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The President

**THIRD REGISTRATION DAY
BY THE PRESIDENT OF THE UNITED STATES
A PROCLAMATION**

WHEREAS the Selective Training and Service Act of 1940, approved September 16, 1940 (54 Stat. 885), declares that it is imperative to increase and train the personnel of the armed forces of the United States and that in a free society the obligation and privileges of military training and service should be shared generally in accordance with a fair and just system of selective compulsory military training and service;

WHEREAS the Act amending the said Selective Training and Service Act of 1940, approved December 20, 1941 (Public Law 360, 77th Cong.), provides for the extension of liability for military service and for the registration of the man power of the Nation;

WHEREAS the said Act, as amended, contains, in part, the following provisions:

SEC. 2. Except as otherwise provided in this Act, it shall be the duty of every male citizen of the United States, and of every other male person residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of eighteen and sixty-five, to present himself for and submit to registration at such time or times and place or places, and in such manner and in such age group or groups, as shall be determined by rules and regulations prescribed hereunder.

SEC. 5. (a) Commissioned officers, warrant officers, pay clerks, and enlisted men of the Regular Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, the Public Health Service, the federally recognized active National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Enlisted Reserve Corps, the Naval Reserve, and the Marine Corps Reserve; cadets, United States Military Academy; midshipmen, United States Naval Academy; cadets, United States Coast Guard Academy; men who have been accepted for admittance (commencing with the academic year next succeeding such acceptance) to the United States Military Academy as cadets, to the

United States Naval Academy as midshipmen, or to the United States Coast Guard Academy as cadets, but only during the continuance of such acceptance; cadets of the advanced course, senior division, Reserve Officers' Training Corps or Naval Reserve Officers' Training Corps; and diplomatic representatives, technical attaches of foreign embassies and legations, consuls general, consuls, vice consuls, and consular agents of foreign countries, and persons in other categories to be specified by the President, residing in the United States, who are not citizens of the United States, and who have not declared their intention to become citizens of the United States, shall not be required to be registered under section 2 and shall be relieved from liability for training and service under section 3 (b).

SEC. 10. (a) The President is authorized—
(1) to prescribe the necessary rules and regulations to carry out the provisions of this Act;

(4) to utilize the services of any or all departments and any and all officers or agents of the United States and to accept the services of all officers and agents of the several States, Territories, and the District of Columbia and subdivisions thereof in the execution of this Act;

SEC. 14. (a) Every person shall be deemed to have notice of the requirements of this Act upon publication by the President of a proclamation or other public notice fixing a time for any registration under section 2.

WHEREAS section 208 of the Coast Guard Auxiliary and Reserve Act of 1941, approved February 19, 1941 (Public Law 8, 77th Cong.), provides, in part, as follows:

Members of the (Coast Guard) Reserve, other than temporary members as provided for in section 207 hereof, shall receive the same exemption from registration and liability for training and service as members of the Naval Reserve * * *;

WHEREAS the first registration under the Selective Training and Service Act of 1940 took place in the continental United States October 16, 1940, in the Territory of Hawaii on October 26, 1940, in Puerto Rico on November 20, 1940, and in the Territory of Alaska on January 22, 1941, pursuant to proclamations issued by me

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on September 16, 1940,¹ October 1, 1940,² October 8, 1940,³ and November 12, 1940,⁴ respectively:

WHEREAS the second registration under the Selective Training and Service Act of 1940 took place in the United States, the Territories of Alaska and Hawaii, and in Puerto Rico on July 1, 1941, pursuant to proclamation issued by me on May 26, 1941;⁵

WHEREAS a state of war now exists between the United States of America and the Empire of Japan, Germany, and Italy; and

WHEREAS this and other registrations under the Selective Training and Service Act of 1940 and the amendments thereto will be required to insure victory, final and complete, over the enemies of the United States:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the Selective Training and Service Act of 1940, as amended, do proclaim the following:

¹ 5 F.R. 3699.
² 5 F.R. 3897.
³ 5 F.R. 4061.
⁴ 5 F.R. 4477.
⁵ 6 F.R. 2599.

1. Pursuant to the Selective Training and Service Act of 1940, as amended, the registration of male citizens of the United States and other male persons who were born on or after February 17, 1897, and on or before December 31, 1921, shall take place in the United States and the Territories of Alaska and Hawaii, and in Puerto Rico on Monday, the 16th day of February, 1942, between the hours of 7:00 a. m. and 9:00 p. m.

2. (a) Every male citizen of the United States, and every other male person residing in the continental United States or in the Territory of Alaska or in the Territory of Hawaii or in Puerto Rico, other than persons excepted by Section 5 (a) of the Selective Training and Service Act of 1940, as amended, and by Section 208 of the Coast Guard Auxiliary and Reserve Act of 1941, is required to and shall on February 16, 1942, present himself for and submit to registration before a duly designated registration official or selective service local board having jurisdiction in the area in which he has his permanent home or in which he may happen to be on that day if such male citizen or other male person on December 31, 1941, has attained the twentieth anniversary of the day of his birth and on February 16, 1942, has not attained the forty-fifth anniversary of the day of his birth, and has not heretofore been registered under the Selective Training and Service Act of 1940 and the regulations thereunder: Provided, That the duty of any person to present himself for and submit to registration in accordance with any previous proclamation issued under said Act shall not be affected by this proclamation.

(b) A person subject to registration may be registered before the day set herein for his registration if arrangements therefor are made by the local board under rules and regulations prescribed by the Director of Selective Service. Whenever such arrangements are made, public notice thereof will be given by the local board.

(c) A person subject to registration may be registered after the day fixed for his registration in case he is prevented from registering on that day by circumstances beyond his control or because he is not present in continental United States or the Territory of Alaska or the Territory of Hawaii, or Puerto Rico on that day. If he is not in the continental United States or the Territory of Alaska or the Territory of Hawaii, or Puerto Rico on the day fixed for his registration but subsequently enters any of such places, he shall as soon as possible after such entrance present himself for and submit to registration before a duly designated registration official or selective service local board. If he is in the continental United States or in the Territory of Alaska or the Territory of Hawaii, or Puerto Rico on the day fixed for his registration but because of circumstances beyond his control is unable to present himself for and submit to registration on that day, he shall do so as soon as possible after the cause for such inability ceases to exist.

3. The registration under this proclamation shall be in accordance with the Selective Service Regulations governing registration. Every person subject to registration is required to familiarize himself with such regulations and to comply therewith.

4. I call upon the Governor of each of the several States and the Territories of Alaska and Hawaii, and of Puerto Rico, and the Board of Commissioners of the District of Columbia, and all officers and agents of the United States and all officers and agents of the several States, Territories, Puerto Rico, and the District of Columbia, and political subdivisions thereof, and all local boards and agents thereof appointed under the provisions of the Selective Training and Service Act of 1940, as amended, or the Selective Service Regulations prescribed thereunder, to do and perform all acts and services necessary to accomplish effective and complete registration.

5. In order that there may be full cooperation in carrying into effect the purposes of the Selective Training and Service Act of 1940, as amended, I urge all employers and Government agencies of all kinds—Federal, State, territorial, and local—to give those under their charge sufficient time in which to fulfill the obligations of registration incumbent upon them under the said Act and this proclamation.

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

DONE at the City of Washington this 5th day of January, in the year of our Lord nineteen hundred and [SEAL] forty-two and of the Independence of the United States the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2535]

[F. R. Doc. 42-186; Filed, January 8, 1942; 10:51 a. m.]

EXECUTIVE ORDER

WITHDRAWING PUBLIC LAND FOR USE OF THE WAR DEPARTMENT

WASHINGTON

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

WILLAMETTE MERIDIAN

T. 21 N., R. 26 E., Sec. 14, SW $\frac{1}{4}$;
containing 160 acres.

This order shall take precedence over, but shall not rescind or revoke, Executive Order No. 6964 of February 5, 1935, as amended, so far as such order affects the above-described land.

Whenever it shall be found that the above-described land is not needed for the purpose for which it is reserved, it

shall be returned, by appropriate order, to the administration of the Department of the Interior.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 6, 1942.

[No. 9014]

[F. R. Doc. 42-179; Filed, January 7, 1942; 3:40 p. m.]

Rules, Regulations, Orders

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS¹

§ 81.34 Applicability of basic law.

(f) *Purchases in the Atlantic bases.* The basic law ("Buy American" act) is not applicable to purchases made in the Atlantic bases located on land leased to the United States pursuant to the London agreement dated March 27, 1941. (R.S. 161; 5 U.S.C. 22) [Par. 2b (6) AR 5-340, Aug. 10, 1936, as added by Proc. Cir. 92, Dec. 30, 1941]

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

[F. R. Doc. 42-181; Filed, January 7, 1942; 3:50 p. 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 FORM USS FOR ANNUAL SUPPLEMENT TO REGISTRATION STATEMENT FILED UNDER THE ACT

Acting pursuant to the Public Utility Holding Company Act of 1935, particularly sections 14 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 U5S designated by the caption "Adopted December 31, 1941,"² and rescinds Form U5S 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 Form U5S shall read 12-31-41 instead of 12-28-40.

Effective January 7, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-178; Filed, January 7, 1942; 3:26 p. m.]

¹ § 81.34 (f) is added.

² Filed with the original document.

TITLE 24—HOUSING CREDIT

CHAPTER II—FEDERAL SAVINGS AND LOAN SYSTEM

[Resolution, Jan. 5, 1942]

PART 204—MERGER, REORGANIZATION, DISSOLUTION, AND LIQUIDATION

AMENDING § 204.13 (C) RELATING TO FORMS AND REPORTS

Be it resolved, That the first two sentences of paragraph (c) of § 204.13 of the Rules and Regulations for the Federal Savings and Loan System are hereby amended, effective January 7, 1942, to read as follows:

§ 204.13 *Inventories, examinations and reports.*

(c) *Forms and reports.* The receiver may, from time to time, prescribe the accounting practices to be followed. The receiver shall close its books as of June 30 of each year, and shall make an annual report of its affairs as of June 30 of each year to the Board on forms prescribed by the Board or the receiver, and such other reports as may be from time to time required by the Board or the receiver and shall accompany each recommendation for the declaration and payment of a liquidating dividend with a report showing the available assets.

Be it further resolved, That this amendment is deemed to be of a procedural character within the provisions of paragraph (c) of § 201.2 of the Rules and Regulations for the Federal Savings and Loan System.

(Sec. 5 (a), (d), of H. O. L. C. of 1933, 48 Stat. 132, 133, sec. 406 (d) of N.H.A., 48 Stat. 1260, as amended by sec. 26, 49 Stat. 299; 12 U.S.C. 1464 (a), (d), 12 U.S.C. and Sup. 1729 (b))

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 42-175; Filed, January 7, 1942; 1:15 p. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

SUBCHAPTER C—MISCELLANEOUS EXCISE TAXES

[T. D. 5106]

PART 191—IMPORTATION OF DISTILLED SPIRITS AND WINES

Amending Regulations 21¹

1. Sections 533 and 534 of the Revenue Act of 1941 (Public Law 250—77th Congress), approved September 20, 1941, provide in part as follows:

SEC. 533. DISTILLED SPIRITS.

(a) *Rate on Distilled Spirits.* Section 2800 (a) (1) of the Internal Revenue Code is amended by striking out "at the rate of \$2.25 (and on brandy at the rate of \$2)" and by inserting in lieu thereof "at the rate of \$4", and by striking out "(except brandy)".

(b) *Rate on Imported Perfumes Containing Alcohol.* Section 2800 (a) (3) of the Internal Revenue Code is amended by striking out "\$2.25" and inserting in lieu thereof "\$4".

¹ 5 F.R. 4123.

SEC. 534. WINES.

(a) *Rate on Still Wines.* Section 3030 (a) (1) (A) of the Internal Revenue Code is amended by striking out "5 cents" and inserting in lieu thereof "8 cents"; by striking out "15 cents" and inserting in lieu thereof "30 cents"; and by striking out "25 cents" and inserting in lieu thereof "65 cents".

(b) *Rate on Sparkling Wines, Liqueurs, Cordials, Etc.* Section 3030 (a) (2) of the Internal Revenue Code is amended by striking out "2½ cents" and inserting in lieu thereof "7 cents"; and by striking out "1¼ cents" and inserting in lieu thereof "3½ cents".

2. Pursuant to the foregoing provisions of law and sections 2803, 2871, and 3176 of the Internal Revenue Code, § 191.10 of Regulations 21 (Title 26, part 191, Code of Federal Regulations, 1940 Sup.) is hereby revoked, and §§ 191.3 (k), 191.5, 191.6, 191.7, 191.8, 191.9, 191.28, 191.35 (b), and 191.55 of such regulations are hereby amended to read as follows:

§ 191.3 *Definitions.*

(k) "Wine" shall mean (1) still wine, including vermouth, artificial or imitation wines or compounds sold as still wine, champagne or sparkling wine, and artificially carbonated wine, and (2) flavored or sweetened fortified or unfortified wines, by whatever name sold or offered for sale, containing not over 24 per centum of alcohol by volume.

§ 191.5 *Distilled spirits.* Distilled spirits in customs bonded warehouse or imported into the United States are subject to an internal revenue tax, when withdrawn, at the rate of \$4 per proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon. (Secs. 2800 as amended, 3176, I.R.C.)

§ 191.6 *Perfumes containing distilled spirits.* Imported perfumes containing distilled spirits are subject to an internal revenue tax, when withdrawn, at the rate of \$4 per wine gallon and a proportionate tax at a like rate on all fractional parts of such wine gallon (Secs. 2800 as amended, 3176, I.R.C.).

§ 191.7 *Wines—(a) Still wines.* All still wines, including vermouth, and all artificial or imitation wines or compounds sold as still wine, in customs bonded warehouse or imported into the United States are subject to an internal revenue tax, when withdrawn from customs custody, as follows:

On wines containing not more than 14 per centum of absolute alcohol, 8 cents per wine gallon, the per centum of alcohol under this section to be reckoned by volume and not by weight;

On wines containing more than 14 per centum and not exceeding 21 per centum of absolute alcohol, 30 cents per wine gallon;

On wines containing more than 21 per centum and not exceeding 24 per centum of absolute alcohol, 65 cents per wine gallon;

All such wines containing more than 24 per centum of absolute alcohol by volume shall be classed as distilled spirits and shall be taxed accordingly.

(b) *Sparkling wines.* All sparkling wines and artificially carbonated wines in customs bonded warehouse or imported into the United States are subject to an internal revenue tax, when withdrawn from customs custody, as follows:

On each bottle or other container of champagne or sparkling wine, 7 cents on each one-half pint or fraction thereof;

On each bottle or other container of artificially carbonated wine, 3½ cents on each one-half pint or fraction thereof.

(c) *Wines containing over 24 per centum of alcohol.* Champagne and other sparkling wines, still wines, artificially carbonated wines, and vermouth, if containing over 24 per centum of alcohol by volume, in customs bonded warehouse or imported into the United States are subject to an internal revenue tax, when withdrawn, at the rate of \$4 per proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon (Secs. 2800 as amended, 3030 as amended, 3176, I.R.C.).

§ 191.8 *Liqueurs, cordials, and similar compounds.* Liqueurs, cordials, and similar compounds in customs bonded warehouse or imported into the United States are subject to an internal revenue tax, when withdrawn, at the rate of \$4 per proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon: *Provided*, That such products containing not over 24 per centum of alcohol by volume made with distilled spirits of any kind and wine fortified with brandy made from the same fruit as the wine are subject to an internal revenue tax, on each bottle or other container, at the rate of 3½ cents on each one-half pint or fraction thereof. Fortified or unfortified wines containing not over 24 per centum of alcohol by volume to which sweetening or flavoring materials have been added are not classified as liqueurs, cordials, or similar compounds, but are considered to be flavored wines only and are subject to internal revenue tax at the rates applicable to wines (Secs. 2800 as amended, 3030 as amended, 3176, I.R.C.).

§ 191.9 *Rate of tax on compounds and preparations.* Compounds and preparations containing distilled spirits, which are fit for beverage purposes, in customs bonded warehouse or imported into the United States are subject to internal revenue tax at the rate of \$4 per proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon (Secs. 2800 as amended, 3030 as amended, 3176, I.R.C.).

§ 191.28 *Exemption from stamping, marking, bottling, and labeling requirements.* The provisions of these regulations relating to the affixing of red strip stamps, the indicia requirements of containers prescribed by Regulations 13 (26 CFR, Part 175), and the labeling of containers as prescribed by regulations promulgated under the Federal Alcohol Administration Act (27 CFR, Part 5) are not applicable to imported distilled

spirits (a) not for sale or for any other commercial purpose whatever; (b) for use as ship stores; or (c) for personal use. Samples of distilled spirits imported for any purpose are not exempt from the stamping, marking, bottling, and labeling requirements. Exemptions from the requirement that imported distilled spirits and wines be marked to indicate the country of origin are set forth in customs regulations (19 CFR, 9.10) (secs. 2803, 2871, 3176, I.R.C.).

§ 191.35 (b) *Diversion of spirits to other than specified port.* In the event of diversion of all or part of the spirits to a port or ports other than the port specified in Form 1627 filed with the Form 428, the importer shall submit a supplemental statement in duplicate on Form 1627A, "Application for Diversion of Red Strip Stamps for Imported Distilled Spirits," for each such port. He shall submit them to the collector of customs who approved the Form 428, who will retain the copy and transmit the original to the collector of customs at the designated port. Where a warehouse or consumption entry is filed at a specified port other than the port where the requisition was approved, the collector of customs of the port at which the warehouse or consumption entry is filed will promptly notify, on Form 1627A, the collector of customs who approved the Form 428 of the number and denomination of stamps shown by the usual customs examination to have been attached to the containers. The collector of customs who approved the requisition will credit the Form 428 accordingly. He will stamp on the copy of Form 1627A "Strip stamps credited", and send the copy to the importer who filed the application. Such importer may then take credit for the stamps on Form 96. Such diverted spirits may not be released from customs custody until Form 1627A has been received at the port of diversion or the Collector of Customs who approved Form 428 has authorized such release (Secs. 2803, 3176, I.R.C.).

§ 191.55 *Monthly report, Parts II and III, Form 96.* At the close of the month, importers shall prepare Parts II and III of Form 96, in triplicate, reporting on Part II the red strip stamps purchased and used during the month, and on Part III the stamps shipped abroad to importers' agents. Two copies shall be forwarded, on or before the 10th day of the succeeding month, to the District Supervisor, Alcohol Tax Unit, in charge of the district in which the business of the importer is conducted. One copy shall be retained in bound form with the importer's copies of Part I, Form 96, for the same month, available for inspection by Government officers (Secs. 2803, 3176, I.R.C.).

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.
W. R. JOHNSON,
Commissioner of Customs.

Approved January 7, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-180; Filed, January 7, 1942;
3:48 p. m.]

TITLE 30—MINERAL RESOURCES
CHAPTER III—BITUMINOUS COAL
DIVISION

[Docket No. A-1149].

PART 321—MINIMUM PRICE SCHEDULE
DISTRICT NO. 1

ORDER AMENDING 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 PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

An Order Granting Temporary Relief and Conditionally Providing for Final Relief having been issued in the above-entitled matter on November 17, 1941, 6 F.R. 6534; and

It appearing that by error the charge in shipping points in the said Order does not conform to the relief requested in the original petition in the above-entitled matter, and that it should be corrected so to conform; and

It appearing that by typographical error in the note in § 321.7 (*Alphabetical list of code members*) in the Schedule marked "Supplement R," annexed thereto and thereby made a part of the said Order, the erroneous reference to Mine Index No. 3138 should be corrected to refer to Mine Index No. 3188;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, the temporary relief heretofore granted be, and it hereby is, amended as follows: Commencing forthwith, the price classifications and minimum prices effective for the coals of the Fairview Mine, Mine Index No. 1047, of Barron & Jones, for rail shipments, shall be applicable only for shipments on Baltimore & Ohio Railroad from Stoyestown, Pennsylvania, and shall no longer be applicable for shipments on Baltimore & Ohio Railroad from Coleman Station, Pennsylvania. All allowances or adjustments required or permitted mines in Freight Origin Group No. 100 shall be applicable to all shipments of the coals of the Fairview Mine, Mine Index No. 1047, of Barron & Jones, from Stoyestown, Pennsylvania.

It is further ordered, That the note in § 321.7 (*Alphabetical list of code members*) in the Schedule marked "Supplement R," annexed to and made a part of the said Order, be, and it hereby is, amended, effective forthwith, as follows:

If coals of the following groups: Mine Index Nos. 3163 and 3164; 3194 and 3195; and 1972 and 3188 are loaded into the same car, the price that shall apply to such mixture shall be the price which is listed for the coal in the mixture which has the higher price classification.

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 the Acting Director shall otherwise order; and

It is further ordered, That, except as to the change in shipping points of the said Fairview Mine, Mine Index No. 1047, and to the loading of the coals of Mine Index Nos. 1972 and 3188 into the same car, the said Order of November 17, 1941, Granting Temporary Relief and Conditionally Providing for Final Relief in the above-entitled matter, be, and it hereby is, continued in full force and effect unless it shall otherwise be ordered.

Dated: January 6, 1942.

[SEAL] DAN H. WHEELER,
 Acting Director.

[F. R. Doc. 42-202; Filed, January 8, 1942; 11:01 a. m.]

[Docket No. A-843]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER AMENDING PREVIOUS ORDER OF CONSOLIDATION AND GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF SO AS TO CORRECT MINE INDEX NUMBER AND SEAM DESIGNATION OF THE B & H MINE OF BIVIN AND HOLLMAN 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 RAIL SHIPMENT

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

Temporary and conditionally final relief having been granted on September 5, 1941, 6 F.R. 4995, in an Order of Consolidation and Order Granting Temporary Relief and Conditionally Providing for Final Relief, as provided in the Schedule in Supplement R, § 329.5 (*Alphabetical list of code members*), annexed to the foregoing order and made a part thereof; and

Reference having been made to the Mine Index of B & H Mine of Bivin and Hollman (C. W. Bivin) as No. 373 and the Seam as No. 11; and

It appearing that at the time of the issuance of the foregoing order Mine In-

dex No. 373 had already been assigned to another mine;

It further appearing that the B & H Mine is located in Seam No. 9 instead of Seam No. 11;

Now, therefore, it is ordered, That the Order of Consolidation and Order Granting Temporary Relief and Conditionally Providing for Final Relief in Docket No. A-843 is amended to revise the Mine Index of the B & H Mine to Mine Index No. 967, instead of No. 373, and to show the Seam designation for this mine as No. 9, instead of No. 11.

Dated: January 6, 1942.

[SEAL] DAN H. WHEELER,
 Acting Director.

[F. R. Doc. 42-203; Filed, January 8, 1942; 11:02 a. m.]

[Docket No. A-1225]

PART 336—MINIMUM PRICE SCHEDULE, DISTRICT NO. 16

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 16 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE BUSY BEE MINE NO. 2 (MINE INDEX NO. 151) IN DISTRICT NO. 16

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 the Busy Bee Mine No. 2 (Mine Index No. 151) in District No. 16; 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 § 336.21 (*General prices*) in the Schedule of Effective Minimum Prices for District No. 16 for all shipments is amended to include, for the coals in their respective size groups, for shipment by truck, produced at the Busy Bee Mine No. 2 (Mine Index No. 151) of Code Members Frank Ausec and Ben Cimino located in El Paso County, Colorado, in Subdistrict 9 in District No. 16, the following effective minimum prices f. o. b. the mine in cents per net ton:

Size groups.....	1	2	3	4	5	6	7	8	9	10	11	12	13
Prices.....	455	405	405	430	405	385	350	340	285	215	205	185	345

No price classifications or minimum prices are established herein for the coals of Mine Index No. 151 for rail shipments, since both the original petition herein and the records of this Division indicate that the coals of that mine are shipped only via 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, pur-

suant 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: January 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-201; Filed, January 8, 1942;
11:01 a. m.]

TITLE 32—NATIONAL DEFENSE
CHAPTER VI—SELECTIVE SERVICE
SYSTEM

[No. 41]

ORDER PRESCRIBING FORMS

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

Revision of DSS Form 151, entitled "Delivery List," effective immediately upon the filing hereof with the Division of the Federal Register.¹ Upon receipt of the revised DSS Form 151, the use of the original DSS Form 151 will be discontinued and all unused copies thereof will be destroyed.

*The foregoing revision and discontinuance shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of Appendix A to Volume One,² Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

DECEMBER 16, 1941.

[F. R. Doc. 42-176; Filed, January 7, 1942;
2:02 p. m.]

CHAPTER IX—OFFICE OF PRODUCTION
MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 1034—TUNG OIL

General Preference Order M-57 to Conserve the Supply and Direct the Distribution of Tung Oil

The national defense requirements having created a shortage of tung oil for defense, for private account, and for export, and it being necessary in the interest of defense and in the public interest to allocate the supply of tung oil in the manner and to the extent herein after in this Order provided;

Now, therefore, it is hereby ordered, That:

§ 1034.1 *General Preference Order M-57—(a) Applicability of Priorities*

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

Regulation No. 1. All of the provisions and definitions of Priorities Regulation No. 1, issued by the Director of Priorities on August 27, 1941, are hereby included in this Order to the extent that they are not inconsistent herewith.

(b) *Additional definitions.* For the purposes of this Order:

(1) "Tung Oil" shall mean that oil pressed from the Tung Nut, native of China, frequently referred to as China Wood Oil, whether raw, filtered, or refined, and whether produced or pressed from nuts grown in this country or abroad.

(2) "Dealer" shall mean any person selling tung oil.

(c) *Restrictions on use and deliveries of tung oil.* Notwithstanding anything contained in Priorities Regulation No. 1 to the contrary, after the effective date of this Order no dealer shall sell or deliver and no person shall buy or accept delivery of tung oil, and no person shall hereafter use or process any tung oil, except upon the following categories of orders:

(1) Defense orders having preference ratings of A-2 or better.

(2) Orders placed by Defense Supplies Corporation.

(3) Orders for the manufacture of can linings for cans to contain food products for human consumption.

(4) Orders for the manufacture of outside can coatings where wood oil is essential to withstand normal food processing.

(5) Orders for uses to comply with Underwriters' Regulations, Health, Sanitary or Safety Regulations or laws issued by Governmental authority: *Provided*, The pertinent provisions of such laws or regulations were in effect both on December 1, 1941, and on the date of such use and specifically require the use of tung oil or a product required specifically to be made from tung oil.

(d) *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 tung oil 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-57, 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.

(e) *Reports and correspondence.* All reports to be filed, appeals and other communications concerning this Order, should be addressed to the Office of Production Management, Washington, D. C., Reference M-57.

(f) *Effective date.* This Order shall take effect immediately, and shall expire February 15, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941; 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No.

671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 8th day of January 1942.

J. S. KNOWLSON,
Deputy Director of Priorities.

[F. R. Doc. 42-222; Filed, January 8, 1942;
11:48 a. m.]

PART 1054—LEAD AND TIN SCRAP

General Preference Order No. M-72 to Conserve the Supply and Direct the Distribution of Lead and Tin Scrap and Scrap Containing Alloys Thereof

Whereas the national defense requirements have created a shortage of lead and tin, as defined in General Preference Orders M-38¹ and M-43,² respectively, heretofore issued by the Director of Priorities, for defense, for private account, and for export, and it is necessary in the public interest and to promote the defense of the United States to conserve the supply and direct the distribution of scrap material of which lead or tin or scrap containing alloys thereof are ingredients.

Now, therefore, it is hereby ordered, That:

§ 1054.1 *General Preference Order M-72—(a) Definitions.* For the purposes of this Order:

(1) "Scrap" means all materials or objects which are the waste or by-product of industrial fabrication, or which have been discarded on account of obsolescence, failure, or other reason and which contain lead or tin or alloys containing lead or tin in a form making such scrap suitable for industrial use.

(2) "Producer" means any person who generates scrap in the conduct of any industrial enterprise.

(3) "Scrap dealer" means any person regularly engaged in the business of buying and selling scrap.

(4) "Consumer" means any person who melts or otherwise processes scrap.

(b) *Priorities Regulation No. 1 incorporated.* All of the provisions and definitions of Priorities Regulation No. 1,³ issued by the Director of Priorities on August 27, 1941 (Part 944) as amended from time to time, are hereby included as a part of this order with the same effect as if specifically set forth herein, except as otherwise specifically provided herein.

(c) *Limitation on delivery of scrap.* No scrap dealer shall hereafter accept delivery of scrap unless:

(1) Such scrap dealer shall, during the preceding 60 days, have sold or otherwise disposed of scrap to an amount at least equal in weight to the scrap inventory of such scrap dealer on the date of such acceptance of delivery of scrap (which inventory shall exclude such delivery); and

(2) Such scrap dealer shall have filed with the Office of Production Manage-

¹ 6 F.R. 5090.

² 6 F.R. 6519.

³ 6 F.R. 6680.

ment such reports as may from time to time be required by the Office of Production Management.

(d) *Special directions.* The Director of Priorities may from time to time issue specific directions to any scrap dealer, producer or consumer as to the source, destination or amount of scrap to be delivered or acquired by such person, and the Director may also specifically direct the manner and quantities in which such scrap may be processed. Any such directions will be made to insure the satisfaction of all defense requirements, and they may be made, in the discretion of the Director of Priorities, without regard to any preference ratings which may be assigned to particular contracts or purchase orders.

(e) *Reports.* All scrap dealers, and consumers shall file with the Office of Production Management, Reference M-72, on or before January 20, 1942, and on before the 10th day of each month thereafter, on forms to be prescribed for the purpose, reports showing scrap inventory, production, purchases, sales and the consumption and such other information as the Tin and Lead Branch of the Office of Production Management may require.

(f) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to the Office of Production Management, Social Security Building, Washington, D. C., Reference: M-72.

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

(h) *Effective dates.* This order shall take effect immediately upon issuance and unless sooner terminated by direction of the Director of Priorities, shall expire on the 30th day of June 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; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 8th day of January 1942.

J. S. KNOWLSON,
Deputy Director of Priorities.

[F. R. Doc. 42-223; Filed, January 8, 1942; 11:49 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1352—FLOOR COVERINGS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 65—RESALE OF FLOOR COVERINGS

Paragraph (a) of § 1352.51 is hereby amended to read as follows:

17 F.R. 124.

§ 1352.51 *Maximum distributors' prices for wool and imported floor coverings.* * * *

(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.

(4) If the distributor purchased a wool floor covering unit after January 2, 1942, the maximum price for that unit shall be the price quoted by the manufacturer of such unit in his price list to the retailer effective on January 7, 1942. (E.O. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 1 shall become effective January 7, 1942. Issued this 7th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-185; Filed, January 8, 1942; 10:39 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER III—GRAZING SERVICE

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

NEVADA GRAZING DISTRICT NO. 5

Modification¹

Under and pursuant to the provisions of the act of June 26, 1934 (48 Stat. 1269), as amended, Departmental order of November 3, 1936, establishing Nevada Grazing District No. 5,² is hereby revoked as far as it affects the following described lands, such revocation to be effective upon the withdrawal of the lands for classification:

¹ Affects tabulation in § 502.1e.

² 1 F.R. 1748.

NEVADA

Mount Diablo Meridian

- T. 21 S., R. 62 E.,
 - sec. 25, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 - sec. 31, SW $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 - sec. 32, NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 - sec. 33, NW $\frac{1}{4}$;
 - sec. 34, NW $\frac{1}{4}$ SE $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{4}$; W $\frac{1}{2}$;
 - sec. 35, NE $\frac{1}{4}$; N $\frac{1}{2}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$;
 - sec. 36, All;
- T. 22 S., R. 62 E.,
 - sec. 2, All;
 - sec. 3, All;
 - sec. 4, All;
 - sec. 9, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
- T. 21 S., R. 63 E.,
 - sec. 30, N $\frac{1}{2}$; S $\frac{1}{2}$ S $\frac{1}{2}$;
 - sec. 31, All;
- T. 22 S., R. 63 E.,
 - secs. 5 to 8, inclusive, All;
 - secs. 17 to 21, inclusive, All;
 - secs. 27 to 29, inclusive, All;
 - sec. 33, All;
 - sec. 34, All.

E. K. BURLEW,

Acting Secretary of the Interior.

OCTOBER 16, 1941.

[F. R. Doc. 42-183; Filed, January 8, 1942; 10:10 a. m.]

Notices

WAR DEPARTMENT.

RESTRICTIONS ON CERTAIN TRANSACTIONS INVOLVING PROPERTY IN WHICH CERTAIN FOREIGN COUNTRIES, OR ANY NATIONAL THEREOF, MAY HAVE AN INTEREST¹

SECTION I. 1. *Executive Orders and Treasury Department Regulations.* Section I is amended by adding, in proper alphabetical order, to the list of countries contained in paragraph 1 the following country:

Executive order number and Federal Register reference:	Country and date effective
8963 (6 F.R. 6348)	Thailand; June 14, 1941.

(R.S. 161; 5 U.S.C. 22) [Proc. Cir. 88, W.D., Dec. 22, 1941, amending Proc. Cir. 81, W.D., Oct. 27, 1941]

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

[F. R. Doc. 42-182; Filed January 7, 1942; 3:50 p. m.]

DEPARTMENT OF THE INTERIOR.

[Docket No. B-80]

IN THE MATTER OF E. H. TURPIN AND J. H. TURPIN, ALSO KNOWN AS E. H. TURPIN AND J. H. TURPIN, INDIVIDUALLY, AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF E. H. & J. H. TURPIN, CODE MEMBER, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore, by Order of the Acting Di-

¹ See 6 F.R. 5701.

rector dated December 6, 1941, scheduled for hearing at 10 o'clock in the forenoon of January 12, 1942, at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky; and

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

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed from 10 o'clock in the forenoon of January 12, 1942, to 10 o'clock in the forenoon of January 15, 1942, at the place aforesaid and before the officer or officers previously designated to preside.

Dated: January 7, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-187; Filed, January 8, 1942;
10:56 a. m.]

[Docket No. D-6]

IN THE MATTER OF THE APPLICATION OF ST. BERNARD COAL COMPANY FOR PERMISSION TO RECEIVE SALES AGENTS' COMMISSIONS AND DISTRIBUTORS' DISCOUNTS ON COAL SOLD TO WEST KENTUCKY COAL COMPANY (N. J.) AND PEOPLES COAL COMPANY

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARING

The above-entitled matter having been scheduled for hearing on February 23, 1942, by Order dated December 24, 1941; and

It appearing appropriate and necessary that said hearing be postponed to a later date:

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is postponed from 10:00 in the forenoon of February 23, 1942 until 10:00 in the forenoon of February 24, 1942, at the place and before the officers heretofore designated.

Dated: January 7, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-188; Filed, January 8, 1942;
10:56 a. m.]

[Docket No. D-7]

IN THE MATTER OF THE APPLICATION OF WEST KENTUCKY COAL COMPANY, INC., FOR PERMISSION TO RECEIVE SALES AGENTS' COMMISSIONS AND DISTRIBUTORS' DISCOUNTS ON COAL SOLD TO ST. BERNARD COAL COMPANY, PEOPLES COAL COMPANY, AND WEST KENTUCKY COAL COMPANY (DEL.)

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARING

The above-entitled matter having been scheduled for hearing on February 23, 1942, by Order dated December 24, 1941; and

It appearing appropriate and necessary that said hearing be postponed to a later date:

Now, therefore, it is ordered, That the hearing in the above-entitled matter be

and it hereby is postponed from 10:00 in the forenoon of February 23, 1942 until 10:00 in the forenoon of February 24, 1942, at the place and before the officers heretofore designated.

Dated: January 7, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-189; Filed, January 8, 1942;
10:57 a. m.]

[Docket No. B-77]

IN THE MATTER OF SAMSON HART AND CLYDE HARRIS, ALSO KNOWN AS SAMSON HART AND CLYDE HARRIS, INDIVIDUALS, TRADING AS HART AND HARRIS, A PARTNERSHIP, CODE MEMBER, DEFENDANTS

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore, by Order of the Director dated November 22, 1941, scheduled for hearing at 10 o'clock in the forenoon of January 14, 1942, at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky; and

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

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and the same is, hereby postponed from 10 o'clock in the forenoon of January 14, 1942 to 10 o'clock in the forenoon of January 15, 1942, at the place aforesaid and before the officer or officers previously designated to preside.

Dated: January 7, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-190; Filed, January 8, 1942;
10:57 a. m.]

[Docket Nos. 1682-FD, 1683-FD, 1685-FD,
1687-FD]

IN THE MATTERS OF C. T. NORMAN, ED SHEELOR, K. D. ABNEY, AND LONG & EARLY, DEFENDANTS

ORDER POSTPONING HEARINGS

The above-entitled matters having been heretofore scheduled for hearings at Birmingham, Alabama, on October 16, 1941, by Orders of the Acting Director dated July 28, 1941, and subsequently having been rescheduled for hearing at Birmingham, Alabama, on January 12, 1942, by Order dated December 2, 1941; and

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

Now, therefore, it is ordered, That the hearings in the above-entitled matters be and the same are hereby postponed to a date and at a hearing room to be hereafter designated by an appropriate order.

Dated: January 7, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-191; Filed, January 8, 1942;
10:57 a. m.]

[Docket No. A-1144 Part II]

PETITION OF DISTRICT BOARD No. 8 FOR THE ESTABLISHMENT OF AN ADDITIONAL RAIL LOADING POINT FOR THE COALS OF THE DARBY MINE (MINE INDEX No. 891) OF ROBERT JAMISON, A PRODUCER IN DISTRICT No. 8

ORDER CANCELLING HEARING AND DISMISSING PETITION IN PART

The original petition in the above-entitled matter filed with the Division on November 1, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 requested among other matters, the establishment of an additional rail loading point for the coals of the Darby Mine (Mine Index No. 891) of Robert Jamison at Cumberland, Kentucky. That part of the docket relating to the coals of this mine was separated from the rest of the docket and scheduled for hearing at Washington, D. C. at 10 a. m. in the forenoon of January 7, 1942 by Order dated November 27, 1941.

Subsequently District Board 8 filed a motion to amend its original petition and eliminate from it the request for the additional shipping point for Mine Index No. 891. The hearing heretofore scheduled on this matter, therefore, is no longer required or necessary.

Now, therefore, it is ordered, That the hearing heretofore scheduled for 10 a. m. in the forenoon of January 7, 1942, on the petition of District Board 8 in the above-entitled matter be, and the same hereby is cancelled, and the original petition in this docket, in so far as it relates to the coals of Mine Index No. 891, dismissed without prejudice.

Dated: January 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-192; Filed, January 8, 1942;
10:57 a. m.]

[Docket No. B-7]

IN THE MATTER OF J. F. MARLOWE AND CO., REGISTERED DISTRIBUTOR, REGISTRATION No. 5972, RESPONDENT

ORDER CANCELLING REGISTRATION AS DISTRIBUTOR AND CANCELLING HEARING

A Notice of and Order for Hearing in this matter having been entered herein on October 9, 1941, and having been duly served on the respondent, and an Order Amending and Supplementing said Notice of and Order for Hearing having been entered herein on November 7, 1941, and having been duly served on the respondent; and this matter having been rescheduled for hearing on January 8, 1942, by Order of the Acting Director dated December 5, 1941; and

Respondent by letter dated December 17, 1941, having offered voluntarily to surrender his certificate of registration as a distributor and having requested that the hearing herein be dismissed and by letter dated December 31, 1941, having returned his certificate of registration as a registered distributor, No. 5972, for cancellation effective as of January 5, 1942, and having represented that on

January 5, 1942, the respondent would cease being actively engaged in business as a distributor.

Now, therefore, it is hereby ordered, That the registration of the respondent herein as a distributor be and the same is hereby cancelled: *Provided, however,* That in the event that the respondent at any time subsequent hereto, makes application for registration as a distributor, the Division may require, as a condition precedent to the granting of such application, the repayment by the respondent of all distributors' discounts from the effective minimum prices, unlawfully accepted and retained by respondent prior to the date hereof.

It is further ordered, That the hearing in this matter heretofore scheduled on January 8, 1942, be and the same is hereby cancelled.

It is further ordered, That in the event the respondent shall hereafter make such application for registration, this matter may be reopened for the purpose of determining the amount of the discounts to be repaid by the respondent and for the purpose of taking such other action in this proceeding as may be appropriate, and jurisdiction is hereby reserved for such purposes.

Dated: January 7, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-193; Filed, January 8, 1942;
10:57 a. m.]

[Docket No. A-1105 Part II]

PETITION OF DISTRICT BOARD 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 2870, 306, 2907, 310, 4, AND 200, IN DISTRICT 4

MEMORANDUM OPINION AND ORDER AMENDING ORDER GRANTING, IN PART, TEMPORARY RELIEF

By an Order Granting, in part, Temporary Relief, dated November 21, 1941, in the above-entitled matter, price classifications and minimum prices were temporarily established, pending a final hearing, for coals produced at certain mines in District No. 2, including the Brilliant No. 2 Mine (Mine Index No. 306) of C. C. Fay (Fay Collieries Company) for rail shipments on the Wheeling & Lake Erie Railroad from Jewett, Ohio.

Petitioner subsequently filed a motion requesting an amendment of the temporary relief heretofore granted as to the Brilliant No. 2 Mine by making the price classifications and minimum prices established for rail shipments of coal from that mine applicable to rail shipments on the Pennsylvania Railroad from Jewett, Ohio, and no longer applicable to such shipments on the Wheeling & Lake Erie Railroad from Jewett, Ohio.

It appears from petitioner's motion that the Brilliant No. 2 Mine has no shipping facilities for rail shipments on Wheeling & Lake Erie Railroad from Jewett, Ohio, but does have such facilities for rail shipments on Pennsylvania

Railroad from Jewett, Ohio, and that it is, therefore, proper to amend the Order of November 21, 1941, as requested in petitioner's motion.

Now, therefore, it is ordered, That, pending final disposition of the above matter, the temporary relief heretofore granted by the Order of November 21, 1941, is amended as follows: Commencing forthwith, the price classifications and minimum prices established for coals of the Brilliant No. 2 Mine (Mine Index No. 306) of C. C. Fay for rail shipment shall be applicable only for shipments on the Pennsylvania Railroad from Jewett, Ohio, and shall no longer be applicable for rail shipments on the Wheeling & Lake Erie Railroad from Jewett, Ohio. The allowances or adjustments required or permitted mines in Freight Origin Group No. 15 shall be applicable to all such shipments on the Pennsylvania Railroad from Jewett, Ohio.

It is further ordered, That in all other respects the Order of November 21, 1941, granting, in part, temporary relief in the above-entitled matter be, and it hereby is, continued in full force and effect, until otherwise ordered.

Dated: January 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-194; Filed, January 8, 1942;
10:58 a. m.]

[Docket No. A-1192]

PETITION OF THE BITUMINOUS COAL CONSUMERS' COUNSEL FOR AN AMENDMENT OF RULE 2, SECTION VI OF THE MARKETING RULES AND REGULATIONS, AND FOR TEMPORARY RELIEF

MEMORANDUM OPINION AND ORDER DENYING TEMPORARY RELIEF

Bituminous Coal Consumers' Counsel ("Consumers' Counsel") filed with the Bituminous Coal Division ("Division") a petition in the above entitled matter on December 5, 1941, pursuant to the provisions of the Bituminous Coal Act of 1937 ("The Act"), requesting that temporary and permanent orders be entered modifying Rule 2 of section VI of the Marketing Rules and Regulations ("Marketing Rules") so as to provide that contracts may be entered into on or after November 1 of any year for coal to be shipped as lake cargo during the following lake season. The petition requested that an immediate informal conference be called on notice to all interested parties and that after such conference an immediate temporary order be entered amending Rule 2 of section VI of the Marketing Rules as hereinabove proposed.

Pursuant to the request for the holding of the informal conference, the Acting Director notified Consumers' Counsel that such conference would be held and requested Consumers' Counsel to notify all persons interested. At the same time the Acting Director sent notices of the holding of such conference to all statistical bureaus with the request that the notice be posted conspicuously in each office.

Accordingly an informal conference was held in Washington, D. C., in this matter on December 15, 1941, at which all interested parties were afforded an opportunity to appear and be heard. Consumers' Counsel; District Boards Nos. 1, 2, 3, 4, 7, 8, and 10; Hamilton By-Product Coke Ovens, Limited, a consumer; Carter Coal Company, a code member in District 7; and, United Electric Coal Companies and Truax-Traer Coal Company, code members in District 10, appeared and participated. The record of the informal conference was submitted to the undersigned for his consideration.

Rule 2, section VI, of the Marketing Rules provides:

No contract for the sale of coal shall provide for delivery to commence at a date later than ninety (90) days from the date upon which such contract is entered into.

The petitioner requested that this rule be amended by adding thereto the following language:

Provided, however, That contracts may be entered into on or after November 1 of any year for coal to be shipped as lake cargo during the following lake season.

The petitioner requested that such amendment be made effective temporarily, pending final disposition of the petition. District Boards 1, 2, 7, 8, and Carter Coal Company, opposed the granting of temporary relief. District Board 10, United Electric Coal Companies and Truax-Traer Coal Company, opposed the granting of temporary relief generally but had no objection to temporary relief to the Hamilton By-Products Coke Ovens, Limited, or by-product users.

At the informal conference Consumers' Counsel stated that while it had requested temporary relief of general application it would not object if temporary relief were granted only to Hamilton By-Products Coke Ovens, Limited.

Mr. T. P. Pinckard, general manager of the Hamilton By-Products Coke Ovens, Limited, testified in support of the petition for temporary relief. While the information submitted by Pinckard related to Hamilton By-Products Coke Ovens, Limited, Consumers' Counsel urged that the information was sufficient to form a basis for the granting of temporary relief of general application.

It was testified that Hamilton By-Products Coke Ovens, Limited, operates a by-products plant at Hamilton, Ontario, consuming annually approximately 400,000 tons of bituminous coal which it receives over the lakes. Pinckard stated that because of unsettled conditions in the coal industry and in water transportation, due to war conditions, his company was experiencing difficulty in obtaining contracts for its requirements of coal for movement over the lakes during the 1942 navigation season. He stated that contracts for coal and for vessel transportation were closely allied and that the company was handicapped in executing transportation contracts without at the same time consummating coal

contracts, and, that if the ninety (90) days provided were liberalized, it would facilitate the consummation of both contracts. Pinckard further stated that his company had 180,000 tons of coal at the plant, sufficient to assure operation until June 15, 1942.

With respect to coal contracts, it appears that coal may be shipped by rail to the lake loading ports and stand for thirty days without demurrage charge. It further appears that Rule 2, Section IV, of the Marketing Rules, authorizes options and quotations for the sale of coal by code members, sales agents, or distributors for a period not exceeding fourteen days. When the witness' attention was called to the option rule and demurrage privileges, Pinckard stated that while he preferred to provide for his annual coal supply by means of firm contracts, he could reach the same result by availing himself of the option provision and the demurrage rule and in that manner immediately assure himself of a coal supply without the necessity of temporary relief.

It appears that the lake navigation season begins April 15. Under Rule 2, section VI, of the Marketing Rules, contracts for lake movement to begin April 15 would have to be executed on or after January 15. The petition was filed December 5, 1941, 135 days prior to April 15, 1942, the opening date for lake navigation. The 90 days provided in Rule 2, section VI of the Marketing Rules plus 30 days free demurrage plus the 14 days for options, aggregates 134 days. It thus appears that within one day of the time the petition was filed, Pinckard could have been consummating options anticipatory to making firm contracts.

The district boards opposing the granting of temporary relief urged that there was thus no necessity therefor, either generally or for specific application to the Hamilton By-Products Coke Ovens, Limited,¹ since the option technique, the period during which demurrage would not occur, and the 90 days delivery period are ample time for the accumulation of its requirements during the 1942 lake navigation season.

There is no showing that injury has been suffered by consumers generally, or by Hamilton By-Products Coke Ovens, Limited, or that such injury is imminent. The record is not sufficient to warrant or require a relaxation of the 90-day period set forth in Rule 2 which the petition seeks in this proceeding. No clear showing has been made that substantial, irreparable injury would result if temporary relief were not granted. The issues involved in the petition are complex and controversial and should be decided only upon a full hearing on the merits.

Now, therefore, it is ordered, That the temporary relief requested by the petitioner be and the same hereby is denied.

Dated: January 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-195; Filed, January 8, 1942;
11:00 a. m.]

¹The record of the informal conference contains no information with respect to any consumers other than Hamilton By-Products Coke Ovens, Limited.

[Docket No. A-1182]

PETITION OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 4

[Docket No. A-1182 Part II]

PETITION OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE DAVIS MINE, MINE INDEX NO. 1285, OF THE L. & R. COAL CO. (JOHN R. LANDERS) AND THE CHARTER OAK #2 MINE, MINE INDEX NO. 14, OF THE CHARTER OAK COAL CO. (M. L. FRENCH)

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1182, PART II FROM DOCKET NO. A-1182, ORDER GRANTING TEMPORARY RELIEF, IN PART, IN DOCKET NO. A-1182 PART II, AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1182 PART II

The original petition in the above-entitled matter which was filed with this Division requests the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 4.

As found in an order issued in Docket No. A-1182, a reasonable showing of necessity has been made for the granting of relief prayed for by the petitioner except as to the establishment of price classifications and minimum prices of the coals produced by the Davis Mine, Mine Index No. 1285 of L. & R. Coal Co. (John R. Landers), and the Charter Oak #2 Mine, Mine Index No. 14, of the Charter Oak Coal Co. (M. L. French), for all shipments except truck.

The petition of District No. 4 proposes that two shipping points be established for the Davis Mine, Mine Index No. 1285, for all shipments except truck, namely, Pomeroy and Hobson, Ohio. While it appears that an adequate showing of necessity has been made for temporary relief, by establishing temporary price classifications and minimum prices for the Davis Mine for all shipments except truck from one shipping point, it does not appear that the original petitioner has set forth sufficient facts to warrant the establishment of an additional shipping point for the coals of this mine for all shipments except truck, without a hearing. The shipping point hereinafter established for the coals of this mine is Pomeroy, which appears to be nearer the mine than Hobson, Ohio, and more appropriate, therefore, for the granting of temporary relief.

The petitioner also proposes the establishment of an additional shipping point at Hobson, Ohio, for the coals of the Charter Oak #2 Mine of the Charter Oak Coal Co. (M. L. French) for all shipments except truck, heretofore classified and priced for shipment from Pomeroy, Ohio, in General Docket No. 15. It does not appear that the original petitioner has set forth sufficient facts to warrant establishment of an additional shipping point for the coals of this mine for all shipments except truck, without a hearing.

Now, therefore, it is ordered, That the portion of Docket No. A-1182 relating

to the coals of the Davis Mine, Mine Index No. 1285 of L. & R. Coal Co. (John R. Landers), and the Charter Oak #2 Mine, Mine Index No. 14, of the Charter Oak Coal Co. (M. L. French), respectfully, be and the same hereby is severed from the remainder of Docket No. A-1182 and designated as Docket No. A-1182, Part II.

It is further ordered, That a hearing in Docket No. A-1182, Part II under the applicable provisions of said Act and the Rules of the Division be held on February 6, 1942, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, 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 W. A. Shipman or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, 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 to the undersigned proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 2, 1942.

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

The matter concerned herewith is in regard to the petition of District Board No. 4 for the establishment of price classifications and minimum prices for the coals of the Davis Mine, Mine Index No. 1285 of L. & R. Coal Co. (John R. Landers) and the Charter Oak #2 Mine, Mine Index No. 14, of the Charter Oak Coal Co. (M. L. French), for all shipments except truck.

It is further ordered, That pending final disposition of Docket No. A-1182 Part II, temporary relief is granted as

follows: Commencing forthwith Price Schedule No. 1 for District No. 4 for All Shipments Except Truck, is supplemented to include the price classifications and minimum prices set forth in the Schedule marked "Supplement R", annexed hereto and made a part hereof.¹

Notice is hereby given that applications to stay, terminate or modify the temporary relief granted herein may be filed pursuant to Bituminous Coal Division in Proceedings Instituted Pursuant to Section 4 II (d) of the Bituminous Coal Act 1937.

Dated: January 6, 1942.

[SEAL] DAN G. WHEELER,
Acting Director.

[F. R. Doc. 42-196; Filed, January 8, 1942;
11:00 a. m.]

[Docket No. 1791-FD]

IN THE MATTER OF A. C. (CLYDE) ROUNSAVILLE, CODE MEMBER, DEFENDANT

ORDER GRANTING LEAVE TO FILE AMENDED AND SUPPLEMENTAL COMPLAINT

The Bituminous Coal Producers Board for District No. 13, complainant in the above-entitled matter, having by letter dated November 12, 1941, requested leave to file its amended and supplemental complaint herein; and

Said amended and supplemental complaint, dated November 12, 1941, having been received by the Division on November 15, 1941; and

The Acting Director deeming it advisable that said request for leave to file said amended and supplemental complaint should be granted;

Now, therefore, it is ordered, That leave be, and the same hereby is, granted to the complainant herein to file its amended and supplemental complaint, dated November 12, 1941, in the above-entitled matter.

Dated: December 19, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-197; Filed, January 8, 1942;
11:00 a. m.]

[Docket No. 1795-FD]

IN THE MATTER OF TENNESSEE RIVER COAL COMPANY, CODE MEMBER, DEFENDANT

ORDER GRANTING LEAVE TO FILE AMENDED AND SUPPLEMENTAL COMPLAINT

The Bituminous Coal Producers Board for District No. 13, complainant in the above-entitled matter, having by letter dated November 12, 1941, requested leave to file its amended and supplemental complaint herein; and

Said amended and supplemental complaint, dated November 12, 1941, having been received by the Division on November 15, 1941; and

The Acting Director deeming it advisable that said request for leave to file said amended and supplemental complaint should be granted;

Now, therefore, it is ordered, That leave be, and the same hereby is, granted

¹Not filed with the original document.

to the complainant herein to file its amended and supplemental complaint, dated November 12, 1941, in the above-entitled matter.

Dated: December 19, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-198; Filed, January 8, 1942;
11:00 a. m.]

[Docket No. A-1197]

PETITION OF KRAY COAL COMPANY, INC., A CODE MEMBER IN DISTRICT NO. 3, FOR A CHANGE IN SHIPPING POINTS OF MINE INDEX NO. 948

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by the above-named party, alleging that price classifications and minimum prices have been established for the coals of the Stony Ridge Mine, Mine Index No. 948, of Kray Coal Company, Inc., a code member in District No. 3, for rail shipments on the Baltimore & Ohio Railroad from Manown, West Virginia, and on the West Virginia Northern Railroad from Mattingly, West Virginia, and that Freight Origin Group Nos. 70 and 71 have been assigned to this mine for such shipments; and that conditions beyond the producer's control have made it necessary to discontinue rail shipments from both Manown and Mattingly, West Virginia. Petitioner requests that the price classifications and minimum prices established for the coals produced at its Stony Ridge Mine be made applicable to rail shipments from Howesville, West Virginia, on the West Virginia Northern Railroad.

It appears 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 have been filed with the Division in the above-entitled matter; and

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

It is, therefore, ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices established for the coals of the Stony Ridge Mine, Mine Index No. 948, of the Kray Coal Company, Inc., for rail shipments shall be applicable only for shipments on the West Virginia Northern Railroad from Howesville, West Virginia, and shall no longer be applicable for shipments on the Baltimore & Ohio Railroad from Manown or for shipments on the West Virginia Northern Railroad from Mattingly, West Virginia. All allowances or adjustments required or permitted mines in Freight Origin Group No. 71 shall be applicable for such shipments of the coals of the Stony Ridge Mine on the West Virginia Northern Railroad from Howesville, West Virginia.

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: January 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-199; Filed, January 8, 1942;
11:00 a. m.]

[Docket No. A-1195]

PETITION OF DISTRICT BOARD NO. 7 FOR A CHANGE IN SHIPPING POINTS OF MINE INDEX NO. 607

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by the above-named party, alleging that price classifications and minimum prices have been established for the coals of the Stanley Mine (Mine Index No. 607) of E. E. Stanley (E. E. Stanley Coal Company), a code member in District No. 7, for rail shipments on the Chesapeake & Ohio Railroad, from Royal, West Virginia, and that conditions beyond the producer's control have made it impossible for this producer to make shipments from Royal, West Virginia. The petition requests that the price classifications and minimum prices established for coals of this mine be made applicable to shipments on the Chesapeake & Ohio Railroad, from Glen Junction, West Virginia;

It appears 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 have been filed with the Division in the above-entitled matter; and

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

It is therefore ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices established for the coals of the Stanley Mine (Mine Index No. 607), of E. E. Stanley (E. E. Stanley Coal Company) shall be applicable only for shipments on the Chesapeake & Ohio Railroad from Glen Junction, West Virginia, and shall no longer be applicable for shipments on the Chesapeake & Ohio Railroad from Royal, West Virginia. All allowances or adjustments required or permitted mines in Freight Origin Group No. 10 shall be applicable for such shipments of the coals of the Stanley Mine on the Chesapeake

& Ohio Railroad from Glen Junction, West Virginia.

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: January 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-200; Filed, January 8, 1942;
11:01 a. m.]

DEPARTMENT OF AGRICULTURE.

Office of the Secretary.

ORDER AUTHORIZING SOLICITOR AND ASSISTANT SOLICITORS OF THE DEPARTMENT OF AGRICULTURE TO AUTHENTICATE DOCUMENTS OF THE DEPARTMENT

The Solicitor (and, in the absence of the Solicitor, the Acting Solicitor) and the Assistant Solicitors of the Department of Agriculture are hereby authorized severally to authenticate, under the seal of the Department of Agriculture, pursuant to Section 882 of the Revised Statutes, as amended by section 6 (a) of the act approved June 19, 1934 (48 Stat. 1109; 28 U.S.C., sec. 661), copies of any books, records, papers, or other documents, or any books or records of account in whatever form, or minutes (or portions thereof) of proceedings, or copies of such books or records of account, or copies of such minutes of proceedings, in the Department of Agriculture. It is directed that, upon each such authenticated copy or original, as the case may be, there shall appear a recital that such copy or original has been authenticated and the seal of the Department of Agriculture affixed thereto by the direction of the Secretary of Agriculture. It is further directed that each certificate of authentication shall bear the genuine signature of the person executing such certificate.

This order supersedes the order dated November 7, 1939 (4 F.R. 4535), authorizing the Solicitor and Assistant Solicitor to authenticate documents.

Done at Washington, D. C., this 8th day of January 1942. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 42-209; Filed, January 8, 1942;
11:07 a. m.]

Surplus Marketing Administration.

[Docket No. AO 23-A3]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND THE TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 13, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE KANSAS CITY, MISSOURI, MARKETING AREA

Notice is hereby given of a hearing to be held in Room 664, United States Court House, 811 Grant Avenue, Kansas City, Missouri, beginning at 10 a. m., c. s. t., January 14, 1942, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and to Order No. 13, as amended, regulating the handling of milk in the Kansas City, Missouri, marketing area.

This notice is given pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 et seq.), and in accordance with the General Regulations of the Surplus Marketing Administration, United States Department of Agriculture (7 CFR 900.4).

This public hearing is for the purpose of receiving evidence on proposed amendments submitted by the Pure Milk Producers Association of Greater Kansas City, Bates County Milk Producers Association, and the Dairy Division, Surplus Marketing Administration, United States Department of Agriculture, to (1) revise the class prices of milk by basing the price of Class I and Class II milk on the price of Class III milk; (2) clarify the provisions with respect to interhandler sales of milk and cream, and the provisions relative to milk of a handler's own production; (3) provide that Class I and Class II milk sold outside the marketing area should be priced at the order Class I and Class II prices; (4) revise the provisions for location differentials; (5) provide for the suspension of payments pursuant to the base rating scheme under certain circumstances; and (6) add a provision defining emergency milk and cream and a provision that the definitions of "producer" and "handler" shall not include persons supplying or handling such emergency milk or cream.

Copies of the proposed amendments may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C., in Room 0312, South Building, or may be there inspected.

[SEAL] ROBERT H. SHIELDS,
Assistant to the
Secretary of Agriculture.¹

JANUARY 7, 1942.

[F. R. Doc. 42-177; Filed, January 7, 1942;
2:28 p. m.]

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)

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative order No. 137]

APPOINTMENT OF INDUSTRY COMMITTEE NO. 40 FOR THE GLOVES AND MITTENS INDUSTRY

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Thomas Holland, Administrator of the Wage and Hour Division, U. S. Department of Labor, do hereby appoint and convene for the gloves and mittens industry (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

For the public:

John P. Troxell, Chairman, Hanover, New Hampshire; Mildred Fairchild, Bryn Mawr, Pennsylvania; Elmo Hohman, Evanston, Illinois; Robert H. Wettach, Chapel Hill, North Carolina; John A. Fitch, New York, New York.

For the employees:

Florence Nolan, Gloversville, New York; Blanche Fritcher, Gloversville, New York; Thomas Durian, Milwaukee, Wisconsin; Agnes Nestor, Chicago, Illinois; Frank McMaster, Gloversville, New York.

For the employers:

Elmer E. Little, Johnstown, New York; T. H. Mueller, New York, New York; Ralph O. Collins, Gloversville, New York; W. O. Wells, Chicago, Illinois; A. L. Shuford, Conover, North Carolina.

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 "gloves and mittens industry" means:

"The production of gloves and mittens from any material or combination of materials, except athletic gloves and mittens: *Provided, however,* That the definition shall not include any product the manufacture of which is covered by an order of the Administrator defining an industry, and approving the recommendation of an industry committee or appointing an industry committee for such industry, issued prior to the signing of Administrative Order No. 137 appointing Industry Committee No. 40 for the Gloves and Mittens Industry, except the products included in the wage orders issued for the 'Work Gloves and Mittens' and the 'Gloves and Mittens Other Than Work Gloves and Mittens' Divisions of the Apparel Industry."

3. The definition of the gloves and mittens 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 such clerical,

maintenance, shipping, and selling occupations when carried on in a wholesaling or selling department physically segregated from other departments of a manufacturing establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale, shall not be deemed to be covered by this definition: *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 at 10:00 A. M. on January 27, 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 6th day of January 1942.

THOMAS HOLLAND,
Administrator.

[F. R. Doc. 42-224; Filed, January 8, 1942; 11:54 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 713]

IN THE MATTER OF THE APPLICATION OF PAN AMERICAN AIRWAYS, INC., FOR AMENDMENT OF ITS EXISTING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING SCHEDULED AIR TRANSPORTATION OF PERSONS, PROPERTY, AND MAIL BETWEEN THE UNITED STATES AND EUROPE

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly Sections 401, and 1001 of said Act, in the above-entitled proceeding, that hearing is hereby assigned to be held on January 9, 1942, at 3 p. m. (eastern standard time) in Room 5044 Commerce Building, 14th Street and Constitution Ave. NW., Washington, D. C., before the Board.

Dated Washington, D. C., January 7, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-184; Filed, January 8, 1942; 10:19 a. m.]

FEDERAL SECURITY AGENCY.

Social Security Board.

CERTIFICATION OF STATE UNEMPLOYMENT COMPENSATION LAWS TO THE SECRETARY OF THE TREASURY

Whereas, pursuant to section 1603 (a) of the Internal Revenue Code as amended, the Social Security Board has heretofore approved the unemployment compensation laws of the following States:

Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

Now, therefore, pursuant to the provisions of section 1603 (c) of the Internal Revenue Code, the Social Security Board hereby certifies the foregoing States to the Secretary of the Treasury for the taxable year 1941.

[SEAL] SOCIAL SECURITY BOARD,
GEORGE E. BIGGE,
Acting Chairman.

DECEMBER 31, 1941.

Approved:

PAUL V. McNUTT,
Administrator.

DECEMBER 31, 1941.

[F. R. Doc. 42-207; Filed, January 8, 1942; 11:03 a. m.]

CERTIFICATION OF STATE LAWS TO THE SECRETARY OF THE TREASURY PURSUANT TO SECTION 1602 (b) (1) OF THE INTERNAL REVENUE CODE

Whereas the Social Security Board has heretofore certified to the Secretary of the Treasury the unemployment compensation laws of the States hereinafter enumerated with respect to the taxable year 1941, as provided in section 1603 of the Internal Revenue Code, as amended; and

Whereas the Social Security Board hereby finds that reduced rates of contributions were allowable under the laws of each of said States with respect to the taxable year 1941 only in accordance with the provisions of subsection (a) of section 1602 of said Code:

Now therefore, pursuant to section 1602 (b) (1) of said Code, the Social Security Board hereby certifies to the Secretary of the Treasury the unemployment compensation law of each of the

following States for the taxable year 1941:

Alabama, California, Connecticut, Hawaii, Indiana, Kansas, Kentucky, Minnesota, Nebraska, New Hampshire, Oregon, South Dakota, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

[SEAL] SOCIAL SECURITY BOARD,
GEORGE E. BIGGE,
Acting Chairman.

DECEMBER 31, 1941.

Approved:

PAUL V. McNUTT,
Administrator.

DECEMBER 31, 1941.

[F. R. Doc. 42-208; Filed, January 8, 1942; 11:13 a. m.]

CERTIFICATION TO THE DIRECTOR OF THE DIVISION OF PLACEMENT AND UNEMPLOYMENT INSURANCE OF THE NEBRASKA DEPARTMENT OF LABOR PURSUANT TO SECTION 1602 OF THE INTERNAL REVENUE CODE

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,
Acting Chairman.

DECEMBER 31, 1941.

Approved:

PAUL V. McNUTT,
Administrator.

DECEMBER 31, 1941.

[F. R. Doc. 42-206; Filed, January 8, 1942; 11:02 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 74-477]

IN THE MATTER OF LOUISVILLE GAS AND ELECTRIC COMPANY (KY.), LOUISVILLE TRANSMISSION CORPORATION (KY.), AND LOUISVILLE TRANSMISSION CORPORATION (IND.)

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th 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 Louisville Gas and Electric Company (Ky.), Louisville Transmission Corporation (Ky.), and Louisville Transmission Corporation (Ind.). 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:

Louisville Gas and Electric Company, a Kentucky corporation (hereinafter referred to as "the Electric Company"), a public utility company, proposes (a) to acquire for cash 985 shares of the capital stock at par, having an aggregate par value of \$9,850, of its subsidiary Louisville Transmission Corporation, a Kentucky corporation (hereinafter sometimes referred to as "the Kentucky Transmission Company"); and (b) to guarantee the payments to be made by the Kentucky Transmission Company to the Reconstruction Finance Corporation hereinafter described.

Louisville Transmission Corporation, an Indiana corporation (hereinafter referred to as "the Indiana Transmission Company"), a subsidiary of the Electric Company, proposes (a) to issue and sell at par to the Kentucky Transmission Company for cash, 1,000 shares of its capital stock having an aggregate par value of \$10,000; and (b) to borrow from the Kentucky Transmission Company not to exceed \$400,000 and to execute its note or notes therefor, secured by a first mortgage on the transmission line to be constructed with the proceeds of the loan and the sale of stock referred to above. The terms of the note or notes will be substantially the same as the notes to be executed by the Kentucky Transmission Company, described below.

The Kentucky Transmission Company proposes (a) to acquire for cash at par 1,000 shares of the capital stock having an aggregate par value of \$10,000 of the Indiana Transmission Company; (b) to issue and sell for cash at par to the Electric Company 985 shares of its capital stock having an aggregate par value of \$9,850 and to its directors 15 shares having an aggregate par value of \$150; (c) to borrow approximately \$3,850,000 from the Reconstruction Finance Corporation and execute its note or notes therefor, secured by a first mortgage on its transmission lines to be constructed. The note or notes will bear interest at the rate of 4% per annum. The Kentucky Transmission Company will be required

to repay the loan in the following manner: (1) Annual payments beginning one year after the date of execution of the notes in an amount equal to 5½% of the unpaid balance at the time of each payment, such payment to be applied first to interest and the balance on principal, (2) additional annual payments on principal in an amount equal to the balance of the Kentucky Transmission Company's net earnings after deducting the 5½% annual payment, (3) such additional payments on principal as the Kentucky Transmission Company may choose to make, (4) at the end of 20 years the remaining amount of unpaid principal. The proceeds of the loan and of the sale of stock to the Electric Company will be used to finance the construction of transmission lines; (d) to lend the Indiana Transmission Company not to exceed \$400,000 evidenced by a note or notes secured by a first mortgage on the transmission line to be constructed by the Indiana Transmission Company. The terms of the note or notes will be substantially the same as those of the note or notes given to the Reconstruction Finance Corporation by the Kentucky Transmission Company; (e) to pledge with the Reconstruction Finance Corporation the note or notes acquired from the Indiana Transmission Company.

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 matters, that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission;

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 22, 1942, at 10:00 o'clock A. M., at the office 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 such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarants and applicants and to all interested persons, said notice to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

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 at the hearings 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.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-174; Filed, January 7, 1942; 12:09 p. m.]

[File No. 4-29-5]

IN THE MATTER OF PROCEEDING UNDER RULE II (e) OF THE RULES OF PRACTICE, TO DETERMINE WHETHER THE PRIVILEGE OF KENNETH N. LOGAN TO PRACTICE AS AN ACCOUNTANT BEFORE THE SECURITIES AND EXCHANGE COMMISSION SHOULD BE DENIED, TEMPORARILY OR PERMANENTLY

ORDER SUSPENDING PRIVILEGE OF APPEARING OR PRACTICING BEFORE THIS COMMISSION FOR SIXTY DAYS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of January, A. D. 1942.

The Commission having instituted a proceeding pursuant to Rule II (e) of the Rules of Practice to determine whether Kenneth N. Logan should be disqualified or denied, temporarily or permanently, the privilege of appearing or practicing before it; and

A hearing having been held after appropriate notice; an advisory report having been filed by the trial examiner; exceptions thereto, and briefs in support of such exceptions, having been filed; the record in this matter having been duly considered; and the Commission having this day filed its Findings and Opinion;

It is ordered, on the basis of such Findings and Opinion, pursuant to Rule II (e) of the Commission's Rules of Practice, that Kenneth N. Logan be, and he hereby is, denied, for a period of sixty days from the date hereof, the privilege of appearing or practicing in any way before this Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-220; Filed, January 8, 1942; 11:42 a. m.]

[File No. 70-268]

IN THE MATTER OF EASTERN SHORE PUBLIC SERVICE COMPANY (DEL.)

ORDER MODIFYING CONDITIONS AND GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of December, A. D. 1941.

The Commission, having by order dated April 17, 1941, permitted a declaration filed by Eastern Shore Public Service Company (Del.) pursuant to Rule U-12B-1 to become effective, subject to the terms and conditions contained in Rule U-9 of the General Rules and Regulations; and the Commission, by order dated June 4, 1941, having extended the time within which the advances set forth in the said declaration may be made to December 31, 1941; and

Eastern Shore Public Service Company (Del.) having requested a further extension of the time within which the said advances may be made to June 30, 1942;

It is ordered, That the conditions contained in the said order of April 17, 1941 be and hereby are modified to the extent necessary to extend the time within

which such advances may be made to June 30, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-221; Filed, January 8, 1942;
11:42 a. m.]

[File No. 70-465]

IN THE MATTER OF PENNSYLVANIA ELECTRIC COMPANY, THE CLARION RIVER POWER COMPANY, ERIE LIGHTING COMPANY, SOLAR ELECTRIC COMPANY, YOUGHIOGHENY HYDRO-ELECTRIC CORPORATION, ASSOCIATED MARYLAND ELECTRIC POWER CORPORATION, AND CENTRAL U. S. UTILITIES COMPANY

ORDER DESIGNATING NEW TRIAL EXAMINER AND AMENDMENT TO 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 2d day of January, A. D. 1942.

The above named parties, having filed applications and declarations with the Commission, pursuant to various sections of the Public Utility Holding Company Act of 1935, covering proposed transactions that are part of a general program for the acquisition by Pennsylvania Electric Company, a subsidiary of Central U. S. Utilities Company, a registered holding company, of the assets of The Clarion River Power Company, Erie Lighting Company, Solar Electric Company, Youghioghenny Hydro-Electric Corporation, Logan Light, Heat & Power Company and Associated Maryland Electric Power Corporation, and the issuance by Pennsylvania Electric Company of \$32,500,000 principal amount of First Mortgage Bonds and \$3,400,000 par value of Preferred Stock, proceeds of which are to be used in part for the redemption and retirement of the long term indebtedness and bank loans presently outstanding and to be assumed by Pennsylvania Electric Company, and the reclassification by Pennsylvania Electric Company of its Common Stock and the making of certain accounting and other adjustments;

The Commission by an Order dated December 22, 1941, having set said matter down for a hearing on January 6, 1942, at 10:00 A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C.; and the trial examiner designated to preside at said hearing now being unable to preside at said hearing;

It is ordered, That William W. Swift, an officer of the Commission, be and hereby is designated to preside at such hearing in the place and stead and with the same powers and duties as the trial examiner hereinbefore designated to preside at such hearing;

It is further ordered, That without limiting the scope of issues presented by said applications and declarations that particular attention will be directed at

said hearing to the following matters and questions in addition to those set forth in the Commission's Order dated December 22, 1941:

(13) Whether and to what extent the open account indebtedness owed Pennsylvania Electric Company by The Clarion River Power Company should be subordinated to the publicly held participating stock of The Clarion River Power Company;

(14) Whether the acquisition by Pennsylvania Electric Company of the assets of The Clarion River Power Company should be conditioned in the public interest and for protection of investors and consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-210; Filed, January 8, 1942;
11:42 a. m.]

[File No. 812-250]

IN THE MATTER OF GM SHARES, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of January, A. D. 1942.

An application having been duly filed by the above named applicant under and pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 for an order of temporary exemption from the provisions of section 8 (b) of the said Act pending determination of its application made pursuant to section 6 (c) of the Act for an order declaring that it is exempt from the provisions of the said Act.

It is ordered, That a hearing in the matter under and pursuant to the provisions of section 6 (c) of the Act be held on January 15, 1942, at 10:00 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 Willis E. Monty, 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 investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-211; Filed, January 8, 1942;
11:42 a. m.]

[File Nos. 812-192, 812-193, 812-194]

IN THE MATTER OF PROVIDENTIA, LTD., THE NINETEEN CORPORATION, AND INSTORIA, INCORPORATED

NOTICE OF AND ORDER FOR HEARING; AND ORDER CONSOLIDATING PROCEEDINGS

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 January, A. D. 1942.

Applications having been filed by the above named applicants for an order granting an exemption from all of the provisions of the Investment Company Act of 1940 under section 6 (c) of the Act;

It appearing to the Commission that said applications are related and present questions of law and fact common to each of said applications;

It is ordered, That the proceedings on the three applications be and the same hereby are consolidated;

It is further ordered, That a hearing on the consolidated matter under the applicable provisions of said Act and the rules of the Commission for exemption from all of the provisions of the Investment Company Act of 1940 be held on January 14, 1942, at 10:00 o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esquire, or any other officer or officers of the Commission designated for that purpose shall preside at the 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 concerned or to any 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. 42-212; Filed, January 8, 1942;
11:44 a. m.]

[File No. 54-27]

IN THE MATTER OF DERBY GAS & ELECTRIC CORPORATION AND OGDEN 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 7th day of January, A. D. 1942.

The Commission having on September 4, 1941 entered an order herein approving, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, a plan for corporate simplification of Derby Gas & Electric Corporation, a

subsidiary of Ogden Corporation, upon certain conditions including the following:

No fees or expenses incurred or to be incurred in connection with the plan may be paid until thirty (30) days after applicants file a notification with this Commission as to the proposed amount of such fees and expenses, with a detailed statement as to the services and expenses for which any such amounts are to be paid. Similar statements shall be filed as to all such fees and expenses which have already been paid. Jurisdiction is reserved as to all fees and expenses, and further hearings thereon may be required prior to approval of payment if such action is deemed by this Commission necessary or appropriate in the public interest or for the protection of investors or consumers.

Derby Gas & Electric Corporation and Ogden Corporation having filed, on December 8, 1941, pursuant to the above quoted condition, a notification as to fees and expenses; and

The Commission having on December 30, 1941 entered an order authorizing the payment of \$25,000 to Messrs. Simpson, Thacher & Bartlett in full payment and discharge of their claim and of \$7,500 to Messrs. Matthews, Harmon, Karr & Springer as an interim payment; and

It appearing to the Commission that evidence should be received with respect to the reasonableness of the remaining claimed fees, compensation and expenses;

It is ordered, That a hearing for the purpose of receiving such evidence be held on January 27, 1942, at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Building, 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.

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 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.

Notice of such hearing is hereby given to the claimants, to Derby Gas & Electric Corporation, to Ogden Corporation, and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-213; Filed, January 8, 1942;
11:44 a. m.]

[File No. 70-289]

IN THE MATTER OF AMERICAN UTILITIES
SERVICE CORPORATION

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 6th day of January, A. D. 1942.

Notice is hereby given that a supplemental declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by American Utilities Service Corporation. 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:

American Utilities Service Corporation proposes to acquire additional shares of common stock of Southeastern Telephone Company, its subsidiary company, in the number of 802 shares through the conversion of 568 shares of Convertible Preferred Stock.

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 matters, that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission;

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 19th, 1942, at 10:00 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 such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarants and applicants and to all interested persons, said notice to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings 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 di-

rected at the hearing to the following matters and questions:

1. Whether said acquisitions meet the requirements of section 10 of said Act?

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-214; Filed, January 8, 1942;
11:44 a. m.]

[File No. 59-35]

IN THE MATTER OF NEW YORK WATER SERVICE CORPORATION AND FEDERAL WATER AND GAS CORPORATION, RESPONDENTS

ORDER EXTENDING TIME WITHIN WHICH TO ANSWER AND POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of January, A. D. 1942.

The Commission having instituted proceedings with respect to Federal Water and Gas Corporation, a registered holding company, and New York Water Service Corporation, one of its subsidiaries, to determine whether, for the purpose of fairly and equitably distributing voting power among security holders of New York Water Service Corporation pursuant to the provisions of section 11 (b) (2) of the Public Utility Holding Company Act of 1935, it is necessary or appropriate to require that said corporation shall revise and simplify its capital structure and what further action may be required by New York Water Service Corporation to effect complete compliance with section 11 (b) (2) of the Public Utility Holding Company Act of 1935; and

The time for answering having been heretofore extended at the request of the respondents to and including January 12, 1942, and such hearing having been heretofore postponed at the request of the respondents to January 21, 1942; and

The respondents having requested that the time for answering be further extended and that such hearing be further postponed; and

It appearing to the Commission that the time for answering should be further extended to and including February 11, 1942 and that such hearing should be further postponed to February 25, 1942;

It is ordered, That the time for answering be and it hereby is further extended to and including February 11, 1942, and that such hearing be and it hereby is further postponed to February 25, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-217; Filed, January 8, 1942;
11:45 a. m.]

[File No. 54-27]

**IN THE MATTER OF DERBY GAS & ELECTRIC CORPORATION AND OGDEN CORPORATION
ORDER PERMITTING PAYMENT OF CERTAIN ATTORNEYS' FEES**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of December, A. D. 1941.

This Commission having heretofore by order dated September 4, 1941, reserved jurisdiction relative to the payment of fees and expenses incurred by the applicants in connection with the subject matter of this proceeding; and having, by said order, directed that said applicants file with this Commission a notification and itemized statement of such fees and expenses;

Such notification having been now filed by said applicants, and Messrs. Simpson Thacher & Bartlett, attorneys for Ogden Corporation herein, having indicated that they would accept in lieu of the \$30,000 claimed by said firm for legal services rendered in connection with the subject matter of this proceeding, the sum of \$25,000, in full payment for such services, and the Commission having examined the itemized statement of expenses and fees of said firm and having considered the reduction in amount of said fees so consented to by said attorneys, and it appearing to the Commission that no adverse findings are required in respect to the payment of such expenses and fees, as so reduced; and

The applicants herein having requested authorization to pay to Messrs. Matthews, Harmon, Karr & Springer such an amount in addition to that heretofore paid to said firm on account of legal services rendered as the Commission may find to be proper at this time, pending a full hearing upon the reasonableness of all fees and expenses covered by said reservation of jurisdiction, and it appearing to the Commission that said firm of attorneys have requested an aggregate amount of \$40,500 for legal services rendered in connection with the subject matter of this proceeding and in connection with the subject matter of that proceeding, also involving Derby Gas & Electric Corporation, designated as File No. 58-50, and that said firm has heretofore been paid upon account of said services the aggregate amount of \$15,000, leaving a balance claimed and unpaid of \$25,500, and it appearing to the Commission that an additional interim payment of \$7,500 may be presently allowed to said firm, pending the final determination of the question of the reasonableness of all fees and expenses involved:

It is ordered: (1) That Ogden Corporation be, and it is hereby, authorized to pay forthwith to Messrs. Simpson Thacher & Bartlett the sum of \$25,000 in full payment and discharge of the claim of said attorneys for services in connection with the subject matter of this proceeding, and to pay to said firm the further sum of \$4,511.96 representing expenses incurred herein by said attorneys;

(2) That Ogden Corporation be, and it is hereby authorized to pay forthwith to Messrs. Matthews, Harmon, Karr & Springer as an interim payment of attorneys' fees the sum of \$7,500 in addition to the sums heretofore paid to said firm as set forth in the notification of fees and expenses filed by the applicants herein; and

(3) That, except as herein otherwise expressly provided, jurisdiction be, the same is hereby reserved in respect to all those matters and things, concerning which jurisdiction was reserved in the order of this Commission herein dated September 4, 1941, pending the further orders of this Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-218; Filed, January 8, 1942;
11:45 a. m.]

[File No. 70-384]

IN THE MATTER OF NEW ENGLAND GAS AND ELECTRIC ASSOCIATION

NOTICE REGARDING SUPPLEMENTAL FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of January, A. D. 1942.

The Commission, having in an Order, dated August 23, 1941, exempted, pursuant to sections 9 (c) (3) and 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-100, promulgated thereunder, the initial delivery to New England Gas and Electric Association of \$55,000, in cash, and 4,147 shares of its \$5.50 Preferred Stock, in accordance with a Settlement Agreement entered between it, the Trustees of Associated Gas and Electric Company and of Associated Gas and Electric Corporation, and certain other parties and Howard C. Hopson, et al.; and

New England Gas and Electric Association having filed an application for exemption of certain supplementary transactions in connection with the transactions exempted by the Commission in its Order, dated August 23, 1941;

Notice is hereby given that such supplementary filing has been made with this Commission by New England Gas and Electric Association; and

Notice is further given that any interested person may, not later than January 22, 1942, at 4:45 p. m., E. S. T., request the Commission in writing that a hearing be held on such supplementary matters, 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 application, as filed or as amended, may be granted, as provided in Rule U-23 of the Rules and Regulations, promulgated pursuant to the Public Utility Holding Company Act of 1935, or the Commission may exempt such transactions, as provided in Rule U-29 (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 supplementary filing, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

New England Gas and Electric Association proposes

(1) to pay from its general funds into the escrow account, in which the \$55,000 has already been deposited, \$58,058 for said 4,147 shares of its \$5.50 Preferred Stock, being at the rate of \$14.00 per share (such value being the figure used in the Settlement Agreement and the estimated value of the shares at May 31, 1941, and such figure also having been used as the basis for Federal tax purposes for these shares in an agreement entered into between the Trustees of Associated Gas and Electric Company and of Associated Gas and Electric Corporation and the Commissioner of Internal Revenue), making a total of \$113,058 held in escrow; and

(2) after the payment out of said \$113,058 of the expenses in connection with the settlement, to distribute to itself and its various subsidiaries the balance upon the same percentage as the gross payments made by New England Gas and Electric Association and its various subsidiaries to Howard C. Hopson and the Hopson service companies.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-215; Filed, January 8, 1942;
11:46 a. m.]

[File No. 70-476]

IN THE MATTER OF WISCONSIN FUEL AND LIGHT COMPANY AND NATIONAL GAS & ELECTRIC CORPORATION

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 6th 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 23, 1942, at 4:45 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:

National Gas & Electric Corporation, a registered holding company, proposes to cancel and forgive the following securities and obligations (and the accrued interest thereon to the date of the consummation of this transaction) of its subsidiary, Wisconsin Fuel and Light Company, which are presently held by National Gas & Electric Corporation:

7 percent debentures.....	\$101,500.00
Notes	463,250.00
Open account.....	44,284.69
Accrued interest on \$101,500 principal amount 7 percent de- bentures to Oct. 31, 1941.....	56,718.10
Accrued interest on notes to Oct. 31, 1941.....	73,061.26
7 percent preferred stock—\$100 par	140,900.00
Total.....	879,709.05

Wisconsin Fuel and Light Company proposes to reacquire the securities and obligations to be forgiven and donated to it by National Gas & Electric Corporation. By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-216; Filed, January 8, 1942;
11:47 a. m.]

[File No. 52-12]

IN THE MATTER OF YORK RAILWAYS COM-
PANY

ORDER CONSENTING TO WITHDRAWAL OF
APPLICATION

At a regular session of the Securities and Exchange Commission held at its offices in the City of Washington, D. C. on the 5th day of January, A. D. 1942.

The above-named applicant having filed with the Commission on February 2, 1939, an application for approval of

a plan of reorganization under section 11 (f) of the Public Utility Holding Company Act of 1935 and Rule 11-F-1 of the Rules and Regulations promulgated thereunder;

Said applicant having on December 16, 1941, requested permission to withdraw said application, reserving the right to refile an application for approval of the aforementioned plan either in its original form as heretofore filed or modified in such respects as may appear to be appropriate and in the interest of the holders of securities of said applicant;

It appearing to the Commission that said request for withdrawal may appropriately be granted;

It is ordered, That said application be and is hereby permitted to be withdrawn.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

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