Company's No. 1 Mine (Mine Index No. 567) are similar to the coals of the Lewis Coal Company's No. 12 Mine (Mine Index No. 64). However, for the coals of Mine Index No. 567 in Size Group 3, petitioner proposes the classification of "D" and a minimum price of $3.70 per ton whereas the coals of Mine Index No. 64 in that size group are classified "E" and priced at $3.55 per ton. Accordingly, the price classifications and minimum prices established herein for the coals of the East Side Coal Company's No. 1 Mine have been conformed to those heretofore established for the coals of Mine Index No. 64.

No relief is granted herein as to the coals of the Prairie Creek Coal Company's No. 1 Mine (Mine Index No. 540) nor as to the coals of the New Blue Valley Coal Company's Blue Valley Mine (Mine Index No. 562) for the reasons set forth in the Order designating that portion of Docket No. A-1158 relating to such coals as Docket No. A-1158, Part II, granting temporary relief therein, and scheduling Docket No. A-1158, Part II, for hearing.

Dated: December 16, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

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

FOR RAIL SHIPMENTS

§ 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	Prod. group No.	Shipping point	Railroad	Frt. 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
568	Durham, Frank	Sans Bois No. 14	7	McCurtain, Okla	FS&VB	12			D											B				Q		
567	East Side Coal Co. (Henry L. Carter)	No. 1	7	Bokoshe, Okla	FS&VB	12			E											B				Q		
452	Ideal Coal Co. (George Williams)	Ideal Coal Co.	7	McCurtain, Okla	FS&VB	12			D											B				Q		
569	Lewis Bros. Coal Co. (B. V. Lewis)	Mine No. 2	1	Russellville, Ark	D&R	30	A	A											C	A	A	A		A		
566	Lewis, Charles L.	No. 1	5	Huntington, Ark	SL-SF	16			F											B				Q		
498	Morgan Coal Co. (I. F. Morgan)	Red Morgan	6	Panama, Okla	MV	15			D											B				Q		
570	Sizemore, Newt	Mine No. 2	3	Paris, Ark	MP	14			C											B				N		
571	Wald, Abel J.	Mine No. 2	3	Paris, Ark	MP	14			C											B				N		

FOR TRUCK SHIPMENTS

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

Code member index	Mine index No.	Mine	County	Sub-dist. No.	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
Durham, Frank	568	Sans Bois No. 14	Haskell, Okla	7			370											135				270		
East Side Coal Co. (Henry L. Carter)	567	No. 1	LeFlore, Okla	7			355											135				270		
Lewis Bros. Coal Co. (B. V. Lewis)	569	Mine No. 2	Pope, Ark	1	450	425											250	200	200	200		450		
Lewis, Charles L.	566	No. 1	Sebastian, Ark	5			335											135				270		
Morgan Coal Co. (I. F. Morgan)	498	Red Morgan	LeFlore, Okla	6			370											135				270		
Sizemore, Newt	570	Mine No. 2	Logan, Ark	3			385											135				325		
Wald, Abel J.	571	Mine No. 2	Logan, Ark	3			385											135				325		

[F. R. Doc. 42-33; Filed, January 2, 1942; 11:41 a. m.]

[Docket No. A-1185]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 15 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS, FOR SHIPMENT BY TRUCK, OF CERTAIN MINES IN DISTRICT NO. 15

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

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

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

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

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

No relief is granted herein as to the coals of the Gray Eagle Mine (Mine Index No. 1539) operated by Ralph Dunlap for the reason that those coals were classified heretofore in Docket No. A-1159 under the mine name, Dunlap and Cooper, and the name of Dunlap and Cooper as its operator.

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

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

Dated: December 18, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

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

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

FOR TRUCK SHIPMENT

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

Code member index	Mine index No.	Mine	Production group No.	County	3" lump	½" up	10" x 1½"	10" x 1¼"	3" x 2"	3" x 1¼"	2" x 1¼"	1¼" x 1"	Mine run	3" x 0	1¼" x ⅝"	1¼" x ¼ (R)	1¼" x 0 (W)	1¼" x 0 (R)	¼" x 0
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Brown & Hill (Geo. Brown)	1545	Diamond	11	Rogers, Okla.	330	330	330	300		270		160	220	140	150			115	
Cunningham, T. A.	1546	Cunningham	5	Lafayette, Mo.	285	285	285	285	275	255	245	220	285	205	220	205		125	35
Preston & Lewis (John Preston)	1547	P and L	3	Randolph, Mo.	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35
Redpath, M. L. (Square Deal Coal Company)	1550	Ideal Coal Co.	2	Linn, Kans.	250	250	250	250	225	210	195	190	210	185	185	170	170	150	35
Smarr Mining Company (W. J. & Carl A. Smarr)	1551	Peerless	3	Boone, Mo.	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35
Swartz, L. C.	1544	Swartz (Ellis Coal Co. Pit)	1	Vernon, Mo.	260	260	260	260	235	220	205	210	220	195	170	155	155	135	35
Thomas Coal Co. (Wilbert Thomas)	1549	Thomas	1	Crawford, Kans.	260	260	260	260	235	220	205	210	220	195	170	155	155	135	35

[F. R. Doc. 42-33; Filed, January 2, 1942; 11:40 a. m.]

[Docket No. A-598]

PART 337—MINIMUM PRICE SCHEDULE, DISTRICT NO. 17

MEMORANDUM OPINION AND ORDER MODIFYING AND APPROVING AND ADOPTING, AS MODIFIED, THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER AND GRANTING RELIEF IN PART IN THE MATTER OF THE PETITION OF DISTRICT BOARD 17 FOR REVISION OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR CERTAIN COALS IN DISTRICT 17 AND FOR CHANGES IN CERTAIN MARKET AREAS THEREIN

This proceeding was instituted upon a petition filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 17. The petition requested the following relief:

1. Changes in the classification and minimum prices of certain mines.
2. Revision of certain market area boundaries.
3. Changes in Price Instructions and Exceptions in the Schedule of Effective Minimum Prices for District No. 17 for All Shipments in the following respects:
(a) Paragraph (d), relating to screen descriptions.
(b) Paragraph (h), relating to chemical, oil, or wax treatment.
(c) Paragraph (l), relating to certain types of consumers at given destinations.
(d) Proposed additional paragraph to provide seasonal discounts.
4. Revision of certain size groups.
5. Revision of minimum prices for rail shipment.
6. Revision of footnote exceptions to minimum prices.
7. Revision of minimum prices for railroad locomotive fuel.
8. Revision of minimum prices for truck shipment.

District Board 22 filed a petition for leave to intervene, indicating opposition to the granting of seasonal discounts for shipments to Market Areas 200, 201, 213, 214, 237 to 239, and 252. District Board 16 filed an answer to the original petition, indicating opposition to changes in paragraphs (h) and (l) of the Price Instructions and Exceptions, the addition of a proposed paragraph thereto, and certain proposed minimum prices for shipment by rail and truck. Bear Canon Coal Company, a code member producer in District 17, filed an intervening petition in part supporting and in part opposing portions of the original petition relating to minimum prices for Subdistrict 8 of District 17 for rail shipment. District Board 18 filed a petition of intervention, opposing the proposed seasonal discounts, certain of the proposed size group changes, and most of the proposed changes in minimum prices for rail shipment. District Boards 19 and 20 also filed petitions of intervention, indicating opposition to the price relationships proposed for market areas in which the coals of Districts 17 and 19 and 17 and 20 compete. District Board 10 also filed a petition of intervention. The Receiver of the Rio Grande Southern Railroad Company filed an application for temporary relief with a supporting affidavit. The Consumers' Counsel Division filed a notice of appearance.

Pursuant to Order of the Director and notice to interested persons, a hearing in this matter was held before Thurlow G. Lewis, a duly designated Examiner of the Division, at a hearing room thereof in Denver, Colorado. Thereafter the Director ordered C. Rollin Larrabee to prepare and submit to the Director Proposed Findings of Fact and Conclusions of Law and the recommendation of an appropriate order vice Lewis.

On August 23, 1941, Examiner Larrabee submitted Proposed Findings of Fact and Conclusions of Law in this matter, recommending that relief be granted with respect to 1 and 3 (c), above, and denied in all other respects. An opportunity was afforded all parties to file exceptions thereto and supporting briefs. On September 15 District Board 16 and on September 16 the Office of the Bituminous Coal Consumers' Counsel filed exceptions, and arguments in support thereof, to the Proposed Findings of Fact and Conclusions of Law of the Examiner. On September 22, 1941, District Board 17 filed an application for extension of time for filing exceptions.

The exceptions of the Office of the Bituminous Coal Consumers' Counsel are concerned in part with the Examiner's recommendation of denial of relief with respect to items 3 (b) and 3 (d) above. These exceptions are directed primarily to the sufficiency of the evidence to support the Proposed Findings of Fact and Conclusions of Law and indicate a disagreement with the Examiner as to the effect the granting of the sought for relief would have upon the coordination of District 17 prices with those of competing districts. A review of the record leads me to conclude, as did the Examiner, that insufficient evidence was introduced to show the necessity for granting the relief sought in items 3 (b) and 3 (d). On the other hand, it is clear that such a reduction in the treatment charge as is sought by District Board 17 in item 3 (b) would disturb the coordination of the prices of District 17 with those of competing districts and the fair competitive opportunities of producers in competing districts. Similarly, the granting of the seasonal discounts sought for District 17 in item 3 (d) would materially alter the fair competitive opportunities of competing coals from other districts and upset the coordination of such coals in common consuming markets.

The Office of the Bituminous Coal Consumers' Counsel also excepts, as does District Board 16, to the relief recommended by the Examiner to be granted with respect to item 3 (c), above. As indicated above, item 3 (c) is concerned with paragraph (l) of the Price Instructions and Exceptions of the District 17 price schedule which provides for 30 cents per ton price reductions on coal shipped to con-

sumers, for consumption at Brush and Sterling, Colorado, who satisfy given conditions. In the petition it was proposed to add to paragraph (1) the following destinations:

Brighton, Eaton, Fort Collins, Fort Lupton, Fort Morgan, Greeley, Johnstown, Longmont, Loveland, Ovid, and Windsor, Colorado, and Wheatland, Wyoming.

The Examiner recommended that those destinations be added to paragraph (1). The Office of the Bituminous Coal Consumers' Counsel would extend this relief to the consumers who comply with the specified conditions at all destinations rather than limit it to such consumers at certain specified destinations. District Board 16 would deny relief with respect to item 3 (c) entirely.

A review of the record herein convinces the undersigned, as it did the Examiner, that such a broadening of Price Instruction and Exception (1) as is sought by the Consumers' Counsel does not appear warranted on the present record and would unduly disturb the coordination of District 17 minimum prices with those of competing districts. On the other hand, I find that the 12 destinations that the Examiner recommended should be added to paragraph (1) of the Price Instructions and Exceptions of the District 17 price schedule, which destinations are included in a similar price exception enjoyed by District 16 producers, should be added in order to preserve the fair competitive opportunities of District 17 producers.

District Board 16 has also excepted to the Examiner's recommendation that a motion made at the hearing by District Board 16 to dismiss certain portions of the original petition should be denied. This motion requested dismissal on the grounds, *inter alia*, that the coordination of prices between Districts 16 and 17 relating to shipments into Market Area 218 had been accomplished pursuant to an arbitration proceeding under section 6 (a) of the Act and that, therefore, the establishment of District 17 minimum prices on coals for shipment into Market Area 218 had not taken place under section 4 II (b) of the Act and that, therefore, section 4 II (d) of the Act was not applicable. It is the opinion of the undersigned that, as stated by the Examiner, effective minimum prices, whether or not the coordination thereof is arrived at through arbitration proceeding pursuant to section 6 (a) of the Act, are established solely by the Division under section 4 II (b) and are always subject to review in a proceeding brought pursuant to section 4 II (d).

A review of the record in the light of the Examiner's Report and the exceptions thereto is convincing that the exceptions are not well taken.

With respect to item 1 above, the Examiner found, *inter alia*, that to express accurately the classification of coals in subdistrict price groups of District 17 and to reflect the relative market value of such coals, the Hunter and McGinley Mines of N. H. Halcumb and Ernest Hicks, respectively (Mine Index Nos. 281 and 291, respectively), originally placed in Subdistrict 16 of District 17, should be allocated to Subdistrict 15 and should have the same minimum prices applicable to their coals as are applicable to the coals of the Hidden Treasure Mine (Mine Index No. 314) in Subdistrict 15. The Examiner's finding as to this was based upon evidence which was adduced to show that the coals of the Hunter and McGinley Mines are substantially of the same quality as the coals of the Hidden Treasure Mine. The Examiner recommended the reclassification of the Hunter and McGinley Mines accordingly. This recommendation was in accord with temporary relief issued herein by the Director on May 28, 1941, 6 F.R. 2659.

On November 21, 1941, District Board 17 filed a motion requesting termination of said temporary relief, in so far as it pertains to the Hunter and McGinley Mines, praying that the minimum prices and classification of the Hunter and McGinley Mines be permitted to remain as they were prior to the Director's Order of May 28, 1941, and asking leave to file an affidavit of Douglas Millar in support of said motion and to have said affidavit made a part of the record herein. Said motion by the petitioner was accompanied, in addition to said affidavit of Millard, by proof of service thereof upon the Bituminous Coal Consumers' Counsel, the Statistical Bureau for District 17, District Boards 16, 18, 19, 20, and 22, and code members in Subdistricts 15 and 16 of District 17.

In its motion filed on November 21, the petitioner set forth that subsequent to the hearing herein, District Board 17 received new and additional information revealing that erroneous conclusions had theretofore been reached and presented at the hearing relative to the Hunter and McGinley Mines; that the prayer contained in the original petition herein to reclassify said mines from Subdistrict 16 to Subdistrict 15 was based solely on the proximity of the Hunter and McGinley Mines to mines classified in Subdistrict 15 and did not give due regard to classifications according to kinds, qualities, and sizes of coals; that the two code members involved objected to the reclassification of their mines as proposed in the original petition herein; that following the hearing herein a truck mine investigator for the Statistical Bureau for District 17 concluded, following an investigation by him, that the Hunter and McGinley Mines should be classified in Subdistrict 16 with no changes in prices; that an investigation by a coal mine inspector for the State of Colorado reveals that the Hidden Treasure coal is far superior to the coals of the Hunter and McGinley Mines; and that further investigation by District Board 17 led it to conclude that it had erred in reclassifying these two mines from Subdistrict 16 to Subdistrict 15.

Douglas Millard, chairman of District Board 17, was a witness on behalf of said Board at the hearing herein. In his affidavit, submitted together with its motion by District Board 17, the witness Millard states that the evidence offered at the hearing herein relative to the minimum prices and subdistrict classification of the Hunter and McGinley Mines was based upon incorrect advice received by the District Board; that the information presently set out in the motion of District Board 17 is true; that said information has been established as correct evidence; and that the evidence with reference to the Hunter and McGinley Mines introduced at the hearing herein, although introduced in good faith and to the best knowledge and belief of District Board 17 at that time, was based upon misleading information, is not correct, and does not reflect true conditions.

The motion of District Board 17 for leave to file the affidavit of the witness Millard and to make same a part of the record is hereby granted. Upon the basis thereof, I find that the relief prayed for in the original petition filed herein by District Board 17 concerning the Hunter and McGinley Mines should be denied and that said mines should be classified as mines in Subdistrict 16 of District 17 and should have the same prices applicable to their coals as were applicable thereto prior to the Director's Order of May 28, 1941. I further find that such disposition of the petition with respect to the Hunter and McGinley Mines is required in order 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 of the Act. In these respects the Proposed Findings of Fact and Conclusions of Law of the Examiner should be and they hereby are modified.

In one other respect, also, it appears that the Proposed Findings of Fact and Conclusions of Law of the Examiner should be modified. The Examiner found that G. G. Hart & Sons' James Mine (Mine Index No. 283), erroneously allocated to Subdistrict 17, should be allocated to Subdistrict 5, and should have the same minimum prices applicable to its coals as are applicable to the coals of C. W. Jones' Wise Hill Pinnacle Mine (Mine Index No. 305) in Subdistrict 5. Accordingly, the Examiner recommended that the following prices be established for the James Mine, which prices were, at the time the Examiner issued his Proposed Findings of Fact and Conclusions of Law herein, in effect for the Wise Hill Pinnacle Mine by virtue of an Order granting temporary relief in Docket No. A-174:

Size Groups

1	2	3	4	5	6	7	9	10	11	13	17
455	445	425	425	400	370	360	315	285	260	170	315

On October 22, 1941, 6 F.R. 5466, the Director issued a Memorandum Opinion and Order in Docket No. A-174, withdrawing and revoking said temporary relief and denying certain prayers for relief contained in the petition filed in that proceeding, which resulted in reducing the prices of the Wise Hill Pinnacle Mine to those originally established for that mine in the Schedule of Effective Mini-

mum Prices for District No. 17 for All Shipments. The evidence in this record indicated that the James Mine should have the same prices as the Wise Hill Pinnacle Mine, which prices are the same as those of other Moffat County Mines in Subdistrict 5 of District 17. I therefore find that the prices which should be established for the James Mine are those which are presently in effect for the Wise Hill Pinnacle Mine. I further find that such disposition of the petition with respect to the James Mine is required in order 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 of the Act. In this respect the Proposed Findings of Fact and Conclusions of Law of the Examiner should be, and they hereby are, modified.

On the basis of the above opinion and for the reasons stated therein I conclude that the Proposed Findings of Fact of the Examiner and the Conclusions of Law based thereon should, as modified, be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

Now, therefore, it is ordered, That the Proposed Findings of Fact and Conclusions of Law of the Examiner, as modified, be and they hereby are, approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That § 337.4 (*Code member price index*), and § 337.21 (*General prices in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 17 for All Shipments Except Truck and for Truck Shipments be, and they hereby are, amended, effective 15 days from the date hereof, as follows, in the sections indicated:

§ 337.4 *Code member price index.* The following shall be listed in alphabetical order:

Producer	Mine	Mine index No.	County	Sub-district price group	Prices section	
					Rail	Truck
Hart & Sons, G. G.	James	283	Moffat	No. 5	§337.5	§337.21
Hubbard, Frank D.	Postal	297	Routt	No. 4	§337.5	§337.21
Linn, David D. and R. F. Hutton	Daves Grand Baby	26	Routt	No. 4	§337.5	§337.21
McDowell, Sipe and Martin	Riverside Farmers	336	Mesa	No. 15	§337.5	§337.21
Macy, Veva Pierce (Miss) (Sunshine Coal Co.).	Sunshine	324	La Plata	No. 19	§337.5	§337.21
Staples, S. L.	K. D. (O. C.)	395	Gunnison	No. 11	§337.5	§337.21

In lieu of the minimum prices and other designations for the mines, the mine index numbers for which are listed above, now appearing in the Schedule of Effective Minimum Prices for District No. 17 for All Shipments, and Supplements thereto, the following minimum prices and designations shall be substituted in said Schedule and Supplements.

§ 337.21 *General prices in cents per net ton for shipment into all market areas.* Insert the following code member names (in alphabetical order), mine name and county, under Subdistricts Nos. 4 and 5, and the following prices:

Code member index	Mine	County	Size groups											
			1	2	3	4	5	6	7	9	10	11	13	17
SUBDISTRICT NO. 4														
Hubbard, Frank D. Linn, David D. and R. F. Hutton.	Postal Daves Grand Baby.	Routt Routt	480	470	450	450	425	390	375	325	285	260	170	315
SUBDISTRICT NO. 5														
Hart & Sons, G. G.	James	Moffat	355	345	325	325	300	270	260	250	240	225	170	315

§ 337.21 *General prices in cents per net ton for shipment into all market areas.* Insert the following code member name (in alphabetical order), mine name and county, under Subdistrict No. 11, and the following prices:

Code member index	Mine	County	Size groups											
			1	2	3	4	5	6	7	9	10	11	13	17
SUBDISTRICT NO. 11														
Staples, S. L.	K. D. (O. C.)	Gunnison	480	470	450	450	425	390	375	325	290		195	315

§ 337.21 *General prices in cents per net ton for shipment into all market areas.* Insert the following code member name (in alphabetical order), mine name and county, under Subdistrict No. 15, and the following prices:

Code member index	Mine	County	Size groups											
			1	2	3	4	5	6	7	9	10	11	13	17
SUBDISTRICT NO. 15														
McDowell, Sipe & Martin	Riverside Farmers.	Mesa		465	450	450	425			400	325	285	235	325

§ 337.21 *General prices in cents per net ton for shipment into all market areas.* Insert the following code member name (in alphabetical order), mine name and county, under Subdistrict No. 19, and the following prices:

Code member index	Mine	County	Size groups											
			1	2	3	4	5	6	7	9	10	11	13	17
SUBDISTRICT NO. 19														
Macy, Veva Pierce (Miss) (Sunshine Coal Company).	Sunshine	La Plata		375	375	375	375			375	265		160	300

NOTE: The material set forth above is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for District No. 17 and Supplements thereto.

It is further ordered, That, effective 15 days from the date hereof, paragraph (1) in § 337.1 (*Price instructions and exceptions*) in the Schedule of Effective Minimum Prices for District No. 17 for All Shipments Except Truck be, and it hereby is, amended to read as follows:

(1) Prices listed in this schedule for sizes included in Size Group No. 13 for all subdistricts shall be reduced 30 cents per net ton when such coal is shipped to a consumer for consumption at Brush, Brighton, Eaton, Fort Collins, Fort Lupton, Fort Morgan, Greeley, Johnstown, Longmont, Loveland, Ovid, Sterling, or Windsor, Colorado, or Wheatland, Wyoming; and the prices listed for such sizes for all subdistricts shall be reduced 15 cents per net ton when such coal is shipped to a consumer for consumption at Delta, Colorado; *Provided,* That such consumer:

(1) Uses coal during a limited season of the year;

(2) Has storage facilities sufficient to accommodate 30 per centum or more of its total annual coal requirements at such destination;

(3) Places such storage facilities at the sole disposal of coal producers and permits them to make shipments to such storage facilities at their convenience throughout the year; and

(4) Receives from coal producers of District No. 17 not less than 30 per centum of the consumer's total annual coal requirements at such destinations except when such producers are prevented from shipping that quantity by strikes or other conditions beyond the control of either party.

It is further ordered, That the prayers for relief contained in the several petitions filed herein are granted to the extent set forth above and in all other respects denied.

It is further ordered, That, effective 15 days from the date hereof, the temporary relief heretofore granted by Order of the Director dated May 28, 1941, be, and it hereby is, terminated and revoked.

Dated: January 1, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-27; Filed, January 2, 1942; 11:38 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

PART 626—REOPENING AND CONSIDERING ANEW REGISTRANT'S CLASSIFICATION

AMENDMENT TO SELECTIVE SERVICE REGULATIONS, SECOND EDITION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 626,[1] in the following respects:

1. By deleting § 626.1 and substituting therefor the following:

§ 626.1 *Classification not permanent.* (a) No classification is permanent.

(b) Each classified registrant shall, within 10 days after it occurs, and any other person should, within 10 days after knowledge thereof, report to the local board in writing any fact that might result in such registrant being placed in a different classification.

(c) The local board shall keep informed of the status of classified registrants. Registrants may be questioned or physically or mentally re-examined, employers may be required to furnish information, police officials or other agencies may be requested to make investigations, and other steps may be taken by the local board to keep currently informed concerning the status of classified registrants.

2. By deleting § 626.2 and substituting therefor the following:

§ 626.2 *When registrant's classification may be reopened and considered anew.* (a) The local board may reopen and consider anew the classification of a registrant (1) upon the written request of the registrant, the government appeal agent, any person who claims to be a dependent of the registrant, or any interested party in a case involving occupational deferment, if such request is accompanied by written information presenting facts not considered when the registrant was classified and which, if true, would justify a change in the registrant's classification; or (2) upon its own motion; provided, in either event, the classification of a registrant shall not be reopened after the local board has mailed to such registrant an Order to Report for Physical Examination by the Armed Forces Prior to Induction (Form 150A) unless the local board first specifically finds that there has been a change in the registrant's status resulting from circumstances over which the registrant had no control.

(b) At any time before the induction of a registrant, the local board shall reopen and consider anew such registrant's classification upon the written request of the State Director of Selective Service or the Director of Selective Service. (54 Stat. 885; 50 U.S.C., Sup., 301-318 inclusive, E.O. No. 8545, 5 F.R. 3779.)

[1] 6 F.R. 6843.

Effective January 1, 1942.

LEWIS B. HERSHEY,
Director.

DECEMBER 31, 1941.

[F. R. Doc. 42-52; Filed, January 2, 1942; 3:28 p. m.]

PART 633—DELIVERY AND INDUCTION

Correction

Section 633.10 (c) in F.R. Doc. 41-9835 appearing at page 6850 of the issue for Wednesday, December 31, 1941, is corrected to read as follows:

(c) The local board, upon receipt of the Report of Physical Examination and Induction (Form 221) from the induction station will transcribe all information thereon in Series VI to the copy thereof held in its files and shall then forward one copy of the Report of Physical Examination and Induction (Form 221) to the State Director of Selective Service. The remaining copy of the Report of Physical Examination and Induction (Form 221) and in the case of a rejected man, the original thereof, shall be retained in the registrant's Cover Sheet (Form 53).*

PART 642—DELINQUENCY

Effective February 1, 1942, the Selective Service Regulations are hereby amended by rearranging the order in which the paragraphs hereinafter listed will appear; by assigning new numbers to such rearranged paragraphs; by changing the context of those paragraphs hereinafter listed which are followed by the words "as amended"; by adding three new sections; and by publishing such rearranged, renumbered, amended paragraphs, and such new sections as the sections of Part 642 of the Second Edition of the Selective Service Regulations:

Paragraph 389 as amended becomes § 642.1.
Paragraph 390 as amended becomes § 642.3.
Paragraph 391 as amended becomes § 642.4.
Paragraph 392 as amended becomes § 642.8.
Paragraph 393 as amended becomes § 642.6.
New Section 642.2.
New Section 642.5.
New Section 642.7.

PART 642—DELINQUENCY

Sec.
642.1 Mailing notice of delinquency.
642.2 Investigation of delinquency.
642.3 Disposition of delinquencies.
642.4 Reporting delinquents to United States district attorney.
642.5 Local board action subsequent to reporting a delinquent to United States district attorney.
642.6 Suspected delinquents found in military service.
642.7 Procedure upon release of delinquents.
642.8 Procedure following release of delinquent from imprisonment.

§ 642.1 *Mailing notice of delinquency.* (a) When a local board has reason to believe that a nonregistrant under its jurisdiction is a delinquent or that a registrant under its jurisdiction has become a delinquent, the board shall prepare, in quadruplicate, a Notice of Delinquency (Form 281).

(b) The local board shall mail the original of the Notice of Delinquency (Form 281) to the suspected delinquent at his last-known address. It shall mail a copy to the State Director of Selective Service. It shall post a copy in a conspicuous place for public inspection, and, whenever practicable, it shall give the information contained thereon to the press and radio and shall encourage them to give such information the widest possible publicity. It shall file the fourth copy with the date of mailing noted thereon.

(c) If the suspected delinquent is a registrant under the jurisdiction of the local board, the local board shall note in the "Remarks" column of the Classification Record (Form 100) the fact that the notice was mailed and file the fourth copy of the Notice of Delinquency (Form 281) in the registrant's Cover Sheet (Form 53).*

*§§ 642.1 to 642.8, inclusive, issued under the authority contained in 54 Stat. 885; 50 U. S. C., Sup., 301-318, inclusive, E.O. No. 8545, 5 F.R. 3779.

§ 642.2 *Investigation of delinquency.* (a) After mailing the Notice of Delinquency (Form 281), the local board shall wait 5 days before taking further action.

(b) If it does not hear from the suspected delinquent during the 5-day period, the local board shall take the following steps:

(1) Communicate with the person "who will always know" the registrant's address whose name and address appear on lines 7 and 8 of the Registration Card (Form 1).

(2) Communicate with the "employer" whose name and address appear on lines 10 and 11 of the Registration Card (Form 1).

(c) If as a result of these contacts the local board acquires any information which will enable it, with a reasonable amount of effort, to locate the suspected delinquent, it should make that effort.

(d) In trying to locate the suspected delinquent the local board may use the voluntary assistance of local or State police officials, as well as the press and radio. In no event, however, will the local board order or participate in the arrest of a suspected delinquent.*

§ 642.3 *Disposition of delinquencies.* If a suspected delinquent has been located as a result of the local board's efforts under § 642.2 or a suspected delinquent has reported voluntarily to a local board, the local board shall carefully investigate the delinquency. If the board finds that the suspected delinquent is innocent of any wrongful intent, the local board shall proceed to consider his case just as if he were never suspected of being a delinquent. The local board shall report its decision to the State Director of Selective Service and shall note its decision in its records.*

§ 642.4 *Reporting delinquents to United States district attorney.* (a) If the local board is convinced that a delinquent is not innocent of wrongful intent or if it is unable to locate a suspected delinquent (§ 642.2), the local board shall report him to a United States district attorney for prosecution under section 11 of the Selective Training and Service Act of 1940, as amended.

(b) In reporting a delinquent to a United States district attorney, the local board shall fill out a Report of Delinquents to United States District Attorney (Form 279), in quadruplicate. The local board shall mail the original to the United States district attorney. It shall mail a copy to the State Director of Selective Service. It shall post a copy in a conspicuous place for public inspection, and, whenever practicable, it shall give the information contained thereon to the press and radio and shall encourage them to give such information the widest possible publicity. It shall note the date of mailing on the fourth copy and shall place it in the registrant's cover sheet (Form 53), if the delinquent is a registrant, or in an alphabetical file of nonregistrant delinquents, if the delinquent is not a registrant.

(c) If the delinquent is a registrant, the local board shall note its action in the "Remarks" column of the Classification Record (Form 100).

§ 642.5 *Local board action subsequent to reporting a delinquent to United States district attorney.* When a delinquent who has been reported to a United States district attorney later offers to comply with the law, the United States district attorney should be immediately notified and given a complete statement of the facts concerning such offer of compliance. The decision of whether such a delinquent should be prosecuted or his prosecution continued, in case it has already been undertaken, rests entirely with the United States district attorney. The local board, when requested to do so by the United States district attorney, may offer a suggestion as to the advisability of discontinuing the prosecution of a delinquent who has complied or is willing to comply with the law. If it is determined that the delinquency is not wilful, or that substantial justice will result, the local board should encourage the delinquent to comply with his obligations under the law and, if he does so or offers to do so, should urge that any charge of delinquency against him or any prosecution of him for delinquency be dropped.*

§ 642.6 *Suspected delinquents found in military service.* (a) If a registrant is suspected of being delinquent only because he failed to report to the board that he had enlisted in the land or naval forces of the United States or has joined (1) the armed forces of the Canadian or British Governments, (2) the British Civilian Technical Corps, (3) the Royal Army Medical Corps, (4) the British Emergency Medical Service, (5) the armed forces of the Polish Government, (6) the armed forces of the Netherlands Government, or (7) any other service designated by the Director of Selective Service as aiding in the common cause, the local board, upon receipt of competent evidence that the registrant is actually in one of such services, shall remove any charge of delinquency made against such registrant. The board shall make an appropriate report of this action to any officials who were notified that the registrant was a delinquent.*

§ 642.7 *Procedure upon release of delinquents.* (a) Provided they have not already been accomplished, the following steps shall be taken in connection with every delinquent at the time of his release from confinement:

(1) He shall be registered in accordance with § 613.42.

(2) His Selective Service Questionnaire (Form 40) shall be executed.

(3) His Special Form for Conscientious Objectors (Form 47), where applicable, shall be executed.

(4) He shall be physically examined.

(b) If a delinquent is unable or refuses to fill out his Selective Service Questionnaire (Form 40) or his Special Form for Conscientious Objectors (Form 47), where applicable, they shall be filled out by the superintendent or warden acting as registrar from information gained from interviewing the delinquent and from other sources.

(c) If a delinquent is unable or refuses to sign his name or make his mark, the superintendent or warden acting as registrar shall sign such delinquent's name and indicate that he has done so by signing his own name followed by the word "Registrar" beneath the name of such delinquent. The act of the superintendent or warden in so doing shall have the same force and effect as if such delinquent had signed his name to the Selective Service Questionnaire (Form 40) or the Special Form for Conscientious Objectors (Form 47).

(d) The institution physician shall act as the examining physician and shall examine the delinquent in accordance with the provisions of § 623.33, using Report of Physical Examination and Induction (Form 221) and List of Defects (Form 220). If the delinquent claims to be a conscientious objector, he shall be further physically examined in accordance with the provisions of part 651.

(e) The delinquent's Registration Card (Form 1), Selective Service Questionnaire (Form 40), Special Form for Conscientious Objectors (Form 47), where applicable, and Report of Physical Examination and Induction (Form 221) shall be mailed to the State Director of Selective Service for the State in which the place of residence of the delinquent is located, and the State Director of Selective Service shall forward such documents to the local board having jurisdiction over the delinquent.*

§ 642.8 *Procedure following release of delinquent from imprisonment.* Imprisonment for violation of the selective service law, or during prosecution therefor, does not exempt a delinquent from complying with the selective service law after the delinquent is released from imprisonment. When a delinquent is released from imprisonment, the local board shall require him to perform the duties and shall accord him the rights and privileges of other registrants.*

LEWIS B. HERSHEY,
Director.

DECEMBER 30, 1941.

[F. R. Doc. 42-53; Filed, January 2, 1942; 3:28 p. m.]

PART 652—ASSIGNMENT AND DELIVERY OF PERSONS TO WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

Effective February 1, 1942, the Selective Service Regulations and Camp Regulations are hereby amended by assigning new numbers to the paragraphs hereinafter listed; by changing the context of those paragraphs which are followed by the words "as amended"; by adding one new section; and by publishing such renumbered and amended paragraphs and the new section as the sections of Part 652 of the Second Edition of the Selective Service Regulations:

SELECTIVE SERVICE REGULATIONS

Paragraph 365 *c* and *d* as amended becomes § 652.1.

Paragraph 365 *e* as amended becomes § 652.2.

Paragraph 365 *f* as amended becomes § 652.11.

Paragraph 365 *f* as amended becomes § 652.12.

New section § 652.13.

CAMP REGULATIONS

Paragraph 21 as amended becomes § 652.14.

PART 652—ASSIGNMENT AND DELIVERY OF PERSONS TO WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

ASSIGNMENT TO WORK OF NATIONAL IMPORTANCE

Sec.
652.1 Report of conscientious objector to Director of Selective Service.
652.2 Assignment by Director of Selective Service.

DELIVERY OF PERSONS WHO HAVE BEEN ASSIGNED TO WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

652.11 Order to report for work of national importance.
652.12 Transportation to camp.
652.13 Jurisdiction of local board while registrant is engaged in work of national importance.
652.14 Period of service.

ASSIGNMENT TO WORK OF NATIONAL IMPORTANCE

§ 652.1 *Report of conscientious objector to Director of Selective Service.*

(a) When a registrant in Class IV-E has been found to be acceptable for work of national importance under civilian direction, the local board shall immediately notify the Director of Selective Service on a Conscientious Objector Report (Form 48) that the registrant is so acceptable and is available for assignment to work of national importance under civilian direction.

(b) Four copies of the Conscientious Objector Report (Form 48) shall be filled out and signed by a member of the local board. Under "Remarks" the local board should add any additional information that might aid in the proper assignment of the registrant. The original and two copies of the Conscientious Objector Report (Form 48) shall be mailed to the State Director of Selective Service and the remaining copy retained in the registrant's Cover Sheet (Form 53). The State Director of Selective Service shall immediately transmit the original and one copy of the Conscientious Objector Report (Form 48) to the Director of Selective Service and shall file the remaining copy.

(c) Until such time as his defects have been corrected, no Conscientious Objector Report (Form 48) shall be filled out or used for a registrant who, according to the report of the examining physician, will be qualified for general service after satisfactory correction of specified remedial defects.*

*§§ 652.1 to 652.14, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive, E.O. No. 8545, 5 F.R. 3779.

§ 652.2 *Assignment by Director of Selective Service.* (a) The Director of Selective Service, upon receipt of the Conscientious Objector Report (Form 48), shall assign the registrant to a camp. Such assignment will be made on an Assignment to Work of National Importance (Form 49), which shall be made out in triplicate. Two copies will be mailed to the State Director of Selective Service, who shall forward one copy to the registrant's local board and file the other copy. The remaining copy will be filed in Camp Operations Division.

(d) Persons paroled for assignment to work of national importance under civilian direction or other special service under Part 643 shall be assigned to such work by the Director of Selective Service in such manner as he may determine.*

DELIVERY OF PERSONS WHO HAVE BEEN ASSIGNED TO WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

§ 652.11 *Order to report for work of national importance.* (a) Upon receipt of an Assignment to Work of National Importance (Form 49) for a registrant in Class IV-E, the local board shall prepare six copies of an Order to Report for Work of National Importance (Form 50). The original shall be mailed to the registrant at least 10 days before the date set for him to report. At the time the registrant leaves the local board for the camp, the local board shall mail five copies of the Order to Report for Work of National Importance (Form 50), together with the original and one copy of the registrant's Report of Physical Examination and Induction (Form 221), to the camp director at such camp. The remaining two copies of such registrant's Report of Physical Examination and Induction (Form 221) shall be retained in his Cover Sheet (Form 53).

(b) The issuance of an Order to Report for Work of National Importance (Form 49) may be delayed or delivery under such an order may be postponed to the extent and in the manner provided in § 633.1.

(c) If for any reason an Order to Report for Work of National Importance (Form 50) is not sent to a registrant for whom an Assignment to Work of National Importance (Form 49) has been received from the Director of Selective Service or in the event a registrant in Class IV-E who has been sent an Order to Report for Work of National Importance (Form 50) does not report to the local board pursuant to such order, the local board shall send the Assignment to Work of National Importance (Form 49) together with a statement of the facts concerning the case to the State Director of Selective Service for transmittal to the Director of Selective Service.*

§ 652.12 *Transportation to camp.* (a) When a registrant in Class IV-E reports to the local board for transportation to a camp for work of national importance under civilian direction, the local board shall prepare the necessary Government Requests for Transportation (Standard Form 1030) and Government Request for Meals and Lodgings for Civilian Registrants (Form 256) for use by the registrant between the local board and the camp. Except as otherwise provided herein, the local board will follow the same procedure in delivering the registrant to work of national importance under civilian direction as is followed in the case of a registrant delivered for induction into the land or naval forces.

(b) The delivery of a person paroled to work of national importance under civilan direction will be accomplished by the proper prison officials.*

§ 652.13 *Jurisdiction of local board while registrant is engaged in work of national importance.* A registrant in Class IV-E who has reported for work of national importance pursuant to this part shall be retained in Class IV-E by the local board. Such registrant after he has left the local board in accordance with § 652.12 for work of national importance under civilian direction is under the jurisdiction of the camp to which he is assigned. The local board shall take no further steps with regard to such registrant without instructions from the Director of Selective Service, but should report any information to the Director of Selective Service which might affect the registrant's status.*

§ 652.14 *Period of service.* (a) A registrant in Class IV-E who has been assigned to a camp shall be engaged in work of national importance under civilian direction during the existence of any war in which the United States is engaged and during the six months immediately following the termination of any such war, unless sooner released under the same conditions as pertain in the armed forces.

(b) A person assigned to a camp on parole pursuant to Part 643 shall be engaged in work of national importance under civilian direction for the length of the term of his sentence less deductions for good conduct as provided in Part 643.*

LEWIS B. HERSHEY,
Director.

DECEMBER 24, 1941.

[F. R. Doc. 42-54; Filed, January 2, 1942; 3:29 p. m.]

[Order No. 23]

COSHOCTON CAMP PROJECT

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of Section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Coshocton Camp project to be work of national importance, to be known as Civilian Public Service Camp No. 23. Said camp, located at Coshocton, Coshocton County, Ohio, will be the base of operations for soil conservation work in the State of Ohio, and registrants under the Selective Training and Service Act, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV-E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to said Coshocton Camp will consist of the establishment of a program tending to develop sound land use practices which will prevent the spread of erosion and the analysis of the changes and hydrologic conditions brought by such a program, and shall be under the technical direction of the Soil Conservation Service of the United States Department of Agriculture insofar as concerns the planning and direction of the work program. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Service Act 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.

DECEMBER 31, 1941.

[F. R. Doc. 42-55; Filed, January 2, 1942; 3:29 p. m.]

[Order No. 24]

WASHINGTON COUNTY CAMP PROJECT

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of Section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Washington County Camp project to be work of national importance, to be known as Civilian Public Service Camp No. 24. Said camp, located at Hagerstown, Washington County, Maryland, will be the base of operations for soil conservation work in the State of Maryland, and registrants under the Selective Training and Service Act, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV-E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to said Washington County Camp will consist of the establishment of a program tending to develop sound land use practices which will prevent the spread of erosion, and shall be under the technical direction of the Soil Conservation Service of the United States Department of Agriculture insofar as concerns the planning and direction of the work program. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Service Act 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.

DECEMBER 31, 1941.

[F. R. Doc. 42-56; Filed, January 2, 1942; 3:30 p. m.]

[No. 39]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of paragraph 163 and Appendix A to Volume One[1] of the Selective Service Regulations, I hereby prescribe the following changes in DSS forms:

1. Addition of a new form designated as DSS Form 10A, effective immediately upon the filing hereof with the Division of the Federal Register.[2]
2. Addition of a new form designated as DSS Form 100A, effective immediately upon the filing hereof with the Division of the Federal Register.

[1] 5 F.R. 3779.
[2] Filed with the original document.

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

LEWIS B. HERSHEY,
Director.

DECEMBER 18, 1941.

[F. R. Doc. 42-72; Filed, January 3, 1942; 11:36 a. m.]

[No. 40]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of paragraph 163 and Appendix A to Volume One[1] of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 152, entitled "Order on State for Delivery of Men for Physical Examination by the Armed Forces," effective immediately upon the filing hereof with the Division of the Federal Register.[2]

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

LEWIS B. HERSHEY,
Director.

DECEMBER 29, 1941.

[F. R. Doc. 42-73; Filed, January 3, 1942; 11:36 a. m.]

CHAPTER VIII—EXPORT CONTROL

SUBCHAPTER C—BOARD OF ECONOMIC WARFARE

EXPORT CONTROL SCHEDULE NO. 27

By virtue of Executive Order No. 8712,[1] of March 15, 1941, Executive Order No. 8900,[2] of September 15, 1941, and Order No. 1,[3] of the Economic Defense Board, of September 15, 1941, I, Milo Perkins, Executive Director, Board of Economic Warfare, have determined that effective January 2, 1942, the forms, conversions, and derivatives of Petroleum Products (Item 1, Proclamation No. 2417[4]) as listed in Export Control Schedule No. 15, under Reference B, is amended to read as follows:

Unit of quantity	Ref.	Commodity description	Dept. o Commerce No.
		PETROLEUM PRODUCTS	
Long ton...	B	Crude Oils or any other materials except lubricating oils, from which, by commercial distillation there can be produced, as distillate or residuum, products having a viscosity of more than 60 seconds Saybolt Universal at 210° F. with a viscosity index of over 60, and lubricating oils from which by commercial distillation there can be produced, as distillate or residuum, 10% or more of products having a viscosity of more than 60 seconds Saybolt Universal at 210° F. with a viscosity index of over 60.	5011.07

MILO PERKINS,
Executive Director.

JANUARY 2, 1941.

[F. R. Doc. 42-50; Filed, January 1, 1942; 1:46 p. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 931—DEFENSE SUPPLIES RATING ORDER

Amendment No. 2 to Supplementary Order No. P-6-a Assigning a Preference Rating to Deliveries of Civil Aircraft, Repair Parts and Accessories

Section 931.2 (*Supplementary Order No. P-6-a*) is hereby amended to read as follows:

§ 931.2 *Supplementary Order P-6-a.* (a) For the purpose of Part 931—Defense Supplies Rating Order (Priorities Division Order No. P-6), deliveries of Civil Aircraft and repair parts and accessories for such Aircraft, by the producer thereof, to persons purchasing the same for use in the following activities, or to dealers who will dispose of such Aircraft, repair parts or accessories, to persons purchasing the same for use in such activities, are hereby assigned a preference rating of A-10:

(1) Civil air patrol.
(2) Civilian pilot training program schools.
(3) Airline instrument training schools.
(4) Other schools approved by the Civil Aeronautics Administration.
(5) Official State guard units.
(6) Official State, county, and city police.
(7) Pipe line patrol.
(8) Power line patrol.
(9) Patrol activities by or for the account of any governmental agency.
(10) Experimental projects approved by the Civil Aeronautics Administration.

(b) For the purposes of Part 931—Defense Supplies Rating Order (Priorities Division Order No. P-6), deliveries of repair parts for Civil Aircraft and for accessories for such aircraft, by the producer thereof, to persons purchasing the same for use in the maintenance and

[1] 6 F.R. 1501.
[2] 6 F.R. 5795.
[3] 6 F.R. 4828.
[4] 5 F.R. 2677.

repair of registered and certificated Civil Aircraft, or to dealers who will dispose of such repair parts to persons purchasing the same for use in such maintenance and repair, are hereby assigned a preference rating of A-10.

(c) This Order shall take effect on the 21st day of July 1941, and, unless sooner revoked, shall expire on the 31st day of March, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

This Amendment shall take effect immediately. Issued this 3d day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-62; Filed, January 3, 1942; 10:19 a. m.]

PART 933—DOMESTIC ICE REFRIGERATORS

Supplementary General Limitation Order L-7-a Further Restricting the Production of Domestic Ice Refrigerators

It is hereby ordered, That: In accordance with the provisions of § 993.1 (*General Limitation Order L-7*)[1] which the following order supplements, it is hereby ordered that:

§ 993.2 *Supplementary General Limitation Order L-7-a*—(a) *January, February and March restrictions.* (1) Except as provided in subparagraph (2), during each of the months of January, February and March 1942, no manufacturer of domestic ice refrigerators shall use in the production of such refrigerators more steel than the greater of the following two limits:

(i) 60% of the monthly average of steel used by him during the twelve months' period ending June 30, 1941.

(ii) 60% of the monthly average of steel used by him during the three years' period ending June 30, 1941.

(2) Nothing in this Order shall limit, and each manufacturer is specifically authorized to use in addition to the quota set forth above, any amount of steel required in the production of domestic ice refrigerators under specific contracts or orders placed by or for the account of, or to fulfill a contract with:

(i) The United States Government or any department or agency thereof;

(ii) The government of any of the following countries: The United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia, and Yugoslavia;

(iii) Any agency of the United States government for delivery to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act); or

(iv) Any public authority owning or operating a project financed in whole or in part by the United States Government or any agency thereof, and certified by the authority to be devoted in whole or in part to the housing of persons engaged in defense activity, *Provided,* That the contracts or orders involved were obtained as a result of competitive bidding.

(b) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious 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 by addressing a letter to the Office of Production Management setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

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

Issued this 6th day of January 1942.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42-88; Filed, January 5, 1942; 10:44 a. m.]

[1] 6 F.R. 5534.

PART 971—ETHYL ALCOHOL AND RELATED COMPOUNDS

Amendment No. 2 to General Preference Order No. M-30 To Conserve the Supply and Direct the Distribution of Ethyl Alcohol and Related Compounds

Section 971.1 (*General Preference Order No. M-30*) is hereby amended to read as follows:

Whereas the national defense requirements have created shortages of Ethyl Alcohol and Related Compounds for defense, for private account, and for export, and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof:

Now, therefore, it is hereby ordered, That:

§ 971.1 *General Preference Order M-30*—(a) *Definitions.* For the purposes of this Order:

(1) "Ethyl Alcohol" means ethyl alcohol from whatever source derived, having a proof of 160° or more, and shall include tax-paid and denatured alcohol produced in industrial alcohol plants classified as such under regulations No. 3 of the Bureau of Industrial Alcohol of the U. S. Treasury Department under sections 3070 to 3124 inclusive of the Internal Revenue Code.

(2) "Related Compounds" means acetic acid, acetic anhydride, acetone, ethyl ether, ethyl acetate, butyl alcohol, butyl acetate, isopropyl alcohol and isopropyl acetate, from whatever source derived.

(3) "Producer" means any person engaged in the production of Ethyl Alcohol or Related Compounds, and includes any person who has Ethyl Alcohol or any Related Compounds produced for him pursuant to toll agreement.

(4) "Distributor" means any person who has purchased or purchases Ethyl Alcohol or any Related Compounds for purposes of resale.

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

(c) *Restrictions on deliveries of ethyl alcohol.* Anything in Priorities Regulations No. 1 to the contrary notwithstanding:

(1) Unless otherwise directed by the Director of Priorities, no Producer shall, during any calendar month commencing with the month of January, 1942, use or deliver Ethyl Alcohol for any purpose not specified in subparagraphs (c) (2), and (3) hereof, in excess of 100% of the quantity of Ethyl Alcohol which he used or delivered, respectively, for such purpose during the corresponding month in the twelve months' period ended June 30, 1941.

(2) Unless otherwise directed by the Director of Priorities, no Producer shall, during any calendar month commencing with the month of January, 1942, use or deliver Ethyl Alcohol for a purpose set forth below in excess of that percentage, set opposite such purpose, of the quantity of Ethyl Alcohol which he used or delivered, respectively, for such purpose during the corresponding month in the twelve months' period ended June 30, 1941.

Purpose	*Percentage*
Hair and scalp preparations	85% during month of January 1942; 70% during each month thereafter.
Bay rum	
Shampoos	
Face and hand lotions	
Body deodorants	
Toilet waters	
Perfume and perfume tinctures	
Toilet soaps (including shaving cream)	
Mouth washes	
Tooth cleaning preparations	
Perfume materials and fixatives	
Rubbing alcohol	
Witch hazel	
Deodorant sprays (non-body)	
Vinegar	
Candy glazes	

(3) Producers may, subject to Priorities Regulation No. 1, make deliveries of Ethyl Alcohol for the purposes set forth below without limitation:

Military explosives.
Acetic acid (except vinegar for food use).
Ethyl acetate.
Ethyl chloride.
Other ethyl esters.
Resins and plastics.
Acetaldehyde.
Ethyl ether.
Health supplies (as defined in Preference Rating Order P-29 as amended to September 30, 1941).
Ethers, glycol and other ethylene Dibromide.
Xanthates.
Fulminate of mercury.
Ethylene gas and ethylene oxide.
Dyes and intermediates.
Nitrocellulose (dehydration).

(4) Unless otherwise directed by the Director of Priorities, no person shall, during any month commencing with the month of January 1942, use (distribute in the case of a Distributor) or accept delivery of Ethyl Alcohol for any purpose referred to, either specifically or otherwise, in subparagraphs (c) (1) and (2) hereof in excess of that percentage, specified in subparagraphs (c) (1) and (2) hereof with respect to such purpose, of the quantity of Ethyl Alcohol which he used (distributed in the case of a Distributor) or delivery of which he accepted for such purpose during the corresponding month in the twelve months' period ended June 30, 1941. The restrictions in this subparagraph (c) (4) contained shall not apply to the use, or acceptance of delivery, of Ethyl Alcohol for the purposes set forth in subparagraph (c) (3) hereof. No Producer or Distributor shall deliver any Ethyl Alcohol to any person unless prior to such delivery, the deliveree shall certify to the deliveror that such delivery will not, taking into consideration deliveries made and to be made to him during such months from all sources, be in violation of the provisions of this subparagraph.

(d) *Restrictions on production of ethyl and butyl alcohol.* Except as may be otherwise directed by the Director of Priorities, no Producer shall, after January 15, 1942, produce Ethyl or Butyl Alcohol from Molasses (as defined in General Preference Order No. M-54) unless his equipment and facilities capable of producing Ethyl or Butyl Alcohol from corn or grain are being utilized to the fullest extent possible in the production of Ethyl or Butyl Alcohol from corn or grain.

(e) *Deliveries of isopropyl alcohol.* (1) Unless a higher preference rating has been, or is hereafter, assigned thereto, deliveries of Isopropyl Alcohol for the uses set forth below are hereby assigned the preference rating set opposite each such use as follows:

Use	Preference rating
Acetone	B-1
Chemicals, chemical products and chemical processing	B-3
Drugs and pharmaceuticals	B-5
Anti-freeze	B-7

(2) All the provisions of paragraph (c) hereof with respect to restrictions on deliveries of Ethyl Alcohol shall be applicable to deliveries of Isopropyl Alcohol.

(f) *Reports.* Reports shall be made at such times, on such forms and with respect to such matters as shall be prescribed by the Chemicals Branch of the Office of Production Management.

(g) *Notification of customers.* Producers shall as soon as practicable notify each of their regular customers of the requirements of this Order, but the failure to give such notice shall not excuse any person from the obligation of complying with the terms hereof.

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

(i) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Ethyl Alcohol and Related Compounds conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Office of Production Management, references: M-30, attention Chemicals Branch, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

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

Issued this 31st day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42-93; Filed, January 5, 1942; 10:46 a. m.]

PART 971—ALCOHOL

Amendment No. 3 to General Preference Order No. M-31 as Amended To Conserve the Supply and Direct the Distribution of Methyl Alcohol

(a) Section 971.2 (*General Preference Order M-31*) as amended[1] is hereby further amended in the following particulars.

(1) Present subparagraph (d) (4) is hereby amended to read as follows:

§ 971.2 *General Preference Order M-31.*

* * * * *

(d) * * *

(4) Deliveries of Methyl Alcohol to persons who require the same for general denaturant and solvent uses, and who, prior to delivery thereof, shall have certified to the Producer or the Distributor (a) that the Methyl Alcohol sought will be used (sold, in the case of a Distributor) for such purposes only, and (b) that the quantities sought, in any month, together with all quantities on order with other Producers or Distributors for delivery during such month, do not exceed one-twelfth of the quantity of Methyl Alcohol used by such persons for such purposes during the 12-month period ended September 30, 1941, are hereby assigned preference rating B-8.

(2) Present paragraphs (e), (f) and (g) are hereby relettered and made paragraphs (f), (g) and (i), respectively.

(3) A new paragraph (e) is hereby added to read as follows:

(e) *Restrictions on use.* Except as may be otherwise directed by the Director of Priorities, on and after January 1, 1942, no person shall use or deliver Methyl Alcohol for manufacture into, or packaging as, an anti-freeze agent. The provisions of this paragraph shall apply with respect to stocks of Methyl Alcohol on hand as of January 1, 1942. Persons who have stocks of Methyl Alcohol on hand on said date, which said stocks were intended for manufacture into, or packaging as, an anti-freeze agent, shall forwith report such fact (and the details thereof) to the Chemicals Branch of the Office of Production Management and shall hold such Methyl Alcohol for disposition by the Director of Priorities: *Provided, however,* That nothing herein contained contained shall prevent any person from using or delivering Methyl Alcohol for manufacture into, or packaging as, an anti-freeze agent to fill actual orders received for delivery to or for the account of:

(i) The Army or Navy of the United States, the United States Maritime Commission, the Coast and Geodetic Survey, the Coast Guard;

(ii) The government of any of the following countries: The United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, The Kingdom of the Netherlands, Norway, Poland, Russia, Yugoslavia; and

(iii) The government of any country, including those in the Western Hemisphere, comprehended in the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act).

(4) A new paragraph (h) is hereby added to read as follows:

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

[1] 6 F.R. 5750, 6614.

him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Methyl Alcohol conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Office of Production Management, Reference: M-31, attention Chemicals Branch, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(b) This Order shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; Sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 31st day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42-94; Filed, January 5, 1942; 10:47 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Supplementary General Limitation Order L-3-e Further Restricting Sale and Delivery of Light Motor Trucks

In accordance with the provisions of § 976.3 (*General Limitation Order L-3*)[1] issued September 13, 1941, which the following Order supplements.
It is hereby ordered, That:

§ 976.9 *Supplementary General Limitation Order L-3-e*—(a) *Prohibition of sales of light motor trucks.* Until January 15, 1942 no producer, dealer or other authorized channel of distribution of light motor trucks, as defined in § 976.3 (1) of General Limitation Order L-3, issued September 13, 1941, shall sell, lease, trade, lend, deliver, ship, or transfer any light truck, except to other producers, dealers or other authorized channels of distribution for resale; and no person (with the exception of other producers, dealers, or other authorized channels of distribution for resale) shall accept any such sale, lease, trade, loan, delivery, shipment or transfer of any light truck. For the purposes of this Order "light truck" means a 1942 model light truck or any light truck which has been used less than one thousand miles (1,000 miles).

(b) All communications concerning this Order shall be addressed to:

Office of Production Management
Washington, D. C. Ref. L-3-e

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

Issued this 1st day of January 1942.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42-91; Filed, January 5, 1942; 10:45 a. m.]

[1] 6 F.R. 4733.

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Supplementary General Limitation Order L-1-c Restricting Sale and Delivery of Medium and Heavy Motor Trucks & Truck Trailers

In accordance with the provisions of § 976.1 (*General Limitation Order L-1-a*),[1] which the following order supplements. *It is hereby ordered,* That:

§ 976.10 *Supplementary General Limitation Order L-1-c*—(a) *Prohibition of sales of medium and heavy motor trucks and truck trailers.* Until January 15, 1942, no producer, dealer or other authorized channel of distribution of medium and heavy motor trucks and truck trailers, shall sell, lease, trade, lend, deliver, ship, or transfer any medium and heavy motor trucks and truck trailers, except to other producers, dealers, or other authorized channels of distribution for resale; and no person (with the exception of other producers, dealers, or other authorized channels of distribution for resale) shall accept any such sale, lease, trade, loan, delivery, shipment or transfer of any medium and heavy motor trucks and truck trailers. For the purposes of this Order "Medium and Heavy Motor Trucks and Truck Trailers" mean 1942 Models or any such vehicles which have been used less than one thousand miles (1000 miles).

(b) All communications concerning this Order shall be addressed to:

Office of Production Management
Washington, D. C. Ref. L-1-c

(c) *Effective date.* This order shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session, sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 1st day of January 1942.

DONALD M. NELSON,
Director of Priorities.

[F.R. Doc. 42-90; Filed, January 5, 1942; 10:45 a. m.]

[1] 6 F.R. 4732, 5676, 6256.

PART 981—PASSENGER AUTOMOBILES

Supplementary General Limitation Order L-2-f Restricting Sale and Delivery of Passenger Automobiles

In accordance with the provisions of § 981.1 (*General Limitation Order L-2*)[1] issued September 13, 1941, which the following Order supplements, *It is hereby ordered,* That: .

§ 981.7 *Supplementary General Limitation Order L-2-f*—(a) *Prohibition of sales of passenger automobiles.* Until January 15, 1942, no producer, dealer or other authorized channel of distribution of passenger automobiles, as defined in § 981.1 (a) (1) of General Limitation Order L-2, issued September 13, 1941, shall sell, lease, trade, lend, deliver, ship, or transfer any passenger automobile, except to other producers, dealers, or other authorized channels of distribution for resale; and no person (with the exception of other producers, dealers, or other authorized channels of distribution for resale) shall accept any such sale, lease, trade, loan, delivery, shipment or transfer of any passenger automobile. For the purposes of this Order "Passenger Automobile" means a 1942 Model passenger automobile or any automobile which has been used less than one thousand miles (1,000 miles).

(b) All communications concerning this Order shall be addressed to:

Office of Production Management
Washington, D. C. Ref: L-2-f

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

Issued this 1st day of January 1942.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42-85; Filed, Jauary 5, 1942; 10:44 a. m.]

PART 989—DOMESTIC MECHANICAL REFRIGERATORS

Amendment No. 1 to Supplementary General Limitation Order L-5-a

It is hereby ordered, That:

Section 989.2 (*Supplementary General Limitation Order L-5-a*)[2] is hereby amended by inserting therein a new paragraph (c) as follows:

§ 989.2 *Supplementary General Limitation Order L-5-a.*

* * * * *

(c) Nothing in this Order shall limit, and each manufacturer is specifically au-

[1] 6 F.R. 4735.
[2] 6 F.R. 6256.

thorized to produce, in addition to the quota set forth above, any domestic mechanical refrigerators required to fulfill specific contracts or orders placed by or for the account of, or to fulfill a contract with:

(1) The United States Government or any department or agency thereof;

(2) The government of any of the following countries: The United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of Netherlands, Norway, Poland, Russia, and Yugoslavia;

(3) Any agency of the United States Government for delivery to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act); or

(4) Any public authority owning or operating a project financed in whole or in part by the United States Government or an agency thereof, and certified by the authority to be devoted in whole or in part to the housing of persons engaged in defense activity: *Provided*, That the contracts or orders involved were obtained as a result of competitive bidding.

This amendment shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4403; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 6th day of January 1942.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42-87; Filed, January 5, 1942; 10:44 a. m.]

PART 1008—ELECTRIC POWER

Revocation of Limitation Order L-16

Section 1008.1 (*Limitation Order L-16 amended*[1] is hereby revoked. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 5th day of January 1942.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42-86; Filed, January 5, 1942; 10:44 a. m.]

[1] 6 F.R. 5564, 6145.

PART 1012—DOMESTIC VACUUM CLEANERS

Supplementary General Limitation Order L-18-a Further Restricting the Production of Domestic Vacuum Cleaners

It is hereby ordered, That: In accordance with the provisions of § 1012.1 (*General Limitation Order L-18*)[1] which the following order supplements, it is hereby ordered that:

§ 1012.2 *Supplementary General Limitation Order L-18-a*—(a) *January, February and March restrictions.* During the three months' period from January 1, 1942, to March 31, 1942, inclusive:

(1) No Class "A" Manufacturer shall produce more domestic vacuum cleaners than the greater of the following two limits:

(i) 11,700 of such vacuum cleaners, or
(ii) three times 60% of the monthly average of his factory sales of such vacuum cleaners in the twelve months ending June 30, 1941.

(2) No Class "B" Manufacturer shall produce more domestic vacuum cleaners than three times 75% of the monthly average of his factory sales of such vacuum cleaners in the twelve months ending June 30, 1941.

(3) In complying with the quotas under subparagraph (1) or (2) each manufacturer of domestic vacuum cleaners shall produce such vacuum cleaners in the same proportion of floor cleaners to hand cleaners as in his factory sales of all domestic vacuum cleaners in the twelve months ending June 30, 1941, except that for any four hand cleaners which he would be entitled to produce he may substitute one floor cleaner.

(b) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious 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 by addressing a letter to the Office of Production Management setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(c) *Communications.* All appeals and other communications concerning this Order shall be addressed to the Office of Production Management, Washington, D. C., Ref. L-18. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 amended, Sept. 2, 1941; 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

This Order shall take effect on January 1, 1942.

DONALD N. NELSON,
Director of Priorities.

[F. R. Doc. 42-92; Filed, January 5, 1942; 10:46 a. m.]

[1] 6 F.R. 6063.

PART 1031—MOLASSES

General Preference Order No. M-54 To Conserve The Supply and Direct The Distribution of Molasses

Whereas the national defense requirements have created a shortage of Molasses, as hereinafter defined, for defense, for private account, and for export, and it is necessary in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 1031.1 *General Preference Order M-54*—(a) *Definitions.* For the purposes of this Order:

(1) "Molasses" means any molasses, sirup, sugar solution, or any form of fermentative sugar (derived from sugar cane or sugar beets) other than direct-consumption sugar (as defined in General Preference Order No. M-55) or sugar intended for and used for manufacture into direct-consumption sugar.

(2) "Producer" means any person engaged in the production of Molasses and includes any person who has Molasses produced for him pursuant to toll agreement.

(3) "Importer" means any person who transports Molasses in any manner into the continental United States. Release from the bonded custody of the United States Bureau of Customs shall be deemed a transportation.

(4) "Distributor" means any person who sells Molasses of which he is not either the Producer or the Importer.

(5) "Class 1 Purchaser" means any person who requires Molasses in the manufacture of, or for sale to manufacturers of, any one or more of the following products:

(i) Yeast
(ii) Citric Acid
(iii) Edible Molasses
(iv) Insecticides

and any person who requires Molasses for, or for sale for, dust extraction purposes.

(6) "Class 2 Purchaser" means any person who requires Molasses in the manufacture of, or for sale to manufacturers of, feed (other than for the barrel trade).

(7) "Class 3 Purchaser" means any person who requires Molasses for, or for sale for, foundry purposes.

(8) "Class 4 Purchaser" means any person who requires Molasses in the manufacture of, or for sale to manufacturers of, vinegar.

(9) "30 day supply" means a quantity of Molasses not in excess of $1/12$ of the quantity used by a Purchaser listed above (distributed in case of a Distributor) during the 12 month period ended June 30, 1941 (a 15 day supply shall be one-half of a 30 day supply). Purchasers shall determine a 30 day supply with respect to each use specified in subparagraphs (a) (5), (6, (7) and (8) above. Quantity shall in all cases be computed in terms of sugar content.

(b) *Applicability of Priorities Regulation No. 1.* This Order and all trans-

actions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(c) *Restrictions on deliveries.* Anything in Priorities Regulation No. 1 to the contrary notwithstanding:

(1) No Class 1, Class 2, Class 3 or Class 4 Purchaser shall accept deliveries of Molasses in excess of the quantity set forth below less any quantity in excess of a 15 day supply on hand on the first day of the month in which delivery is to be made:

(i) Class 1 Purchaser—during any calendar month, a 30-day supply.

(ii) Class 2 Purchaser—during month of January 1942, 75% of a 30 day supply; during any calendar month thereafter, 50% of a 30 day supply.

(iii) Class 3 Purchaser—during any calendar month, 110% of a 30 day supply.

(iv) Class 4 Purchaser—during month of January 1942, 85% of a 30 day supply; during any calendar month thereafter, 70% of a 30 day supply.

(2) Prior to delivery of Molasses, within the limitations of subparagraph (c) (1) hereof, the prospective deliveree thereof shall submit to the deliverer a certificate in substantially the following form, manually signed by a duly authorized official:

The undersigned is a Class ---- Purchaser. During the 12 month period ended June 30, 1941, the undersigned used as a Class ---- Purchaser ------ gallons of Molasses (of ---- sugar content). The delivery of Molasses, in connection with which this certificate is furnished, will not be, taking into consideration Molasses received and to be received during this month from all other sources, in excess of that to which the undersigned is entitled pursuant to General Preference Order No. M-54 with the terms of which Order the undersigned is familiar.

Dated

(Name of Consumer)

By------------------------------
(Duly Authorized Official)

(3) Purchasers specified in paragraph (a) hereof may make application to the Director of Priorities for deliveries of Molasses in addition to those set forth in paragraph (c) hereof if they own, possess or control facilities for the storage of the same.

(4) No person shall knowingly deliver Molasses to any Class 1, Class 2, Class 3 or Class 4 Purchaser in violation of the terms of subparagraphs (c) (1) and (2) hereof.

(5) After January 15, 1942, no person shall deliver, use or accept delivery of Molasses for the manufacture of beverage spirits.

(6) On and after January 1, 1942, except with respect to deliveries within the limitations of subparagraphs (c) (1) and (2) hereof, deliveries originating and completed outside of the continental United States, deliveries to an Importer originating outside of the continental United States and deliveries specifically authorized by the Director of Priorities, no deliveries of Molasses shall be made by any Producer, Distributor or Importer; and no person shall accept delivery of Molasses made in violation of the foregoing clause. At the beginning of each calendar month the Director of Priorities will issue to all Producers, Distributors and Importers specific directions covering deliveries of Molasses which may be made by such Producers, Distributors and Importers during such month. Such directions will be primarily to insure the satisfaction of all defense requirements and to provide an adequate supply for essential civilian uses, and they may be made at the discretion of the Director of Priorities without regard to any preference rating assigned to particular contracts or orders.

(d) *Restrictions on consumption.* Unless otherwise authorized by the Director of Priorities, no Purchaser specified in paragraph (a) hereof shall, during any month commencing with the month of January, 1942, use or consume more Molasses than he would be permitted to receive during such month (if he had no Molasses on hand) pursuant to the provisions of paragraph (c) hereof.

(e) *Intra-Company transactions.* The prohibitions or restrictions contained in this Order with respect to deliveries shall, in the absence of a contrary direction, 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 owned or controlled by the same person.

(f) *Reports.* Reports shall be made at such times, on such forms and with respect to such matters as shall be prescribed by the Chemicals Branch of the Office of Production Management. Persons who have stocks of Molasses on hand which they are forbidden by the terms of this Order to deliver or use shall forthwith report such fact (and the details thereof) in writing to the Chemicals Branch of the Office of Production Management and shall hold the said stocks until further order of the Director of Priorities.

(g) *Notification of customers.* Producers, Distributors and Importers shall, as soon as practicable, notify each of their regular customers of the requirements of this Order, but the failure to give such notice shall not excuse any person from the obligation of complying with the terms of this Order.

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

(i) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Molasses conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Office of Production Management, Reference: M-54, attention Chemicals Branch, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

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

Issued this 31st day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42-95; Filed, January 5, 1942; 10:48 a. m.]

PART 1040—VENDING MACHINES

Limitation Order L-27 To Restrict the Production of Vending Machines

Whereas the demands of national defense have created a shortage of iron and steel and other materials used in the manufacture of vending machines; action has already been taken to conserve the supply and direct the distribution of such materials to insure deliveries for defense and essential civilian requirements; and the present supply of these materials will be insufficient for defense and essential civilian requirements unless the manufacture of vending machines is curtailed and the use of critical materials for such manufacture thereby reduced;

Now, therefore, it is hereby ordered That:

§ 1040.1 *General Limitation Order L-27*—(a) *Definitions.* For the purpose of this Order:

(1) "Vending Machines" means those vending machines or devices customarily (although not necessarily) coin-operated from which merchandise is sold, including (but not limited to) cigarette vending machines, food vending machines, candy vending machines, chewing-gum and nut vending machines, and bulk and bottled beverage vending machines. However, this Order shall not cover United States postage stamp vending machines or automatic restaurants (so-called "automats").

(2) "Manufacturers of Vending Machines" means any manufacturers who

manufacture parts for such machines as well as manufacturers who produce finished vending machines whether or not they manufacture any parts therefor.

(3) "Iron and Steel Used" means the aggregate weight of iron and steel (other than that contained in the materials listed in subparagraph (4)) contained in the finished products manufactured.

(4) "Prohibited Metals" means copper, copper base alloys, aluminum, lead, tin, stainless steel, nickel, and chromium.

(5) "Other Metals Used" means the aggregate weight of all other metals not included in subparagraphs (3) and (4), contained in the finished products manufactured.

(b) *General restrictions.* (1) During the first calendar month following the date of issuance of this Order no manufacturer of vending machines shall use in the production of such machines:

(i) More iron and steel than 75% of the monthly average of iron and steel used by him in the manufacture of such machines in the twelve months ending June 30, 1941;

(ii) More alnico magnets than 75% of the monthly average number of alnico magnets used by him in the manufacture of such machines in the twelve months ending June 30, 1941;

(iii) More prohibited metals for the conduction of electricity serving a functional purpose, or for refrigeration units, than 50% of the monthly average of such use of prohibited metals by him during the twelve months ending June 30, 1941, (except for prohibited metals used in the manufacture of alnico magnets); or

(iv) More other metals than 50% of the monthly average of other metals used by him in the manufacture of such machines during the twelve months ending June 30, 1941.

(2) During the second calendar month following the date of issuance of this Order, and during each month thereafter until otherwise ordered, no manufacturer of vending machines shall use in the production of such machines

(i) More iron and steel than 50% of the monthly average of iron and steel used by him in the manufacture of such machines in the twelve months ending June 30, 1941;

(ii) More alnico magnets than 50% of the monthly average number of alnico magnets used by him in the manufacture of such machines in the twelve months ending June 30, 1941;

(iii) More prohibited metals for the conduction of electricity serving a functional purpose, or for refrigeration units, than 25% of the monthly average of such use of prohibited metals by him during the twelve months ending June 30, 1941 (except for prohibited metals used in the manufacture of alnico magnets); or

(iv) More other metals than 25% of the monthly average of other metals used by him in the manufacture of such machines during the twelve months ending June 30, 1941.

(3) Beginning thirty days after the effective date of this Order no manufacturer of vending machines shall use any prohibited metals in the manufacture of vending machines (except as permitted in subparagraphs (b) (1) (ii), (b) (1) (iii), (b) (2) (ii) and (b) (2) (iii).

(c) *Avoidance of excessive inventories.* From the effective date of this Order manufacturers of vending machines shall not accumulate for use in the manufacture of such machines inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of vending machines at the rates permitted by this Order.

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

(e) *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 Office of Production Management.

(f) *Reports.* Each manufacturer to whom this Order applies shall file with the Office of Production Management such reports and questionnaires as said Office shall from time to time request.

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

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

(i) *Routing of correspondence.* All communications concerning this Order should be addressed to the Office of Production Management, Washington, D. C., Ref: L-27.

(j) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious 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 by addressing a letter to the Office of Production Management setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

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

Issued this 31st day of December 1941.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-61; Filed, January 3, 1942; 10:19 a. m.]

PART 1046—PLUMBING, HEATING AND ELECTRICAL SUPPLIES

SUPPLIERS' ORDER NO. M-67

Whereas, the interests of the national defense require that Plumbing, Heating and Electrical Supplies be made available for the maintenance and repair of farms, homes, retail stores and commercial concerns, and in order to insure the availability of such supplies it is necessary to prevent undue accumulation of inventories in the hands of Suppliers;

Now, therefore, it is hereby ordered, That

§ 1046.1 *Suppliers' Order M-67*—(a) *Definitions.* (1) "Supplier" means any person (other than a Producer) whose business consists, in whole or in part, of the sale from stock or inventory of Plumbing, Heating or Electrical Supplies. "Supplier" includes wholesalers, distributors, jobbers, dealers, retailers and other persons performing a similar function.

(2) "Producer" means any person who manufactures, processes, fabricates, assembles, or otherwise physically changes any Material.

(3) "Sales" means sales from stock and does not include direct factory shipments.

(4) "Maximum Permissible Inventory" of Plumbing, Heating and Electrical Supplies means

(i) in the case of a Supplier located in the Eastern or Central Standard Time Belts, an inventory (owned or consigned to him) of Plumbing, Heating and Electrical Supplies of a total dollar value at cost equal to two twelfths of the total dollar value at cost of such Supplier's sales (as defined above) of such supplies during the calendar year of 1941;

(ii) in the case of any other Supplier, an inventory (owned or consigned to him) of Plumbing, Heating and Electrical Supplies of a total dollar value at cost equal to three twelfths of the total dollar value at cost of such Supplier's sales (as defined above) of such supplies during the calendar year of 1941;

Provided, That no provision of this Order shall be construed to permit the accumulation of inventories of any item of Material in contravention of the provisions of any other applicable Order or Orders issued by the Director of Priorities.

(b) *Limitation of suppliers' inventories.* (1) Except as provided in paragraphs (b) (3) and (4), no Supplier, Producer or other Person shall make to any Supplier any delivery of Plumbing, Heating or Electrical Supplies which the Person making the delivery knows, or has reason to believe, will effect an increase in the Supplier's inventory of Plumbing, Heating and Electrical Supplies above the Supplier's Maximum Permissible Inventory; and

(2) Except as provided in paragraphs (b) (3) and (4), no Supplier shall accept any delivery of Plumbing, Heating or Electrical Supplies from any Person which will effect an increase in inventory in the hands of the Supplier of Plumbing, Heating and Electrical Supplies above the Supplier's Maximum Permissible Inventory;

(3) A Supplier may accept delivery of Plumbing, Heating or Electrical Supplies, and Suppliers, Producers and other Persons may make deliveries of such Supplies to him, if

(i) such Supplier's inventory of Plumbing, Heating and Electrical Supplies is at the time of delivery less than his Maximum Permissible Inventory, and

(ii) the delivery is of the minimum quantity of such Material that can be commercially procured.

(4) The Director of Priorities may, from time to time, exempt specified Suppliers or classes of Suppliers from the provisions of this Order, subject to such restrictions as the Director of Priorities may impose.

(c) *Communications.* All communications concerning this Order shall be addressed to "Office of Production Management, Washington, D. C., Ref. M-67."

(d) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1 as Amended December 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 3d day of January 1942.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42-81; Filed, January 3, 1942; 12:27 p. m.]

PART 1055—WOOL

Conservation Order No. M-73 Curtailing the Use of Wool

Whereas the fulfillment of requirements for the defense of the United States has created a shortage of Wool for the combined needs of defense, private account, and export; and the supply is, and may continue to be, insufficient for defense and essential civilian requirements, unless its use is curtailed or prohibited as hereinafter provided; and it is necessary in the public interest and to promote the national defense to allocate wool in the manner hereinafter in this Order provided.

Now, therefore, it is hereby ordered, That:

§ 1055.1 *Wool Conservation Order M-73*—(a) *Restrictions on use of wool*—(1) *Curtailment to April 4, 1942.* Except as provided in paragraph (e) hereof, during the period from January 4, 1942, to April 4, 1942, both inclusive;

(i) *Curtailment for total use.* No person shall put in process or cause to be put in process by others for his account on the worsted, woolen or any other single system, for the aggregate of defense and non-defense orders, more wool than 80% of his basic quarterly poundage, unless specifically authorized by the Director of Priorities: *Provided, however,* That the foregoing limitation shall not affect the requirements of Section 944.2 of Priorities Regulation No. 1 for compulsory filling and acceptance of defense orders and other orders bearing preference ratings. Any person with whom such orders are placed shall accept and fill the same regardless of the foregoing limitation, but unless specifically authorized by the Director of Priorities, shall not put or cause to be put in process any Wool for orders other than defense orders or other rated orders if his total for all orders exceeds such 80% limitation.

(ii) *Curtailment for non-defense use on worsted system.* No person shall put in process, or cause to be put in process by others for his account for non-defense orders, on the worsted system, more wool than 50% of his basic quarterly poundage.

(iii) *Curtailment for non-defense use on woolen, cotton or felt system.* No person shall put in process or cause to be put in process by others for his account for non-defense orders, on the woolen, cotton or felt system, more wool than 40% of his basic quarterly poundage, except as provided in paragraph (a) (1) (iv) hereof.

(iv) *Curtailment on use for floor covering.* No person shall put in process or cause to be put in process by others for his account for the manufacture of floor covering, or any component part thereof, more wool than 50% of his basic quarterly poundage.

(v) *Curtailment for non-defense use on methods of manufacture not otherwise covered.* No person shall put in process or cause to be put in process by others for his account for non-defense orders for manufacture on any system not covered above, more wool than 40% of his basic quarterly poundage.

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

(c) *Limitation of inventories.* No person shall receive delivery of Wool or products thereof in the form or raw materials, semi-processed wool materials or finished goods containing wool, in quantities which shall result in an inventory of such material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the use of wool by this Order: *Provided, however,* That nothing herein contained shall be deemed to restrict the purchase or delivery of any imported grease wool to the person importing the same either directly or through an agent or to the person to whom such wool may be sold prior to landing in this country.

(d) *Fair distribution of products.* In making sales or deliveries of Wool yarns, fabrics, styles, or patterns, no person shall make discriminatory cuts in amounts or quantities in acceptance of orders or deliveries between former customers who meet such person's regularly established prices and terms, or between such former customers and his own consumption.

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

(2) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Wool conserved, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the Office of Production Management by letter or telegram setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(3) *Applicability of order.* The prohibitions and the restrictions contained in this Order shall apply to the use of wool in all articles hereafter manufactured. Insofar as any other Order of the Director of Priorities may have the effect of limiting or curtailing to a greater extent than herein provided the use of Wool in the production of any article, the limitation of such other Order shall be observed.

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

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

(i) "Wool" means the fiber from the fleece of the sheep or lamb, or hair of the Angora or Cashmere goat or camel or of the alpaca, llama, or vicuna, and related fibers, including wools known as carpet

wools, but, (except for the purposes of paragraph (d)) shall not include noils, waste, reprocessed or reused wool, or yarn or cloth.

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

(iii) "Manufacture" means any and all processing on any system beyond the scouring operation, excepting only the carding and combing operations on the worsted system.

(iv) "Put into Process" means:

(*a*) On the worsted system, the first process of drawing after combing;

(*b*) On any other system using tops, the first change in form from tops;

(*c*) On the woolen, felt, or any other system not using tops, the first step after scouring, dusting or similar cleaning process.

(v) "Basic Quarterly Poundage" for any single system of manufacture shall mean one half of the number of pounds of wool put into process on that system by a manufacturer or for his account during the period from December 29, 1940 to June 28, 1941, both inclusive, or for the period from January 1, 1941 to June 30, 1941, both inclusive, according to the method of keeping production records maintained by such manufacturer during such period. Such poundage shall be determined as follows:

(*a*) On the worsted system or any other system using tops, the weight of tops put into process at 15% moisture regain, 3¼% oil and natural fats;

(*b*) On the woolen system, scoured wool at 12% moisture;

(*c*) On the felt or any other system, the weight of wool in the stage immediately preceding putting into process.

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

(6) *Reports and records.* (i) Each person who puts wool into process shall file with the Textile Branch, Office of Production Management, reports or forms to be prescribed by the Director of Priorities.

(ii) All persons who put wool into process shall keep and preserve such records as will clearly and adequately show their methods and amounts of consumption hereunder.

(7) *Reports and correspondence.* All applications, statements, or other communications filed pursuant to this Order or concerning the subject matter hereof should be addressed to the Office of Production Management, Washington, D. C., Ref.: M-73.

(8) *Effective date.* This Order shall take effect immediately and shall continue in effect until April 4, 1942. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 3d day of January 1942.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42-89; Filed, January 5, 1942; 10:45 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

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

AMENDMENT NO. 1 TO SUPPLEMENTARY ORDER NO. M-15-C[1] TO RESTRICT TRANSACTIONS IN NEW RUBBER TIRES, CASINGS, AND TUBES

Section 940.4 (c) is hereby amended by adding thereto the following subparagraph (7):

§ 940.4 *Supplementary Order M-15-c.*

* * * * *

(c) *Prohibition on deliveries of new rubber tires, casings, and tubes except to persons possessing certificates.*

* * * * *

(7) Anything in this paragraph (c) to the contrary notwithstanding, any manufacturer of new rubber tires, casings or tubes may sell, transfer or deliver, with the written approval of the Director of Priorities of the Office of Production Management, any new rubber tire, casing or tube to a manufacturer of new vehicles to be used as part of the original equipment of such vehicles. Records of such transfers shall be kept and reports in connection therewith shall be made as may from time to time be required by the Office of Production Management. (6 F.R. 6792)

This amendment No. 1 shall become effective January 3, 1942.

Issued this 2d day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-60; Filed, January 3, 1942; 9:14 a. m.]

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

AMENDMENT NO. 2[2] TO SUPPLEMENTARY ORDER NO. M-15-C TO RESTRICT TRANSACTIONS IN NEW RUBBER TIRES, CASINGS, AND TUBES

Section 940.4 (c) is hereby amended by adding thereto the following subparagraph (8):

§ 940.4 *Supplementary Order M-15-c.*

* * * * *

(c) *Prohibition on deliveries of new rubber tires, casings and tubes except to persons possessing certificates.*

* * * * *

[1] 6 F.R. 6792.

[2] See also amendment 1, *supra.*

(8) Anything in this paragraph (c) to the contrary notwithstanding, any person possessing a certificate issued pursuant to paragraph (e) authorizing such person to purchase new rubber tires, casings, or tubes may lease from a manufacturer of new rubber tires, casings, or tubes (and the manufacturer is authorized to lease) the number and size of new rubber tires, casings, or tubes specified in such certificate: *Provided,* That the lease is made in pursuance of an agreement to lease such tires, casings or tubes which was in effect on December 11, 1941 or which is made in pursuance of an agreement in renewal of such an agreement in effect on December 11, 1941 (6 F.R. 6792).

This Amendment No. 2 shall become effective January 5, 1942.

Issued this 3d day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-114; Filed, January 5, 1942; 11:36 a. m.]

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

CORRECTION TO AMENDMENT NO. 4 TO PRICE SCHEDULE NO. 7[1]—COMBED COTTON YARNS

In § 1307.7 (a), *Maximum prices for combed yarn covered by contract of sale prior to December 24, 1941,* the word "goods" is corrected to read "yarns." (Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

Issued this 2d day of January 1942.

This correction shall be effective as of December 24, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-113; Filed, January 5, 1942; 11:36 a. m.]

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

AMENDMENT NO. 5 TO PRICE SCHEDULE NO. 7[1]—COMBED COTTON YARNS

Section 1307.7 (b) (3), *Maximum Price Tables,* is hereby amended in the following respects:

Tables I and II are amended by appending the following footnote number 1 to the captions of each:

[1] Yarns of numbers 120 and below but not specifically listed in Tables I or II shall be subject to maximum prices bearing the usual relationship to the prices of numbers for which maximum prices are listed herein.

Table III is amended to read as follows:

TABLE III

(1) In addition to the applicable maximum prices as set forth in Table II above, the premiums set forth below may be charged for yarn of the following constructions: *Provided,* (a) that the yarn is made for use in the manufacture of cloth

[1] 6 F.R. 2561, 3010, 3066, 3593.

to meet the specification named below opposite the construction of the yarn sold; and (b) that the purchaser of the yarn shall certify in writing to the seller, before any delivery is made, that the yarn is to be so used.

Yarn construction	When made for use in cloth to meet	Allowable Premium (cents per pound)
17/1	Army Specification P. Q. D. No. 1 (wind Resistant cotton cloth), Dec. 13, 1940.	5.25
20/1	do	5.25
40/2	do	8.75
12/1	Type I or II, Army Specification P. Q. D. No. 33-A (cloth, cotton, uniform, twill), Dec. 9, 1941.	5.25
24/2	do	13.00
36/2	do	10.25

(2) Pending establishment of other premiums, yarns (except those subject to (1) above) which are in special put-ups, of twists higher than knitting twist, or made of cotton other than American cotton or of American cotton of staple lengths greater than those set out below,[1] may be sold or delivered without agreement between the parties as to the specific price to be paid therefor if the parties agree that the buyer's obligation will be discharged at prices not in excess of those permissible under any revision of this Schedule becoming effective prior to January 15, 1942.

(Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

Issued this 5th day of January 1942.

This Amendment No. 5 shall be effective as of December 24, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-112; Filed, January 5, 1942; 11:36 a. m.]

PART 1316—COTTON TEXTILES

AMENDMENT NO. 3 TO PRICE SCHEDULE NO. 35[1]—CARDED GREY AND COLORED-YARN COTTON GOODS

Section 1316.61, *Appendix A, Maximum Prices for Cotton Goods*, is hereby amended in the following respects:

Footnote 1 to Table V of paragraph (b) (4) *Maximum Price Tables*, is amended to read as follows:

[1] The maximum prices set forth herein are for fabrics 36 or more inches in width. The maximum price for a fabric of any lesser width shall be that price which stands in the same relation to the applicable price set forth herein (i. e., for the same cloth of 36-inch width) as does its width to 36 inches.

[1] Yarn numbers:

Yarn numbers	*Staple*
Up to 24s, inclusive	1 1/16
25s to 30s, inclusive	1 3/32
31s to 44s, inclusive	1 1/8
45s to 55s, inclusive	1 5/32
56s to 70s, inclusive	1 3/16
71s to 80s, inclusive	1 7/32
81s to 90s, inclusive	1 1/4
91s to 100s, inclusive	1 5/16
Over 100s	1 3/8

[1] 6 F.R. 5335, 6047, 6048.

Maximum prices for cloths of weights other than those listed herein (for the same type of cloth) shall be determined, in proportion to weight, from the maximum price for the cloth of that type and of the nearest weight. (Second paragraph of this footnote, effective November 27, 1941).

Paragraph (c) (1) is amended to read as follows:

(1) In addition to the maximum prices set forth in paragraphs (a) and (b) a premium may be demanded, charged, paid or accepted for cotton goods (other than those named in subparagraphs (4) and (5) below) made pursuant to specifications furnished by the buyer establishing special physical requirements which cannot be met by the most nearly comparable goods of commercial quality: *Provided*, That, except in accordance with permission granted under § 1316.61 (c) (3):

(i) The premium shall not exceed the highest differential in price charged (in cents over the then prevailing market price of the most nearly comparable goods of commercial quality) by the seller for goods of the same specifications during the 12 months immediately prior to June, 1941, or, if no such goods have been sold by the seller during that period, 5 percent of the otherwise applicable maximum price;

(ii) No premium shall be charged hereunder, unless the specifications to which the goods are made were issued by the buyer prior to July 21, 1941.

Paragraph (c) (3) is amended to read as follows:

(3) Application may be made by any buyer, or, where goods have been sold but not delivered prior to the applicable ceiling date, by any seller, to the Office of Price Administration for permission to pay or accept, in addition to the maximum prices appearing in paragraphs (a) or (b), a premium for (i) cotton goods made to such buyer's specifications issued on or after July 21, 1941; (ii) specification goods of a kind not manufactured by a seller during the 12 months immediately prior to June 1941, and for which the buyer considers it fair to pay such seller a premium of more than 5 per cent over the otherwise applicable maximum price; (iii) specification goods of a kind manufactured and sold by a seller during the 12 months immediately prior to June 1941 under such circumstances that the highest differential in price charged (in cents over the then prevailing market price of the most nearly comparable goods of commercial quality) by such seller during said 12-month period does not represent a fair and equitable return for the additional manufacturing cost entailed in meeting the specifications for such goods; or (iv) cotton goods of a quality demonstrably superior to that of the same goods of staple commercial grade. Such application, which shall be sworn to before a notary public, shall be accompanied by a yard-long sample of the fabric in its full width and shall state in detail (i) the construction of the cloth, including the width, thread count, and weight, and, with respect to both the warp and filling yarns, the yarn number and the staple, grade, and kind of cotton used; (ii) the specifications, if any, to which the goods are made; (iii) the use to which the goods are to be put; (iv) the reasons, if any, why goods of staple commercial quality would not be satisfactory for such use; and (v) the person or persons, if any, from whom the goods were purchased and the premiums, if any, paid (in cents over the prevailing market prices of the most nearly comparable goods of commercial quality) for such goods during the 3 years preceding the application. Upon receipt of any such application the Office of Price Administration will permit any person affected by such application to file a written statement setting forth facts pertinent to the issue of whether permission to pay a premium should be granted, and if so, in what amount; and will conduct such further investigation as it deems necessary and proper. No permission will be granted hereunder unless it is shown that it is essential to the buyer's business to obtain goods of the type for which he seeks to pay a premium and that the seller is entitled to receive a premium for such goods, and unless the Administrator finds that production of such goods would not be inconsistent with the interests of national defense. Permission granted to any buyer or to any seller hereunder will constitute authority for the other to accept or pay, as the case may be, the premium approved therein. In granting any permission hereunder the Office of Price Administration will require appropriate reports to be filed by the buyer and seller.

Subparagraph (4) is added to paragraph (c):

(4) For window-shade or book cloth of the same constructions as print cloth of Class A or Class B, a premium of 6 cents per pound may be charged. Where any or all of such premium is charged, no premium is allowable for feeler motion. The premium permissible hereunder is not applicable to selected print cloth but only to goods manufactured for use in high quality window shades or for other uses requiring cloth equally free of imperfections.

On or before January 15, 1942 and on or before the 10th day of each month thereafter every person who has sold window-shade or book cloth at all or part of the premium permissible hereunder shall submit to the Office of Price Administration a report on Form 135:6 of all such sales. The first report shall cover all sales, contracts of sale, or deliveries made between October 21 and December 31, 1941, inclusive; subsequent reports shall cover all sales or contracts of sale made during the calendar month preceding that in which the report is due.

Subparagraph (5) is added to paragraph (c):

(5) The provisions of subparagraphs (1), (2), and (3) above are not applicable to the fabrics described below, for which the premiums set forth herein may be charged in addition to the otherwise applicable maximum price as set forth in paragraph (b): *Provided*, (i) that the fabrics are made for use in the manufacture of cloth to meet the specifications named below opposite the premium charged; and (ii) that the purchaser shall certify in writing to the seller, before any delivery is made, that the fabric is to be so used.

Grey goods made for use in producing cloth to meet—	*Premium allowable*
U. S. Army Specification No. 6-247 (July 12, 1937) and Amendment No. 1 (July 10, 1940) for cloth, drill, unbleached (fully shrunk)	1¢ per lb.
U. S. Army Specification No. 6-261 (January 7, 1939) and Amendment No. 1 May 24, 1940) for cloth, cotton herringbone twill [1]	1¢ per lb.[2]

[1] Grey goods made for use in meeting this specification are classified under this Schedule as Class A drills.

[2] Subparagraph (5), effective January 6, 1942.

This Amendment, No. 3, shall become effective January 6, 1942. (Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

Issued this 5th day of January 1942.

LEON HENDERSON,
Administrator.

[F.R. Doc. 42-115; Filed, January 5, 1942; 11:36 a. m.]

PART 1334—SUGAR

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 16—RAW CANE SUGARS

Section 1334.9 (*Appendix A; maximum prices for raw cane sugars*[1]) is hereby amended to read as follows:

§ 1334.9 *Appendix A; maximum prices for raw cane sugars.* (a) Maximum prices per pound for raw cane sugars from offshore producing areas of 96 degrees polarization duty paid cost and freight basis shall be as follows:

(1) United States Atlantic ports north of Cape Hatteras to and including New York, 3.74 cents.

(2) United States Atlantic ports north of New York, 3.76 cents.

(3) United States Atlantic ports south of Cape Hatteras and United States Gulf of Mexico ports, 3.73 cents.

(4) United States Pacific Coast ports, 3.74 cents less the customary deduction. Such deduction must be submitted to and approved by the Office of Price Administration as to amount before deliveries may be accepted.

(5) In the event that two or more ports of loading shall be used in Cuba, .01 cent per pound may be added to the above maximum prices.

(b) Maximum prices per pound for continental United States raw cane sugars of 96 degrees polarization shall be as follows:

The maximum prices for such sugars are established at the raw sugar mill and shall be calculated by deducting from the maximum price duty paid cost and freight basis payable for Cuban sugars of like test at the nearest customs port of entry in the area in which the raw sugar mill is located the transportation charge per pound based on the published freight rate from such raw sugar mill to the refinery nearest freightwise to such raw sugar mill. This maximum price is f. o. b. the conveyance for delivery to the refinery from the raw sugar mill. The maximum price delivered to the refinery shall be this maximum raw sugar mill price plus actual transportation charges from said raw sugar mill to the refinery processing such sugar.

(c) Adjustment for polarization:

The maximum prices specified herein shall be adjusted by making allowances per pound for each degree of polarization above or below 96 degrees (fractions of a degree in proportion) in accordance with the method customarily used prior to August 14, 1941. It is not required that such method be used. However, the maximum prices for the various tests shall not exceed the prices obtained by applying such method for sugars of like test. (Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 2 shall become effective January 5, 1942. Issued this 3d day of January, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-82, Filed, January 5, 1942; 9:16 a. m.]

[1] 6 F.R. 5469.

PART 1335—CHEMICALS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 31[1]—ACETIC ACID

Sections 1335.203, 1335.208, and 1335.210 are hereby amended to read as follows:

§ 1335.203 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer, of acetic acid, or in connection with a purchase, sale, delivery, or transfer, of any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by alteration of grades of acetic acid, or by unreasonable charges for containers or otherwise.

§ 1335.208 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Acetic Acid" means the various grades of acetic acid listed in Appendix A of § 1335.210 hereof.

(c) "Eastern Territory" means the states of New Mexico, Colorado, Wyoming and Montana and all states east thereof and the term "Western Territory" means all other states of the United States.

(d) "Seller's Shipping Point" means the point of manufacture or other point of distribution maintained by a manufacturer or seller from which actual shipment is made.

[1] 6 F.R. 4886.

§ 1335.210 *Appendix A; maximum prices for acetic acid*—(a) *Eastern and western territory*—(1) *Tank cars.* The maximum price of $6.93 per hundred pounds f. o. b. works, in tank cars is established for glacial acetic acid (99.5% or over) and for weaker acetic acid of commercial grade in terms of 100% acid content in Eastern and Western Territory.

(b) *Eastern territory.* The following maximum prices are established for concentrations of technical and pure acetic acid of any origin, f. o. b. seller's shipping point in Eastern Territory:

(1) *Carload lots*—(i) *Barrels and drums.*

	Per hundred pounds
Technical:[1]	
28 percent	$3.38
56 percent	5.58
70 percent	6.68
80 percent	7.47
84 percent	7.79
Glacial	9.15
Pure:[1]	
30 percent	4.44
36 percent	4.86
60 percent	7.60
80 percent	9.26
United States Pharmacopoeia	10.95
Chemically pure	14.20

[1] Specifically designated percentages include all approximations thereof.

(ii) *Carboys and cases.* The maximum prices established in subdivision (i) of this subparagraph (1) plus 50 cents per hundred pounds.

(2) *Less than carload lots*—(i) *Barrels and drums.* The maximum prices established in subparagraph (1), subdivision (i) of this paragraph (b) plus 25 cents per hundred pounds.

(ii) *Carboys and cases.* The maximum prices established in subparagraph (1), subdivision (i) of this paragraph (b) plus 75 cents per hundred pounds.

(c) *Western territory.* The following maximum prices are established for concentrations of technical and pure acetic acid of any origin, f. o. b. seller's warehouse in Western Territory:

(1) *Carload lots*—(i) *Barrels and drums.*

	Per hundred pounds
Technical:[1]	
56 percent	$7.29
60 percent	7.69
80 percent	9.20
Glacial	11.05
Pure:[1]	
56 percent	8.88
60 percent	9.07
80 percent	11.00
Glacial	16.00

(ii) *Carboys and cases.* The maximum prices established in subdivision (i) of this subparagraph (1) plus 50 cents per hundred pounds.

(2) *Less than carload lots*—(i) *Barrels and drums.* The maximum prices established in subparagraph (1), subdi-

vision (i) of this paragraph (c) plus 25 cents per hundred pounds.

(ii) *Carboys and cases.* The maximum prices established in subparagraph (1), subdivision (i) of this paragraph (c) plus 75 cents per hundred pounds.

(d) *Export sales.* The maximum prices for acetic acid of any origin on export sales to persons in foreign countries other than Canada or Mexico are as follows:

(1) *3,000 pounds or more but less than 5,000 pounds.* The maximum prices established in subparagraph (2) of paragraph (b) or subparagraph (2) of paragraph (c), whichever the case may be, plus 3 cents per pound.

(2) *5,000 pounds or more but less than 25,000 pounds.* The maximum prices established in subparagraph (2) of paragraph (b) or subparagraph (2) of paragraph (c), whichever the case may be, plus one and one half cents per pound.

(3) *25,000 pounds or more.* The maximum prices established in subparagraph (2) of paragraph (b) or subparagraph (2) of paragraph (c), whichever the case may be, plus one cent per pound.

(e) *Containers.* For acetic acid sold in containers, a reasonable charge for such containers may be added to the maximum prices established by paragraph (b), (c) and (d). (E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 1 shall become effective January 2, 1942. Issued this second day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-59; Filed, January 3, 1942; 9:15 a. m.]

PART 1346—BUILDING MATERIALS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 45 [1]—ASPHALT OR TARRED ROOFING PRODUCTS

Section 1346.60 is hereby amended to read as follows:

§ 1346.60 *Appendix B; maximum prices for asphalt and tarred roofing products*—(a) *Application.* The provisions of Appendix B apply to all sales of asphalt or tarred roofing products in which the point of destination is within the states of Oregon, Washington, Idaho, Utah, California, Nevada or Arizona or the Territories of Hawaii or Alaska.

(b) *Maximum prices.* The maximum prices in such states and territories on and after December 12, 1941, shall be such that the cost to the purchaser shall not be in excess of what it was or would have been to such purchaser on July 2, 1941 (upon the basis of the prices, discounts, charges, and allowances, whether published or unpublished, then listed or quoted by the manufacturer), for like quantities, grades, types, shapes, sizes, kinds or colors of asphalt or tarred roofing products, exclusive of any premiums or charges for advanced delivery or any other inducement that may then have been offered by the buyer or demanded by the seller to negotiate the sale: *Provided,* That on and after January 6, 1942, the maximum prices in the states of Washington, Oregon, and that part of Idaho north of and including Idaho County, shall be such that the cost to the purchaser shall not be in excess of what it was or would have been to such purchaser on August 1, 1941 (upon the basis of the prices, discounts, charges, and allowances, whether published or unpublished, then listed or quoted by the manufacturer), for like quantities, grades, types, shapes, sizes, kinds or colors of asphalt or tarred roofing products, exclusive of any premiums or charges for advanced delivery or any other inducement that may then have been offered by the buyer or demanded by the seller to negotiate the sale. (E.O. 8734, 8875, 6 F.R. 1917, 4483)

[1] 6 F.R. 6145.

This Amendment No. 1 shall become effective January 6, 1942. Issued this 2d day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-58; Filed, January 2, 1942; 3:42 p. m.]

PART 1352—FLOOR COVERINGS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 57 [1]—WOOL FLOOR COVERINGS

Section 1352.1 is hereby amended to read as follows:

§ 1352.1 *Maximum prices for wool floor coverings.* On and after January 2, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any unit of wool floor covering at a price higher than the maximum price.

(a) The maximum price for any unit of wool floor covering, in his price list in effect on October 13, 1941, or for any unit differing therefrom only in color or pattern, shall be 105% of the price quoted therein for such unit to the same person or to a person in the same general class.

(b) The maximum price for any unit of wool floor covering, not in his price list in effect on October 13, 1941, but sold (or contracted to be sold) by him during the period January 1–October 13, 1941, inclusive, or for any unit differing therefrom only in color or pattern, shall be 105% of the highest net price, f. o. b. manufacturer's point of shipment at which such unit was sold (or contracted to be sold) by him during such period to the same person or to a person in the same general class, or, if there is no such person, to any person.

(c) The maximum price for any unit of wool floor covering differing in specifications (except for such changes in specifications as are authorized in § 1352.4) from any unit referred to in (a) and (b) above, shall be the price approved in writing by the Office of Price Administration after submission of a report to it by the manufacturer in accordance with § 1352.7 (c); and no sale, offer to sell, delivery, or transfer of such unit shall be made until such approval shall have been given. (E.O. 8734, 8875, 6 F.R. 1917, 4483)

[1] 6 F.R. 6459.

This Amendment No. 1 shall become effective January 2, 1942. Issued this 31st day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-49; Filed, January 2, 1942; 12:49 p. m.]

PART 1352—FLOOR COVERINGS

PRICE SCHEDULE NO. 65—RESALE OF FLOOR COVERINGS

The outbreak of hostilities in the Far East, which is the source of all jute, much wool, and most imported floor coverings, has a critical impact on the floor covering industry at all levels. In addition, the Office of Production Management announced on December 30 that a plan would shortly be put into effect which, for the first quarter of 1942, would considerably limit the amount of wool that could be used by manufacturers of floor coverings. Price Schedule No. 57 [1] fixes the price of wool floor coverings at the manufacturer's level at 105% of prices prevailing on October 13, 1941. At the distributor's level, the decrease in supply is likely to result in inflationary price increases in all types of floor covering unless preventive steps are taken by this Office.

After careful investigation, it has been determined that the most effective action for the present is to set maximum distributors' prices on wool floor coverings and imported floor coverings at approximately existing levels. As inflationary pressures affecting other types of floor coverings appear, both manufacturers' and distributors' ceilings will be extended to include them.

A ceiling at October 13, 1941, prices is placed on distributor's sales of wool floor coverings. Although Price Schedule No. 57 places a ceiling upon the manufacturer of 105% of October 13 prices, the existence of inventories adequate for the present will prevent unfair pressure upon distributors. Following the issuance of this Schedule, which is to be effective only for sixty days, conferences will be held with distributors of wool and imported floor coverings with a view toward setting up a more permanent price control program. Meanwhile, any distributor whose present inventory becomes depleted may apply for relief under § 1352.58 of the Schedule.

Imported floor coverings may, under the Schedule, be sold at existing levels. Since insignificant imports are now being received, no problem of higher than current cost inventories is presented.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1352.51 *Maximum distributors' prices for wool and imported floor coverings.* On and after January 5, 1942, and until March 5, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no distributor shall

[1] 6 F.R. 6459.

sell, offer to sell, deliver, or transfer any unit of wool or imported floor covering at a price higher than the maximum price.

(a) *Wool floor coverings.* (1) The maximum price for any unit of wool floor covering shall be the highest net price received by the distributor for the sale, delivery or transfer during the period October 1–October 13, 1941, inclusive, of an identical unit (or of a unit differing therefrom only in color or pattern) to the same person, or to a person in the same general class, or if there is no such person, to any person.

(2) If no sale, delivery or transfer of an identical unit (or of a unit differing therefrom only in color or pattern) was made during such period, the maximum price shall be the highest net price received by the distributor for the sale, delivery or transfer during the period January 1–September 30, 1941, inclusive, of an identical unit (or of a unit differing therefrom only in color or pattern) to the same person, or to a person in the same general class, or if there is no such person, to any person.

(3) If no sale, delivery, or transfer of an identical unit (or of a unit differing therefrom only in color or pattern) was made during either of such periods, the maximum price shall be a price in line with the maximum price for related types, qualities and grades of wool floor coverings sold by such distributor during the period January 1–October 13, 1941, inclusive, to the same person, or to a person in the same general class, or if there is no such person, to any person.

(b) *Imported floor coverings.* (1) The maximum price for any unit of imported floor covering shall be the highest net price received by the distributor for the sale, delivery or transfer during the period December 1–December 31, 1941, inclusive, of an identical unit (or of a unit differing therefrom only in color or pattern) to the same person, or to a person in the same general class, or if there is no such person, to any person.

(2) If no sale, delivery or transfer of an identical unit (or of a unit differing therefrom only in color or pattern) was made during such period, the maximum price shall be the highest net price received by the distributor for the sale, delivery or transfer during the period January 1–November 30, 1941, inclusive, of an identical unit (or of a unit differing therefrom only in color or pattern) to the same person, or to a person in the same general class, or if there is no such person, to any person.

(3) If no sale, delivery or transfer of an identical unit (or of a unit differing therefrom only in color or pattern) was made during either of such periods, the maximum price shall be a price in line with the maximum price for related types, qualities and grades of imported floor coverings sold by such distributor during the period January 1—December 31, 1941, inclusive, to the same person, or to a person in the same general class, or if there is no such person, to any person.*

*§§ 1352.51 to 1352.60, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

No. 3——5

§ 1352.52 *Less than maximum prices.* Lower prices than those established by this Schedule may be charged, demanded, paid or offered.*

§ 1352.53 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of wool or imported floor coverings, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or by way of discount, premium, or other privilege, or by way of tying-agreement or other trade understanding, or by any other means.*

§ 1352.54 *Records.* Every distributor making sales of wool or imported floor coverings on or after January 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 such sale showing the date thereof, the name and address of the buyer, the name, number or other designation of each unit, the net price received for each unit, and the quantity sold.*

§ 1352.55 *Reports.* On or before January 15, 1942, and on or before the fifteenth day of February and March thereafter, every distributor of wool or imported floor coverings shall submit to the Office of Price Administration a report on Form 165:1 showing in the detail required by such form, a complete schedule of his inventories. Copies of Form 165:1 may be procured from the Office of Price Administration.

Persons affected by this Schedule shall submit such other reports to the Office of Price Administration as it may, from time to time, require.*

§ 1352.56 *Affirmations of compliance.* Within 20 days after February 1, 1942, and within 10 days after March 5, 1942, every distributor of wool or imported floor coverings who is required to keep records of sales under § 1352.55 hereof shall submit to the Office of Price Administration an affirmation of compliance on Form 165:2 containing a sworn statement that during the designated period all such sales were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 165:2 can be procured from the Office of Price Administration, or provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½ inch paper, it may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1352.57 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with this Schedule; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the receipt or demand of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of wool or imported floor coverings or of the hoarding or accumulation of unnecessary inventories thereof are urged to communicate with the Office of Price Administration.*

§ 1352.58 *Modification of Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That, no application under this section will be considered unless filed by persons complying with the Schedule.*

§ 1352.59 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, corporation, association or other business entity;

(b) "Distributor" means a person who resells floor coverings to any person other than the ultimate consumer, whether as distributor, jobber, agent, broker or importer;

(c) "Wool floor covering" means a floor covering in a manufactured state, the pile of which consists in whole or in part of wool, used as a rug, mat, carpet or other floor decoration;

(d) "Imported floor covering" means a floor covering in a manufactured state, imported from without the territorial limits of the United States, excluding hand knotted rugs;

(e) "Unit" means a floor covering offered for sale as a distinct item.*

§ 1352.60 *Effective date of the schedule.* This Schedule shall become effective January 5, 1942.*

Issued this 2d day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-57; Filed, January 2, 1942; 3:42 p. m.]

PART 1356—COOKERS AND HEATERS

PRICE SCHEDULE NO. 64—DOMESTIC COOKING AND HEATING STOVES

Domestic cooking and heating stoves are essential household appliances. During the first ten months of 1941, stove manufacturers' prices have advanced approximately ten per cent on a weighted average basis. The increases on some items have amounted to more than thirty per cent. After a meeting with an industry panel on October 24, the Office of Price Administration on November 4 requested all stove manufacturers to forego increases in prices beyond the levels of October 24 pending the formulation of an industry-wide program. In general, members of the industry pledged their support to this request.

On December 13, 1941, the Office of Production Management issued General Limitation Order L-23[1] restricting the quantity of iron and steel which may be used for cooking stoves during the first four months of 1942. This order imposes an average cut of 35% below the monthly average of iron and steel used in the twelve months ended June 30, 1941. With further restriction of supply threatened, it becomes necessary to issue a price schedule at this time to prevent inflationary price increases.

It is the custom for stove manufacturers to announce their new lines and sales programs in January of each year. The issuance of a price schedule at this time will enable manufacturers to follow this custom. The maximum price level permitted by this Schedule is 112% of the lowest prices prevailing during the period January 15-June 1, 1941. The Schedule, which takes into consideration cost adjustments, substantially reflects mid-October prices, which represent an increase over January 15-June 1 prices. January 15-June 1 prices are used as a base because price relationships of the various manufacturers were then in more normal eqilibrium. The Schedule, while requiring some prices to be adjusted downward, has been determined after industry-wide studies of price, cost, and profit trends, and after consultation with members of an industry panel on December 27.

In order to prevent nullification of the Schedule, changes in specification are restricted as an emergency measure. The restrictions, however, are subject to liberalization by this Office if experience shows the need.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1356.1 *Maximum prices for stoves.* On and after January 5, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any stove, at a price higher than the maximum price.

(a) *Stoves offered for sale during the period January 15-June 1, 1941, inclusive.* The maximum price for any stove, other than a private brand stove, identical with a stove offered for sale by the manufacturer during the period January 15-June 1, 1941, inclusive (or differing therefrom only by such changes in specifications as are authorized in § 1356.4), shall be 112% of the lowest net price quoted by him during such period for the sale of such stove, to the same purchaser or to a purchaser in the same general class.

(b) *Private brand stoves delivered during the period January 15-June 1, 1941, inclusive.* The maximum price for any private brand stove identical with a private brand stove delivered by the manufacturer during the period January 15-June 1, 1941, inclusive (or differing therefrom only by such changes in specifications as are authorized in § 1356.4), shall be 112% of the lowest net price charged by him for such stove during such period to the same purchaser or to a purchaser in the same general class, or if there was no such purchaser, to any purchaser.

[1] 6 F.R. 6425.

(c) *Private brand stoves sold or delivered under cost-plus contracts*—(1) *Completion of outstanding cost-plus contracts.* The maximum price for any private brand stove delivered by the manufacturer after January 5, 1942, in order to complete a cost-plus contract outstanding on January 2, 1942, shall be determined by the terms of such contract.

(2) *Future cost-plus contracts.* On and after January 5, 1942, no private brand stove shall be sold, delivered, or transferred under a cost-plus contract not outstanding on January 2, 1942, until the manufacturer has submitted such contract to the Office of Price Administration, and the Office of Price Administration has approved such contract in writing.

(d) *Other stoves.* The maximum price for any stove (other than a stove sold or delivered pursuant to a cost-plus contract) which differs in specifications from any stove referred to in paragraphs (a) or (b) above, and which may be offered for sale under § 1356.4 hereof, shall be the price approved in writing by the Office of Price Administration after the manufacturer has submitted to it an application containing (1) the proposed price and specifications of such stove, and (2) such other data as the Office of Price Administration may request; and no sale, offer to sell, delivery, or transfer of such stove shall be made until such approval shall have been given.*

*§§ 1356.1 to 1356.12, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1356.2 *Stoves from which cover tops have been eliminated.* A manufacturer who at any time after June 1, 1941, eliminates the cover top from any stove manufactured by him shall adjust the maximum price established by § 1356.1 of this Schedule for such stove, in order to reflect decreases in cost which result from the elimination of the cover top, and shall report such adjustment to the Office of Price Administration in accordance with § 1356.6 (g).*

§ 1356.3 *Less than maximum prices.* Lower prices than those established by this Schedule may be charged, demanded, paid, or offered.*

§ 1356.4 *Provisions for changes in specifications of stoves, and new models.* On and after January 5, 1942, and until December 31, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver, or transfer any stove differing in specifications (a) from any stove referred to in § 1356.1 (a) or (b) hereof; and (b) from any stove manufactured or in process of manufacture by him during the period January 15-December 31, 1941, inclusive:

Provided, That the following changes in specifications may be made:

(1) *Non-substantial changes.* (i) Changes in details of frame construction which do not alter quality or over-all dimensions;

(ii) Changes in exterior colors, provided that (*a*) the type of finish is not changed and (*b*) stipple or ground coat is not substituted for other porcelain enamel finishes;

(iii) Substitution of porcelain enamel or synthetic finishes for bright finishes, such as chrome, nickel, or copper plating;

(iv) Changes, additions, or elimination of non-structural decorative mouldings, strips, surface paneling or hardware;

(v) Changes in oil or gas piping, electric wiring, thermostats, switches, or gas valves which do not reduce the efficiency, convenience of operation, or safety of the stove;

(vi) Changes in the shape, size, or materials of oil or gas burners, provided that quality, efficiency, and B. t. u. output are not reduced;

(vii) Changes in electric heating elements: *Provided,* That quality is preserved and open type units are not substituted for enclosed types.

(2) *Changes in stoves manufactured for the Federal Government, etc.* Any manufacturer may make such further changes in specifications as are necessary to enable him to manufacture any stove for sale to (i) the United States Government or any department or agency thereof; (ii) the government of any of the following countries: The United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of Netherlands, Norway, Poland, Russia, and Yugoslavia; (iii) any agency of the United States Government for delivery to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act); or (iv) any public authority owning or operating a project financed in whole or in part by the United States Government or an agency thereof, and certified by the authority to be devoted in whole or in part to the housing of persons engaged in defense activity: *Provided,* That the contracts or orders involved were obtained as a result of competitive bidding. Any such sale shall be reported to the Office of Price Administration in accordance with § 1356.6 (h).

(3) *Necessary substitutions calculated to preserve quality.* Additional changes in specifications, including those which result in an entirely new model stove, may be made with the written approval of the Office of Price Administration after the manufacturer has submitted to it an application containing (i) the specifications and proposed price of such stove, and (ii) satisfactory evidence that (*a*) the material previously used is unavailable or prohibitive in cost, or (*b*) its use in stoves is so restricted by a priority or allocation order or other regulation

of a federal agency as to require the proposed change, or (*c*) the proposed change will result in the substantial conservation of strategic materials, and (*d*) the change is one calculated to preserve quality.*

§ 1356.5 *Records.* Every manufacturer making sales of stoves on or after January 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 such sale showing the date of billing, the name and address of the buyer, the name, number or other designation and the price received for each stove, the quantity of each stove sold, and discounts and allowances of any nature given.*

§ 1356.6 *Reports*—(a) *Stoves offered for sale during the period January 15–June 1, 1941, inclusive.* On or before February 1, 1942, every manufacturer shall submit to the Office of Price Administration a report of all stoves whose maximum prices are determined by § 1356.1 (a), showing (1) the maximum price established by § 1356.1 (a), including the computations used in determining such maximum price, (2) the specifications for each such stove, and (3) if the base price was not shown in a price list, the means by which it was quoted to the trade. In case any of the changes in specifications authorized in § 1356.4 were made in any of such stoves prior to January 5, 1942, the report shall include a statement of each such change. Manufacturers who have already submitted any of the foregoing information need not duplicate it, but shall make reference to the information already submitted.

(b) *Private brand stoves delivered during the period January 15–June 1, 1941, inclusive.* On or before February 1, 1942, every manufacturer shall submit to the Office of Price Administration a report of all private brand stoves whose maximum prices are determined by § 1356.1 (b), showing (1) the maximum price established by § 1356.1 (b), including the computations used in determining such maximum price, and (2) the specifications for each such stove. In case any of the changes in specifications authorized in § 1356.4 were made in any of such stoves prior to January 5, 1942, the report shall include a statement of each such change.

(c) *Cost-plus contracts.* On or before February 1, 1942, every manufacturer shall submit to the Office of Price Administration a copy of each of his cost-plus contracts for the sale of stoves outstanding on January 5, 1942.

(d) *Non-substantial changes in specifications.* Within 10 days after any stove, the specifications of which are changed in any of the respects permitted by § 1356.4 is first offered for sale, the manufacturer shall submit a report to the Office of Price Administration showing each such change made.

(e) *Discontinued stoves.* (1) On or before February 1, 1942, every manufacturer who has discontinued production of any stove offered for sale during the period January 1, 1941–January 31, 1942, inclusive, shall submit a report to the Office of Price Administration containing a description of the stove, the date of and the reason for discontinuing production, and the total number of completed units of such stove produced by him during such period.

(2) Within 10 days after any manufacturer discontinues production of any stove after January 31, 1942, he shall submit a report to the Office of Price Administration containing a description of the stove, the date of and the reason for discontinuing production, and the total number of completed units of such stove produced by him from January 1, 1941, to the date of discontinuance.

(f) *Monthly output of stoves.* On or before February 20, 1942, and on or before the twentieth day of each month thereafter, every manufacturer shall report to the Office of Price Administration the total number of completed units of each model stove produced by him in the preceding month. Such report shall refer to the model number or other appropriate designation of each such stove. If a report containing such information is required to be submitted to any other Federal agency, a copy thereof may be filed with the Office of Price Administration instead of a separate report.

(g) *Stoves from which cover tops have been eliminated.* (1) On or before February 1, 1942, every manufacturer who at any time after June 1, 1941, eliminated the cover top from any stove manufactured by him shall submit to the Office of Price Administration a report containing (i) the maximum price established for such stove by § 1356.1, (ii) the maximum price for such stove after adjustment pursuant to § 1356.2, and (iii) cost figures showing the actual decreases in cost and indicating the method used in computing them.

(2) Within 10 days after any manufacturer has eliminated the cover top, after January 31, 1942, from any stove manufactured by him, he shall submit to the Office of Price Administration a report containing the information required by subparagraph (1) above.

(h) *Stoves manufactured for the Federal Government, etc.* On or before February 1, 1942, or in the case of a sale made after January 31, 1942, within ten days after such sale, every manufacturer who has sold any stove referred to in § 1356.4 (2) shall submit to the Office of Price Administration a report containing a description of the stove, the specifications thereof, the date of sale, the name of the purchaser, the net sale price, and the quantity sold.

(i) *Other reports.* Persons affected by this Schedule shall submit such other reports to the Office of Price Administration as it may, from time to time, require.*

§ 1356.7 *Evasion.* The limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with the manufacturing or assembling of stoves by deterioration of quality or performance thereof, or in connection with a purchase, sale, or transfer of stoves, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or by decreasing cash discounts, allowances for or absorption of transportation costs, or by any other means.*

§ 1356.8 *Affirmation of compliance.* Within 10 days after January 31, 1942, and within 10 days after the end of every three-month period thereafter, every manufacturer who is required to keep records of sales under § 1356.5 hereof shall submit to the Office of Price Administration an affirmation of compliance on Form 164: 1 containing a sworn statement that during such period all such sales were made in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 164: 1 can be procured from the Office of Price Administration, or provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½ inch paper, it may be prepared by persons required to submit affirmations of compliance thereunder.*

§ 1356.9 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with this Schedule; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of stoves, or of the hoarding or accumulation of unnecessary inventories thereof are urged to communicate with the Office of Price Administration.*

§ 1356.10 *Modification of Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That, no application under this Section will be considered unless filed by persons complying with this Schedule.*

§ 1356.11 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, corporation, association or other business entity;

(b) "Manufacturer" means a person operating a factory, plant, or mill which manufactures or assembles stoves;

(c) "Stoves" mean stoves of the type commonly used in the household, camps, or trailers, for cooking or heating purposes (irrespective of the fuel or power

used) except (1) those intended to be built into or permanently attached to the premises, and (2) electric stoves under 2½ k.w.;

(d) "Private brand stove" means a stove not offered for sale to the general trade, but manufactured for a particular person or persons irrespective of whether such person's name or brand name appears thereon;

(e) "Net price quoted" means the price shown in the manufacturer's price list or catalogue (or in case he has none, the price disseminated by him to the trade in any other manner) less all discounts except for cash;

(f) "A stove in process of manufacture" means a stove for which the manufacturer has obtained or contracted for patterns, tools, dies or parts, not otherwise useable by him.*

§ 1356.12 *Effective date of the Schedule.* This Schedule shall become effective January 5, 1942.*

Issued this 31st day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-83; Filed, January 5, 1942; 9:16 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

[No. 49]

CHAPTER II—BUREAU OF RECLAMATION

PART 402—ANNUAL WATER CHARGES[1]

SHOSHONE IRRIGATION PROJECT, WILLWOOD DIVISION[2]

DECEMBER 15, 1941.

1. The minimum water-rental charge for all lands under public notice in the Willwood Division for the season of 1942 and thereafter until further notice, whether water is used or not, shall be $1.35 per acre for each irrigable acre of land, which will entitle the water user to 2½ acre-feet of water per irrigable acre for each irrigation season. Additional water will be furnished during any of the irrigation seasons at the rate of seventy-five cents ($0.75) per acre-foot.

2. The minimum charge shall become due and payable in advance on January 1 of each year, and no water will be delivered until such charge is paid in full. The charge for additional water will become due and payable on December 1 of the irrigation season in which used.

3. If payment of the minimum charge is made on or before January 1, a discount of five per centum of such charge will be allowed. A discount of five per centum of the charge for additional water will be allowed if payment is made on or before December 1 of the season in which used. If the minimum charge for any year is unpaid on April 1 of that year a penalty of one-half of one per centum of the amount unpaid shall be added thereto, and thereafter an additional penalty of one-half of one per centum of the amount unpaid shall be added on the first day of each calendar month so long as such default shall continue. If the charge for additional water is unpaid on March 1 of the year subsequent to the year in which the additional water is used a penalty of one-half of one per centum of the amount unpaid shall be added thereto, and thereafter an additional penalty of one-half of one per centum of the amount unpaid shall be added on the first day of each calendar month so long as such default shall continue.

4. No water shall be delivered to the lands of any entryman or owner in subsequent years until all charges for past years with penalties thereon have been paid in full.

5. Payment of water rental charges shall be made to the Bureau of Reclamation, Powell, Wyoming.

JOHN J. DEMPSEY,
Under Secretary.

[F. R. Doc. 42-102; Filed, January 5, 1942; 11:07 a. m.]

[1] Act of June 17, 1902, 32 Stat. 388, as amended and supplemented.

[2] Affects tabulation in § 402.2d.

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER A—DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS, ETC.

[Order No. 193]

PART 1—DOCUMENTATION OF VESSELS

JANUARY 5, 1942.

Section 1.4 is amended to read as follows:

§ 1.4 *Provisional registers.* (a) Consular officers of the United States and such other persons as may be designated by the President for the purpose are authorized to issue provisional certificates of registry to vessels abroad which have been purchased by citizens of the United States, including corporations, as defined in section 4132, Revised Statutes, as amended (46 U.S.C. 11), and which at the time of such purchase are not documented as vessels of the United States.

(b) Such provisional certificates shall entitle the vessel to the privileges of a vessel of the United States in trade with foreign countries or with the Philippine Islands and the islands of Guam and Tutuila until the expiration of six months from the date thereof or until 10 days after the vessel's arrival in a port of the United States, whichever first happens, and no longer. On arrival at a port of the United States the vessel shall become subject to the laws relating to officers, inspection, and measurement.

(c) When bills of sale covering such transfers are presented to an American consul, he will proceed as follows:

(1) The bill of sale will be filed with him.

(2) The vendee will execute an affidavit as to the bona fides of the transfer of title and the citizenship of the vendee, which the consul will file with the bill of sale.

(3) If the vendor or his duly authorized representative be present, he should also sign the affidavit.

(4) The consul will then communicate with the Director of the Bureau of Marine Inspection and Navigation through the State Department (by telegraph at the expense of those concerned, if desired) advising him that a bill of sale and the affidavit required by subparagraph (2) of this paragraph have been filed with him, giving names, and, if a corporation, particulars of the vendor and of the vendee, respectively, and of the vessel (giving rig, name, gross and net tonnage). He shall also state whether or not, in his opinion, the transfer is made in good faith.

(5) On receipt of such a communication, if the transfer appears to be in good faith and the documentation of the vessel is not contrary to the policy of this Government, the Director of the Bureau of Marine Inspection and Navigation will award signal letters to the vessel and, through the usual channels, will promptly authorize the State Department to instruct the consul to issue a provisional certificate to the vessel. The State Department will then cable to the consul at the expense of the parties concerned instructions and data for the issue of the provisional register.

(d) When bills of sale covering such transfers are presented to persons designated by the President for the purpose of issuing provisional certificates of registry, the procedure outlined in paragraph (c) of this section will be followed. Communications in such cases will be made through the appropriate Departments.

(e) If bills of sale covering such transfers are presented to a collector of customs, the procedure outlined in paragraph (a) (1), (2), (3), and (4) of this section will be followed, except that the collector will communicate directly with the Director of the Bureau of Marine Inspection and Navigation. Thereafter, if the transfer appears to be in good faith and it is not contrary to the policy of this Government, the Director of the Bureau of Marine Inspection and Navigation will award signal letters to the vessel, and through the usual channels, will promptly request the State Department to authorize the appropriate consul to issue a provisional certificate to the vessel. The State Department will then cable to the consul at the expense of the parties concerned instructions and data for the issue of the provisional register.

(f) A copy of every provisional certificate shall be forwarded as soon as practicable by the issuing officer through the usual channels to the Director of the Bureau of Marine Inspection and Navigation.

(g) No provisional certificate of registry shall be issued by any consul or any other person unless authorized by this Department.

(h) No provisional certificate will be issued to any vessel abroad which at the time of its transfer to a citizen of the United States was documented as a vessel of the United States. Such a vessel is entitled to all the privileges and benefits of a vessel of the United States for the period provided in Section 4166 R. S. (Sec. 1, 38 Stat. 1193; R. S. 4166, 161; 46 U.S.C. 11, 35; 5 U.S.C. 22)

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 42-111; Filed, January 5, 1942; 11:34 a. m.]

TITLE 50—WILDLIFE

CHAPTER I—FISH AND WILDLIFE SERVICE

PART 27—SOUTHEASTERN REGION NATIONAL WILDLIFE REFUGES

CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE, SOUTH CAROLINA

Pursuant to section 84 of the act of March 4, 1909, as amended by the act of April 15, 1924 (43 Stat. 98—18 U.S.C. 145), and section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222—16 U.S.C. 715i), as amended, the administration of which was transferred to the Secretary of the Interior on July 1, 1939, in accordance with Reorganization Plan No. II[1] (53 Stat. 1431), and in extension of regulation 12.9 of the regulations of December 19, 1940,[2] for the administration of national wildlife refuges under the jurisdiction of the Fish and Wildlife Service, the following regulations governing the hunting of quail in the Carolina Sandhills National Wildlife Refuge, South Carolina, are prescribed:

§ 27.142a *Carolina Sandhills National Wildlife Refuge, South Carolina; quail hunting.* Until further notice the controlled public hunting of quail is permitted during the period December 1 of any year to February 15, inclusive, of the following year in such maximum numbers and at such times and under such conditions as the Director of the Fish and Wildlife Service may determine will effect the harvesting of surplus quail on those areas of the Carolina Sandhills National Wildlife Refuge herein or hereafter designated as open to public hunting, in accordance with State law and the provisions of the regulations dated December 19, 1940, for the administration of national wildlife refuges under the jurisdiction of the Fish and Wildlife Service, and subject to the following special provisions, conditions, restrictions, and requirements:

(a) *Area open to hunting.* All the lands of the United States within the following described area of the Carolina Sandhills National Wildlife Refuge shall be open to the controlled hunting of quail:

That part of the refuge that is bounded on the northwest and west by South Carolina State Highway No. 85, on the south and southeast by U. S. Highway No. 1, on the southeast by Scott's Road, and on the east and northeast by the Ruby-Hartsville Road.

(b) *State game laws.* Any person while hunting within any areas of the refuge open to hunting must comply with the applicable State laws and regulations.

(c) *Hunting licenses and permits.* Any person who hunts within the refuge shall be in possession of a valid State hunting license and a permit, if such license and permit are required, and when requested to do so shall exhibit them to any State or Federal officer authorized to enforce the game laws of South Carolina or of the United States. Upon request of any such officer, the licensee must also exhibit for inspection all birds killed by him or in his possession.

(d) *Entry upon refuge; firearms.* No permit from the officer in charge of the refuge shall be necessary for entry thereupon for the purpose of hunting in compliance with this order, but the having or carrying of firearms on the refuge without permit from the officer in charge, except on highways, thoroughfares, and hunting areas, or on routes of travel to and from such areas designated by such officer, or when appropriate to the object for which any special permit may have been issued, will not be permitted. Persons entering or crossing the refuge for the purpose of hunting, as permitted by this order, shall use only such routes of travel as shall be designated by suitable posting by the officer in charge.

(e) *Guides.* Each person, or party of persons, hunting on an open area of the refuge under appropriate State license and permit shall be accompanied by a guide who has been previously designated as such and shall be subject to the supervision and direction of such guide while so hunting on the refuge. The designation of qualified guides for service on the refuge shall be made by the officer in charge of the refuge or, in the event of a cooperative agreement covering the regulation, management, and operation of such public shooting, by the appropriate officer of the cooperator, subject to the approval of the officer in charge of the refuge. No person shall be designated as a guide unless he is a citizen of the United States, has had experience in hunting and in handling guns and bird dogs, is familiar with the territory comprised within the refuge, is able to identify and distinguish the various species of wildlife that resort to said refuge, is familiar with the State and Federal laws governing hunting, is in possession of such guide license as may be required by the laws of South Carolina, and is equipped as required for service as a guide. No guide shall charge for his services as a guide a fee or other compensation in excess of amounts approved as reasonable by the officer in charge of the refuge, or in accordance with the terms of the cooperative agreement. No guide shall hunt any quail or other wildlife on the refuge or be in possession of a gun thereon while employed as a guide. The designation of any person as a guide shall be suspended or canceled upon failure of such guide promptly to report any violation of Federal or State laws or regulations of which he has knowledge.

(f) *Disorderly conduct; intoxication.* No person who is visibly intoxicated will be permitted to enter upon the refuge for the purpose of hunting, and any person who indulges in any disorderly conduct on the refuge will be removed therefrom by the officer in charge and dealt with as prescribed by law.

(g) *Penalties.* Failure of any person hunting on the refuge to comply with any of the provisions, conditions, restrictions, or requirements of these regulations or the violation by him of any of the provisions of State or Federal laws or regulations applicable to hunting on the refuge will be sufficient cause for removing such person from the refuge and for refusing him further hunting privileges on the refuge.

(h) *State cooperation in management of shooting areas.* State cooperation may be enlisted in the regulation, management, and operation of the public shooting area or areas designated herein or hereinafter, in which event the provisions of this order shall be incorporated in any cooperative agreement entered into by the Director of the Fish and Wildlife Service and the appropriate State officials for such purposes.

JOHN J. DEMPSEY,
Acting Secretary of the Interior.

DECEMBER 19, 1941.

[F. R. Doc. 42-96; Filed, January 5, 1942; 11:08 a. m.]

PART 27—SOUTHEASTERN REGION NATIONAL WILDLIFE REFUGES

PIEDMONT NATIONAL WILDLIFE REFUGE, GEORGIA

Pursuant to section 84 of the act of March 4, 1909, as amended by the act of April 15, 1924 (43 Stat. 98, 18 U.S.C. 145), and section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222, 16 U.S.C. 715i), as amended, the administration of which was transferred to the Secretary of the Interior on July 1, 1939, in accordance with Reorganization Plan No. II[1] (53 Stat. 1431), and in extension of regulation 12.9 of the regulations of December 19, 1940,[2] for the administration of national wildlife refuges under the jurisdiction of the Fish and Wildlife Service, the following regulations governing the hunting of quail in the Piedmont National Wildlife Refuge, Georgia, are prescribed:

§ 27.732 *Piedmont National Wildlife Refuge, Georgia; quail hunting.* Until further notice the controlled public hunting of quail is permitted during the period December 1 of any year to February 15, inclusive, of the following year, in such maximum numbers and at such times and under such conditions as the Director of the Fish and Wildlife Service may determine will effect the harvesting of surplus quail on those areas of the Piedmont National Wildlife Refuge

[1] 4 F.R. 2731.
[2] 5 F.R. 5284; 50 CFR 12.

[1] 4 F.R. 2731.
[2] 5 F.R. 5284; 50 CFR Part 12.

herein or hereafter designated as open to public hunting, in accordance with State law and the provisions of the regulations dated December 19, 1940, for the administration of national wildlife refuges under the jurisdiction of the Fish and Wildlife Service, subject to the following special provisions, conditions, restrictions, and requirements:

(a) *Areas open to hunting.* All the lands of the United States within the following described areas of the Piedmont National Wildlife Refuge shall be open to the controlled hunting of quail:

That part of the refuge included within tracts 15b, 54d, e, f, 91, 92, 118, 124, a, 131d, 158, 174a, 181a, 211a, 213, 227, a, 233, 238, 246, 253, 266b, 267, 268, 269, 275, 282, 303, 321, 335, a, 338, 340, 342 north of road, 350, a, 354, 382c, 729, 896.

(b) *State game laws.* Any person while hunting within any areas of the refuge open to hunting must comply with the applicable State laws and regulations.

(c) *Hunting licenses and permits.* Any person who hunts within the refuge shall be in possession of a valid State hunting license and a permit, if such license and permit are required, and when requested to do so shall exhibit them to any State or Federal officer authorized to enforce the game laws of Georgia or of the United States. Upon request of any such officer, the licensee must also exhibit for inspection all birds killed by him or in his possession.

(d) *Entry upon refuge; firearms.* No permit from the officer in charge of the refuge shall be necessary for entry thereupon for the purpose of hunting in compliance with this order, but the having or carrying of firearms on the refuge without permit from the officer in charge, except on highways, thoroughfares, and hunting areas, or on routes of travel to and from such areas designated by such officer, or when appropriate to the object for which any special permit may have been issued, will not be permitted. Persons entering or crossing the refuge for the purpose of hunting, as permitted by this order, shall use only such routes of travel as shall be designated by suitable posting by the officer in charge.

(e) *Guides.* Each person, or party of persons, hunting on an open area of the refuge under appropriate State license and permit shall be accompanied by a guide who has been previously designated as such and shall be subject to the supervision and direction of such guide while so hunting on the refuge. The designation of qualified guides for service on the refuge shall be made by the officer in charge of the refuge or, in the event of a cooperative agreement covering the regulation, management, and operation of such public shooting, by the appropriate officer of the cooperator, subject to the approval of the officer in charge of the refuge. No person shall be designated as a guide unless he is a citizen of the United States, has had experience in hunting and in handling guns and bird dogs, is familiar with the territory comprised within the refuge, is able to identify and distinguish the various species of wildlife that resort to said refuge, is familiar with the State and Federal laws governing hunting, is in possession of such guide license as may be required by the laws of Georgia, and is equipped as required for service as a guide. No guide shall charge for his services as a guide a fee or other compensation in excess of amounts approved as reasonable by the officer in charge of the refuge, or in accordance with the terms of the cooperative agreement. No guide shall hunt any quail or other wildlife on the refuge or be in possession of a gun thereon while employed as a guide. The designation of any person as a guide shall be suspended or canceled upon failure of such guide promptly to report any violation of Federal or State laws or regulations of which he has knowledge.

(f) *Disorderly conduct; intoxication.* No person who is visibly intoxicated will be permitted to enter upon the refuge for the purpose of hunting, and any person who indulges in any disorderly conduct on the refuge will be removed therefrom by the officer in charge and dealt with as prescribed by law.

(g) *Penalties.* Failure of any person hunting on the refuge to comply with any of the provisions, conditions, restrictions, or requirements of these regulations or the violation by him of any of the provisions of State or Federal laws or regulations applicable to hunting on the refuge will be sufficient cause for removing such person from the refuge and for refusing him further hunting privileges on the refuge.

(h) *State cooperation in management of shooting areas.* State cooperation may be enlisted in the regulation, management, and operation of the public shooting area or areas herein or hereafter designated, in which event the provisions of this order shall be incorporated in any cooperative agreement entered into by the Director of the Fish and Wildlife Service and the appropriate State official for such purposes.

JOHN J. DEMPSEY,
Acting Secretary of the Interior.

DECEMBER 19, 1941.

[F. R. Doc. 42-97; Filed, January 5, 1942; 11:08 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. D-8]

IN THE MATTER OF THE APPLICATION OF REPUBLIC COAL AND COKE COMPANY FOR PERMISSION TO RECEIVE SALES AGENTS' COMMISSIONS ON COAL SOLD TO CERTAIN RETAIL YARDS OWNED BY IT

NOTICE OF AND ORDER FOR HEARING

The Republic Coal and Coke Company, a corporation organized under the laws of Illinois with is principal offices in Chicago, Illinois, being registered with the Division as a Distributor, No. 7662, and acting as sales agent for certain producers, filed its petition praying:

1. For a determination that its "ownership" or "control" over four retail yards (two in Chicago, Illinois, one in Milwaukee, Wisconsin and one in Minneapolis, Minnesota) operated by it is bona fide, is not established to secure an indirect price reduction, and is not within the prohibition of Paragraphs 11 and 12 of section 4, Part II (i) of the Bituminous Coal Act.

2. That it be given permission to accept and retain sales agents' commissions on all coal, heretofore and hereafter, sold to such retail yards.

It is ordered, That a hearing on such matter be held on March 2, 1942, at 10 a. m. in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given To such petitioner and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before February 26, 1942, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

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

Dated: January 2, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-104; Filed, January 5, 1942; 11:21 a. m.]

[Docket No. D-9]

IN THE MATTER OF THE APPLICATION OF THE STERLING LUMBER AND INVESTMENT COMPANY FOR PERMISSION TO RECEIVE DISTRIBUTORS' DISCOUNTS ON COAL PURCHASED FOR RESALE AND RESOLD TO CERTAIN RETAIL YARDS IN WHICH IT IS FINANCIALLY OR OTHERWISE INTERESTED

NOTICE OF AND ORDER FOR HEARING

The Sterling Lumber and Investment Company, a corporation organized under the laws of Colorado, with its principal offices in Denver, Colorado, and registered with the Division as a Distributor, No. 8714, filed its petition praying:

1. For a determination that its "ownership" or "control" over the seventeen retail yards, listed below, is bona fide, is not established to secure an indirect price reduction, and is not within the prohibition of Paragraphs 11 and 12 of section 4, Part II (i) of the Bituminous Coal Act.

2. That it be given permission to accept and retain distributors' discounts on all coal, heretofore and hereafter, purchased for resale and resold to each of the following retailers:

Names and Addresses

The Albin Lumber Co., Albin, Wyo.
Brush Lumber & Coal Co., Brush, Colo.
Center Lumber, Co., Center, Colo.
Crook Lumber Co., Crook, Colo.
Elbert Lumber Co, Elbert, Colo.
Morgan Lumber Co., Fort Morgan, Colo.
Hooper Lumber & Hardware Co., Hooper, Colo.
The Iliff Lumber Co., Iliff, Colo.
Conejos County Lumber Co., LaJara, Colo.
The Lewellen Lumber Co., Lewellen, Nebr.
The McCook Lumber Co., McCook, Nebr.
Valley Lumber & Supply Co., Mone Vista, Colo.
Garden County Lumber Co., Oshkosh, Nebr.
Ovid Lumber Co., Ovid, Colo.
Wyoming Lumber & Implement Co., Pine Bluffs, Wyo.
Sedgwick Lumber Co., Sedgwick, Colo.
Cheyenne County Lumber Co., Sidney, Nebr.

It is ordered, That a hearing on such matter be held on March 11, 1942, at 10 a. m. in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioner and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before March 9, 1942, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

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

Dated: January 3, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-105; Filed, January 5, 1942; 11:21 a. m.]

[Docket No. 1761-FD]

IN THE MATTER OF ALLEN PAYTON, DEFENDANT

ORDER CORRECTING CEASE AND DESIST ORDER

An error occurred in the Order Approving and Adopting the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner, and Order to Cease and Desist, dated December 13, 1941,[1] in the above-entitled matter, as follows:

In the sixth line of the third paragraph and in the tenth line of the seventh paragraph, the words "For All Shipments Except Truck" should be omitted and the words "For Truck Shipments" substituted therefor.

Now, therefore, it is ordered, That in the sixth line of the third paragraph and in the tenth line of the seventh paragraph of said Order, the words "For All Shipments Except Truck" be and the same are hereby deleted and the words "For Truck Shipments" substituted therefor;

And it is further ordered, That as thus corrected the seventh paragraph of said Order read as follows:

It is further ordered, That the defendant, Allen Payton, his representatives, agents, servants, employees, and attorneys and all persons acting or claiming to act on his behalf or interest, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal produced by the defendant at less than the applicable effective minimum prices established therefor, contrary to the provisions of section 4 II (e) of the Act and any rules and regulations promulgated thereunder, the Bituminous Coal Code, the Marketing Rules and Regulations, and the schedule of Effective Minimum Prices for District 11 for Truck Shipments.

Dated: January 2, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-106; Filed, January 5, 1942; 11:22 a. m.]

[1] 6 F.R. 6462.

[Docket No. B-115]

IN THE MATTER OF E. H. WASSON, REGISTERED DISTRIBUTOR, REGISTRATION NO. 9455, RESPONDENT

ORDER EXTENDING TIME TO FILE APPLICATION BASED UPON ADMISSIONS FOR DISPOSITION OF PROCEEDING WITHOUT HEARING, EXTENDING TIME TO FILE ANSWER, AND POSTPONING HEARING

Notice of and Order for Hearing having been entered herein on November 22, 1941, and said Notice of and Order for Hearing having been served upon respondent on the 11th day of December 1941; and

Respondent by her Attorney, John D. Wilson, having filed with the Division a motion dated December 22, 1941, setting forth that respondent desires to avail herself of the procedure contemplated in § 301.132 prescribing Rules and Regulations governing applications based upon admissions for the disposition without formal hearings of compliance proceedings, and praying that the time for filing such application under § 301.132 be extended, and also praying that respondent's time to file her answer herein be extended, and that the hearing of this matter be postponed; and

The Acting Director deeming it advisable to grant in all respects the motion of respondent herein;

It is therefore ordered, That the time within which respondent may file her application based upon admissions for the disposition of this proceeding without formal hearing pursuant to § 301.132 prescribing Rules and Regulations governing applications based upon admissions for the disposition without formal hearing of compliance proceedings, be and the same is hereby extended to and including the 10th day of January 1942.

It is further ordered, That the time within which the respondent is required to file her answer herein be and the same is hereby extended to and including January 10, 1941: *Provided, however*, That if the respondent shall on or before January 10, 1942, file with the Division her application based upon admissions for the disposition of the proceeding herein without formal hearing, the time for the filing by respondent of said answer herein shall be and is hereby extended to and including the 31st of January 1942.

It is further ordered, That the hearing herein be and the same is hereby postponed to a date and at a place to be hereinafter designated by an appropriate order of the Division.

Dated: January 2, 1942.

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-107; Filed January 5, 1942; 11:22 a. m.]

General Land Office.

STOCK DRIVEWAY WITHDRAWAL NO. 144, WYOMING NO. 18, MODIFIED; STOCK DRIVEWAY WITHDRAWAL NO. 189, WYOMING NO. 32, REDUCED

Under the authority of section 7 of the act of June 28, 1934, as amended by the act of June 26, 1936, 48 Stat. 1272, 49 Stat. 1976, 43 U.S.C. 315f, the following-described public land in Wyoming is hereby classified as necessary and suitable for the purpose and, under the provisions of section 10 of the act of December 29, 1916, as amended by the act of January 29, 1929, 39 Stat. 865, 45 Stat. 1144, 43 U.S.C. 300, such land, excepting any mineral deposits therein, is withdrawn from all disposal under the public-land laws and reserved for the use of the general public as an addition to Stock Driveway Withdrawal No. 144, Wyoming No. 18, subject to valid existing rights:

SIXTH PRINCIPAL MERIDIAN

T. 37 N., R. 84 W.,
Sec. 34, SW¼NE¼ and N½SE¼, 120 acres.

Any mineral deposits in the land shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

And the departmental orders of withdrawal of April 20, 1921 and February 3, 1928, creating Stock Driveway Withdrawals Nos. 144 and 189, are hereby revoked so far as they affect the following-described lands:

T. 36 N., R. 84 W.,
Sec. 2, W½SW¼ and SE¼SW¼;
T. 37 N., R. 84 W.,
Sec. 34, E½SW¼ and S½SE¼,
Sec. 35, SW¼NE¼ and S½NW¼;
aggregating 400 acres.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

DECEMBER 19, 1941.

[F. R. Doc 42-98; Filed, January 5, 1942; 11:09 a. m.]

AIR NAVIGATION SITE WITHDRAWAL NO. 171, ALASKA

It is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729, 49 U. S. C. 214, that the following-described public lands near Homer, Alaska, be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for the use of the Department of Commerce in the maintenance of air-navigation facilities:

SEWARD MERIDIAN

T. 6 S., R. 13 W.,
sec. 21, lots 1 and 2, S½NE¼
sec. 22, lot 3, and NW¼,
aggregating 399.41 acres.

HAROLD L. ICKES,
Secretary of the Interior.

DECEMBER 24, 1941.

[F. R. Doc. 42-99; Filed, January 5, 1942; 11:09 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS—NEBRASKA

JANUARY 3, 1942.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Administration Order 259 of the Farm Security Administration, issued thereunder, and upon the basis of the Recommendation of the Farm Security Advisory Committee for the State of Nebraska, Boone and Butler Counties are hereby designated as additional counties in which loans, pursuant to said Title, may be made hereafter.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 42-101; Filed, January 5, 1942; 11:13 a. m.]

Sugar Division of the Agricultural Adjustment Administration.

NOTICE OF HEARINGS AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (b) and (d) of section 301 and section 511 of the Sugar Act of 1937 (Public Law No. 414, 75th Congress), as amended, notice is hereby given that public hearings for districts in which beet sugar factories are located will be held as follows:

For the lower peninsula of Michigan, Ohio, and Indiana, at Detroit, Michigan, in room 859, Federal building, on January 12, 1942, at 9:30 a. m.

For Minnesota, Iowa, Wisconsin, and the upper peninsula of Michigan, at St. Paul, Minnesota, in the Auditorium, University Farm, on January 14, 1942, at 9:30 a. m.

For Montana and Northern Wyoming, at Billings, Montana, in the Commercial Club Hall, on January 16, 1942, at 9:30 a. m.

For Utah, Idaho, Oregon, and Washington, at Pocatello, Idaho, in the Dorrien Room, Bannock Hotel, on January 19, 1942, at 9:30 a. m.

For South Dakota, Nebraska, Southern Wyoming, Colorado, and Kansas, at Denver, Colorado, in the House Chamber, State Capitol, on January 22, 1942, at 9:30 a. m.

For California, at Sacramento, California, in the Supervisor's Room, County Court House, on January 26, 1942, at 9:30 a. m.

The purpose of such hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (b) of the said act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of the 1942 crop of sugar beets on farms with respect to which applications for payments under the act are made, and (2), pursuant to the provisions of section 301 (d) of the said act, fair and reasonable prices for the 1942 crop of sugar beets to be paid under either purchase or toll agreements, by processors who, as producers, apply for payments under the act; and to receive evidence likely to be of assistance to the Secretary of Agriculture in making recommendations, pursuant to the provisions of section 511 of the said act, with respect to the terms and conditions of contracts between producers and processors of sugar beets and with respect to the terms and conditions of contracts between laborers and producers of sugar beets.

O. E. Mulliken, C. R. Oviatt, H. H. Simpson, J. C. Bagwell, and H. V. Campbell are hereby designated as presiding officers to conduct, either jointly or severally, the foregoing hearings.

Done at Washington, D. C., this 2d day of January 1942. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 42-51; Filed, January 2, 1942; 2:49 p. m.]

ALLOTMENTS OF 1942 SUGAR QUOTAS FOR THE MAINLAND CANE SUGAR AREA, HAWAII, PUERTO RICO, THE VIRGIN ISLANDS AND FOREIGN COUNTRIES

NOTICE OF HEARING

Pursuant to the authority contained in section 205 (a) of the Sugar Act of 1937 (Public Law No. 414, 75th Congress), as amended, and on the basis of the information now before me, I Robert H. Shields, Assistant to the Secretary of Agriculture, do hereby find that allotments of the 1942 sugar quotas for the mainland cane sugar area, Hawaii, Puerto Rico, the Virgin Islands, Cuba, and foreign countries other than Cuba (excluding any sugar imported or brought into, or marketed in, the continental United States as direct-consumption sugar), are necessary to assure an orderly and adequate flow of sugar in the channels of interstate and foreign commerce and to maintain a continuous and stable supply of sugar, and hereby give notice that a public hearing will be held at Washington, D. C., in the West Ballroom, Shoreham Hotel, on January 16, 1942, at 10:00 a. m.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to make a fair, efficient, and equitable distribution of the 1942 sugar quotas for the mainland cane sugar area, Hawaii, Puerto Rico, the Virgin Islands, Cuba, and foreign countries other than Cuba (excluding any sugar imported or brought into, or marketed in, the continental United States as direct-consumption sugar), among persons who refine such mainland cane sugar or otherwise improve its quality, and among persons who import or bring such offshore sugar into the continental United States.

Joshua Bernhardt, Robert B. Tyler, and John C. Bagwell are hereby designated as presiding officers to conduct, either jointly or severally, the foregoing hearing.

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

[SEAL] ROBERT H. SHIELDS,
Assistant to the Secretary of Agriculture.[1]

[F. R. Doc. 42-100; Filed, January 5, 1942; 11:13 a. m.]

Surplus Marketing Administration.

ORDER TERMINATING THE LICENSE FOR MILK—LOUISVILLE, KENTUCKY, SALES AREA

R. G. Tugwell, Acting Secretary of Agriculture of the United States of America, pursuant to the provisions of Public Act No. 10, 73d Congress, as amended, issued on May 31, 1934, effective June 1, 1934, the license for milk—Louisville, Kentucky, sales area, which license was last amended August 16, 1935, effective August 17, 1935. On March 27, 1940, the aforementioned license, as amended, was suspended, effective March 31, 1940.

It appearing that, under present conditions, the regulation of the handling of milk in the Louisville, Kentucky, sales area under said license, is no longer necessary, it is hereby determined, pursuant to the powers conferred upon the Secretary of Agriculture by section 8c (16) (A) of such act, that the license for milk—Louisville, Kentucky, sales area, as amended, does not tend to effectuate the declared policy of the act and that such license shall be, and the same hereby is, terminated as of 11:59 p. m., c. s. t., January 1, 1942.

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

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

[F. R. Doc. 42-103; Filed, January 5, 1942; 11:13 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective January 5, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Advance Neckwear Company, 1007 Commerce Street, Dallas, Texas; Neckties; 5 learners (T); July 5, 1942.

Master Coat Front and Shoulder Pad Company, 111-119 West 19th Street, New York, New York; Coat Fronts and Shoulder Pads; 5 learners (T); April 20, 1942.

Royal Manufacturing Company, Coopersburg, Pennsylvania; Shorts and Union Suits; 5 learners (T); January 5, 1943.

A. B. Zuckert Company, 108 North Water Street, Milwaukee, Wisconsin; Vulcanized Raincoats; 10 percent (T); July 1, 1942.

Single Pants, Shirts and Allied Garments and Women's Apparel

Anthracite Overall Manufacturing Company, 430 Penn Avenue, Scranton, Pennsylvania; Trousers and Breeches, Overalls and Coveralls; 10 percent (T); January 5, 1943.

Bellgrade Manufacturing Company, Winder, Georgia; Single Pants and Overalls; 10 percent (T); January 5, 1943.

Clara Bishop, Incorporated, 7 West 36th Street, New York, N. Y.; Corsets and Brassieres; 4 learners (T); April 20, 1942.

Cotton Products, Inc., 2 Johnson Street, Newark, New Jersey; Ladies' Cotton Wash Dresses; 10 learners (T); January 5, 1943.

Dennis Uniform Manufacturing Company, 1109 S. W. Fourth Avenue, Portland, Oregon; Cotton Uniforms; 4 learners (T); January 5, 1943; 25 cents an hour for the first 200 hours, 30 cents an hour for the next 200 hours, and 35 cents an hour for the remaining 80 hours.

Clarence E. Head, 122 East Seneca Street, Ithaca, New York; Shirts and Pajamas; 5 learners (T); July 5, 1942.

Hershey Garment Company, Paradise, Pennsylvania; Slips and Gowns; 10 percent (T); January 5, 1943.

Kenwood Manufacturing Corporation, 15 Sawyer Street, New Bedford, Massachusetts; Overalls, Shirts, Boys Knickers; 10 percent (T); January 5, 1943.

National Pants Company, Butler Avenue Ext., New Castle, Pennsylvania; Trousers, Sport Shirts; 10 percent (T); January 5, 1943.

Piedmont Shirt Company, New Buncombe Road, Greenville, South Carolina; Shirts; 10 percent (T); January 5, 1943. (This certificate replaces one issued to you bearing expiration date of December 15, 1942.)

Piedmont Shirt Company, New Buncombe Road, Greenville, South Carolina; Shirts 100 learners (E); May 25, 1942.

Shelburne Shirt Comany, Inc., 69 Alden Street, Fall River, Massachusetts; Men's Shirts; 10 percent (T); January 5. 1943.

Topkis Brothers Company, 217 French Street, Wilmington, Delaware; Sport Shirts and Pajamas; 10 percent (T); January 5, 1943.

V. H. C. Manufacturing Company, 1017 South Grand Avenue, Los Angeles, California; Dresses; 7 learners (T); July 5, 1942.

Van Horn and Son, Inc., 811 Chestnut Street, Philadelphia, Pennsylvania; Theatrical Costumes; 3 learners (T); January 5, 1943.

Gloves

Model Glove Company, 404 East Harris Street, Greenville, Illinois; Knit Fabric and Work Gloves; 3 learners (T); January 5, 1943.

Monte Glove Company, 34 East Jackson Street, Shelbyville, Indiana; Work Gloves; 5 learners (T); January 5, 1943.

Hosiery

Best Made Silk Hosiery Company, Fifth Street, Quakertown, Pennsylvania; Full Fashioned Hosiery; 5 learners (T); January 5, 1943.

Dixie Hosiery Mills, Inc., Mount Gilead, North Carolina; Seamless Hosiery; 5 learners (T); January 5, 1943.

Knit Sox Hosiery Mills, Hickory, North Carolina; Seamless Hosiery; 5 learners (T); January 5, 1943.

Independent Branch of the Telephone Industry

Central Iowa Telephone Company, Cedar Rapids, Iowa; to employ learners as commercial switchboard operators at its

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[1] Acting Pursuant to Authority Delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 6 F.R. 5192)

Tama Exchange, Tama, Iowa; until January 5, 1943.

Central Iowa Telephone Company, Cedar Rapids, Iowa; to employ learners as commercial switchboard operators at its Rolfe Exchange, Rolfe, Iowa; until January 5, 1943.

The Harrison Telephone Company, 114 Walnut Street, Harrison, Ohio; to employ learners as commercial switchboard operators at its Harrison Exchange, Harrison, Ohio; until January 5, 1943.

Knitted Wear

Laros Textiles Company, Broad and Wood Streets, Bethlehem, Pennsylvania; Knitted Underwear; 5 learners (T); January 5, 1943.

Malone Knitting Company, 296 Main Street, Springfield, Massachusetts; Knitted Underwear; 5 percent (T); January 5, 1943.

H. L. Miller and Son,, Coal Street, Port Carbon, Pennsylvania; Knitted Underwear; 5 percent (T); January 5, 1943.

The National Garment Company, 47 Lincoln Way, W., Massillon, Ohio; Knitted Underwear; 5 learners (T); January 5, 1943.

Trenton Mills, Inc., Factory Street, Trenton, Tennessee; Commercial Knitting; 3 learners (T); January 5, 1943.

Textile

Luray Textile Corporation, Hawksbill Street, Luray, Virginia; Thrown Rayon and Synthetic Yarns; 37 learners (E); April 6, 1942.

Luray Textile Corporation, Hawksbill Street, Luray, Virginia; Thrown Rayon and Synthetic Yarns; 3 percent (T); January 5, 1943.

Nalven and Son, Inc., Clifton Forge, Virginia; Ribbon Hat Bands and Narrow Fabrics; 6 learners (T); January 5, 1943.

Suncook Mills, China Road, Allenstown, New Hampshire; Rayon and Cotton Fabrics; 3 percent (T); January 5, 1943.

Trio Braid Company, Inc., 1238 Callowhill Street, Philadelphia, Pennsylvania; Braided Yarns, Knitted Braids; 3 learners (T); January 5, 1943.

Woolen

Robert E. Pent, Coll Street, New Braunfels, Texas; Wool Top; 4 learners (E); May 4, 1942.

Signed at Washington, D. C., this 5th day of January 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-123; Filed, January 5, 1942; 12:01 p. m.]

[Administrative Order No. 136]

APPOINTMENT OF INDUSTRY COMMITTEE NO. 39 FOR THE TEXTILE INDUSTRY

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Thomas W. Holland, Administrator of the Wage and Hour Division, U. S. Department of Labor, do hereby appoint and convene for the textile industry (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

For the Public: Alexander Hamilton Frey, Chairman, Philadelphia, Pennsylvania; Harry D. Wolfe, Chapel Hill, North Carolina; Amy Hewes, South Hadley, Massachusetts; Malcolm Keir, Hanover, New Hampshire; Elizabeth Brandeis Raushenbush, Madison, Wisconsin; Robert Preston Brooks, Athens, Georgia; Edward Everett Hale, Austin, Texas; Jennings Perry, Nashville, Tennessee;

For the Employees: Emil Rieve, New York, New York; Edward Doolan, Fall River, Massachusetts; Roy Lawrence, Charlotte, North Carolina; Elizabeth Nord, Manchester, Connecticut; Horace White, Greensboro, Georgia; Anthony Valente, Washington, D. C.; Francis J. Gorman, Washington, D. C.; George Baldanzi, New York, New York;

For the Employers: Donald Comer, Birmingham, Alabama; Charles A. Cannon, Kannapolis, North Carolina; W. Harrison Hightower, Thomaston, Georgia; Sam H. Swint, Graniteville, South Carolina; Rudolph C. Dick, Salem, Massachusetts; Allan Barrows, New Bedford, Massachusetts; Henry E. Stehli, New York, New York; Carl E. Steiger, Oshkosh, Wisconsin.

Such representatives having been appointed with due regard to the geographical regions in which such industry is carried on.

2. For the purpose of this order the term "textile industry" means:

(a) The manufacturing or processing of yarn or thread and all processes preparatory thereto, and the manufacturing, bleaching, dyeing, printing and other finishing of woven fabrics (other than carpets and rugs containing any wool) from cotton, flax, jute, other vegetable fiber, silk, grass, or any synthetic fiber, or from mixtures of these fibers; or from such mixtures of these fibers with wool or animal fiber (other than silk) as are specified in clauses (g) and (h); except the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber;

(b) The manufacturing of batting, wadding, or filling and the processing of waste from the fibers enumerated in clause (a);

(c) The manufacturing, bleaching, dyeing, or other finishing of pile fabrics or cords (except carpets and rugs containing any wool) from any fiber or yarn;

(d) The processing of any textile fabric, included in this definition of this industry, into any of the following products: bags; bandages and surgical gauze; bath mats and related articles; bedspreads; blankets; diapers, dish-cloths; scrubbing cloths and wash-cloths; sheets and pillow cases; table-cloths, lunch-cloths and napkins; towels; window curtains; shoe laces and similar laces;

(e) The manufacturing or finishing of braid, net or lace from any fiber or yarn;

(f) The manufacturing of cordage, rope or twine from any fiber or yarn including the manufacturing of paper yarn and twine;

(g) The manufacturing, or processing of yarn (except carpet yarn containing any carpet wool) or thread by systems other than the woolen system from mixtures of wool or animal fiber (other than silk) with any of the fibers designated in clause (a), containing not more than 45 per cent by weight of wool or animal fiber (other than silk);

(h) The manufacturing, bleaching, dyeing, printing or other finishing of woven fabrics (other than carpets and rugs) from mixtures of wool or animal fiber (other than silk) containing not more than 25 per cent by weight of wool or animal fiber (other than silk), with any of the fibers designated in clause (a), with a margin of tolerance of 2 per cent to meet the exigencies of manufacture;

(i) The manufacturing, dyeing, finishing or processing of rugs or carpets from grass, paper, or from any yarn or fiber except yarn containing any wool but not including the manufacturing by hand of such products.

3. The definition of the textile industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however,* That this definition does not include employees of an independent wholesaler or employees of a manufacturer who are engaged exclusively in marketing and distributing products of the industry which have been purchased for resale: *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

4. The industry committee herein created shall meet on January 21, 1942, in Room 3229, U. S. Department of Labor Building, Washington, D. C., and, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14.

Signed at Washington, D. C., this 5th day of January, 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42-124; Filed, January 5, 1942; 12:01 p. m.]

PROPOSED AMENDMENT TO REGULATIONS DEFINING AND DELIMITING THE TERMS "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECTIVE, ADMINISTRATIVE, PROFESSIONAL, OR LOCAL RETAILING CAPACITY, OR IN THE CAPACITY OF OUTSIDE SALESMAN" PURSUANT TO SECTION 13 (a) (1) OF THE FAIR LABOR STANDARDS ACT

The following amendment to Regulations, Part 541, (Regulations Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, Professional, or Local Retailing Capacity, or in the Capacity of Outside Salesman" Pursuant to section 13 (a) (1) of the Fair Labor Standards Act) is hereby proposed. This amendment would amend § 541.2, defining the term "employee employed in a bona fide * * * administrative * * * capacity," as used in section 13 (a) (1) of the Fair Labor Standards Act. The Administrator will afford interested parties an opportunity to present their views either in support of or in opposition to the proposed amendment for a period of ten days after the date this proposed amendment appears in the FEDERAL REGISTER. Unless cause is shown why such amendment should not be promulgated, the Administrator will then make it effective.

§ 541.2 *Administrative.* The term "employee employed in a bona fide * * * administrative * * * capacity" in section 13 (a) (1) of the act shall mean any employee—

(A) who is compensated for his services on a salary or fee basis at a rate of not less than $200 per month (exclusive of board, lodging, or other facilities), and

(B) (1) who regularly and directly assists an employee employed in a bona fide executive or administrative capacity (as such terms are defined in these regulations), where such assistance is nonmanual in nature and requires the exercise of discretion and independent judgment; or

(2) who performs under only general supervision, responsible nonmanual office or field work, directly related to management, policies or general business operations, along specialized or technical lines requiring special training, experience, or knowledge, and which requires the exercise of discretion and independent judgment; or

(3) whose work involves the execution under only general supervision of special nonmanual assignments and tasks directly related to management policies or general business operations involving the exercise of discretion and independent judgment; or

(4) who is engaged in transporting goods or passengers for hire and who performs, under only general supervision, responsible outside work of a specialized or technical nature requiring special training, experience, or knowledge, and whose duties require the exercise of discretion and independent judgment.

Signed at Washington, D. C., this 3d day of January 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42-125; Filed, January 5, 1942; 12:02 p. m.]

CIVIL SERVICE COMMISSION

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS WEDNESDAY, DECEMBER 31, 1941

Important. Although the apportioned classifid Civil Service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his state of original residence. Certifications of eligibles are first made from states which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Puerto Rico	1,149	51
2. Virgin Islands	15	1
3. Hawaii	260	24
4. Alaska	45	14
5. California	4,247	1,402
6. Louisiana	1,454	655
7. Michigan	3,232	1,513
8. Texas	3,944	2,075
9. Arizona	307	164
10. Georgia	1,921	1,141
11. South Carolina	1,168	719
12. Kentucky	1,750	1,095
13. Alabama	1,742	1,109
14. Mississippi	1,343	896
15. Ohio	4,247	2,911
16. North Carolina	2,196	1,534
17. New Mexico	327	230
18. Arkansas	1,199	874
19. New Jersey	2,558	1,890
20. Tennessee	1,793	1,450
21. Nevada	68	56
22. Florida	1,167	976
23. Indiana	2,108	1,798
24. Illinois	4,856	4,263
25. Delaware	164	145
26. Oregon	670	601
27. Wisconsin	1,929	1,763
28. Connecticut	1,051	962
29. Idaho	323	297
30. Vermont	221	212
31. Rhode Island	439	422
32. Pennsylvania	6,088	5,853
IN EXCESS		
33. Washington	1,068	1,091
34. New Hampshire	302	314
35. West Virginia	1,170	1,221
36. Massachusetts	2,654	2,809
37. Missouri	2,327	2,484
38. Maine	521	558
39. Oklahoma	1,437	1,579
40. Utah	338	384
41. Colorado	691	820
42. Wyoming	154	184
43. Iowa	1,561	1,914
44. Minnesota	1,717	2,107
45. New York	8,288	10,372
46. Montana	344	468
47. Kansas	1,107	1,570
48. North Dakota	395	591
49. Virginia	1,647	2,526
50. South Dakota	395	607
51. Nebraska	809	1,475
52. Maryland	1,120	2,744
53. District of Columbia	408	9,518

GAINS

By appointment	1,025
By transfer	51
Total	1,076

LOSSES

By separation	101
By transfer	67
By correction	4
	172
Total appointments	82,432

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Sec. 3, Rule VII, and the Attorney General's Opinion of Augst 25, 1934, 20,012.

By direction of the Commission.

[SEAL] L. A. MOYER,
Executive Director and Chief Examiner.

[F. R. Doc. 42-71; Filed, January 3, 1942; 11:17 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5701]

IN THE MATTER OF CAROLINA POWER & LIGHT COMPANY

ORDER POSTPONING HEARING

JANUARY 2, 1942.

It appearing to the Commission that on December 31, 1941, the hearing in the above-entitled proceeding was ordered to be resumed at Raleigh, North Carolina, on January 6, 1942;

The Commission *finds* that: Good cause exists for postponement of the hearing;

The Commission *orders* that: The hearing in this proceeding heretofore set to reconvene on January 6, 1942, be and it is hereby postponed to January 12, 1942, at 9:45 a. m., in the Federal Court Room of the Federal Building, Raleigh, North Carolina.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-84; Filed, January 5, 1942; 9:40 a. m.]

[Docket No. G-223]

IN THE MATTER OF NEW YORK STATE NATURAL GAS CORPORATION

ORDER FIXING DATE OF HEARING AND SUSPENDING RATE SCHEDULE

DECEMBER 30, 1941.

It appearing to the Commission that:

(a) On September 3, 1938, New York State Natural Gas Corporation filed with the Commission an agreement, dated July 1, 1932, with New York State Electric and Gas Corporation, designated in the files of the Commission as New York State Natural Gas Corporation Rate Schedule FPC No. 3; on September 3, 1938, and on subsequent dates said New York State Natural Gas Corporation filed certain supplemental agreements with New York State Electric and Gas Corporation, respectively designated in the files of the Commission as Supplements Nos. 1, 3, and 4 to said Rate Schedule FPC No. 3, which said schedule as supplemented provides for the sale of natural gas to New York State Electric and Gas Corporation for resale for ultimate public consumption for domestic, commercial, industrial, or any other use;

(b) On December 1, 1941, New York State Natural Gas Corporation filed with

the Commission an agreement dated December 24, 1940, with the New York State Electric and Gas Corporation, designated in the files of the Commission as Supplement No. 5 to New York State Natural Gas Corporation Rate Schedule FPC No. 3, providing that increased rates or charges for such sales of natural gas by New York State Natural Gas Corporation to New York State Electric and Gas Corporation be made effective as of January 1, 1942;

(c) Unless suspended by order of the Commission, Supplement No. 5 to New York State Natural Gas Corporation Rate Schedule FPC No. 3 will become effective as of January 1, 1942, pursuant to the provisions of the Natural Gas Act and the amended Provisional Rules of Practice and Regulations thereunder;

(d) In purported justification of said proposed increased rates, New York State Natural Gas Corporation stated that it proposes to eliminate the special rate provided for "unaccounted for gas," because there is no equitable reason why it should receive a lesser price for gas which the New York State Electric and Gas Corporation receives but cannot account for; that the larger part of the gas resold by the New York State Natural Gas Corporation is sold to the Central New York Power Corporation under a contract which does not provide a special price for "unaccounted for gas"; and that New York State Natural Gas Corporation has no other similar contract under which a special rate is made for "unaccounted for gas";

(e) The schedule of increased rates or charges contained in Supplement No. 5 to New York State Natural Gas Corporation Rate Schedule FPC No. 3 may result in excessive rates or charges to New York State Electric and Gas Corporation or place an undue burden upon ultimate consumers of natural gas, and said increased rates or charges have not been shown to be justified;

The Commission *finds* that: It is necessary, desirable, and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates or charges, and that said proposed increased rates or charges be suspended pending such hearing and the decision thereon;

The Commission, upon its own motion, *orders* that: (a) A public hearing be held on February 16, 1942, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates of charges, subject to the jurisdiction of the Commission, contained in said Supplement No. 5 to New York State Natural Gas Corporation Rate Schedule FPC No. 3, for the sale of natural gas to New York State Electric and Gas Corporation for resale for ultimate public consumption for domestic, commercial, industrial, or any other use;

(b) Pending such hearing and decision thereon, the schedule of increased rates or charges contained in said Supplement No. 5 to Rate Schedule FPC No. 3, except in so far as it may provide for the sale of natural gas for resale for ultimate public consumption for industrial use, be and it is hereby suspended until June 1, 1942, or until such time thereafter as said schedule shall have been made effective in the manner prescribed by section 4 (e) of the Natural Gas Act;

(c) During the said period of suspension, the rates or charges collected and received by New York State Natural Gas Corporation from New York State Electric and Gas Corporation, as provided in New York State Natural Gas Corporation Rate Schedule FPC No. 3 and Supplements Nos. 1, 3, and 4 thereto, except in so far as they may be for the sale of natural gas for resale for industrial use, shall remain and continue in full force and effect;

(d) At such hearing, the burden of proof to show that any of the aforesaid proposed increased rates or charges are just and reasonable shall be upon the New York State Natural Gas Corporation.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretray.

[F. R. Doc. 42-120; Filed, January 5, 1942; 11:53 a. m.]

[Docket No. G-224]

IN THE MATTER OF NEW YORK STATE NATURAL GAS CORPORATION

ORDER FIXING DATE OF HEARING AND SUSPENDING RATE SCHEDULE

DECEMBER 30, 1941.

It appearing to the Commission that: (a) On September 3, 1938, New York State Natural Gas Corporation filed with the Commission an agreement dated July 1, 1934, with the Keuka Construction Corporation, designated in the files of the Commission as New York State Natural Gas Corporation Rate Schedule FPC No. 4; on June 19, 1941, said New York State Natural Gas Corporation filed a supplemental agreement dated June 9, 1941, with Keuka Construction Corporation designated in the files of the Commission as Supplement No. 1 to New York State Natural Gas Corporation Rate Schedule FPC No. 4 which said schedule as supplemented provides for the sale of natural gas to Keuka Construction Corporation for resale for ultimate public consumption for domestic, commercial, industrial, or any other use;

(b) On December 1, 1941, New York State Natural Gas Corporation filed with the Commission an agreement dated November 20, 1941, with Keuka Construction Corporation, designated in the files of the Commission as Supplement No. 2 to New York State Natural Gas Corporation Rate Schedule FPC No. 4, providing that increased rates or charges for such sales of natural gas by New York State Natural Gas Corporation to Keuka Construction Corporation be made effective as of January 1, 1942;

(c) Unless suspended by order of the Commission, said Supplement No. 2 to New York State Natural Gas Corporation Rate Schedule FPC No. 4 will become effective as of January 1, 1942, pursuant to the provisions of the Natural Gas Act and the amended Provisional Rules of Practice and Regulations thereunder;

(d) In purported justification of said proposed increased rates, New York State Natural Gas Corporation stated that the proposed increased rates arise out of a proposed change in the division of the amounts received by Keuka Construction Corporation upon the sale of natural gas to New York State Electric and Gas Corporation; that New York State Natural Gas Corporation now transports the natural gas substantially the same distance it was formerly transported by Keuka Construction Corporation; and that the proposed increased rates involve no change in the final selling price to New York State Electric and Gas Corporation;

(e) The schedule of increased rates or charges contained in Supplement No. 2 to New York State Natural Gas Corporation Rate Schedule FPC No. 4 may result in excessive rates or charges to Keuka Construction Corporation or place an undue burden upon ultimate consumers of natural gas, and said increased rates or charges have not been shown to be justified;

(f) New York State Natural Gas Corporation and Keuka Construction Corporation are affiliated through common control by Standard Oil Company of New Jersey;

The Commission *finds* that: It is necessary, desirable, and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates or charges, and that said proposed increased rates or charges be suspended pending such hearing and the decision thereon;

The Commission, upon its own motion, *orders* that: (a) A public hearing be held on February 16, 1942, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates or charges, subject to the jurisdiction of the Commission, contained in said Supplement No. 2 to New York State Natural Gas Corporation Rate Schedule FPC No. 4, for the sale of natural gas to Keuka Construction Corporation for resale for ultimate public consumption for domestic, commercial, industrial, or any other use;

(b) Pending such hearing and decision thereon, the schedule of increased rates or charges contained in said Supplement No. 2 to Rate Schedule FPC No. 4, except insofar as it may provide for the sale of natural gas for resale for ultimate public consumption for industrial use, be and it is hereby suspended until June 1, 1942, or until such time thereafter as said schedule shall have been made effective in the manner prescribed by section 4 (e) of the Natural Gas Act;

(c) During the said period of suspension, the rates or charges collected and received by New York State Natural Gas Corporation from Keuka Construction Corporation, as provided in New York State Natural Gas Corporation Rate Schedule FPC No. 4 and Supplement No. 1 thereto, except insofar as they may be for the sale of natural gas for resale for industrial use, shall remain and continue in full force and effect;

(d) At such hearing, the burden of proof to show that any of the aforesaid proposed increased rates or charges are just and reasonable shall be upon the New York State Natural Gas Corporation.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-121; Filed, January 5, 1942; 11:53 a. m.]

[Docket No. G-225]

IN THE MATTER OF KEUKA CONSTRUCTION CORPORATION

ORDER FIXING DATE OF HEARING AND SUSPENDING RATE SCHEDULE

DECEMBER 30, 1941.

It appearing to the Commission that:

(a) On January 28, 1939, Keuka Construction Corporation filed with the Commission an agreement dated March 23, 1934, with New York State Electric and Gas Corporation (successor to Empire Gas and Electric Company) designated in the files of the Commission as Keuka Construction Corporation Rate Schedule FPC No. 2, and on January 28, 1939, and subsequent dates said Keuka Construction Corporation filed certain supplemental agreements with New York State Electric and Gas Corporation, respectively designated in the files of the Commission as Supplements Nos. 1, 2, 3, 4, 5, 6, and 8 to said Rate Schedule FPC No. 2, which said schedule as supplemented provides for the sale of natural gas to New York State Electric and Gas Corporation for resale for ultimate public consumption for domestic, commercial, industrial, or any other use;

(b) On December 1, 1941, Keuka Construction Corporation filed with the Commission agreements dated December 24, 1940, and December 27, 1940, respectively designated in the files of the Commission as Supplement No. 9 to Keuka Construction Corporation Rate Schedule FPC No. 2 and Supplement No. 1 to Supplement No. 9, providing that increased rates or charges for such sales of natural gas by Keuka Construction Corporation to New York State Electric and Gas Corporation shall be made effective as of January 1, 1942;

(c) Unless suspended by order of the Commission, said Supplement No. 9 to Keuka Construction Corporation Rate Schedule FPC No. 2 and Supplement No. 1 to Supplement No. 9 will become effective as of January 1, 1942, pursuant to the provisions of the Natural Gas Act and the amended Provisional Rules of Practice and Regulations thereunder;

(d) In purported justification of said proposed increased rates, Keuka Construction Corporation stated that there is no equitable reason why it should receive a lesser price for gas which the New York State Electric and Gas Corporation receives but cannot account for, and, therefore, proposes to eliminate the special rate provided for "unaccounted for gas";

(e) The schedule of increased rates or charges contained in Supplement No. 9 to Keuka Construction Corporation Rate Schedule FPC No. 2 and Supplement No. 1 to Supplement No. 9 may result in excessive rates or charges to New York State Electric and Gas Corporation or place an undue burden upon ultimate consumers of natural gas, and said increased rates or charges have not been shown to be justified;

(f) Keuka Construction Corporation and New York State Natural Gas Corporation are affiliated through common control by Standard Oil Company of New Jersey;

The Commission *finds* that: It is necessary, desirable, and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates or charges, and that said proposed increased rates or charges be suspended pending such hearing and the decision thereon;

The Commission, upon its own motion, *orders* that: (a) A public hearing be held on February 16, 1942, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates or charges, subject to the jurisdiction of the Commission, contained in said Supplement No. 9 to Keuka Construction Corporation Rate Schedule FPC No. 2 and Supplement No. 1 to Supplement No. 9, for the sale of natural gas to New York State Electric and Gas Corporation for resale for ultimate public consumption for domestic, commercial, industrial, or any other use;

(b) Pending such hearing and decision thereon, the schedule of increased rates or charges contained in said Supplement No. 9 to Rate Schedule FPC No. 2 and Supplement No. 1 to Supplement No. 9, except in so far as it may provide for the sale of natural gas for resale for ultimate public consumption for industrial use, be and it is hereby suspended until June 1, 1942, or until such time thereafter as said schedule shall have been made effective in the manner prescribed by section 4 (e) of the Natural Gas Act;

(c) During said period of suspension, the rates or charges collected and received by Keuka Construction Corporation from New York State Electric and Gas Corporation, as provided in Keuka Construction Corporation Rate Schedule FPC No. 2 and Supplements Nos. 1, 2, 3, 4, 5, 6, and 8 thereto, except in so far as they may be for the sale of natural gas for resale for industrial use, shall remain and continue in full force and effect;

(d) At such hearing, the burden of proof to show that any of the aforesaid proposed increased rates or charges are just and reasonable shall be upon the Keuka Construction Corporation.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-122; Filed, January 5, 1942; 11:53 a. m.]

FEDERAL SECURITY AGENCY.

Social Security Board.

CERTIFICATION TO THE DIRECTOR OF THE DIVISION OF PLACEMENT AND UNEMPLOYMENT INSURANCE OF THE NEBRASKA DEPARTMENT OF LABOR

The Director of the Division of Placement and Unemployment Insurance of the Department of Labor of the State of Nebraska having duly submitted to the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the Nebraska Placement and Unemployment Insurance law, as amended; and

The Social Security Board having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Board hereby finds that:

(1) The said law provides for the maintenance of reserve accounts as defined in section 1602 (c) (1) of the Internal Revenue Code, and

(2) Reduced rates of contributions under said law to such reserve accounts are allowable only in accordance with the provisions of section 1602 (a) (3) of the Internal Revenue Code, as effective January 1, 1942.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Director of the Division of Placement and Unemployment Insurance of the Department of Labor of the State of Nebraska.

[SEAL] SOCIAL SECURITY BOARD,
GEORGE E. BIGGE,
Chairman.

DECEMBER 31, 1941.

Approved:

PAUL V. MCNUTT,
Administrator.

DECEMBER 31, 1941.

[F. R. Doc. 42-109; Filed, January 5, 1942; 11:32 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4453]

IN THE MATTER OF UNITED DIATHERMY, INC., A CORPORATION

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

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

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

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

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, January 21, 1942, at ten o'clock in the forenoon of that day (Eastern Standard Time) in the Hotel St George, Brooklyn, New York.

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

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 42-108; Filed, January 5, 1942; 11:28 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 811-281]

IN THE MATTER OF CENTRAL NEW YORK UTILITIES CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3d day of January, A. D. 1942.

An application having been duly filed by the above named applicant under and pursuant to the provisions of the Investment Company Act of 1940 for an order under section 8 (f) of the said Act declaring that the applicant has ceased to be an investment company.

It is ordered, That a hearing on the matter of the application of the above named applicant under and pursuant to section 8 (f) of the Investment Company Act of 1940 be held on January 13, 1942 at 10:00 o'clock in the forenoon of that day in Room 1102 of the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

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

[F. R. Doc. 42-74; Filed, January 3, 1942; 11:38 a. m.]

[File No. 812-82]

IN THE MATTER OF AMERICAN RAILWAYS CORPORATION

NOTICE OF AND ORDER FOR RESUMPTION OF HEARING

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

Application having been duly filed by the above named applicant for an order of the Commission under and pursuant to the provisions of section 3 (b) (2) of the Investment Company Act of 1940 declaring it to be excepted from the definition of an investment company contained in this Act on the ground that it is primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities or in the alternative for an order under and pursuant to the provisions of section 6 (c) exempting it from all of the provisions of this title.

A hearing having been held in Washington, D. C. on May 6th, May 19th and May 27th of 1941, and said hearing having been continued until an indefinite future time;

It is ordered, That the hearing on the matter of this application be resumed on January 9, 1942 at 10:15 o'clock in the forenoon of that day at the Securities and Exchange Building, 1778 Pennsylvania Avenue Northwest, Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esquire, or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of the investors.

By the Commission.

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

[F. R. Doc. 42-75; Filed, January 3, 1942; 11:38 a. m.]

[File No. 54-43]

IN THE MATTER OF GREAT LAKES UTILITIES COMPANY

NOTICE OF FILING; NOTICES OF AND ORDERS FOR HEARINGS; ORDER OF CONSOLIDATION

I

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 31st day of December, A. D. 1941.

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 Great Lakes Utilities Company. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

Great Lakes Utilities Company (herein sometimes referred to as "Great Lakes"), a registered holding company, proposes to consummate a plan pursuant to section 11 (e) of the Public Utility Holding Company Act for the purpose of enabling Great Lakes and its subsidiaries to comply with the provisions of section 11 (b) of said Act. The steps proposed in such plan are as follows:

1. The Ohio Gas, Light & Coke Company, Gas Corporation of Michigan, Paxton Gas Company, Rochelle Gas Company, Martinsville Gas Company, Virginia Gas & Utilities Company and Watertown Gas Company, (all of which are wholly-owned subsidiaries of Great Lakes) will be recapitalized so that the authorized and issued capital stock of each will consist of 22,018 shares of common stock with par of $1 per share.

2. Gas Corporation of Michigan (herein sometimes referred to as "Michigan") will, in addition, issue $316,500 principal amount of First Mortgage 4% Bonds.

3. Each of the above subsidiaries will deliver all of said stock and Michigan in addition will deliver said bonds to Great Lakes and Great Lakes will surrender all outstanding securities of and claims against such subsidiaries held by it.

4. Great Lakes will sell the above-mentioned First Mortgage Bonds issued by Michigan to non-affiliated interests, if such bonds can be sold at or above their face amount.

5. Great Lakes will distribute all shares of stock so received and the above bonds issued by Michigan (or cash of an equal amount if such bonds are sold) among the holders of First Lien Collateral Trust Bonds and the holders of Voting Trust Certificates (representing Common Stock) of Great Lakes and all rights arising from such First Lien and Collateral Trust Bonds and Voting Trust Certificates will be extinguished. It is proposed that this distribution be effected as follows:

(a) Holders of the First Lien Collateral Trust Bonds will receive, with respect to each $500 principal amount thereof, $100 principal amount of the bonds of Michigan (or $100 in cash if said bonds are sold) and 6 shares of the common stock of each subsidiary of Great Lakes.

(b) Holders of Voting Trust Certificates will receive one share of the common stock of each subsidiary with respect to each 50 shares of Common Stock represented by such Voting Trust Certificate.

6. Each subsidiary of Great Lakes will eliminate from its books of account all amounts appearing thereon representing increases through revaluation of fixed assets.

7. Great Lakes will pay all of its liabilities (other than the claims of holders of First Lien Collateral Trust Bonds) and all costs, fees and expenses in connection with the consummation of the plan of reorganization. All remaining cash will be paid to The Ohio Gas, Light & Coke Company and Great Lakes will thereafter be dissolved.

If this Commission should approve the above plan, Great Lakes requests that, pursuant to sections 11 (e) and 18 (f) of the Act, the Commission apply to a United States District Court to carry out the terms and provisions of such plan. No provision is made in the above plan for securing the consent thereto of any of the security holders of Great Lakes.

II

The Commission's official files disclose that:

1. Great Lakes is a registered holding company, organized under the laws of Delaware, maintaining its principal offices for the doing of business in Philadelphia, Pennsylvania.

2. The following companies are wholly-owned subsidiaries of Great Lakes and are engaged in the business of supplying gas to the communities (and the vicinities thereof) indicated below:

Company	*Communities served*
The Ohio Gas, Light & Coke Co.	Bryan, Napoleon and Millersburg, Ohio.
Gas Corporation of Michigan.	Ludington, Mt. Pleasant and Greenville, Mich.
Paxton Gas Co.	Paxton, Ill.
Rochelle Gas Co.	Rochelle, Ill.
Martinsville Gas Co.	Martinsville, Va.
Virginia Gas & Utilities Co.	Pulaski and Radford, Va.
Watertown Gas Co.	Watertown, S. Dak.

3. Great Lakes, through Gas Corporation of Michigan, controls Gas Transportation of Michigan, a corporation engaged in the construction and ownership of gas transmission lines in the State of Michigan and the transmission of gas from local fields to Mt. Pleasant and Greenville.

4. The outstanding securities of Great Lakes as of September 30, 1941, were as follows:

First Lien Collateral Trust Gold Bonds, 5½% Series due 1942, $1,582,500.

Common stock (all held by voting trustees under a trust dated January 4, 1937, and represented by outstanding Voting Trust Certificates), par value $1 per share, 151,431 shares.

5. Great Lakes as of September 30, 1941 owned securities and held claims against its various subsidiaries, as follows:

The Ohio Gas, Light and Coke Company

First mortgage 6% bonds	$650,000
8% note due 6/30/35	272,229
6% demand notes	170,044
Open account	168,987
Interest to 9/30/41 on above indebtedness	378,006
Total debt	1,639,266
Common stock ($100 par) (shares)	1,900

Gas Corporation of Michigan

6% demand notes	$65,328
7% note due 7/1/35	500,000
Interest to 9/30/41 on above indebtedness	11,440
Total debt	576,768
Common Stock (no par) (shares)	25,000

Paxton Gas Company

6% note due 5/31/34	$144
6% demand notes	148,965
Interest to 9/30/41 on above Notes	41,129
Total debt	190,238
Common stock ($100 par) (shares)	552

Rochelle Gas Company

Open account	$3,400
Common stock ($100 par) (shares)	600

Martinsville Gas Company

Open account	$1,013
Common stock (no par) (shares)	671

Virginia Gas and Utilities Company

6% demand notes	$111,518
Open account	10,800
Interest to 9/30/41 on above indebtedness	57,919
Total debt	180,237
Common stock (no par) (shares)	260

Watertown Gas Company

6% note due 4/1/34	$114
6% demand notes	120,045
Interest to 9/30/41 on said notes	40,679
Total debt	160,838
Common stock ($100 par) (shares)	800

III

The Commission having been advised by its Public Utilities Division that the information set out in section II hereof and other and further information contained in the Commission's public and official files tend to show that:

1. No two, or more, of the companies listed in paragraph 2 of section II hereof are operated as a single coordinated system confined to a single area or region or derive natural gas from a common source of supply.

2. The properties of the Ohio Gas, Light, & Coke Company located at Millersburg, Ohio, and vicinity, and the properties of the same company located at Bryan, Ohio, and vicinity, are not operated as a single coordinated system confined in its operations to a single area or region, and do not derive natural gas from a common source of supply.

3. The properties of the Gas Corporation of Michigan located at Ludington, Michigan, and vicinity, and the properties of the same company located at Mt. Pleasant and Greenville, Michigan, and vicinity, are not operated as a single coordinated system confined in its operations to a single area or region, and do not derive natural gas from a common source of supply.

4. Great Lakes and its subsidiary companies constitute more than a single integrated public utility system and systems additional thereto, control of which may be retained by Great Lakes under section 11 (b) (1) of the Act.

5. The corporate structure of the holding company system of Great Lakes is unduly and unnecessarily complicated.

6. Voting power is unfairly and inequitably distributed among security holders of the Great Lakes holding company system.

IV

It being the duty of the Commission, pursuant to section 11 (b) (1) of the Act, to require, by order, after notice and opportunity for hearing, that each registered holding company, and each subsidiary company thereof, shall take such action as the Commission shall find necessary to limit the operations of the holding company system, of which said company is a part, to a single integrated public utility system and to such other businesses as are reasonably incidental or economically necessary or appropriate to the operations of such an integrated public utility system and to such additional integrated public utility system or systems which the Commission finds to be in compliance with the standards of subsections (A), (B) and (C) of section 11 (b) (1); and

It further being the duty of the Commission, pursuant to section 11 (b) (2) of said Act, to require by order, after notice and opportunity for hearing, that each registered holding company, and each subsidiary company thereof, shall take such steps as the Commission shall find necessary to ensure that the corporate structure or continued existence of any company in a holding company system does not unduly or unnecessarily complicate the corporate structure, or unfairly or inequitably distribute voting power among security holders, of such holding-company system; and

The Commission being required by the provisions of section 11 (e) of said Act, before approving any plan thereunder, to find, after notice and opportunity for hearing, that such plan, as submitted or as modified, is necessary to effectuate the provisions of subsection (b) of section 11, and is fair and equitable to the persons affected by such plan;

It therefore appearing appropriate to the Commission that notice be given and a hearing be held for the purpose of determining what action should be ordered under sections 11 (b) (1) and 11 (b) (2), and with respect to the proposed plan filed under section 11 (e), and that said proceedings should be consolidated and heard together, subject to the provisions hereinafter contained in this order;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on January 26, 1942 at 10:00 o'clock, A. M., at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. at such time the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such declaration or application (or both), regarding a plan filed pursuant to section 11 (e) of said Act, shall become effective or shall be granted,

and why an order should not be entered pursuant to section 11 (b) (1) and section 11 (b) (2) of said Act requiring Great Lakes to limit the operations of its holding company system to a single integrated public utility system and to such other businesses as are reasonably incidental or economically necessary or appropriate to the operations of such integrated public utility system, and why an order should not be entered requiring the simplification of the corporate structure of the Great Lakes holding company system and an equitable distribution of voting power among the security holders of such system. Notice is hereby given of said hearing to the above-named declarants and applicants, to all security holders of Great Lakes and to any other interested persons, said notice to be given to said declarants and applicants by registered mail and to all other persons by a general release of this Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication in the FEDERAL REGISTER; and

It is further ordered, That Great Lakes give notice to each holder of Voting Trust Certificates and to each holder of First Lien and Collateral Trust Bonds of Great Lakes (in so far as the identity of such security holders is known or available to Great Lakes) by mailing to each of said persons a copy of this notice at their last-known place of address at least twenty days prior to the date of this hearing.

It is further ordered, That William W. Swift 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 hereby 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 issues presented by said declaration or application (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions.

1. Whether the proposed plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 is necessary and appropriate to effectuate the provisions of section 11 of said Act.

2. Whether such proposed plan is fair and equitable to the persons affected thereby, including consideration of the proposed allocation of assets of Great Lakes between the holders of First Lien and Collateral Trust Bonds and holders of Voting Trust Certificates.

3. Whether consent to such plan by part or all of the security holders of Great Lakes should be required.

4. Whether transactions incidental to consummation of the proposed plan filed under section 11 (e) of the Public Utility Holding Company Act comply with the requirements of all other applicable provisions of said Act, particularly sections 7, 10 and 12 thereof.

5. Whether revaluations of assets or other inflationary items are reflected in the books of account of the subsidiaries of Great Lakes and whether the books of account and financial statements of Great Lakes and its subsidiaries accurately reflect the facts with regard to these companies and are in accord with sound accounting and financial practice.

6. Whether the allegations of sections II and III hereof are true and accurate.

7. What order, if any, should be entered pursuant to section 11 (b) (1) of the Act, requiring Great Lakes to limit its operations to a single integrated public utility system, and systems or businesses additional thereto control of of which may be retained under section 11 (b) (1) of the Act.

8. Whether Great Lakes should be required by order of the Commission promulgated pursuant to section 11 (b) (1) of the Act to divest itself of any interest in any or all of its subsidiaries or the properties thereof.

9. What order, if any, should be entered pursuant to section 11 (b) (2) of the Act, requiring Great Lakes to take such steps as the Commission shall find necessary to ensure that the corporate structure or continued existence of any company in the holding-company system does not unduly or unnecessarily complicate the structure, or unfairly or inequitably distribute the voting power among the security holders of such holding company system.

It is further ordered, That jurisdiction be and it is hereby reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, the proceedings instituted by this order under sections 11 (b) (1) and 11 (b) (2) and concerning the application for approval of said plan filed under section 11 (e).

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-76; Filed, January 3, 1942; 11:38 a. m.]

[File No. 70-448]

IN THE MATTER OF THE HAMPTON WATER-WORKS COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 31st day of December, A. D. 1941.

The Hampton Water-Works Company, a subsidiary of Northeastern Water and Electric Corporation, a registered holding company, having filed an application pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof, regarding a modification of such company's First Mortgage Bonds, Series A, 4¼%, due January 1, 1964, and amendment of the Indenture securing said Bonds so that the interest accruing on said Bonds from and after January 1, 1942, shall be at the rate of 3¼% per annum instead of 4¼% per annum as at present, and the premium on the principal amount of the Bonds payable on redemption thereof (otherwise than a redemption arising through the acquisition of all or substantially all of the property of the company by a municipal corporation or other governmental subdivision or any governmental body; the terms and conditions with respect thereto remaining as stated in the Indenture) shall be increased, as indicated, in the following table:

If redemption date occur within period:	*Present percent*	*Proposed percent*
Jan. 2, 1942–Jan. 1, 1944	5	7
Jan. 2, 1944–Jan. 1, 1949	4	6
Jan 2, 1949–Jan. 1, 1954	3	5
Jan. 2, 1954–Jan. 1, 1959	2	3
Jan. 2, 1959–Jan. 1, 1962	1	2
Jan. 2, 1962–Jan. 1, 1963	½	½
Jan. 2, 1963–Dec. 31, 1963	¼	¼

Said application having been filed on November 28, 1941, and certain amendments having been filed thereto, the last of such amendments having been filed on December 16, 1941, 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 Commission finding with respect to the said application under section 6 (b) of the said Act that the requirements of section 6 (b) have been satisfied;

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 be granted forthwith.

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

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-77; Filed, January 3, 1942; 11:39 a. m.]

[File Nos. 59-17; 59-11; and 54-25]

IN THE MATTERS OF THE UNITED LIGHT AND POWER COMPANY, THE UNITED LIGHT AND RAILWAYS COMPANY, AMERICAN LIGHT & TRACTION COMPANY, CONTINENTAL GAS & ELECTRIC CORPORATION, UNITED AMERICAN COMPANY, AND IOWA-NEBRASKA LIGHT AND POWER COMPANY, RESPONDENTS; THE UNITED LIGHT AND POWER COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS; AND THE UNITED LIGHT AND POWER COMPANY, APPLICANT

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE; APPLICATION NO. 5

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 31st day of December 1941.

The United Light and Power Company, The United Light and Railways Company and Continental Gas & Electric Corporation, registered holding companies, and Muscatine, Davenport and Clinton Bus Company, Iowa-Illinois Gas and Electric Company, United Power Manufacturing Company, Cedar Rapids Gas Company, Fort Dodge Gas and Electric Company, Iowa City Light and

Power Company, Ottumwa Gas Company, Moline-Rock Island Manufacturing Company, Peoples Light Company, Peoples Power Company, Tri-City Railway Company (Illinois) and Tri-City Railway Company (Iowa), all subsidiaries of registered holding companies in The United Light and Power Company holding-company system, having jointly and severally filed applications and declarations, designated as Application No. 5, with the Commission pursuant to the provisions of sections 6, 7, 9, 10, 11 and 12 of the Public Utility Holding Company Act of 1935 and the applicable rules thereunder and Instruction 8C of the Uniform System of Accounts for Public Utility Holding Companies prescribed by the Commission regarding a series of transactions designed to enable The United Light and Power Company to proceed with its liquidation and dissolution as required by the order of the Commission entered March 20, 1941 (Holding Company Act Release No. 2636) and which involve the consolidation of nine of the ten directly owned subsidiaries of The United Light and Power Company with two additional affiliated companies to constitute a single operating public utility company and also a number of collateral transactions, all as are more particularly hereinafter described in paragraphs 1 to 9, inclusive.

Said Application No. 5 having been filed on November 24, 1941 and a public hearing having been held after appropriate notice, and the Commission having considered the record in this matter and having made and filed its Findings and Opinion herein; and

The applicants having consented to the reservation of jurisdiction hereinafter provided for; and The United Light and Power Company having consented to the entry of an order requiring it to dispose of all of its interests in Mason City and Clear Lake Railroad Company within one year from the date of this order; and The United Light and Railways Company having consented to the entry of an order requiring it to dispose of all of its interests in Muscatine, Davenport and Clinton Bus Company within one year from the date of this order; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said applications and to permit said declarations to become effective pursuant to the applicable sections of the Act and the Rules thereunder; and

The Commission finding with respect to said applications and declarations under sections 9 and 10 of said Act that no adverse findings are necessary under section 10 (b) and section 10 (c) (1) of said Act; and

The Commission finding that the transactions and exchanges of securities hereinafter described are necessary to effectuate the provisions of section 11 of the Public Utility Holding Company Act of 1935, 49 Stat. 820, and to comply with the applicable provisions of our Order of March 20, 1941 (Holding Company Act Release No. 2636), and are fair and equitable to the persons affected thereby;

It is hereby ordered, pursuant to the applicable provisions of said Act and the applicable Rules thereunder, subject to the terms and conditions prescribed in Rule U-24, that the applications and declarations covering the following described transactions be and are hereby granted and permitted to become effective, respectively:

1. The issuance by Iowa-Illinois Gas and Electric Company of 80,000 shares of its common stock to, and the acquisition thereof by, The United Light and Railways Company for $13,375,000 in cash.

2. The acquisition by Iowa-Illinois Gas and Electric Company from, and the transfer by, The United Light and Railways Company of all the securities and indebtedness of United Power Manufacturing Company owned by The United Light and Railways Company at December 31, 1941, and the issuance therefor by Iowa-Illinois Gas and Electric Company of 53,250 shares of its common stock to, and the acquisition thereof by, The United Light and Railways Company.

3. The acquisition by Iowa-Illinois Gas and Electric Company from, and the transfer by, The United Light and Power Company of all the securities and indebtedness of Cedar Rapids Gas Company, Fort Dodge Gas and Electric Company, Iowa City Light and Power Company, Ottumwa Gas Company, Moline-Rock Island Manufacturing Company, Peoples Light Company, Peoples Power Company, Tri City Railway Company (Illinois) and Tri City Railway Company (Iowa), owned by The United Light and Power Company at December 31, 1941, for $13,375,000 in cash and the assumption of the First Lien and Consolidated Mortgage Bonds, as set forth in paragraph 4 below.

4. The execution by Iowa-Illinois Gas and Electric Company of a Supplemental Indenture, dated December 31, 1941, supplemental to the First Lien and Consolidated Mortgage of The United Light and Power Company, to evidence, among other things, the assumption by Iowa-Illinois Gas and Electric Company of such mortgage and the due and punctual payment of the principal of and interest on, $10,578,000 principal amount of 6% Bonds, due 1952 (non-callable until 1947) and $6,678,600 principal amount of 5½% Bonds, due 1959, all issued under such mortgage and outstanding in the hands of the public: *Provided, however,* That at December 31, 1941, The United Light and Power Company shall have deposited irrevocably in trust with the Corporate Trustee of such mortgage, (a) an amount of cash sufficient to effect the redemption on February 10, 1942, of $1,256,000 principal amount of such 5½% Bonds, and (b) an amount of cash sufficient to pay all interest accrued to January 1, 1942, on $10,578,000 principal amount of the 6% Bonds and $5,422,000 principal amount of 5½% Bonds; such Supplemental Indenture to specifically subject to the direct lien of the mortgage the physical properties (with certain minor exceptions) to be acquired by Iowa-Illinois Gas and Electric Company as described in paragraph 5 below.

5. The acquisition by Iowa-Illinois Gas and Electric Company on December 31, 1941, of the business, property and assets of United Power Manufacturing Company, Cedar Rapids Gas Company, Fort Dodge Gas and Electric Company, Iowa City Light and Power Company, Ottumwa Gas Company, Moline-Rock Island Manufacturing Company, Peoples Light Company, Peoples Power Company, Tri City Railway Company (Illinois) and Tri-City Railway Company (Iowa), and the assumption of all their liabilities and contractual obligations at December 31, 1941, by Iowa-Illinois Gas and Electric Company; and the transfer on December 31, 1941, by such companies, in complete liquidation, of all their business, property and assets to Iowa-Illinois Gas and Electric Company; and the surrender of all securities and the cancellation of all indebtedness of the such companies and their subsequent dissolution.

6. The transfer by The United Light and Power Company as a contribution to the paid-in surplus of The United Light and Railways Company, and the acquisition by The United Light and Railways Company, of the following described securities:

	Number of shares or principal amount
The United Light and Railways Company:	
Prior preferred stock, cumulative, $100 par value:	
7% first series	[1] 876
6.36% series of 1925	[1] 794
6% series of 1928	[1] 1,318
Total	[1] 2,988
Debentures, 5½% series of 1927, due August 1, 1952	$479,000
Continental Gas & Electric Corporation:	
7% prior preference stock, $100 par value	[1] 1,848
Debentures, 5% series A, due February 1, 1958	$607,500
The United Light and Power Service Company:	
Common Stock, $50 par value	[1] 4,972
Iowa-Illinois Gas and Electric Company:	
Common Stock, $100 par value	[1] 50
Miscellaneous Investments:	
Common Stocks:	
Cedar Rapids Amusement Association	[1] 20
Iowa State Bank and Trust Company	[1] 40
La Porte Hotel Company	[1] 10
Mason City Hotel Company	[1] 100
The Mission Oil Company	[1] 1,087
Trojan Oil and Gas Company	[1] 117
Membership certificate, Press Club of Chicago.	

[1] Shares.

7. The acquisition by Continental Gas & Electric Corporation of $607,500 principal amount of its 5% Debentures, due 1958, for $573,069 in cash from, and the transfer thereof by, The United Light and Railways Company.

8. The issuance by Muscatine, Davenport and Clinton Bus Company of 207 shares of its common stock to, and the acquisition thereof by, The United Light and Railways Company for $20,700; the acquisition by The United Light and Railways Company from the incorporators of Muscatine, Davenport and Clinton Bus Company of 3 shares of the common stock of that company for $300 in cash; the transfer by Tri City Railway Company (Iowa) of the equipment and assets used in the operation of its interurban bus line to, and the acquisition thereof by, Muscatine, Davenport and Clinton Bus Company, for $18,150 in cash and the assumption by the latter company of the liabilities of Tri City Railway Company (Iowa) at December 31, 1941 pertaining to the operation of such interurban bus line: *Provided, however,* That The United Light and Railways Company shall dispose of the common stock of Muscatine, Davenport and Clinton Bus Company within one year from the date of this order.

9. The purchase by The United Light and Power Company of all or any part of the following described series of debentures:

Six Per Cent Debenture Bonds, Series A, due January 1, 1973, issued by The United Light and Railways Company (Maine) and assumed February 20, 1924 by The United Light and Power Company;

Debentures, Series of 1924, 6½%, due May 1, 1974, issued by The United Light and Power Company; and

Debentures, 6% Series of 1925, due November 1, 1975, issued by The United Light and Power Company;

in the open market, by private sale or pursuant to a call for tenders, at the principal amount thereof (exclusive of commissions) plus accrued interest.

It is further ordered, That The United Light and Power Company be and is hereby directed to dispose of all of its interests in Mason City and Clear Lake Railroad Company within one year from the date of this order;

It is further ordered, That Iowa-Illinois Gas and Electric Company and Muscatine, Davenport and Clinton Bus Company be and are hereby made parties to these proceedings to the extent necessary to enable them to join in said Application No. 5 and for the purpose of obtaining authority to consummate the transactions in which they have an interest; and that to the extent necessary for Iowa-Illinois Gas and Electric Company to carry out the transactions hereinabove authorized, Iowa-Illinois Gas and Electric Company is hereby exempted from the applicable sections of the Act and Rules thereunder in so far as such company may temporarily be a holding company.

It is further ordered, That jurisdiction be and is hereby reserved to enter such further orders as may be necessary or appropriate with respect to any of the issues which are undetermined in these proceedings respecting Application No. 5, and particularly for the purpose of considering what action should be taken by Iowa-Illinois Gas and Electric Company to bring about compliance with the requirements of section 11 (b) (1); and for the further purpose of passing on such accounting entries on the books of The United Light and Power Company and The United Light and Railways Company and Iowa-Illinois Gas and Electric Company as may require the approval of the Commission pursuant to Instruction 8C of the Uniform System of Accounts for Public Utility Holding Companies.

The stocks and securities and other properties which are herein ordered to be transferred and received upon the exchanges and transfers hereinabove set forth are specified and itemized in Applicants' Exhibit 5-11, made a part hereof by reference.

By the Commission.

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

[F. R. Doc. 42-78; Filed, January 3, 1942; 11:39 a. m.]

[File No. 70-456]

IN THE MATTER OF GAS SERVICE COMPANY AND CITIES SERVICE COMPANY

ORDER PERMITTING WITHDRAWAL

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 31st day of December, A. D. 1941

Gas Service Company and Cities Service Company having filed a declaration and application regarding the issuance by Gas Service Company of a Common Stock dividend in the form of no par Common Stock in the stated amount of $750,000 to be delivered to Cities Service Company; and

The declarants and applicants having requested that the Commission permit the declaration and application to be withdrawn;

It is so ordered.

By the Commission.

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

[F. R. Doc. 42-79; Filed, January 3, 1942; 11:39 a. m.]

[File No. 31-497]

IN THE MATTER OF THE NATIONAL CITY BANK OF NEW YORK

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION UNDER PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 PURSUANT TO REQUEST OF APPLICANT

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

Upon the request of the applicant, The National City Bank of New York, the Commission consents to the withdrawal of the application for exemption filed pursuant to Section 3 (a) (3) and (4) of the Public Utility Holding Company Act of 1935 by said applicant, and to that effect

It is so ordered.

By the Commission.

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

[F. R. Doc. 42-80; Filed, January 3, 1942; 11:39 a. m.]

[File No. 70-474]

IN THE MATTER OF CONSOLIDATED ELECTRIC AND GAS COMPANY, HOOSIER PUBLIC UTILITY COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of January, 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 January 17, 1942 at 1:15 p. m., E. S. 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, Washington, D. C.

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:

Consolidated Electric and Gas Company, a registered holding company, proposes to sell to Public Service Company of Indiana, Inc. all of the issued and outstanding securities of Hoosier Public Utility Company consisting of 17,270 shares of Common Stock, no par value; a 6% 10-year note dated July 1, 1935 and due July 1, 1945 in the principal amount of $318,750; and $150,000 principal amount of First Mortgage 5% Sinking Fund Bonds due December 1, 1954 for a consideration of $1,100,000 plus accrued interest on the Bonds and Note aforesaid and plus an amount equal to net earnings applicable to the Common Stock aforesaid for the period from January 1, 1941 to the date of closing after deducting dividends paid during the said period. The proceeds will be used

by Consolidated Electric and Gas Company to acquire and retire Central Gas and Electric Company Collateral Trust Bonds, 5½% and 6% Series, due 1946 (assumed by Consolidated Electric and Gas Company).

By the Commission.

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

[F. R. Doc. 42-116; Filed, January 5, 1942; 11:43 a. m.]

[File No. 70-355]

IN THE MATTER OF NORTHERN INDIANA PUBLIC SERVICE COMPANY; GARY ELECTRIC AND GAS COMPANY; GARY HEAT, LIGHT & WATER COMPANY; AND CLARENCE A. SOUTHERLAND, AND JAY SAMUEL HARTT, TRUSTEES OF THE ESTATE OF MIDLAND UTILITIES COMPANY

SUPPLEMENTAL ORDER

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

Northern Indiana Service Company (hereinafter referred to as "Northern"), Gary Electric and Gas Company (hereinafter referred to as "Gary Electric"), Gary Heat, Light & Water Company (hereinafter referred to as "Gary Heat") and Clarence A. Southerland and Jay Samuel Hartt, Trustees of the Estate of Midland Utilities Company (hereinafter referred to as "Utilities") having filed declarations and applications pursuant to sections 6 (b), 7, 10 and 12 of the Public Utility Holding Company Act of 1935 with respect to the sale by Gary Electric of the common stock of Gary Heat to Northern; and

Gary Electric having filed declarations: (1) Pursuant to section 12 (c) of the Act and Rule U-42 adopted thereunder with respect to the acquisition of its common stock as a step in its liquidation; (2) Pursuant to sections 12 (c), 12 (d) and 12 (f) of the Act and Rules U-43, U-44 and U-46 with respect to the distribution in liquidation of the common stock of Northern, received in part payment for the Gary Heat common stock, to Gary Electric stockholders, including Utilities; and (3) Pursuant to sections 6 (a) (2) and 7 of the Act with respect to reducing its capital from $5,000,000 to $2,000,000; and

Utilities having filed an application pursuant to sections 9 (a) and 10 of the Act with respect to the acquisition by it of common stock of Northern as a liquidating dividend on the dissolution of Gary Electric; and

The Commission by its order of November 25, 1941 having granted and permitted to become effective the various applications and declarations pursuant to sections 6 (b), 7, 10 and 12 of the Act with respect to the sale by Gary Electric to Northern of the stock of Gary Heat; and

The Commission in its said order of November 25, 1941, having reserved jurisdiction as to Gary Electric's declarations pursuant to sections 12 (c), 12 (d) and 12 (f) of the Act and Rules U-42, U-43, U-44 and U-46 and having reserved jurisdiction as to Utilities' application pursuant to sections 9 (a) and 10 of the Act because no definitive plan for the dissolution and liquidation of Gary Electric had been filed; and

The parties having since filed a definitive plan for the dissolution and liquidation of Gary Electric; and

The Commission having considered the record in this matter and having found that the said declarations of Gary Electric should be treated as a plan filed under sections 11 (e) and 11 (g) of the Act, and having made and filed a supplemental Findings and Opinion herein;

It is ordered, That jurisdiction is hereby released as to the said declarations of Gary Electric and the said application of Utilities; that the said declarations of Gary Electric be, and they hereby are, declared effective forthwith; that the said application of Utilities be, and it hereby is, granted; and that the plan of dissolution of Gary Electric is approved, all subject to the conditions contained in our Order herein of November 25, 1941, and subject to the further condition that Gary Electric, in lieu of a report by the Commission pursuant to section 11 (g), shall accompany its invitation for tenders of its publicly held common stock with a copy of our Findings and Opinion attached to our Order of November 25, 1941, and a copy of this supplemental Findings and Opinion.

By the Commission.

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

[F. R. Doc. 42-117; Filed, January 5, 1942; 11:43 a. m.]

[File No. 70-418]

IN THE MATTER OF KENTUCKY UTILITIES COMPANY; KENTUCKY POWER & LIGHT COMPANY; THE MIDDLE WEST CORPORATION; AND UNITED PUBLIC SERVICE CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of January, A. D. 1942.

The Commission having heretofore on December 30, 1941, issued its Findings, Opinion and Order in the above matter approving, among other things, the sale by United Public Service Corporation of the securities of Kentucky Power & Light Company for cash in the amount of $1,200,000; and

United Public Service Corporation having filed an amendment requesting an order of the Commission which will (a) permit payment by United Public Service Corporation to its stockholders, according to their respective rights, of a liquidating dividend in the aggregate amount of $1,200,000 and (b) permit the reduction of the par value of its outstanding stock from $1 to 25¢ per share and the reduction of the capital stock and also the capital of the corporation to $76,498.50; and

The Commission, in its order of December 30, 1941, having provided that United Public Service Corporation should make no distribution to its stockholders except upon further order of the Commission;

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said proposed distribution to stockholders and reduction of capital, and that said proposed distribution to stockholders and reduction of capital shall not be effected except pursuant to further order of the Commission, and that at said hearing there be considered, among other things, the various matters hereinafter set forth:

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the Rules of the Commission thereunder be held on January 16, 1942, at 10 o'clock A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why the declarations as filed shall become effective;

It is further ordered, That James G. Ewell, or any other officer or officers of the Commission designated by it for that purpose, shall preside in the hearing in such matter. The officer so designated to preside at such hearing is hereby 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 issues presented by said applications and declarations as filed or as amended, particular attention will be directed at said hearing to the following matters and questions:

1. Whether it is necessary or appropriate in the public interest or for the protection of investors or consumers or to prevent the circumvention of the provisions of the Public Utility Holding Company Act of 1935 or any rules, regulations or orders thereunder, to impose any conditions regarding the participation of any stockholders, including The Middle West Corporation in the liquidation of United Public Service Corporation.

2. The facts and circumstances concerning the ownership of the common stock of United Public Service Corporation by The Middle West Corporation.

3. The facts and circumstances concerning the joint operation of Kentucky Utilities Company and Kentucky Power & Light Company, including all facts in respect of the sale of power by Kentucky Utilities Company to Kentucky Power & Light Company.

4. Whether the accounting entries to be made in connection with any or all of such proposed transactions comply with the requirements of the Public Utility Holding Company Act of 1935 and all rules and regulations promulgated thereunder.

5. Whether the terms and conditions of any or all of the proposed transactions are detrimental to the public in-

terest or the interest of investors or consumers.

6. Whether terms and conditions are necessary to be imposed to insure compliance with the requirements of the Public Utility Holding Company Act of 1935 or any rules, regulations or orders promulgated thereunder.

7. Whether all actions proposed to be taken comply with the requirements of such Act and rules, regulations or orders promulgated thereunder.

Notice of such hearing is hereby given to such declarants or applicants and The Middle West Corporation and to any other person whose participation in such proceeding may be in the public interest and for the protection of investors and consumers, and it is particularly given to the stockholders of United Public Service Corporation.

It is further ordered, That such notice shall be given further by general release of the Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935. Further notice shall be given to all persons by publication in the FEDERAL REGISTER, not later than ten days prior to the date hereinbefore fixed for the hearing, of a copy of this Notice of and Order for Hearing.

It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect to the Commission on or before the twelfth day of January, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-118; Filed, January 5, 1942; 11:56 a. m.]