FEDERAL REGISTER

VOLUME 7 NUMBER 57

Washington, Tuesday, March 24, 1942

The President

EXECUTIVE ORDER 9105

AMENDMENT OF EXECUTIVE ORDER NO. 8704 OF MARCH 4, 1941, PRESCRIBING REGULATIONS GOVERNING THE GRANTING OF ALLOWANCES FOR QUARTERS AND SUBSISTENCE TO ENLISTED MEN

By virtue of the authority vested in me by section 11 of the act of June 10, 1922, c. 212, 42 Stat. 625, 630, as amended by the act of November 21, 1941 (Public Law 319, 77th Congress), Executive Order No. 3704 of March 4, 1941, as amended by Executive Order No. 8759 of May 24, 1941, prescribing regulations governing the granting of allowances for quarters and subsistence to enlisted men of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service who are not furnished quarters or rations in kind, is hereby further amended by inserting, before the last paragraph thereof, a new paragraph, reading as follows:

"Payments of allowances for quarters and subsistence may be made to enlisted men not more than one month in advance, except that as to men proceeding to or from a station beyond the continental limits of the United States or in Alaska, such payments may be made not more than three months in advance. The heads of the Departments concerned may prescribe such additional regulations as may be necessary to carry out the provisions of this paragraph."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 19, 1942.

[F. R. Doc. 42-2435; Filed, March 20, 1942; 2:57 p. m.]

EXECUTIVE ORDER 9106

EXCEPTING CERTAIN PERSONS FROM THE CLASSIFICATION OF "ALIEN ENEMY" FOR THE PURPOSE OF PERMITTING THEM TO APPLY FOR NATURALIZATION

WHEREAS section 326 of the Nationality Act of 1940, approved October 14, 1940 (54 Stat. 1150; U.S.C., title 8, sec. 726), reads as follows:

SEC. 326. (a) An alien who is a native, citizen, subject, or denizen of any country, state, or sovereignty with which the United States is at war may be naturalized as a citizen of the United States if such alien's declaration of intention was made not less than two years prior to the beginning of the state of war, or such alien was at the beginning of the state of war entitled to become a citizen of the United States without making a declaration of intention, or his petition for naturalization shall at the beginning of the state of war be pending and the petitioner is otherwise entitled to admission, notwithstanding such petitioner shall be an alien enemy at the time and in the manner prescribed by the laws passed upon that subject.

(b) An alien embraced within this section shall not have such alien's petition for naturalization called for a hearing, or heard, except after ninety days' notice given by the clerk of the court to the Commissioner to be represented at the hearing, and the Commissioner's objection to such final hearing shall cause the petition to be continued from time to time for so long as the Commissioner may require.

(c) Nothing herein contained shall be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien.

(d) The President of the United States may, in his discretion, upon investigation and report by the Department of Justice fully establishing the loyalty of any alien enemy not included in the foregoing exemption, except such alien enemy from the classification of alien enemy, and thereupon such alien shall have the privilege of applying for naturalization.

NOW, THEREFORE, by virtue of the authority vested in me by the foregoing statutory provisions, and in order to carry out the purposes thereof, I hereby except from the classification "alien enemy" all persons whom the Attorney General of the United States shall, after investigation fully establishing their loyalty, certify as persons loyal to the United States.

This order supersedes Executive Order No. 3008 of November 26, 1918, entitled "Excepting Certain Persons from the Classification of 'Alien Enemy' for the

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FEDERAL REGISTER

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FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 20, 1942.

[F. R. Doc. 42-2463; Filed, March 21, 1942; 11:39 a. m.]

EXECUTIVE ORDER 9107

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT FOR MILITARY PURPOSES

CALIFORNIA

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 lands be, and they are hereby, withdrawn from all forms of appropriation under

the public-land laws, including the mining laws, and reserved for the use of the War Department for military purposes:

MOUNT DIABLO MERIDIAN

T. 27 N., R. 17 E.,
sec. 6, E½SW¼, S½SE¼;
sec. 7, E½E½;
sec. 29, S½NE¼, N½SE¼;
sec. 30, Lots 1, 2, 3, E½W½, E½;
T. 28 N., R. 17 E.,
sec. 19, Those portions of the E½SW¼ and the SE¼ lying south of the Southern Pacific Railroad right-of-way;
containing approximately 1,241.40 acres.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed for the purposes for which they are withdrawn.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 20, 1942.

[F. R. Doc. 42-2464; Filed, March 21, 1942; 11:39 a. m.]

EXECUTIVE ORDER 9108

DIRECTING THE DIRECTOR OF THE OFFICE OF DEFENSE TRANSPORTATION TO TAKE CONTROL OF THE TOLEDO, PEORIA, AND WESTERN RAILROAD COMPANY

WHEREAS, the national interest and security demands that there be no interruption in the flow of goods essential to effective prosecution of the war, and

WHEREAS, representatives of labor and industry, meeting at the call of the President, have agreed that there shall be no strikes or lockouts during the period of the war and that all labor disputes shall be settled by peaceful means, and, to further that agreement, the National War Labor Board has been established by Executive Order No. 9017 [1] to bring about the peaceful settlement of all such labor disputes, and

WHEREAS, a labor dispute has existed between the employees and the management of the Toledo, Peoria and Western Railroad Company since December 29, 1941 and has interrupted the transportation of goods essential for the prosecution of the war, and

WHEREAS, the National War Labor Board, by order dated February 27, 1942, directed that the dispute be submitted to arbitration under the terms of Section 8 of the Railway Labor Act, and the representatives of the employees have agreed thereto, but the Company has refused and continues to refuse to submit the dispute to arbitration, despite urgent requests by the National War Labor Board and by the President that it do so; and

WHEREAS, for the time being and under the circumstances set forth, it is essential that the Toledo, Peoria and Western Railroad Company be operated by or for the United States in order to assure successful prosecution of the war;

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and laws of the United States, and as President of the United States and as Commander in Chief of the Army and Navy, it is hereby ordered:

1. The Director of the Office of Defense Transportation is directed to take immediate possession of all real and personal property, franchises, rights and other assets, tangible and intangible, of the Toledo, Peoria and Western Railroad Company, and to operate or arrange for the operation of such railroad in such manner as he deems necessary for the successful prosecution of the war, through or with the aid of such public or private agencies, persons or corporations, including the armed forces of the United States, as he may designate.

2. Such real and personal property, franchises, rights and other assets, tangible and intangible, of the Toledo, Peoria and Western Railroad Company as the Director of the Office of Defense Transportation deems unnecessary to carry on the operation of such railroad may, from time to time, in his discretion, be returned to the Toledo, Peoria and Western Railroad Company.

3. The Director of the Office of Defense Transportation shall manage or arrange for the management of said railroad under such terms and conditions of employment as he deems advisable and proper, pending such termination of the existing labor dispute as may be approved by the National War Labor Board. Nothing herein shall be deemed to render inapplicable existing state or Federal laws concerning the health, safety, security and employment standards of the employees of said railroad.

4. Except with the prior written consent of the Director of the Office of Defense Transportation, no attachment by mesne or garnishee process or on execution shall be levied on or against any of the real and personal property, franchises, rights and other assets, tangible and intangible, of the Toledo, Peoria and Western Railroad Company in the possession of the Director.

5. Possession and operation hereunder shall be continued only until the President determines that such temporary possession and operation are no longer required for successful prosecution of the war.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 21, 1942

[F. R. Doc. 42-2469; Filed, March 21, 1942; 12:51 p. m.]

[1] 7 F.R. 237.

Rules, Regulations, Orders

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 17—REGULATIONS OF THE BOARD OF LEGAL EXAMINERS

AMENDMENTS [1]

Paragraph (d) of § 17.2 (*Procedure prior to the establishment of registers*), issued on August 6, 1941, effective as of August 15, 1941 (6 F.R. 4091), is amended to read as follows:

§ 17.2 *Procedure prior to the establishment of registers.*

* * * * *

(d) The noncompetitive examination shall be conducted by or under the supervision of examining committees of three members to be appointed by the Chairman of the Board and such committees shall determine the eligibility or ineligibility of the candidate. The determination shall be based upon (1) the record and experience of the candidate, and (2) an oral examination. The oral examination may be waived in the case of appointments above P5 and in the case of any war service appointment, if the examining committee is satisfied, without regard thereto, that the candidate is eligible.

* * * * *

The following paragraph is added to § 17.2 of the regulations issued on August 6, 1941, effective as of August 15, 1941 (6 F.R. 4091), and issued on December 6, 1941 (6 F.R. 6471):

(g) Effective Mar. 16, 1942, all appointments to attorney and law-clerk trainee positions shall be for the duration of the present war and for six months thereafter unless otherwise specifically limited to a shorter period. Such appointments shall be effected under E.O. 9063, Feb. 16, 1942 (7 F.R. 1075), and persons thus appointed will not thereby acquire a classified status. No person shall be appointed unless (1) he has passed a noncompetitive examination prescribed by the Board, or (2) in case of special emergency, the Board has authorized his appointment subject to subsequent examination. Such appointments shall in other respects be governed by the requirements and procedures prescribed by the regulations in this part.

Section 17.6 (*Approval required for transfers of attorneys*), issued November 7, 1941 (6 F.R. 5799) is amended to read as follows:

§ 17.6 *Approval required for transfers of attorneys.* (a) Effective Mar. 16, 1942, all transfers from one attorney position to another such position shall be governed by Regulation IX of the War Service Regulations promulgated by the Commission, except that the determinations required thereunder shall be made by the Board of Legal Examiners.

(b) Incumbents of attorney positions who desire to transfer under the War Service Regulations shall file with the Board of Legal Examiners a statement to that effect, accompanied by Form 3821 (Application for Attorney Positions) unless this form has previously been filed with the Board.

By the United States Civil Service Commission.

H. B. MITCHELL,
President.

MARCH 16, 1942.

[F. R. Doc. 42-2497; Filed, March 23, 1942; 11:13 a. m.]

[1] (E.O. 8743, Apr. 23, 1941, 6 F.R. 2117; 54 Stat. 1211; E.O. 9063, Feb. 16, 1942, 7 F.R. 1075; 22 Stat. 404.)

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine

[B.E.P.Q.—Q. 48]

PART 301—DOMESTIC QUARANTINE NOTICES

JAPANESE BEETLE QUARANTINE[1]

Introductory Note

In the current revision of the Japanese beetle quarantine regulations, relatively small extensions of regulated areas are made in Maryland, New York, Pennsylvania, Virginia, and West Virginia. Additions to the regulated area in Maryland include portions of the counties of Allegany, Prince Georges, and Washington, and the previously unregulated portions of the counties of Carroll and Frederick. In New York, the town of Manchester, Ontario County, and the town of Pittsford and village of East Rochester, in Monroe County, are brought under regulation. Extension of the Pennsylvania regulated area is limited to the city of Meadville, in Crawford County. The cities of Charlottesville and Danville, the village of Schoolfield in Pittsylvania County, and the town of Front Royal in Warren County, Va., are added to the regulated area. The area in Warwick County, Va., has been slightly increased and described as the magisterial district of Newport, which includes the Camp Stuart locality heretofore under regulation. An addition to the West Virginia area was made by the inclusion of the magisterial district of Lincoln, Tyler County, and the town of Paden City, in Tyler and Wetzel Counties.

Areas from which the movement of fruits and vegetables is regulated (§ 301.48–5) have been further extended to include additional election districts and towns in Anne Arundel and Baltimore Counties, Md., and Berks, Cumberland, Lehigh, Northampton and York Counties, Pa. Charlottesville, Va., is now included with Toledo, Ohio, and Winchester, Va., as isolated regulated points to which fruit and vegetable shipments via refrigerator car or motortruck may move only under certification.

Soil-free rooted cuttings and fresh manure have been added to the list of exempted articles, and the special labeling requirements previously prescribed for containers of certain exempted articles have been removed.

Restrictions on the movement of cut flowers are now confined to shipments moving from the heavily infested area interstate to points outside the regulated areas. This heavily infested area (§ 301.48–5) is that from which the movement of fruits and vegetables is also restricted. This will relieve shippers of cut flowers located within the regulated area, but outside the heavily infested portion, from the necessity of obtaining certification for their shipments.

Minor changes have been made in § 301.48–6 relating to the maintenance of a classified status at an infested nursery or greenhouse.

Authorization for the issuance of permits for the movement via motortruck of all restricted articles from a regulated area through a nonregulated area to another regulated area has been restored.

This revision supersedes the rules and regulations supplemental to the revision of Notice of Quarantine No. 48, which became effective February 12, 1941, as amended by administrative instructions (B.E.P.Q. 513), effective April 21, 1941.

Summary

Unless a certificate has been issued, these regulations, as now revised, prohibit the interstate movement between June 15 and October 15 (between June 1 and October 15 in the case of Accomac and Northampton Counties, Va.) of all fruits and vegetables by refrigerator car or motortruck, and cut flowers by any mode of transportation, from the District of Columbia, the State of Delaware, and parts of Maryland, New Jersey, Pennsylvania, and Virginia, as defined in § 301.48–5, to or through points outside the regulated areas as defined in § 301.48–3.

Also restricted in the regulations is the interstate movement of plants, sand, soil, earth, peat, compost, and manure from any part of the regulated areas to or through any outside point throughout the year unless a Federal permit or certificate has been obtained. For details and exceptions see §§ 301.48–6 and 7.

Included in the regulated areas are the District of Columbia, the entire States of Connecticut, Delaware, Massachusetts, New Jersey, and Rhode Island, and parts of Maine, Maryland, New Hampshire, New York, Ohio, Pennsylvania, Vermont, Virginia, and West Virginia, as described in § 301.48–3.

These regulations also specify the conditions governing the protection of restricted articles from infestation while in transit (§ 301.48–8), require thorough cleaning of vehicles, containers, and refrigerator cars which have been used in transporting restricted products (§§ 301.48–5 and 13), and provide other safeguards and conditions, as specified in the regulations.

To obtain permits and certificates, address the Bureau of Entomology and Plant Quarantine, 266 Glenwood Avenue, Bloomfield, N. J., or the nearest branch office listed in the appendix.

Determination of the Secretary of Agriculture

The Secretary of Agriculture, having determined that it was necessary to quarantine the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia, and the District of Columbia, to prevent the spread of the Japanese beetle (*Popillia japonica* Newm.), a dangerous insect new to and not theretofore widely prevalent or distributed within and throughout the United States, and having given the public hearing required by law, promulgated the thirteenth revision of Notice of Quarantine 301.48, part 301, chapter III, title 7, Code of Federal Regulations, and rules and regulations supplemental thereto, governing the movement of (1) fruits and vegetables; (2) nursery, ornamental, and greenhouse stock, and other plants; and (3) sand, soil, earth, peat, compost, and manure, from any of the above-named States or the District of Columbia, into or through any other State or Territory or District of the United States, §§ 301.48–1 to 14, inclusive, part 301, chapter III, title 7, Code of Federal Regulations [B.E.P.Q.—Q. 48, effective on and after February 12, 1941].

I have determined that it is necessary to revise the aforesaid rules and regulations for the purpose of extending the regulated areas owing to the discovery of substantial infestations of the Japanese beetle in additional sections, and to make other modifications.

Order of the Secretary of Agriculture

Pursuant to the authority conferred upon the Secretary of Agriculture by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), the subpart entitled "Japanese Beetle" of part 301, chapter III, title 7, Code of Federal Regulations [B.E.P.Q.—Q. 48, as revised] is hereby revised effective March 24, 1942, to read as follows:

SUBPART—JAPANESE BEETLE

Quarantine

§ 301.48 *Notice of quarantine.* Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), I do quarantine the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and the District of Columbia, to prevent the spread of the Japanese beetle. Hereafter (1) fruits and vegetables; (2) nursery, ornamental, and greenhouse stock, and other plants; and (3) sand, soil, earth, peat, compost, and manure, shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of said quarantined States or District into or through any other State or Territory or District of the United States in manner or method or under conditions other than those prescribed in the rules and regulations hereinafter made and amendments thereto: *Provided,* That the restrictions of this quarantine and of the rules and regulations supplemental thereto may be limited to the areas in a quarantined State now, or which may hereafter be, designated by the Secretary of Agriculture as regulated areas when, in the judgment of the Secretary of Agriculture, the enforcement of the aforesaid rules and regulations as to such regulated areas shall be adequate to prevent the spread of the Japanese beetle: *Provided further,* That such limitations shall be conditioned upon the said State providing for and enforcing such control measures with respect to such regulated areas as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the spread of the Japanese beetle therefrom to other parts of the State: *And provided further,* That

[1] Revision of Regulations Effective March 24, 1942.

certain articles classed as restricted herein may, because of the nature of their growth or production or their manufactured or processed condition, be exempted by administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine when, in his judgment, such articles are considered innocuous as carriers of infestation: *And provided further,* That whenever, in any year, the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to the pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto apply, making it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulation should be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.*

*§§ 301.48 to 301.48–14, inclusive, issued under the authority contained in sec. 8, 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161.

Meaning of Terms

§ 301.48–1 *Definitions.* For the purpose of these regulations the following words, names, and terms shall be construed, respectively, to mean:

(a) *Japanese beetle.* The insect known as the Japanese beetle (*Popillia japonica Newm.*), in any stage of development.

(b) *Infested, infestation.* The terms "infested," "infestation," and the like, relate to infestation with the Japanese beetle.

(c) *Quarantined area.* Any State or District quarantined by the Secretary of Agriculture to prevent the spread of the Japanese beetle.

(d) *Regulated area.* Any area in a quarantined State or District which is now, or which may hereafter be, designated as such by the Secretary of Agriculture in accordance with the provisos of § 301.48, as revised.

(e) *Fruits and vegetables.* For the list of restricted fruits and vegetables see § 301.48–5.

(f) *Nursery and ornamental stock.* Nursery, ornamental, and greenhouse stock, and all other plants, plant roots, cut flowers, or other portions of plants.

(g) *Sand, soil, earth, peat, compost, and manure.* Sand, soil, earth, peat, compost, or manure of any kind and as to either bulk movement or in connection with farm products or nursery and ornamental stock.

(h) *Certified sand, soil, earth, peat, compost, and manure.* Sand, soil, earth, peat, compost, or manure determined by the inspector as uninfested and so certified.

(i) *Certified greenhouse.* A greenhouse or similar establishment which has complied to the satisfaction of the inspector with the conditions imposed in § 301.48–6. This term may apply also to potting beds, heeling-in areas, hotbeds, coldframes, or similar plots or to storage houses, packing sheds, or stores treated or otherwise safeguarded in manner and method satisfactory to the inspector.

(j) *Inspector.* An inspector of the United States Department of Agriculture.

(k) *Moved interstate.* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved or allowed to be moved from one State or Territory or District of the United States into or through any other State or Territory or District.

(l) *Certificate.* A valid form evidencing compliance with the requirements of these regulations as to movement of restricted articles to points outside the regulated areas.

(m) *Permit.* A valid form authorizing movement of restricted articles from a regulated area to a restricted destination in a separate regulated area.*

Limitation of Restrictions

§ 301.48–2 *Limitation of restrictions to regulated areas.* Conditioned upon the compliance on the part of the State concerned with the provisos to § 301.48, the restrictions provided in these regulations on the interstate movement of plants and plant products and other articles enumerated in said § 301.48 will be limited to such movement from the areas in such State now or hereafter designated by the Secretary of Agriculture as regulated areas.*

Areas Under Regulation

§ 301.48–3 *Regulated areas.* In accordance with the provisos to § 301.48, the Secretary of Agriculture designates as regulated areas for the purpose of these regulations the States, District, counties, townships, towns, cities, election districts, and magisterial districts listed below, including all cities, towns, boroughs, or other political subdivisions within their limits:

Connecticut. The entire State.

Delaware. The entire State.

District of Columbia. The entire District.

Maine. County of York; towns of Auburn and Lewiston, in *Androscoggin County;* towns of Cape Elizabeth, Gorham, Gray, New Gloucester, Raymond, Scarboro, Standish, and the cities of Portland, South Portland, Westbrook, and Windham, in *Cumberland County;* the city of Waterville, in *Kennebec County;* and the city of Brewer, in *Penobscot County.*

Maryland. Counties of Baltimore, Caroline, Carroll, Cecil, Frederick, Harford, Howard, Kent, Montgomery, Prince Georges, Queen Annes, Somerset, Talbot, Wicomico, and Worcester; the city of Baltimore; the city of Cumberland, the town of Frostburg, and election districts Nos. 4, 5, 6, 7, 8, 11, 12, 13, 14, 22, 23, 24, 26, 28, 29, 31 and 32, in *Allegany County;* the city of Annapolis, and election districts Nos. 2, 3, 4 and 5 in *Anne Arundel County;* election districts of La Plata (No. 1), Pomonkey (No. 7), and White Plains (No. 6), in *Charles County;* election districts of Cambridge (No. 7), Church Creek (No. 9), East New Market (No. 2), Fork (No. 1), Hurlock (No. 15), Vienna (No. 3), and Williamsburg (No. 12), in *Dorchester County;* all of *Washington County* except the election districts of Hancock (No. 5) and Indian Spring (No. 15).

Massachusetts. The entire State.

New Hampshire. Counties of Belknap, Cheshire, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; towns of Brookfield, Eaton, Effingham, Freedom, Madison, Moultonboro, Ossipee, Sandwich, Tamworth, Tuftonboro, Wakefield, and Wolfeboro, in *Carroll County;* towns of Alexandria, Ashland, Bridgewater, Bristol, Canaan, Dorchester, Enfield, Grafton, Groton, Hanover, Hebron, Holderness, Lebanon, Lyme, Orange, and Plymouth, in *Grafton County.*

New Jersey. The entire State.

New York. Counties of Albany, Bronx, Broome, Chemung, Chenango, Columbia, Cortland, Delaware, Dutchess, Fulton, Greene, Kings, Madison, Montgomery, Nassau, New York, Oneida, Onondaga, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Tioga, Ulster, Washington, and Westchester; towns of Red House and Salamanca, and the city of Salamanca, in *Cattaraugus County;* city of Auburn and the towns of Fleming, Owasco, and Sennett, in *Cayuga County;* towns of Amherst, Cheektowaga, and Tonawanda, and the cities of Buffalo and Lakawanna, in *Erie County;* towns of Columbia, Danube, Fairfield, Frankfort, German Flats, Herkimer, Litchfield, Little Falls, Manheim, Newport, Salisbury, Schuyler, Stark, Warren, and Winfield, and the city of Little Falls, in *Herkimer County;* town of Watertown and city of Watertown in *Jefferson County;* town of Mount Morris and village of Mount Morris, in *Livingston County;* city of Rochester, towns of Brighton and Pittsford, and village of East Rochester, in *Monroe County;* town of Manchester, in *Ontario County;* towns of Catharine, Cayuta, Dix, Hector, Montour, and Reading, and the borough of Watkins Glen, in *Schuyler County;* towns of Caton, Corning, Erwin, Hornby, and Hornellsville, and the cities of Corning and Hornell, in *Steuben County;* towns of Caroline, Danby, Dryden, Enfield, Ithaca, Newfield, and the city of Ithaca, in *Tompkins County;* towns of Luzerne and Queensbury and the city of Glens Falls, in *Warren County.*

Ohio. Counties of Belmont, Carroll, Columbiana, Cuyahoga, Guernsey, Harrison, Jefferson, Mahoning, Medina, Portage, Stark, Summit, Tuscarawas, and Wayne, the city of Coshocton, in *Coshocton County;* the city of Columbus, and villages of Bexley, Grandview, Grandview Heights, Hanford, Marble Cliff, and Upper Arlington, in *Franklin County;* townships of Kirtland, Mentor, and Willoughby, and the villages of Kirtland Hills, Lakeline, Mentor, Mentor-on-the-

Lake, Waite Hill, Wickliffe, Willoughby, and Willowick, in *Lake County;* the township of Newark and City of Newark, in *Licking County;* the city of Toledo, in *Lucas County;* the township of Madison and the city of Mansfield, in *Richland County;* townships of Bazetta, Braceville, Brookfield, Champion, Fowler, Hartford, Howland, Hubbard, Liberty, Lordstown, Newton, Southington, Warren, Weathersfield, and Vienna, the cities of Niles and Warren, and the villages of Cortland, Girard, Hubbard, McDonald, Newton Falls, and Orangeville, in *Trumbull County.*

Pennsylvania. The entire State except the townships of Athens, Beaver, Bloomfield, Cambridge, Conneaut, Cussewago, East Fairfield, East Fallowfield, East Mead, Fairfield, Greenwood, Hayfield, North Shenango, Pine, Randolph, Richmond, Rockdale, Sadsbury, South Shenango, Spring, Steuben, Summerhill, Summit, Troy, Union, Venango, Vernon, Wayne, West Fallowfield, West Mead, West Shenango, and Woodcock, the boroughs of Blooming Valley, Cambridge Springs, Cochranton, Conneaut Lake, Conneautville, Geneva, Linesville, Saegerstown, Springboro, Townville, Venango, and Woodcock, in *Crawford County;* the townships of Amity, Conneaut, Elk Creek, Fairview, Franklin, Girard, Greene, Greenfield, Harborcreek, Lawrence Park, Le Boeuf, McKean, North East, Springfield, Summit, Union, Venango, Washington, and Waterford, and the boroughs of Albion, Cranesville, East Springfield, Edinboro, Fairview, Girard, Middleboro, Mill Village, North East, North Girard, Platea, Union City, Waterford, Wattsburg, and Wesleyville, in *Erie County;* the townships of Deer Creek, Delaware, Fairview, French Creek, Greene, Hempfield, Lake, Mill Creek, New Vernon, Otter Creek, Perry, Pymatuning, Salem, Sandy Creek, Sandy Lake, South Pymatuning, Sugar Grove, and West Salem, and the boroughs of Clarksville, Fredonia, Greenville, Jamestown, New Lebanon, Sandy Lake, Sheakleyville, and Stoneboro, in *Mercer County.*

Rhode Island. The entire State.

Vermont. Counties of Bennington, Rutland, Windham, and Windsor; and the town of Burlington, in *Chittenden County.*

Virginia. Counties of Accomac, Arlington, Culpeper, Elizabeth City, Fairfax, Fauquier, Henrico, Loudoun, Norfolk, Northampton, Prince William, Princess Anne, and Stafford; magisterial districts of Bermuda, Dale, Manchester, and Matoaca, in *Chesterfield County;* town of Emporia, in *Greensville County;* magisterial district of Sleepy Hole, in *Nansemond County;* village of Schoolfield, in *Pittsylvania County;* magisterial districts of Hampton, Jackson, and Wakefield, in *Rappahannock County;* magisterial district of Courtland, in *Spotsylvania County;* town of Front Royal, in *Warren County;* magisterial district of Newport, in *Warwick County;* magisterial district of Washington, in *Westmoreland County;* and the cities of Alexandria, Charlottsville, Danville, Fredericksburg, Hampton, Newport News, Norfolk, Petersburg, Portsmouth, Richmond, South Norfolk, Suffolk, and Winchester.

West Virginia. Counties of Brooke, Hancock, Harrison, Jefferson, Marion, Monongalia, Ohio, and Taylor; magisterial districts of Arden, Falling Waters, Hedgesville, and Opequon and the city of Martinsburg, in *Berkeley County;* the city of Charleston, in *Kanawha County;* magisterial districts of Sand Hill, Union, Washington, and Webster, in *Marshall County;* town of Keyser and magisterial district of Frankfort, in *Mineral County;* magisterial district of Lincoln, in *Tyler County;* town of Paden City, in *Tyler and Wetzel Counties;* and the city of Parkersburg, and magisterial districts of Lubeck and Tygart, in *Wood County.**

Changes in Regulated Areas

§ 301.48–4 *Extension or reduction of regulated areas.* The regulated areas designated in § 301.48–3 may be extended or reduced as may be found advisable by the Secretary of Agriculture. Due notice of any extension or reduction and the areas affected thereby will be given in writing to the transportation companies doing business in or through the States in which such areas are located and by publication in one or more newspapers selected by the Secretary of Agriculture within the States in which the areas affected are located.*

Movement of Fruits and Vegetables

§ 301.48–5 *Restrictions on the movement of fruits and vegetables*—(a) *Control of movement.* (1) Unless a certificate shall have been issued therefor, by an inspector, except as provided in subdivisions (i) to (iv), inclusive, of this section, no fruits or vegetables of any kind shall be moved interstate via refrigerator car or motortruck from any of the areas listed below to or through any point outside the regulated areas:

Delaware. The entire State.

District of Columbia. The entire District.

Maryland. Counties of Baltimore, Cecil, Harford, Kent, Queen Annes, Somerset, and Worcester; election districts Nos. 3, 4 and 5, in *Anne Arundel County;* the city of Baltimore; all of *Caroline County* except election districts of American Corners (No. 8), and Hillsboro (No. 6); election districts of Cambridge (No. 7), East New Market (No. 2), Hurlock (No. 15), and Williamsburg (No. 12), in *Dorchester County;* election districts of Elk Ridge (No. 1), and Ellicott City (No. 2), in *Howard County;* election districts of Camden (No. 13), Delmar (No. 11), Dennis (No. 6), Fruitland (No. 16), Nutters (No. 8), Parsons (No. 5), Pittsburg (No. 4), Salisbury (No. 9), Trappe (No. 7), and Willard (No. 14), and the town of Salisbury, in *Wicomico County.*

New Jersey. Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Salem, Somerset, and Union; townships of Lodi, Lyndhurst, Overpeck, Rochelle Park, Saddle River, and Teaneck, the cities of Englewood, Garfield, and Hackensack, and the boroughs of Bogota, Carlstadt, Cliffside Park, East Paterson, East Rutherford, Edgewater, Englewood Cliffs, Fair Lawn, Fairview, Fort Lee, Glenn Rock, Hasbrouck Heights, Leonia, Little Ferry, Lodi, Maywood, Moonachie, North Arlington, Palisades Park, Ridgefield, Rutherford, Teterboro, Wallington, and Wood Ridge, in *Bergen County;* townships of Chatham, Chester, Denville, East Hanover, Hanover, Harding, Menham, Morris, Morristown, Parsippany-Troy Hills, Passaic, Randolph, and Washington, and the boroughs of Chatham, Florham Park,, Madison, Mendham, and Morris Plains, in *Morris County;* township of Little Falls, the cities of Clifton, Passaic, Paterson, and the boroughs of Haledon, Hawthorne, North Haledon, Prospect Park, Totowa, and West Paterson, in *Passaic County;* townships of Franklin, Greenwich, Lopatcong, Mansfield, Phillipsburg, Popatcong, and Washington, and the boroughs of Alpha and Washington, in *Warren County.*

Pennsylvania. Counties of Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia; all of *Berks County* except the townships of Albany, Bethel, Centre, Greenwich, Jefferson, Marion, North Heidelberg, Penn, Parry, Tilden, Tulpehocken, Upper Bern, Upper Tulpehocken, and Windsor, and the boroughs of Bernville, Centreport, Hamburg, Lenhartsville, Shoemakersville, Strausstown, and West Leesport; townships of Lower Allen and Upper Allen, and boroughs of Lemoyne, Mechanicsburg, and New Cumberland, in *Cumberland County;* townships of Londonderry, Lower Paxton, Lower Swatara, Susquehanna, and Swatara, the city of Harrisburg, and the boroughs of Highspire, Middletown, Paxtang, Penbrook, Royalton, and Steelton, in *Dauphin County;* all of *Lehigh County* except the townships of Heidelberg, Lowhill, Lynn, Washington, and Weisenberg, and borough of Slatington; all of *Northampton County* except the townships of Bushkill, Lehigh, Moore, Plainfield, Upper Mount Bethel, and Washington, and boroughs of Bangor, Chapman, East Bangor, Pen Argyl, Portland, Roseto, Stockertown, Walnutport, and Wind Gap; and the townships of Chanceford, Conewago, East Hopewell, East Manchester, Fairview, Fawn, Hellam, Hopewell, Lower Chanceford, Lower Windsor, Manchester, Newberry, Peach Bottom, and Springetsbury, the city of York, and the boroughs of Cross Roads, Delta, East Prospect, Fawn Grove, Goldsboro, Hallam, Lewisberry, Manchester, Mount Wolf, North York, Stewartstown, Wrightsville, Yorkana, and York Haven in *York County.*

Virginia. Counties of Accomac, Arlington, and Northampton.

Provided, That shipments of fruits and vegetables moving interstate from the area specified in paragraph (a) (1) of this section to other points in the regulated area and subsequently diverted to points outside the regulated area, shall be regarded as direct shipments from the point of origin. As such they require certification:

Provided further, That the Chief of the Bureau of Entomology and Plant Quarantine may by administrative instructions extend or reduce the areas specified in this section when in his judgment such action is considered advisable.

(i) No restrictions are placed on the interstate movement of fruits and vegetables between October 16 and June 14, inclusive, except that in the case of movement interstate from the following areas, the exemption applies only during the period from October 16 to May 31, inclusive:

Virginia. The counties of Accomac and Northampton.

(ii) No certificate or permit will be required for the interstate movement of fruits and vegetables when transported by a common carrier on a through bill of lading either from a point outside the area designated in this section through that area to another outside point, or from the area designated in this section through a nonregulated area to another regulated area, except that a certificate is required for interstate movement from the area specified in paragraph (a) (1) of this section to Toledo, Ohio, and Charlottesville and Winchester, Va.

(iii) No restrictions are placed on the interstate movement of fruits and vegetables when they shall have been manufactured or processed in such a manner that in the judgment of the inspector no infestation could be transmitted.

(iv) No restrictions are placed on the interstate movement of fruits and vegetables from the area listed in paragraph (a) (1) of this section to the remainder of the regulated area, other than as specified in subdivision (ii) of this paragraph.

(b) *Conditions of certification.*—Certificates may be issued for the interstate movement of fruits and vegetables between June 15 and October 15, inclusive (or between June 1 and October 15, inclusive, when consigned from Accomac County or Northampton County, Va.) under one of the following conditions:

(1) When the fruits and vegetables moving by motortruck have actually been inspected by the United States Department of Agriculture and found free from infestation. The number of inspection points for such certification will be limited and their location determined by shipping needs and further conditioned on the establishment at such points of provisions satisfactory to the inspector for the handling and safeguarding of such shipments during inspection. Such inspection may be discontinued and certification withheld by the inspector during periods of general or unusual flight of the beetles.

(2) When the fruits and vegetables have been handled or treated under the observation of an inspector in manner and by method to free them from any infestation.

(3) When the fruits and vegetables have originated outside the areas designated in this section, and are to be reshipped directly from freight yards, transfer points, or unloading docks within such areas, under provisions satisfactory to the inspector for safeguarding of such shipments pending certification and reshipment. Certificates on this basis will be issued without inspection only in cases where, in the judgment of the inspector, the shipments concerned have not been exposed to infestation while within such freight yards, transfer points, or unloading docks.

(4) When the fruits and vegetables were grown in districts where the fact has been established to the satisfaction of the inspector that no infestation exists and are to be shipped directly from the farms where grown to points outside the areas designated in paragraph (a) (1) of this section, or are shipped from infested districts where the fact has been established to the satisfaction of the inspector that the Japanese beetle has not begun or has ceased its flight.

(5) When the fruits and vegetables moving via refrigerator car from the area designated in this section have been inspected and loaded in a manner to prevent infestation, in a refrigerator car with closed or adequately screened doors and hatches, which car prior to loading has been determined by an inspector as fumigated or thoroughly swept and cleaned by the common carrier in a manner to rid it of infestation. During the interval between fumigation or cleaning and loading, such refrigerator car must be tightly closed and sealed. (For further requirements on the cleaning of refrigerator cars, see § 301.48–13.)

(6) When the fruits and vegetables moving via refrigerator car from the area designated in this section have been fumigated in the car, when deemed necessary in the judgment of the inspector, and when the doors and hatches of the car have been tightly closed or adequately screened under the supervision of an inspector.*

Movement of Nursery and Ornamental Stock

§ 301.48–6 *Restrictions on the movement of nursery and ornamental stock.* (a) *Control of movement.* Nursery and ornamental stock as defined in § 301.48–1 shall not be moved interstate from the regulated areas to or through any point outside thereof, unless a certificate or permit shall have been issued therefor by the inspector except as follows:

(1) The following articles, because of their growth or production, or their manufactured or processed condition, are considered innocuous as carriers of infestation and are, therefore, exempt from the requirements of certification.

(i) True bulbs, corms, and tubers, when dormant, except for storage growth, and when free from soil; and single dahlia tubers or small dahlia root divisions when free from stems, cavities, and soil. Dahlia tubers, other than single tubers or small root divisions meeting these conditions, require certification.

(ii) Cut orchids; orchid plants when growing exclusively in Osmunda fiber; Osmunda fiber, Osmundine, or orchid peat (*Osmunda cinnamomea* and *O. claytoniana*).

(iii) (*a*) Floral designs or "set pieces," including wreaths, sprays, casket covers and all formal florists' designs; bouquets and cut flowers not so prepared are not exempted; (*b*) trailing arbutus, or Mayflower (*Epigaea repens*), when free from soil, and when shipped during the period between October 16 and June 14, inclusive.

(iv) (*a*) Herbarium specimens, when dried, pressed, and treated; (*b*) mushroom spawn, in brick, flake, or pure culture form.

(v) (*a*) Sheet moss (*Calliergon schriberi* and *Thuridium recognition*); (*b*) resurrection plant or bird's-nest moss (*Selaginella lepidophylla*); (*c*) sphagnum moss, bog moss, or peat moss (*Sphagnaceae*); (*d*) dyed moss.

(vi) Soil-free dried roots incapable of propagation.

(vii) Soil-free rooted cuttings.

(2) No restrictions are placed on the interstate movement of nursery and ornamental stock imported from foreign countries when reshipped from the port of entry in the unopened original container and labeled as to each container with a copy certificate of the country from which it was exported, a statement of the general nature and quantity of the contents, the name and address of the consignee, and the country and locality where grown.

(3) No restrictions are placed on the interstate movement of soil-free aquatic plants, and of portions of plants without roots and free from soil, except that a certificate is required during the period June 15 to October 15, inclusive (or between June 1 and October 15, inclusive, when consigned from Accomac County or Northampton County, Va.), for the movement of cut flowers from the area designated in § 301.48–5 interstate to points outside the regulated areas (§ 301.48–3).

(4) No certificate or permit will be required for the interstate movement of nursery and ornamental stock when transported by a common carrier on a through bill of lading either from an area not under regulation through a regulated area, or from a regulated area through a nonregulated area to another regulated area.

(b) *Conditions governing the issuance of certificates and permits.* For the purpose of certification of nursery and ornamental stock, nurseries, greenhouses, and other premises concerned in the movement of such stock will be classified as follows:

(1) *Class I.* Nurseries, greenhouses, and other premises concerned in the movement of nursery and ornamental stock on or within approximately 500 feet of which no infestation has been found may be classified as class I. Upon compliance with the requirements of paragraph (b) (7) of this section nursery and ornamental stock may be certified by the inspector for shipment from such premises without further inspection, and without meeting the safeguards

prescribed as a condition of interstate shipment of plants originating in nurseries or greenhouses of class III.

(2) *Class III.* (i) Nurseries, greenhouses, and other premises concerned in the movement of nursery and ornamental stock on which either grubs in the soil or one or more beetles have been found, will be classified as class III, provided there are maintained on the premises subdivided class I areas, certified houses, frames, or plots or other certified areas. Such classification will not be granted to nurseries, greenhouses, and other premises that do not maintain certified or subdivided areas and require only infrequent certification. Such classification also may be given to nurseries, etc., where one or more beetles or grubs are found in the immediate proximity (within approximately 500 feet) of such nurseries, etc., on adjacent property or properties. In the case of nursery properties under single ownership and management but represented by parcels of land widely separated, such parcels may be independently classified either as class I or class III upon compliance with such conditions and safeguards as shall be required by the inspector. Similarly, unit nursery properties, which would otherwise fall in class III, may be open to subdivision, for the purpose of rating such subdivisions in classes I or III, when in the judgment of the inspector such action is warranted by scanty infestation limited to a portion of the nursery concerned: *Provided,* That the subdivision containing the infestation shall be clearly marked by boundaries of a permanent nature which shall be approximately 500 feet beyond the point where the infestation occurs.

(ii) Upon compliance with paragraphs (b) (3), (6), and (7) of this section, nursery and ornamental stock may be certified by the inspector for shipment from such premises under any one of the following conditions: (*a*) That the roots shall be treated by means approved by the Bureau of Entomology and Plant Quarantine in manner and by method satisfactory to the inspector; or (*b*) in the case of plants in which the root system is such that a thorough inspection may be made, that the soil shall be entirely removed from the stock by shaking or washing; or (*c*) that it shall be shown by evidence satisfactory to the inspector that the plants concerned were produced in a certified greenhouse.

(3) Greenhouses of class III may be certified upon compliance with all the following conditions with respect to the greenhouses themselves and to all potting beds, heeling-in areas, hotbeds, coldframes, and similar plots:

(i) Ventilators, doors, and all other openings in greenhouses or coldframes on premises in class III shall be kept screened in manner satisfactory to the inpector during the period of flight of the beetle, namely, south of the northern boundaries of Maryland and Delaware between June 1 and October 1, inclusive, or north thereof between June 15 and October 15, inclusive.

(ii) Prior to introduction into nurseries or greenhouses, sand, if contaminated with vegetable matter, soil, earth, peat, compost, or manure taken from infested locations or which may have been exposed to infestation, must be sterilized or fumigated under the direction and supervision of, and in manner and by method satisfactory to the inspector. If such sand, soil, earth, peat, compost, or manure is not to be immediately used in such greenhouses, it must be protected from possible infestation in manner and by method satisfactory to the inspector.

(iii) All potted plants placed in certified greenhouses of class III and all potted plants to be certified for interstate movement therefrom (*a*) shall be potted in certified soil; (*b*) shall, if grown outdoors south of the northern boundaries of Maryland and Delaware at any time between June 1 and October 1, inclusive, or north thereof at any time between June 15 and October 15, inclusive, be kept in screened frames while outdoors; (*c*) shall, if grown outdoors during any part of the year, be placed in beds in which the soil or other material shall have been treated in manner and by method approved by the Bureau of Entomology and Plant Quarantine to eliminate infestation; and (*d*) shall comply with such other safeguards as may be required by the inspector.

(4) Cut flowers may be certified for movement either (i) when they have been inspected by an inspector and found free from infestation, or (ii) when they have been grown on a class I establishment or in a certified greenhouse of class III and are transported under such safeguards as will in the judgment of the inspector prevent infestation. (See also paragraph (a) (3) of this section.)

(5) Nursery and ornamental stock originating on or moved from unclassified premises may be certified by the inspector under either one of the following conditions: (i) That the soil shall be entirely removed from the stock, or (ii) that the roots shall be treated by means approved by the Bureau of Entomology and Plant Quarantine in manner and by method satisfactory to the inspector, or (iii) that it shall be shown by evidence satisfactory to the inspector that the accompanying soil was obtained at such points and under such conditions that in his judgment no infestation could exist therein.

(6) Nurserymen, florists, dealers, and others, in order to maintain a class III status, shall report immediately on forms provided for that purpose all their sales or shipments of nursery and ornamental stock, sand, if contaminated with vegetable matter, soil, earth, peat, compost, and manure both to points outside the regulated areas and to other classified nurseries or greenhouses within the regulated area. Certification may be denied to any person who has omitted to make the report required by this section, and such denial of certification shall continue until the information so omitted has been supplied.

(7) Nurserymen, florists, dealers, and others, in order to maintain a class I status, or to maintain in a class III establishment, a class I subdivision, a certified plot, or a certified greenhouse, (i) shall restrict their purchases or receipts of nursery and ornamental stock, sand, if contaminated with vegetable matter, soil, earth, peat, compost, and manure, secured within the regulated area and intended for use on class I or certified premises, to articles which have been certified under these regulations as to each such article and the said certificate shall accompany the article when moved; (ii) shall obtain approval of the inspector before such articles are received on class I or certified premises or are taken into certified greenhouses ; (iii) shall report immediately in writing all purchases or receipts of such articles secured from within the regulated area for use on such premises; and (iv) shall also report immediately on forms provided for that purpose all their sales or shipments of such articles both to points outside the regulated areas and to other classified nurseries or greenhouses within the regulated areas. Certification may be denied to any person who has omitted to make the report or reports required by this section, and such denial of certification shall continue until the information so omitted has been supplied.

(8) Nursery and ornamental stock imported from foreign countries and not reshipped from the port of entry in the unopened original container may be certified for movement under these regulations when such stock has been inspected by an inspector and found free from infestation.

(9) Nursery and ornamental stock originating outside the regulated areas and certified stock originating in classified nurseries or greenhouses may be certified for reshipment from premises other than those on which they originated, under provisions satisfactory to the inspector for the safeguarding of such stock from infestation at the point of reshipment and en route and when found advisable by the inspector after reinspection and determination of freedom from infestation.*

Movement of Soil and Similar Materials

§ 301.48–7 *Restrictions on the movement of sand, soil, earth, peat, compost, and manure*—(a) *Control of movement.* Sand, soil, earth, peat, compost, and manure shall not be moved interstate from any point in the regulated areas to or through any point outside thereof unless a certificate or permit shall have been issued therefor by the inspector, except as follows:

(1) No restrictions are placed on the interstate movement of (i) fresh manure; (ii) sand and clay when free from vegetable matter; (iii) greensand marl; and (iv) such other sands and clays as have been treated or processed and subsequently handled in such manner that in the judgment of the inspector no Japanese beetle could exist therein.

(2) No restrictions are placed on the *interstate movement of manure, peat, compost, or humus* (i) *when dehydrated, shredded, ground, pulverized, or compressed, or* (ii) *when treated with crude*

petroleum or any other product having high potency as an insecticide.

(3) No restrictions are placed on the interstate movement of sand, soil, earth, peat, compost, and manure imported from foreign countries when reshipped from the port of entry in the unopened original container and labeled as to eacn container with the country of origin, and when the shipment is further protected in manner or method satisfactory to the inspector.

(4) No certificate will be required for the interstate movement of sand, soil, earth, peat, compost, and manure when transported by a common carrier on a through bill of lading either from an area not under regulation through a regulated area, or from a regulated area through a nonregulated area to another regulated area.

(b) *Conditions of certification.* Certificates for the movement of restricted sand, soil, earth, peat, compost, and manure may be issued under any one of the following conditions:

(1) When the articles to be moved have originated in districts included in the regulated area, but in which neither beetles nor grubs in soil have been found.

(2) When the material consists of mined, dredged, or other similar materials, and it has been determined by an inspector that no infestation could exist therein.

(3) When the material has been removed, under the supervision of an inspector, from a depth of more than 12 inches below the surface of the ground and either (i) is to be moved between October 16 and June 14, inclusive, or (ii) is loaded and shipped at points where it has been determined by an inspector that no general infestation of adult beetles exists, or (iii) when the cars and loading operations are protected by screening under the direction of and in manner and by method satisfactory to the inspector.

(4) When the material has been fumigated with carbon disulfide or otherwise treated under the supervision of and in manner and by method satisfactory to the inspector. Such fumigation or treatment will be required as a condition of certification of all restricted sand, soil, earth, peat, compost, and manure, except such as is loaded and shipped in compliance with subparagraphs (1), (2), or (3) of this paragraph.*

Protection of Articles in Transit

§ 301.48–8 *Conditions governing the protection of restricted articles from infestation while in transit.* Fruits and vegetables, nursery and ornamental stock, and sand, soil, earth, peat, compost, and manure, moving interstate from or through the regulated areas to points outside thereof between June 15, and October 15, inclusive, shall at all times while they are in the regulated areas be screened, covered, or otherwise protected in manner or method satisfactory to the inspector for safeguarding the articles from infestation.

Trucks or other road vehicles transporting restricted articles may be sealed by the inspector at the point of inspection, and all such seals shall remain intact as long as the vehicle is en route within the regulated area.*

Marking and Certification

§ 301.48–9 *Marking and certification a condition of interstate transportation.* (a) Every box, basket, or other container of restricted articles listed in §§ 301.48–5, 6, and 7 shall be plainly marked with the name and address of the consignor and the name and address of the consignee, and shall have securely attached to the outside thereof a valid certificate or permit issued in compliance with these regulations. In the case of lot shipments by freight, one certificate attached to one of the containers and another certificate attached to the waybill will be sufficient.

(b) In the case of bulk carload shipments by rail, the certificate shall accompany the waybill, conductor's manifest, memorandum, or bill of lading pertaining to such shipment, and in addition each car shall have securely attached to the outside thereof a placard showing the number of the certificate or certificates accompanying the waybill.

(c) In the case of shipment by road vehicle, the certificates shall accompany the vehicle.

(d) Certificates shall be surrendered to the consignee upon delivery of the shipment.*

Procedure for Applicants

§ 301.48–10 *General conditions governing inspection and issuance of certificates and permits.* (a) Persons intending to move interstate any of the articles the movement of which is restricted in §§ 301.48–5, 6, and 7, shall make application for inspection and certification as far as possible in advance of the probable date of shipment, specifying in the application the article and quantity to be shipped, method of shipment, name and address of the consignor, and name and address of the consignee.

(b) Applicants for inspection will be required to assemble the articles at such points as the inspector shall designate and so to place them that inspection may readily be made; if not so placed, inspection may be refused. All charges for storage, cartage, and labor incident to inspection, other than the services of the inspector, shall be paid by the shipper.

(c) Certificates and permits shall be used in connection with the transportation of only those articles intended to be covered thereby.

(d) Where the apparent absolute freedom from infestation of any of the articles enumerated cannot be determined by the inspector, certification will be refused.

(e) Permits may be issued for the interstate movement of restricted articles by truck or other road vehicle from a regulated area through a nonregulated area to another regulated area, except for the movement of fruits and vegetables as specified in paragraph (a) (1) (ii) of § 301.48–5.*

Certificates May Be Canceled

§ 301.48–11 *Cancelation of certificates.* Certificates issued under these regulations may be withdrawn or canceled by the inspector and further certification refused, either for any failure of compliance with the conditions of these regulations or violation of them, or whenever in the judgment of the inspector the further use of such certificates might result in the dissemination of infestation.*

Shipments Inspected en Route

§ 301.48–12 *Inspection in transit.* Any car, vehicle, basket, box, or other container moved interstate or offered to a common carrier for shipment interstate, which contains or which the inspector has probable cause to believe contains either infestations, infested articles, or articles the movement of which is restricted by these regulations, shall be subject to inspection by an inspector at any time or place, and when actually found to involve danger of dissemination of Japanese beetle to uninfested localities, measures to eliminate infestation may be required as a condition of further transportation or delivery.*

Cleaning of Vehicles

§ 301.48–13 *Thorough cleaning required of trucks, wagons, cars, boats, and other vehicles and containers before moving interstate.* Trucks, wagons, cars, boats, and other vehicles and containers which have been used in transporting any article covered by these regulations within the regulated areas shall not thereafter be moved interstate until they have been thoroughly swept and cleaned by the carrier at a point within the regulated area. Refrigerator cars originating in the area designated in § 301.48–5 into which fruits or vegetables are to be loaded for interstate movement from any regulated area shall be thoroughly swept or cleaned or fumigated prior to loading as may be required by the inspector.*

Articles for Experimental and Scientific Purposes

§ 301.48–14 *Shipments for experimental and scientific purposes.* Articles subject to restriction in these regulations may be moved interstate for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.*

Done at Washington, D. C., this 20th day of March 1942.

Witness my hand and the seal of the United States Department of Agriculture.

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

APPENDIX

Penalties

The Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), provides that no person shall ship or offer for shipment to any common carrier, nor shall any common carrier receive for transportation or transport, nor shall any person carry or transport from any quarantined State or Territory or District

of the United States, or from any quarantined portion thereof, into or through any other State or Territory or District, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds * * * or any other article * * * specified in the notice of quarantine * * * in manner or method or under conditions other than those prescribed by the Secretary of Agriculture. It also provides that any person who shall violate any of the provisions of this act, or who shall forge, counterfeit, alter, deface, or destroy any certificate provided for in this act or in the regulations of the Secretary of Agriculture shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding $500, or by imprisonment not exceeding 1 year, or both such fine and imprisonment, in the discretion of the court.

State and Federal Inspection

Certain of the quarantined States have promulgated or are about to promulgate quarantine regulations restricting intrastate movement supplemental to the Federal quarantine. These State regulations are enforced in cooperation with the Federal authorities. Copies of either the Federal or State quarantine orders may be obtained by addressing the United States Department of Agriculture, 266 Glenwood Avenue, Bloomfield, N. J.

Subsidiary offices are maintained at the following locations:

Connecticut: Agricultural Experiment Station, 123 Huntington Street, New Haven, Conn.
Delaware: Room 210, New Post Office Building, Dover, Del.
Maryland:
2 Sherwood Avenue, Pikesville, Md.
Washington County Annex Building, Hagerstown, Md.
Room 205, New Post Office Building, Main Street, Salisbury, Md.
Massachusetts: 144 Moody Street, Waltham, Mass.
New Jersey:
Kotler Building, Main and High Streets, Glassboro, N. J.
P. O. Box 1, Trenton, N. J., or Yardville Road, White Horse, N. J.
New York:
Room 838, 641 Washington Street, New York, N. Y.
Room 200, 2507 James Street, Syracuse, N. Y.
Ohio: 21065 Euclid Avenue, Euclid, Ohio.
Pennsylvania:
Room 303, Post Office Building, Harrisburg, Pa.
6905 Torresdale Avenue, Philadelphia, Pa.
Room 438-K, New Post Office Building, Pittsburgh, Pa.
Virginia:
Room 217, New Federal Building, Granby Street and Brambleton Avenue, Norfolk, Va.
17 North Boulevard, Richmond, Va.
West Virginia: 245 West Philadelphia Avenue, Bridgeport, W. Va.

Arrangements may be made for inspection and certification of shipments from the District of Columbia by calling Republic 4142, branch 2598, inspection house of the Bureau of Entomology and Plant Quarantine, 224 Twelfth Street SW., Washington, D. C.

General Offices of States Cooperating

Department of Entomology, Agricultural Experiment Station, New Haven, Conn.
Board of Agriculture, Dover, Del.
State horticulturist, Augusta, Maine.
Department of Entomology, University of Maryland, College Park, Md.
Division of Plant Pest Control, Department of Agriculture, Statehouse, Boston, Mass.
Deputy commissioner, Department of Agriculture, Durham, N. H.
Bureau of Plant Industry, Department of Agriculture, Trenton, N. J.
Bureau of Plant Industry, Department of Agriculture and Markets, Albany, N. Y.
Division of Plant Industry, Department of Agriculture, Columbus, Ohio.
Bureau of Plant Industry, Department of Agriculture, Harrisburg, Pa.
Bureau of Entomology, Department of Agriculture, Statehouse, Providence, R. I.
Entomologist, Department of Agriculture, Montpelier, Vt.
Division of Plant Industry, Department of Agriculture and Immigration, Richmond, Va.
State entomologist, Department of Agriculture, Charleston, W. Va.

[F. R. Doc. 42-2510; Filed, March 23, 1942; 11:57 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry

[Amendment 16 to B. A. I. Order 276]

PART 101—GENERAL PROVISIONS AND RULES OF PRACTICE

PART 118—HOG-CHOLERA VIRUS

PART 119—ANTI-HOG-CHOLERA VIRUS

MISCELLANEOUS AMENDMENTS

Pursuant to the authority conferred upon the Secretary of Agriculture by section 2 of the act of Congress approved February 2, 1903 (32 Stat. 792; 21 U.S.C. 111), and by the act of Congress approved March 4, 1913 (37 Stat. 832–833; 21 U.S.C. 151–158), and in order better to effectuate the purposes of these acts, Title 9, Code of Federal Regulations, Parts 101–121 [B.A.I. Order 276, August 18, 1922], as amended, is hereby further amended as follows:

(1) By adding to § 101.1 [sec. 1, reg. 1] a paragraph reading as follows:

§ 101.1 *Definitions.*

* * * * *

(u) *Twenty-four hours.* Time elapsing between any regular working hour of one day and any regular working hour of the following day. [Par. 22]

(2) By revoking § 118.17 [par. 1, sec. 3, reg. 18], and substituting in lieu thereof the following section:

§ 118.17 *Simultaneous virus pigs; requirements.* For use in the production of simultaneous virus, licensed establishments shall inoculate young non-immune pigs of good quality with at least 2 cubic centimeters each of highly virulent virus. Such pigs when inoculated shall weigh not less than 40 pounds, nor more than 125 pounds.

(3) By revoking paragraph (b) of § 119.36 [Rule D, par. 2, sec. 5, reg. 19], as amended, and substituting in lieu thereof the following:

§ 119.36 *Rules for disposing of tested anti-hog-cholera serum.*

* * * * *

(b) *Test; conditions under which to be declared "satisfactory for potency."* A serum test will be declared "satisfactory for potency" when at least two of the control pigs react as described in paragraph (a) and any one of the following conditions obtains:

(1) When all the serum-treated pigs remain well throughout the test period.

(2) When one or more of the serum-treated pigs become visibly sick after the time of inoculation and all fully recover before the test animals are released by a veterinary inspector, as provided in this part. Such sick pigs, however, will not be regarded as fully recovered until they have been in an apparently normal condition for at least three consecutive days.

This amendment, which for purpose of identification is designated Amendment 16 to B.A.I. Order 276, shall be effective on and after March 24, 1942.

Done at Washington this 21st day of March 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-2508; Filed, March 23, 1942; 11:57 a. m.]

Chapter II—Agricultural Marketing Administration

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

NOTICE RELATIVE TO THE MUSKINGUM LIVESTOCK MARKET, INC., ZANESVILLE, OHIO [1]

MARCH 20, 1942.

Whereas, The Muskingum Livestock Market, Inc., was posted on November 23, 1937, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas, it now appears that The Muskingum Livestock Market, Inc., is not being operated as a stockyard within the meaning of that term as defined in said Act:

Now, therefore, notice is hereby given that The Muskingum Livestock Market,

[1] Modifies list posted stockyards 9 CFR 204.1.

Inc., no longer comes within the foregoing definition and the provisions of Title III of said Act.

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

[F. R. Doc. 42-2438; Filed, March 20, 1942; 3:59 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial Number 210]

PART 04—AIRPLANE AIRWORTHINESS

SPECIAL REGULATION, AUTHORIZING ADMINISTRATOR TO PERMIT AN AIR CARRIER TO EXCEED GROSS WEIGHT LIMITATIONS NECESSITATED BY WAR

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 14th day of March, 1942.

The Civil Aeronautics Board finding that its action herein is necessary to the successful prosecution of the war effort and acting pursuant to the Civil Aeronautics Act of 1938, particularly sections 205 (a), 601 (a) and 604 thereof, makes and promulgates the following special regulation:

Notwithstanding any provisions of the Civil Air Regulations to the contrary, the Administrator may in his discretion in particular instances permit an air carrier when engaged in overseas or foreign air transportation, other than foreign air transportation between any place in the United States and a place in the Dominion of Canada, to exceed the gross weight limitations now specified in its air carrier operating certificate and in the airworthiness certificates of its aircraft: *Provided,* That in any such instance the transportation of all cargo and passengers is necessary to the prosecution of the war effort or the preservation of life.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-2453; Filed, March 21, 1942; 10:23 a. m.]

[Amendment No. 5 of Part 285]

PART 285—RULES OF PRACTICE

OBJECTION TO THE PUBLIC DISCLOSURE OF INFORMATION

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 16th day of March, 1942.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1933, as amended, particularly sections 205 (a) and 1104 thereof, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under said Act, hereby makes and promulgates the following regulation:

Effective March 26, 1942, Part 285 of the Economic Regulations is amended by adding thereto § 285.12 [Rule 12] to read as follows:

§ 285.12 *Objection to public disclosure of information*—(a) *Information contained in paper to be filed.* Any person who objects to the public disclosure of any information contained in any paper filed in any proceeding, or in any application, report, or other document filed pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, or any rule, regulation, or order of the Board thereunder, shall segregate, or request the segregation of, such information into a separate paper and shall file it, or request that it be filed, with the examiner or the person conducting the hearing or proceeding, as the case may be, or with the person with whom said application, report, or document is required to be filed, separately in a sealed envelope, bearing the caption of the enclosed paper and the notation "Confidential Information". At the time of filing such paper, or, when the objection is made by a person not himself filing the paper, application, report or other document, within five days after the filing of such paper, the objecting party shall file a motion to withhold the information from public disclosure, in accordance with the procedure outlined in paragraph (d) of this section, except as hereinafter provided in paragraph (c). Notwithstanding any other provision of this section, copies of the filed paper and of the motion need not be served upon any other party unless so ordered by the Board.

(b) *Information contained in oral testimony.* Any person who objects to the public disclosure of any information sought to be elicited from a witness or deponent on oral examination shall, before such information is disclosed, make his objection known. Upon such objection duly made, the witness or deponent shall be compelled to disclose such information only in the presence of the examiner or the person before whom the deposition is being taken, as the case may be, the official stenographer and one attorney for and one lay representative of each party, (unless the objection to disclosure specifies that certain of the parties shall not be present, in which case the examiner or person before whom the deposition is being taken, as the case may be, shall designate the persons who may be present when the information is recorded), and after all present have been sworn to secrecy. The transcript of testimony containing such information shall be segregated and filed in a sealed envelope, bearing the title and docket number of the proceeding, and the notation "Confidential Testimony Given By (name of witness or deponent)." Within five days after such testimony is given, the objecting person shall file a motion, except as hereinafter provided in paragraph (c), in accordance with the procedure outlined in paragraph (d) of this section, to withhold the information from public disclosure. Notwithstanding any other provision of this section, copies of the segregated portion of the transcript and of the motion need not be served upon any other party unless so ordered by the Board.

(c) *Objection by governmental departments or representatives thereof.* In the case of objection to the public disclosure of any information filed by or elicited from any governmental department, or representative thereof, under paragraphs (a) or (b) of this section, the department, or person representing said department, making such objection shall be exempted from the provisions of paragraphs (a), (b), and (d) of this section in so far as said subsections require the filing of a written objection to such disclosure. However, any department, or person representing said department, if it so desires, may file a memorandum setting forth the reasons on the basis of which it is claimed that a public disclosure of the information should not be made. If such a memorandum is submitted, it shall be filed and handled as is provided by this Rule of Practice in the case of a motion to withhold information from public disclosure.

(d) *Form of motion to withhold information from public disclosure.* Subject to the exception of paragraph (c), no information covered by paragraphs (a) and (b) of this section need be withheld from public disclosure unless written objection to such disclosure is filed with the Board in accordance with the following procedure:

(1) The motion shall be headed with the title and docket number of the proceeding and shall be signed and verified by the objecting person, any duly authorized officer or agent thereof, or by counsel representing such person in the proceeding.

(2) The motion shall include (i) a description of the information sought to be withheld, sufficient for identification of the same, and (ii) a full statement of the reasons on the basis of which it is claimed that a public disclosure of the information would adversely affect the interests of the objecting person and is not required in the interest of the public, or that the information is of a secret nature affecting the national defense.

(3) Such motion shall be filed with the examiner or the person conducting the hearing or proceeding, as the case may be, or with the person with whom said application, report, or document is required to be filed.

(e) *Motion referred to the Board.* The order of the Board containing its ruling upon each such motion will specify the extent to which, and the conditions upon which, the information may be disclosed to the parties and to the public, unless, within five days after the date of the entry of the Board's order with respect thereto, a petition is filed by the objecting person requesting reconsideration by the Board, or a written and verified statement is filed indicating that the

[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).

objecting person in good faith intends to seek judicial review of the Board's order.

(f) *Objection in proceeding before the Board.* Notwithstanding any of the provisions of any section or subsection of this Rule of Practice, whenever the objection to disclosure of information shall have been made, in the first instance, before the Board itself, the written motion of objection contemplated by paragraphs (a), (b), and (d) of this section shall not be necessary, but may be submitted if the parties so desire or if the Board, in a particular case, shall so direct.

By the Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-2454; Filed, March 21, 1942; 10:23 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4593]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF INGENUITIES CORPORATION OF AMERICA, ET AL.

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.55 *Furnishing means and instrumentalities of misrepresentation or deception:* § 3.66 (a7) *Misbranding or mislabeling—Composition:* § 3.96 (a) *Using misleading name—Goods—Composition.* In connection with the use of or the licensing of the use of the trade-mark "Silkallo", or the use of any other word or words of similar import or meaning indicative of silk, for use in designating neckties, fabrics or any other similar products offered, etc., in commerce, and on the part of respondent Ingenuities Corporation of America, its officers, etc., and among other things, as in order set forth, (1) using or authorizing the use of the unqualified term "silk" or any other term or terms of similar import or meaning indicative of silk to describe or designate any fabric or product which is not composed wholly of silk, the product of the cocoon of the silkworm; and (2) using or authorizing the use of the term "Duo-Silk-Allo" or any other term of similar import or meaning to describe, designate or refer to any fabric or product which is not composed wholly of silk, the product of the cocoon of the silkworm; prohibited, subject to the provision, however, as respects said first prohibition, that in the case of a fabric or product composed in part of silk and in part of materials other than silk such term or terms may be used as descriptive of the silk content if there are used in immediate connection or conjunction therewith in letters of at least equal size and conspicuousness words truthfully describing and designating each constituent fiber thereof. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Ingenuities Corporation of America, et al., Docket 4593, March 13, 1942]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.66 (a 7) *Misbranding or mislabeling—Composition:* § 3.71 (a) *Neglecting, unfairly or deceptively, to make material disclosure—Composition:* § 3.96 (a) *Using misleading name—Goods—Composition.* In connection with the offer, etc., in commerce, of neckties and other similar merchandise, and on the part of respondents Goldberg, Squire, Lesser and Cohen, Inc., and T. P. McCutcheon and Brother, Inc. (licensees of respondent Ingenuities Corporation of America), and on the part of their officers, etc., and among other things, as in order set forth, (1) using the unqualified term "silk", or any other term or terms of similar import or meaning indicative of silk, to describe or designate any fabric or product which is not composed wholly of silk, the product of the cocoon of the silkworm; (2) using the term "Duo-Silk-Allo", or any other term of similar import or meaning, on labels or otherwise to describe, designate or refer to any fabric or product which is not composed wholly of silk, the product of the cocoon of the silkworm; and (3) advertising, offering for sale, or selling neckties or other products composed in whole or in part of rayon without clearly disclosing the fact that such fabrics or products are composed of rayon; prohibited, subject to provision, however, as respects said first prohibition above set forth, that in the case of a fabric or product composed in part of silk and in part of materials other than silk, such term or similar terms may be used as descriptive of the silk content, if there are used in immediate connection and conjunction therewith in letters of at least equal size and conspicuousness words truthfully describing and designating each constituent fiber thereof; and subject to further provision as respects said third prohibition above set forth, that when such fabrics or products are composed in part of rayon and in part of other fibers or materials, such fibers or materials, including rayon, shall be named in letters of equal size and conspicuousness by words truthfully describing and designating each constituent fiber and material thereof; such disclosure of the fiber content of such fabrics or products to be made by accurately designating and naming each constituent fiber thereof in the order of its predominance by weight, beginning with the largest single constituent. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Ingenuities Corporation of America, et al., Docket 4593, March 13, 1942]

In the Matter of Ingenuities Corporation of America, a Corporation, Goldberg, Squire, Lesser and Cohen, Inc., a Corporation, and T. P. McCutcheon and Brother, Inc., a Corporation.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of March, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answers of the respondents, in which answers respondents admit all of the material allegations of fact set forth in said complaint, and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent Ingenuities Corporation of America, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the use of or the licensing of the use of the trade mark "Silkallo" or the use of any other word or words of similar import or meaning indicative of silk for use in designating neckties, fabrics or any other similar products offered for sale, sold or distributed in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using or authorizing the use of the unqualified term "silk" or any other term or terms of similar import or meaning indicative of silk to describe or designate any fabric or product which is not composed wholly of silk, the product of the cocoon of the silkworm: *Provided, however,* That in the case of a fabric or product composed in part of silk and in part of materials other than silk such term or terms may be used as descriptive of the silk content if there are used in immediate connection or conjunction therewith in letters of at least equal size and conspicuousness words truthfully describing and designating each constituent fiber thereof;

(2) Using or authorizing the use of the term "Duo-Silk-Allo" or any other term of similar import or meaning to describe, designate or refer to any fabric or product which is not composed wholly of silk, the product of the cocoon of the silkworm.

It is further ordered, That the respondents, Goldberg, Squire, Lesser and Cohen, Inc., a corporation, and T. P. McCutcheon and Brother, Inc., a corporation, their officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of neckties and other similar merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the unqualified term "silk", or any other term or terms of similar import or meaning indicative of silk, to describe or designate any fabric or product which is not composed wholly of silk, the product of the cocoon of the silkworm: *Provided, however,* That in the case of a fabric or product composed in part of silk and in part of materials other than silk, such term or similar terms may be used as descriptive of the silk content, if there are used in im-

mediate connection and conjunction therewith in letters of at least equal size and conspicuousness words truthfully describing and designating each constituent fiber thereof;

(2) Using the term "Duo-Silk-Allo", or any other term of similar import or meaning, on labels or otherwise to describe, designate or refer to any fabric or product which is not composed wholly of silk, the product of the cocoon of the silkworm;

(3) Advertising, offering for sale, or selling neckties or other products composed in whole or in part of rayon without clearly disclosing the fact that such fabrics or products are composed of rayon, and when such fabrics or products are composed in part of rayon and in part of other fibers or materials, such fibers or materials, including rayon, shall be named in letters of equal size and conspicuousness by words truthfully describing and designating each constituent fiber and material thereof; and such disclosure of the fiber content of such fabrics or products shall be made by accurately designating and naming each constituent fiber thereof in the order of its predominance by weight, beginning with the largest single constituent.

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

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-2455; Filed, March 21, 1942; 10:51 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

AMENDMENTS TO REGULATIONS UNDER THE RAILROAD RETIREMENT ACT OF 1937

Pursuant to the general authority contained in section 10 of the Act of June 24, 1937 (Sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j), §§ 222.05, 225.03, and 265.04 (g) of the Regulations of the Railroad Retirement Board under such Act (4 F.R. 1477) are amended, effective March 12, 1942, by Board Order 42-128 dated March 12, 1942, to read as follows:

PART 222—DEFINITION AND CREDITABILITY OF COMPENSATION

§ 222.05 *Verification of compensation claimed.* (a) Compensation claimed shall be verified to the extent deemed necessary by the Board, to determine the "monthly compensation" referred to in § 225.03 of the regulations in this chapter and shall be verified from employers' pay roll or other detailed records; where such records are not available the compensation claimed shall be verified:

(1) By the employee submitting income tax records or a diary or other personal record: *Provided however,* That such records shall not be considered unless similar records are furnished covering a reasonable period of time for which employer records are available, and the difference between the amount of compensation shown by the employee's records and that shown by the employer's records is not more than 2 per centum.

(2) Except as otherwise provided in these regulations, if verification cannot be made under subparagraph (1) of this paragraph, by furnishing acceptable records showing that the employee was on a monthly salary corresponding to the compensation claimed: *Provided, however,* That when, in determining the "monthly compensation" under § 225.03 of the regulations in this chapter, compensation is verified for any month in the manner prescribed in this subparagraph, allowance shall be made for any months in which the employee did not work, and any compensation so verified shall also be reduced by 5 per centum.

(b) In any case involving verification of compensation the Board may prescribe the extent and manner in which such compensation shall be established.

(c) Notwithstanding the lack of some compensation records required to calculate the "monthly compensation" during the years 1924 to 1931, inclusive, the amounts of annuities may be determined finally under § 225.03 of the regulations in this chapter on the basis of such compensation records as are available. (Secs. 1, 3, 10, 50 Stat. 309, 311, 314; 45 U.S.C. Sup. III, 228a, 228c, 228j)

PART 225—COMPUTATION OF AN ANNUITY

§ 225.03 *Determination of "monthly compensation."* (a) Except as otherwise provided in the regulations in this chapter, the "monthly compensation" of an individual shall be,

(1) if his "years of service" include only service subsequent to December 31, 1936, the result obtained by totaling the compensation earned by him in his "years of service" and dividing that sum by the number of months in his "years of service";

(2) if his "years of service" include only service prior to January 1, 1937, his monthly compensation for service prior to January 1, 1937, determined as hereinafter provided;

(3) if his "years of service" include service subsequent to December 31, 1936, and service prior to January 1, 1937, the result obtained by (i) multiplying his monthly compensation for service prior to January 1, 1937, determined as hereinafter provided by the number of months in such portion of his "years of service" as is prior to January 1, 1937, (ii) adding to the product the total compensation earned by him in such portion of his "years of service" as is subsequent to December 31, 1936, and (iii) dividing the sum by the total number of months in his "years of service."

(b) Except as otherwise provided in the regulations in this chapter, an individual's "monthly compensation for service prior to January 1, 1937," shall be the result obtained by dividing (1) the total compensation earned by him in such portion of his "years of service" as is within the period 1924–1931 by (2) the number of months in such portion of his "years of service." In any case within the purview of paragraph (j), (k), (l), or (m) of this section, service in the period 1924–1931 is, in the judgment of the Board, insufficient to constitute a fair and equitable basis for determining the "monthly compensation for service prior to January 1, 1937," and it is, in the judgment of the Board, just and equitable that such monthly compensation be determined in the manner provided in the applicable provisions of such paragraphs.

(c) The term "higher paid occupation" as used in the regulations in this chapter shall mean any occupation for which the monthly average of employee earnings reported to the Interstate Commerce Commission for the year 1926 by all Class I carrier-employers is greater than such monthly average for the occupation with which such occupation is compared.

The term "lower paid occupation" as used in the regulations in this chapter shall mean any occupation for which the monthly average of employee earnings reported to the Interstate Commerce Commission for the year 1926 by all Class I carrier-employers is less than such monthly average for the occupation with which such occupation is compared.

The term "change in occupation" as used in the regulations in this chapter shall mean a change from a "higher paid occupation" to a "lower paid occupation," or from a "lower paid occupation" to a "higher paid occupation," and a "change in occupation" shall be considered to have occurred in the last month of service proved in the earlier occupation.

(d) The term "Interstate Commerce Commission average" as used in the regulations in this chapter shall mean the monthly average of the earnings reported to the Interstate Commerce Commission for the year 1926 by the employer for employees in the occupation in which the individual was employed during the period specified, or the month compared, or in an occupation essentially similar thereto. If a change in the occupation of the individual occurred during the period specified in the applicable paragraph hereof as the period to be used in determining the monthly compensation for service prior to January 1, 1937, the "Interstate Commerce Commission average" shall be obtained by multiplying such monthly average of earnings reported by the employer for each occupation by the number of months in which the individual was engaged in such occupation during the period specified, and dividing the sum of the products by the total number of months of service in all occupations in which he was engaged during such period. If the employer did not make such reports to the Interstate Commerce Commission for such year, there shall be used in lieu of such monthly average of earnings reported by the employer the first of the following which may be available:

(1) A consolidated monthly average of employee earnings reported to the Interstate Commerce Commission for the year 1926 by Class I carrier-employers of the district in which the employer was located, for employees in the occupation in which the individual was employed in the month compared or in the period specified, or in an occupation essentially similar thereto, or

(2) 90 per centum of the wage rate (converted into a monthly rate) for the year 1926, for employees in the occupation in which the individual was employed in the month compared or in the period specified, or in an occupation essentially similar thereto. If such wage rate is not available for the year 1926, there shall be substituted therefor, in applying the provisions of this subparagraph, the corresponding wage rate for the month compared or the period specified, or, if that is not available, the corresponding wage rate for any period determined to be suitable for this purpose. In converting the wage rate into a monthly rate, 204 hour or 25.5 days per month, and 12 months or 52⅐ weeks per year, shall be used.

If, under any paragraph of this section, the applicable per centum of the Interstate Commerce Commission average exceeds $300, $300 shall be used in lieu of such per centum.

(e) The term "exclusion rule" shall mean the provisions of this paragraph. In determining the monthly compensation for service prior to January 1, 1937, under any of the subsequent paragraphs of this section, there shall be excluded, whenever the "exclusion rule" is stated to be applicable,

(1) any month, and the compensation therefor, in a period not exceeding two consecutive calendar months, which period is preceded and followed by a period of one or more calendar months in which the individual earned no compensation, if the compensation for any such intervening month is less than 60 per centum of the Interstate Commerce Commission average;

(2) except as otherwise provided in subparagraph (1) of this paragraph, any month, and the compensation therefor, which is adjacent to a period of one or more calendar months in which the individual earned no compensation, if the compensation for such adjacent month is less than the compensation for the month immediately preceding or immediately following such adjacent month;

(3) if not otherwise excluded, the first month, and the compensation therefor, of the period specified in the applicable subsection as the period to be used in determining such monthly compensation, if no compensation was earned in the month immediately following such month, and if the compensation for such first month is less than 60 per centum of the Interstate Commerce Commission average, and

(4) if not otherwise excluded, the last month, and the compensation therefor, of the period specified in the applicable paragraph as the period to be used in determining such monthly compensation, if no compensation was earned in the month immediately preceding such month, and if the compensation for such last month is less than 60 per centum of the Interstate Commerce Commission average;

Provided, however, That in making the comparison provided by subparagraphs (1), (3), and (4) of this paragraph, there shall be used, instead of 60 per centum, 90 per centum in cases within the purview of paragraph (i) of this section, and 80 per centum in cases within the purview of paragraph (j) (1) of this section.

(f) For the purposes of the regulations in this chapter there shall be regarded as a month for which compensation records are available only a month of service for which all of the employee's claimed compensation can be verified in accordance with the provisions of § 222.05 (a) of this chapter or, for the purposes of paragraphs (g) and (h) of this section, in accordance with the provisions of § 222.05 (a) (1), and every other month of service shall be regarded as a month for which compensation records are missing: *Provided, however,* That in determining the monthly compensation for service prior to January 1, 1937, under any of the subsequent paragraphs of this section, a month of service with respect to which some but not all of the employee's claimed compensation can be so verified shall be treated as a month for which compensation records are available if the monthly compensation for service prior to January 1, 1937, would thereby be increased: *And provided further,* That in determining the monthly compensation for service prior to January 1, 1937, under any of the subsequent subsections of this paragraph, a month of service which would otherwise be treated as a month for which compensation records are missing shall be treated as a month for which compensation records are available, and the compensation for such month shall be taken to be the amount which the employee claims as compensation for that month, if such amount claimed as compensation is less than what would be the monthly compensation for service prior to January 1, 1937, if the month were treated as a month for which compensation records are missing.

(g) If 48 or more months of service during the period 1924–1931 are proved, no change in occupation occurred during that period, and compensation records are available for at least half, but not all, of the months in that period, the monthly compensation for service prior to January 1, 1937, shall be the monthly average of the compensation earned in months during the period 1924–1931 for which compensation records are available.

(h) If 48 or more months of service during the period 1924–1931 are proved, a change in occupation occurred during that period, and compensation records are available for not all but at least ⅞ of the months in that period and for at least ⅝ of the months in each calendar year during that period, the monthly compensation for service prior to January 1, 1937, shall be the monthly average of the compensation earned in months during the period 1924–1931 for which compensation records are available.

(i) Except as otherwise provided in the regulations in this chapter, if 48 or more months of service during the period 1924–1931 are proved, but compensation records are missing for some or all of the months in that period, the monthly compensation for service prior to January 1, 1937, shall be the monthly compensation as determined under the first of the following rules which may be applicable:

(1) If a change in occupation did not occur during the period 1924–1931, the monthly compensation shall be the monthly average of the compensation earned in months during the period 1924–1931 for which compensation records are available if such average is 90 or more per centum of the Interstate Commerce Commission average.

(2) If the monthly compensation would be determined under subparagraph (1) of this paragraph except for the fact that the average of the compensation earned in the months during the period 1924–1931 for which compensation records are available is less than 90 per centum of the Interstate Commerce Commission average and if, upon application of the exclusion rule, the average of the compensation earned in the months during the period 1924–1931 for which compensation records are available would be 90 or more per centum of the Interstate Commerce Commission average, the monthly compensation shall be 90 per centum of the Interstate Commerce Commission average.

(3) If the monthly compensation would be determined under subparagraph (2) of this paragraph except for the fact that, upon application of the exclusion rule, the average of the compensation earned in the months during the period 1924–1931 for which compensation records are available is less than 90 per centum of the Interstate Commerce Commission average, the monthly compensation shall be the result obtained by (i) multiplying the number of months during the period 1924–1931 for which compensation records are available by the average, upon application of the exclusion rule, of the compensation earned in such months, (ii) multiplying 90 percentum of the Interstate Commerce Commission average by a number of months which, if added to the number of months during the period 1924–1931 for which compensation records are available, would equal one-half the total number of months of service during such period, and (iii) dividing the sum of the amounts obtained under (i) and (ii) by the total number of months used thereunder.

(4) If the monthly compensation would be determined under one of the preceeding subparagraphs of this paragraph except for the fact that compensation records are not available for any of the months during the period 1924–1931, the monthly compensation shall be 90 per centum of the Interstate Commerce Commission average.

(5) If a change in occupation occurred during the period 1924–1931, the monthly compensation shall be the result obtained by (i) applying to each occupation, for some of the months of service in which during the period 1924–1931 compensation records are missing, the first of the preceding subparagraphs of this paragraph which would have been applicable if such occupation had been the only one in which service was performed during the period 1924–1931: *Provided, however,* That in thus applying subparagraph (3) of this paragraph, there shall be used for any occupation, for at least half the months of service in which during the period 1924–1931 compensation records are available, the monthly average, upon application of the exclusion rule, of the compensation earned in the months during that period for which compensation records are available, (ii) computing the monthly average of the compensation earned during the period 1924–1931 for each occupation, for all months of service in which during that period compensation records are available, (iii) multiplying the result obtained under (i) or (ii) for each occupation by the number of months of service during the period 1924–1931 in that occupation and dividing the sum of the products by the total number of months of service in the period 1924–1931.

(j) If service began prior to 1924, and some but less than 48 months of service during the period 1924–1931 are proved, the monthly compensation for service prior to January 1, 1937, shall be the monthly compensation as determined under the first of the following rules which may be applicable:

(1) If a change in occupation did not occur during the period 1924–1931, and a change to a lower paid occupation did not occur during the last 48 months of service in the period 1918–1931, or during the whole of such period if the total number of the months of service therein was less than 48, the monthly compensation shall be (i) 80 per centum of the Interstate Commerce Commission average if compensation records are not available for any of the months during the period 1924–1931, or (ii) if compensation records are available for some months during the period 1924–1931, whichever is the greater of (*a*) the monthly average of the compensation earned during the period 1924–1931, or (*b*) the monthly average, upon application of the exclusion rule, of the compensation earned during the months of service in the period 1924–1931 for which compensation records are available, if the greater of such monthly averages is 80 or more per centum of the Interstate Commerce Commission average.

(2) If the individual rendered some service during the period 1918–1923, compensation records are available for a month or months of service prior to January 1, 1924, included in the last 48 months of service in the period 1918–1931 or in the total number of the months of service in that period if the total number of the months of service therein was less than 48, and the monthly compensation would be determined under subparagraph (1) of this paragraph except for the fact that whichever is the greater of the monthly average of the compensation earned during the period 1924–1931, or the monthly average, upon application of the exclusion rule, of the compensation earned during the months of service in the period 1924–1931 for which compensation records are available, is less than 80 per centum of the Interstate Commerce Commission average, the monthly compensation shall be whichever is the greatest of (i) the monthly average, upon application of the exclusion rule, of the compensation earned during those of the last 48 months of service in the period 1918–1931 for which compensation records are available, or during all the months of service in that period for which compensation records are available if the total number of months of service in the period is less than 48, (ii) the monthly average of the compensation earned during the period 1924–1931, (iii) what would be the monthly compensation if the monthly compensation were determined under subparagraph (1) of this paragraph, or (iv) 60 per centum of the Interstate Commerce Commission average.

(3) If the individual did not render service during the period 1918–1923 or compensation records are not available for any of the months of service prior to January 1, 1924, included in the last 48 months of service in the period 1918–1931 or in the total number of the months of service in that period if the total number of the months of service therein was less than 48, and the monthly compensation would be determined under subparagraph (1) of this paragraph except for the fact that whichever is the greater of the monthly average of the compensation earned during the period 1924–1931, or the monthly average, upon application of the exclusion rule, of the compensation earned during the months of service in the period 1924–1931 for which compensation records are available, is less than 80 per centum of the Interstate Commerce Commission average, the monthly compensation shall be whichever is the greatest of (i) the monthly average of the compensation earned during the period 1924–1931, (ii) the monthly average, upon application of the exclusion rule, of the compensation earned during the months of service in the period 1924–1931 for which compensation records are available, or (iii) 60 per centum of the Interstate Commerce Commission average.

(4) If a change to a higher paid occupation occurred during the period 1924–1931, the monthly compensation shall be whichever is the greatest of (i) 60 per centum of the Interstate Commerce Commission average, (ii) the monthly average of the compensation earned during the period 1924–1931, or (iii) the result obtained by (*a*) securing, for each occupation, for some of the months of service in which during the period 1924–1931 compensation records are available, the monthly average, upon application of the exclusion rule, of the compensation earned during the months of service in the period 1924–1931 for which compensation records are available, (*b*) using 80 per centum of the Interstate Commerce Commission average for each occupation, for all months of service in which during the period 1924–1931 compensation records are missing, (*c*) multiplying the result obtained under (*a*) or (*b*) for each occupation by the number of months of service during the period 1924–1931 in that occupation, and dividing the sum of the products by the total number of months of service in the period 1924–1931.

(5) If a change to a lower paid occupation occurred during the last 48 months of service in the period 1918–1931 or during the whole of such period if the total number of months of service therein was less than 48, the monthly compensation shall be whichever is the greatest of (i) the monthly average, upon application of the exclusion rule, of the compensation earned during the months of service in the period 1924–1931 for which compensation records are available, (ii) the monthly average of the compensation earned during the period 1924–1931, (iii) 60 per centum of the Interstate Commerce Commission average, or (iv) the result obtained by (*a*) securing, for each occupation, for some of the months of service in which compensation records are available, the monthly average, upon application of the exclusion rule, of the compensation earned during those of the last 48 months of service in the period 1918–1931 for which compensation records are available, or during all of the months of service in that period for which compensation records are available if the total number of months of service in the period is less than 48, (*b*) for each occupation, for all of the last 48 months of service in which during the period 1918–1931 compensation records are missing, or for all of the months of service in which during the period 1918–1931 compensation records are missing if the total number of months of service in the period is less than 48, using 80 per centum of the Interstate Commerce Commission average if some of the months of service in that occupation for which compensation records are missing are in the period 1924–1931 and using 60 per centum of the Interstate Commerce Commission average if all of the months of service in that occupation for which compensation records are missing are prior to 1924, (*c*) multiplying the result obtained under (*a*) or (*b*) for each occupation by the number of months of service in that occupation during the last 48 months of service in the period 1918–1931 or during the whole of such period if the total number of months of service therein was less than 48, and dividing the sum of the products by 48, or by the total number of months of service in the period 1918–1931 if the total number of months of service therein was less than 48: *Provided, however,* That if employment in the higher paid occupation was preceded by employment in a lower paid occupation during the period 1918–1923, the service and compensation in such preceding lower paid occupation shall be disregarded in determining the monthly compensation if a reduction in the monthly compensation would result from the inclusion of such service and compensation.

(k) If no service was rendered during the period 1924–1931, and service was rendered during the period 1918–1923, the monthly compensation for service prior

to January 1, 1937, shall be whichever is the greater of (1) 60 per centum of the Interstate Commerce Commission average, or (2) the result obtained by (i) securing, for each occupation, for some of the months of service in which compensation records are available, the monthly average, upon application of the exclusion rule, of the compensation earned during those of the last 48 months of service in the period 1918–1923 for which compensation records are available, or during all the months of service in that period for which compensation records are available if the total number of months of service in the period is less than 48, (ii) using 60 per centum of the Interstate Commerce Commission average for each occupation, for all months of service in which compensation records are missing, (iii) multiplying the result obtained under (i) or (ii) for each occupation by the number of months of service in that occupation during the last 48 months of service in the period 1918–1923 or during the whole of such period if the total number of months of service therein was less than 48, and dividing the sum of the products by 48, or by the total number of months of service in the period 1918–1923 if the total number of months of service therein was less than 48.

(l) If no service was rendered during the period 1918–1931, and service was rendered prior thereto, the monthly compensation for service prior to January 1, 1937, shall be 60 per centum of the Interstate Commerce Commission average for the last occupation in which the individual was employed prior to 1918.

(m) If service began subsequent to December, 1923, and no months of service, or less than 48 months of service, during the period 1924–1931 are proved, the monthly compensation for service prior to January 1, 1937, shall be whichever is the greater of (1) the monthly average of the compensation earned during the period 1924–1931 or, if compensation records are missing for any of the months of service during that period, what would be the monthly compensation for service prior to January 1, 1937, determined in accordance with the provisions of paragraph (i) of this section, or (2) the monthly average of the compensation earned during the period 1924–1936 or, if compensation records are missing for any of the months of service during that period, what would be the monthly compensation for service prior to January 1, 1937, determined in accordance with the provisions of paragraph (i) of this section if the period 1924–1936 were substituted for the period 1924–1931 throughout that paragraph.

(n) No redetermination of the monthly compensation for service prior to January 1, 1937, shall be made under the provisions of this section in any case in which prior to March 12, 1942, (1) a final determination of the monthly compensation for such service has been made under this section as originally promulgated or as amended, or under any other authority, or (2) a certification has been made on the basis of a tentative determination of the monthly compensation for such service under authority other than the provisions of this section as originally promulgated or as amended, and a redetermination of the monthly compensation under the provisions of this section would result in a reduction in such monthly compensation: *Provided, however,* That the monthly compensation for service prior to January 1, 1937, shall be redetermined in any case in which compensation records become available for any month or months which in the making of the previous determination were regarded as a month or months for which compensation records were missing, and such redetermination would result in an increase in such monthly compensation. (Secs. 3 (c), 10, 50 Stat. 311, 314; 45 U.S.C. Sup. III, 228c, 228j)

PART 265—APPLICABILITY OF 1935 OR 1937 ACT

§ 265.04 *Adjudication under the 1935 Act.*

* * * * *

(g) *Application, beginning date and computation.* An annuity shall begin as of a date to be specified in a written application to be signed by the employee entitled thereto, and approved by the Board, which date shall not be more than sixty days before the filing of the application, nor before the date on which the first annuity shall have become due and payable. No annuity shall be due and payable until May 30, 1936. The annuity shall be payable on the 1st day of the month during the lifetime of the annuitant. Such annuity shall be based upon the service period of the employee and shall be the sum of the amounts determined by multiplying the total number of years of service not exceeding thirty years by the following percentages of the monthly compensation; 2 per centum of the first $50; 1½ per centum of the next $100; and 1 per centum of the compensation in excess of $150. The "monthly compensation" shall be the average of the monthly compensation paid to the employee by the carrier, except that where applicable for service before March 1, 1936, and where the service rendered during the period 1924–1931 is substantial, the monthly compensation shall be the average of the monthly compensation for all pay roll periods for which the employee shall have received compensation from any carrier during the period 1924–1931. In determining for the purposes of this paragraph whether service during the period 1924–1931 is substantial, consideration shall be given to both the number of months in which service was rendered and the proportion of the monthly earnings to Interstate Commerce Commission averages, but no consideration shall be given to whether the individual's occupation during the period 1924–1931 is substantially different from his occupation prior to that period, to irregularity of service during the period 1924–1931, or to any other factors which are unrelated to the issue whether the service during the period 1924–1931 is substantial. In any case in which the service during the period 1924–1931 is substantial, but compensation records are missing for some or all of the months in that period, the monthly compensation for service before March 1, 1936, shall be the monthly compensation determined under the first of the following which may be applicable: (1) § 225.03 (g) of this chapter; (2) § 225.03 (h), or (3) the first of the rules contained in § 225.03 (i) which may be applicable. The provisions of § 225.03 (n) of this chapter shall be applicable with respect to redeterminations, under this paragraph, of the monthly compensation for service before March 1, 1936. No part of any monthly compensation in excess of $300 shall be recognized in determining any annuity. Any employee who shall be entitled to an annuity with a commuted value determined by the Board of less than $300 shall be paid such value in a lump sum. (Sec. 3, 49 Stat. 969; 45 U.S.C. Sup. II, 217; Sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j)

By Authority of the Board.

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

Dated MARCH 20, 1942.

[F. R. Doc. 42-2465; Filed, March 21, 1942; 11:57 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

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

AMERICAN CITIZENS AND NATIONALS

Pursuant to the authority vested in me by section 1 of Proclamation 2523 of the President of the United States, issued on November 14, 1941 (6 F.R. 5821), under authority of the act of Congress approved May 22, 1918 (40 Stat. 559), as amended by the act of Congress of June 21, 1941 (Public Law 114, 77th Cong.; 55 Stat. 252), § 58.3 of the regulations issued on November 25, 1941, and amended on December 9, 1941, and published in the FEDERAL REGISTER on November 28 and December 11, 1941 (6 F.R. 6069, 6349), is hereby amended by the addition of the following § 58.3a:

§ 58.3a *Exception to § 58.2 concerning verification of passports.* No verification of the passport of a citizen of the United States, or a person who owes allegiance to the United States, shall be required for entry into the continental United States, the Canal Zone, the Commonwealth of the Philippines, or territories continental or insular subject to the jurisdiction of the United States:

(1) When returning from a foreign country where he had gone in pursuance of the provisions of a contract with the War or Navy Departments on a matter vital to the war effort and when in possession of a valid passport and of evidence of having been so engaged. (40 Stat. 559, 55 Stat. 252; Proc. 2523, 6 F.R. 5821)

[SEAL] SUMNER WELLS,
Acting Secretary of State.

MARCH 17, 1942.

[F. R. Doc. 42-2439; Filed, March 20, 1942; 5:03 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1059]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT 3, FOR RIVER AND EX-RIVER SHIPMENTS

A petition having been filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 3, requesting the establishment of price classifications and minimum prices for river and ex-river shipments for the coals of the Consolidation No. 93 Mine (Mine Index No. 42) of the Consolidation Coal Company and the Little Falls Mine (Mine Index No. 238) of the Little Falls Coal Company, both code members in District 3;

Petitions of intervention having been filed by District Boards 4 and 6 and the Consolidation Coal Company and a Notice of Appearance having been filed by the Bituminous Coal Consumers' Counsel;

Temporary relief, pending final disposition of the proceeding, having been granted by an Order of the Director dated November 12, 1941, 6 F.R. 6521;

Pursuant to Order of the Director and after due notice to all interested parties,[1] a hearing in this matter having been held on December 16, 1941, before Floyd McGown, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard, and at which the petitioner, District Boards 2 and 4, the Consolidation Coal Company, and the Bituminous Coal Consumers' Counsel appeared;

The preparation and filing of a Report by the Examiner having been waived, and the record in the proceeding having thereupon been submitted to the undersigned;

A brief having been filed by the Bituminous Coal Consumers' Counsel;

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

Now, therefore, it is ordered, That commencing thirty (30) days from the date of this Order, § 323.8 (*Special prices*—(d) *By-product, horizontal and vertical retort, or water gas use*), § 323.8 (*Special prices*—(e) *River coal*), *and* § 323.8 (*Special prices*—(f) *Ex-river coal*) in the Schedule of Effective Minimum Prices for District No. 3 for All Shipments Except Truck be and they are hereby amended by establishing the classifications and minimum prices for the coals of the Consolidation No. 93 Mine (Mine Index No. 42) of the Consolidation Coal Company as set forth in Supplements R–I, R–II, and R–III attached hereto and made a part hereof.

It is further ordered, That such price classifications and minimum prices shall be subject to the Order of October 21, 1941, 6 F.R. 5426, in Docket No. A–454, increasing the minimum prices set forth in the schedule of Effective Minimum Prices for District No. 3 for All Shipments Except Truck, 7½ cents per net ton for certain ex-river shipments, as specified therein, and the Order of October 4, 1941, 6 F.R. 5110, in Docket No. A–841, establishing minimum prices for ex-river shipments to Colonial Steel Company at Colona, Pennsylvania.

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

It is further ordered, That effective thirty (30) days from the date hereof, the temporary relief heretofore granted herein be and it hereby is revoked and withdrawn.

Dated: March 9, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[1] Although the Notice of and Order for Hearing was not published in the FEDERAL REGISTER until two days after the hearing, said Notice and Order was mailed, postage prepaid, to all district boards, statistical bureaus of the Division, code members in District 3, approved marketing agencies, registered farmers' cooperative organizations, and distributors in District 3, to the Bituminous Coal Consumers' Counsel, and to certain other interested persons. As set forth in the Opinion filed herewith, the undersigned considers this to be reasonable public notice. However, in order to make ample assurance that no possible prejudice has resulted to any person by virtue of the fact that the Notice of and Order for Hearing was not published in the FEDERAL REGISTER until after the hearing herein, this Order will be made effective thirty (30) days from the date hereof, during which time any person claiming to be prejudiced by virtue of the tardy publication of the Notice of and Order for Hearing in the FEDERAL REGISTER may file a petition to modify, terminate, or stay the effect of the Order entered herein or to reopen the hearing herein for the purpose of taking additional evidence.

DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

§ 323.8 *Special prices*—(d) *By-product, horizontal and vertical retort, as water gas use*—Supplement R–I

[Prices in cents per net ton. River coal—for by-product, horizontal and vertical retort, or water gas use]

Based on river transportation charge	For deliveries free along side as shown below	Freight origin group No.	Price classifications	Size group numbers					
				11	12	13	14	15	16
Actual cost	To all destinations on the Monongahela River from Morgantown, W. Va., upstream to headwaters of the river, both inclusive.	All	A	240	225	215	215	215	215
			B						

§ 323.8 *Special prices*—(e) *River coal*—Supplement R–II

[Prices in cents per net ton]

Based on river transportation charge [2]	For deliveries free along side as shown below	Mine index No.[1]	Size group Nos.									
			1	2	3	4	5	6	7	8	9	10
30	To all destinations on the Monongahela, Allegheny, and Ohio Rivers to and including Brunot Island.	42	240	230	220	215	205	205	180	180	170	170
40	To all destinations downstream from Brunot Island on the Ohio River to Lock and Dam No. 5, just beyond Colona and Conway, Pa.	42	245	235	225	220	210	210	185	185	175	175
45	To all destinations downstream on the Ohio River from Dock and Dam No. 5 to the junction of the State lines of Ohio, Pennsylvania and West Virginia.	42	245	235	225	220	210	210	185	185	175	175
55	To all destinations downstream on the Ohio River from the junction of the State lines of Ohio, Pennsylvania, and West Virginia.	42	220	210	190	185	180	180	[3] 155	[3] 155	[3] 145	[3] 145

[1] When shipments of classification "D" coal are made from mine index No. 42, the above prices must be increased ten cents (10¢) per net ton.

[2] A reduction of 44¢ may be made on size groups 7, 8, 9, and 10 when shipped to Toronto, Ohio.

[3] If the actual River transportation charges exceed the base charges of 30¢, 40¢, 45¢, or 55¢ per net ton, indicated above, the exact difference between the actual River transportation charge and the base River charge may be deducted from the f. o. b. mine prices. If the actual River transportation charge is less than the base River charge, the exact difference shall be added to the base mine prices shown above. In no case, however, shall the adjustment upward or downward exceed 10¢ per net ton.

§ 323.8 *Special prices—(f) Ex-river coal*—Supplement R–III

[Prices in cents per net ton. Loaded into railroad cars at Colona or Conway, Pennsylvania. To: Market Areas, 7, 11, 12, 13]

Based on river transportation charge [1]	Destinations	Mine index Nos.[2]	Size group nos.									
			1	2	3	4	5	6	7	8	9	10
40	Akron, Ohio	42	213	203	183	178	173	173	148	148	138	138
40	Canton, Ohio	42	244	234	214	209	204	204	179	179	169	169
40	Celco, Cleveland, Lorain and South Lorain, Ohio.	42	236	226	206	201	196	196	171	171	161	161
40	Massillon, Ohio	42	227	217	197	192	187	187	162	162	152	152
40	Warren, Ohio	42	241	231	211	206	201	201	176	176	166	166
40	Walford, Pennsylvania and Youngstown, Ohio.	42	258. 5	248. 5	228. 5	223. 5	218. 5	218. 5	193. 5	193. 5	183. 5	183. 5

[1] The above prices are based on a base River freight rate of 40 cents (40¢) per net ton. If the actual River freight rate of the individual producer exceeds 40 cents (40¢) per net ton, the exact difference between the actual freight rate and the 40-cent base freight rate may be deducted from the above mine prices. If the actual River freight rate of the individual producer is less than 40 (40¢), the individual producer shall add the exact difference, to the mine price, between the 40-cent base freight rate and the freight rate of the individual producer. In no case, however, shall the adjustment upward or downward exceed 10 cents (10¢) per net ton. The base River freight rate does not include the lifting charge.

[2] When shipments of Classification "D" coal are made from Mine Index No. 42, the above prices must be increased ten cents (10¢) per net ton.

NOTE.—These prices shall be subject to the Order of October 21, 1941, in Docket No. A-454, increasing the minimum prices set forth in the Schedule of Effective Minimum Prices for District No. 3, Ex-river Shipments, 7½ cents per net ton for certain ex-river shipments, as specified therein, and the Order of October 4, 1941, in Docket No. A-841, establishing minimum prices for ex-river shipments to Colonial Steel Company at Colona, Pennsylvania.

[Prices in cents per net ton. Loaded into railroad cars at Bellaire, Bridgeport, Brilliant, Martins Ferry, Mingo Junction, Rush Run, Salt Run, Steubenville, Stringer, Terminal Junction, Tiltonville, Warrenton and Yorkville, Ohio. To: Market Area 13]

Based on river transportation charge [1]	Destinations	Mine index Nos.[2]	Size group nos.									
			1	2	3	4	5	6	7	8	9	10
55	Akron, Ohio	42	211	201	181	176	171	171	146	146	136	136
55	Avon, Cleveland, Dover Bay Park, Lorain, North Dover, Rocky River, South Lorain, Sheffield, and West Dover, Ohio.	42	234	224	204	199	194	194	169	169	159	159
55	Canton, Ohio	42	242	232	212	207	202	202	177	177	167	167
55	Massillon, Ohio	42	225	215	195	190	185	185	160	160	150	150

[1] The above prices are based on the base river freight rate of 55 cents (55¢) per net ton. If the actual river freight rate of the individual producer exceeds 55 cents (55¢) per net ton, the exact difference between the actual freight rate and the 55-cent base freight rate may be deducted from the above mine prices. If the actual river freight rate of the individual producer is less than 55 cents (55¢), the individual producer shall add the exact difference to the mine price between the 55-cent base freight rate and the freight rate of the individual producer. In no case, however, shall the adjustment upward or downward exceed 10 cents (10¢) per net ton. The base river freight rate includes the lifting charge.

[2] When shipments of Classification "D" coal are made from Mine Index No. 42, the above prices must be increased ten cents (10¢) per net ton.

NOTE: These prices shall be subject to the Order of October 21, 1941, in Docket No. A-454, increasing the minimum prices set forth in the Schedule of Effective Minimum Prices for District No. 3, Ex-river Shipments, 7½ cents per net ton for certain ex-river shipments, as specified therein, and the Order of October 4, 1941, in Docket No. A-841, establishing minimum prices for ex-river shipments to Colonial Steel Company at Colona, Pennsylvania.

[F. R. Doc. 42-2419; Filed, March 20, 1942; 10:54 a. m.]

[Docket No. A-1053 Part II]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION, AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES AND RAILROAD SHIPPING POINTS FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8, FOR ALL SHIPMENTS EXCEPT TRUCK

This proceeding was instituted upon an original petition filed with the Bituminous Coal Division on September 18, 1941, by District Board 8, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests:

(a) The establishment of price classifications and minimum prices for rail shipments of coals of the following mines, originating at two shipping points:

Mine index No.	Code members	Shipping points
905	Lawrence Hensley	London & East Bernstadt, Ky.
928	J. P. Boggs	Chavies & Krypton, Ky.
953	John Mitchell	Richards & Garrard, Ky.
2122	K. W. Crabtree	Coeburn & Allen, Va.
3645	White Coal Company	Richards & Manchester, Ky.
3652	Harmon & Mitchell (Wm. Harmon).	Richards & Garrard, Ky.
3657	Shell Phillips	Richards & Manchester, Ky.
3659	Smith Brothers (Albert Smith).	Richards & Garrard, Ky.[1]

[1] The petition herein, originally designated Docket No. A-1053, requested the establishment of minimum prices for the coals of various other mines in District 8, as well as the establishment of minimum prices for truck shipments for some of the above-mentioned mines. By Order dated November 13, 1941, that portion of the petition relating to the matters set forth above was severed from the remainder of Docket No. A-1053 and designated Docket No. A-1053, Part II.

(b) The establishment of price classifications and minimum prices for the following truck mines for rail shipment over the facilities of the White Coal Company, from Richards, Kentucky:

Mine index No.	Code members	Shipping point
3649	Brumley Bros.	Richards, Ky.
922	Crooked Crook Coal Co.	Do.
3650	Ed. Gregory	Do.
3651	Samuel B. Gregory	Do.
3653	Hibbard Bros. (Theo. Hibbard).	Do.
2770	Hibbard, Oscar	Do.
3654	John Hughes	Do.
3652	Harmon & Mitchell (Wm. Harmon).	Do.
3655	Jones Bros. (Shelby Jones).	Do.
2773	Bates Lewis	Do.
953	John Mitchell	Do.
3656	Arkus Pennington	Do.
3657	Shell Phillips	Do.
3644	Phillips & White (W. H. Phillips).	Do.
3659	Smith Bros. (Albert Smith).	Do.
3645	White Coal Co	Do.

(c) The establishment of price classifications and minimum prices for rail shipments from additional shipping points for the following mines:

Mine index No.	Code members	Additional shipping points requested
3039	J. H. Franks	Grundy, Va.
602	Phillips & White	Richards, Ky.
1603	Dill Jarvis	Do.
1669	Brown & Gregory	Do.
2397	Varney & Rose	Do.
3229	I. J. Dean	Williamson, W. Va.
3270	Betsy Layne Coal Corporation.	Betsy Layne, Ky.
3604	Lester Bros. (R. W. Lester).	Richards, Ky.

By Order of the Director dated November 13, 1941, 6 F.R. 6520, temporary price classifications and minimum prices were established for rail shipments originating at one of the two shipping points requested for coals of those mines listed in paragraph (a) above; and temporary permission was granted to those mines listed in paragraph (b) above to use the facilities of the White Coal Company for shipments from Richards, Kentucky. However, temporary relief was denied the request for establishment of price classifications and minimum prices for shipments from additional rail shipping points for those mines listed in paragraph (c) above.

On December 12, 1941, the petitioner filed a motion to amend the original petition with regard to the shipping point and freight origin group number of the Betsy Layne Coal Corporation Mine. Later, by its petition dated December 17, 1941, the District Board withdrew its request for an additional shipping point and requested that the shipping point for this mine be changed from Harold, Kentucky, to Betsy Layne, Kentucky, giving as a reason therefor, that the railroad had placed a switch for this mine at the latter point because there was not sufficient room for a switch at Harold, Kentucky. The petition of December 17, 1941 also requested permis-

sion to amend the original petition of the District Board with regard to the mines listed in paragraph (a) above in the respects mentioned *infra*.

Pursuant to an appropriate order of the Director and after due notice to all interested persons, a hearing in this matter was held on December 19, 1941, before Floyd McGown, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The petitioner appeared. The preparation and filing of a report by the Examiner was waived and the matter was thereupon submitted to the undersigned.

The petitioner, by motions to amend, made before and at the hearing requested that the portion of its petition seeking permission for certain mines to load over the facilities of the White Coal Company (paragraph (b) above) be dismissed; that the shipping points of the Betsy Layne Mine (Mine Index No. 3270), the Dean Mine (Mine Index No. 3229), the Lester No. 12 and 2 Mine (Mine Index No. 3604), the Phillips and White Mine (Mine Index No. 602), and the Varney and Rose Mine (Mine Index No. 2397), be changed from those theretofore established for said mines; and that the name of the Phillips and White Mine (Mine Index No. 602) be changed to the Herd Branch Mine. The petitioner withdrew its request that additional shipping points be established for said mines and withdrew entirely its requested relief concerning the Jarvis Mine (Mine Index No. 1603), the Brown & Gregory Mine (Mine Index No. 1609), and the J. H. Franks Coal Company Mine No. 8 (Mine Index No. 3039).

The petitioner further requested, in regard to the mines listed in paragraph (a), above, that its original request be amended—

1. By eliminating London, Kentucky, as a shipping point of the Hensley Mine (Mine Index No. 905), and establishing East Bernstadt as the shipping point for that mine, as provided in the Order dated November 13, 1941, granting temporary relief.

2. By eliminating Chavies as a shipping point of the J. P. Boggs Mine (Mine Index No. 928), and establishing Krypton, Kentucky, as the shipping point for that mine, as provided in the Order dated November 13, 1941, granting temporary relief.

3. By eliminating Richards, Kentucky, as a shipping point of the Mitchell Mine (Mine Index No. 953) and establishing Garrard, Kentucky, as the shipping point of that mine.

4. By eliminating Coeburn, Virginia, as a shipping point of the Clinton Coal Company Mine (Mine Index No. 2122) and establishing Allen, Virginia, as the shipping point of that mine, as provided in the Order dated November 13, 1941, granting temporary relief.

5. By eliminating Richards as the shipping point of Steve Keith Mine (Mine Index No. 3645) and establishing Manchester, Kentucky, as the shipping point of that mine.

6. By eliminating Richards, Kentucky, as a shipping point of the Red Rooster Mine (Mine Index No. 3652) and establishing Garrard, Kentucky, as the shipping point of that mine.

7. By eliminating Richards, Kentucky, as a shipping point of the Phillips Mine (Mine Index No. 3657) and establishing Manchester, Kentucky, as the shipping point of that mine.

8. By eliminating Richards, Kentucky, as a shipping point of the Smith Mine (Mine Index No. 3659) and establishing Garrard, Kentucky, as the shipping point of that mine.

The questions to be determined therefore are whether the temporary prices established for the mines listed in paragraph (a), above, by the Order of the Director dated November 13, 1941, should be made permanent; whether the requested changes in shipping points should be made; and whether the name of the Phillips and White Mine (Mine Index No. 602) should be changed to Herd Branch Mine.

The record indicates that the temporary prices established by the Order of November 13, 1941, for the mines listed in paragraph (a) above are in line with the prices of similarly situated mines in the same subdistrict of District 8.

The District Board introduced evidence to show that the proposed shipping points are the shipping points most convenient and accessible to the code members involved.

No evidence was presented with regard to the change in name of the Phillips & White Mine. A petition under section 4 II (d) is not the proper means for securing a change in mine name. Order No. 288 of the Director, dated December 8, 1939, provides that where a change in mine name is desired, notification thereof shall be given to the Division within ten (10) days of such change, setting forth the name desired. Accordingly, the question of a change of name for this mine is not a proper question for decision here.

Upon the entire record, the undersigned finds and concludes that the relief requested in the petition, as amended, should be granted, except as to the requested change in name of the Phillips & White Mine, and that the establishment of the classifications, effective minimum prices, and shipping points as set out in Supplement R annexed hereto and made a part hereof will effectuate the purposes of sections 4 II (a) and 4 II (b) of the Act and will comply with all the standards thereof.

Now, therefore, it is ordered, That § 328.11 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck be and it hereby is amended, effective fifteen (15) days from the date hereof, in accordance with Supplement R annexed hereto and made a part hereof.

It is further ordered, That the temporary relief granted herein on November 13, 1941, be, and it hereby is, revoked and withdrawn effective fifteen (15) days from the date hereof.

It is further ordered, That the prayers for relief contained in petition filed herein, except as set forth above, be and they hereby are denied.

Dated: March 7, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

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

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

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

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group nos. For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
3270	Betsy Layne Coal Corporation.	Betsy Layne Coal Corporation.	Elkhorn #1	1	Betsy Layne, Ky.	C&O	61	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)						(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)						
928	Boggs, J. P.	J. P. Boggs	Hazard #4	3	Krypton, Ky.	L&N	100	K	K	J	H	G	E	G	D	D	K							K	K	J	F	D	D	G	L	K					
2122	Crabtree, K. W.	Clintwood C. Co.	Upper Banner	7	Allen, Va.	CC&O	10	M	M	K	J	G	E	E	C	D	G						C	M	M	K	F	D	D	E	M	G					C
3229	Dean, I. J.	Dean	Horse Creek	6	Sibert, Ky.	L&N	111	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)							(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)					
3652	Harmon & Mitchell (Wm. Harmon).	Red Rooster	Howard	6	Garrard, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K							M	M	K	G	E	E	G	M	K					
905	Hensley, Lawrence	Hensley	Lilly	6	East Bernstadt, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K							M	M	K	G	E	E	G	M	K					
3604	Lester Brothers (R. W. Lester).	Lester No. 1 & 2	Horse Creek	6	Richards, Ky.	L&N	111	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)							(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)					
953	Mitchell, John	Mitchell	Howard	6	Garrard, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K							M	M	K	G	E	E	G	M	K					
3657	Phillips, Shell	Phillips	Horse Creek	6	Manchester, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K							M	M	K	G	E	E	G	M	K					
3644	Phillips & White (W. H. Phillips).	Pasture Field	Horse Creek	6	Sibert, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K							M	M	K	G	E	E	G	M	K					
602	Phillips & White	Phillips & White	Horse Creek	6	Sibert, Ky.	L&N	111	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)							(*)	(*)	(*)	(*)	(*)	(*)		(*)	(*)					
3659	Smith Bros. (Albert Smith)	Smith	Howard	6	Garrard, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K							M	M	K	G	E	E	G	M	K					
2397	Varney & Rose (C. B. Varney).	Varney & Rose	Pond Creek	8	Williamson, W. Va.	N&W	130	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)							(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)					
3645	White Coal Co.	Steve Keith Mine	Green Briar	6	Manchester, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K							M	M	K	G	E	E	G	M	K					

[F. R. Doc. 42-2423; Filed, March 20, 1942; 10:55 a. m.]

[Docket No. A-1283]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8

An original petition, as amended, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 8; 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, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 328.21 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–II, § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T–I, and § 328.42 (*General prices for low volatile coals*) is amended by adding thereto Supplement T–II, annexed hereto and made a part hereof, except with respect to the Crozier Red Ash Mine (Mine Index No. 5305) of J. B. Crozier (Crozier Red Ash Coal Co.). With respect to this mine, the price classifications and minimum prices set forth for it in the schedule marked "Supplement T–I" shall become effective fifteen (15) days from the date hereof.

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

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

Dated: March 5, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

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

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

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

Mine Index No.	Code member	Mine name	High volatile seam	Subdistrict	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos.																														
								For destinations other than Great Lakes																			For Great Lakes cargo only												
								1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
5297	American Rolling Mill Company, The.	Nellis No. 4	Lower Campbells Creek.	4	Nellis, W. Va	C&O	12	K	K	H	G	F	D	F	B	B	F	(†)	(†)	A	B	B	B	L	L	J	E	C	C	F	L	F	(†)	A	B	B	B
5280	Beirne, P. L. & Sons Coal Co.	P. L. Beirne	Upper Kittaning.	4	Queen Shoals, W. Va.	B&O	1203	Q	Q	P	M	M	K	M	F	F	M	(†)	(†)	(†)	(†)	(†)	(†)	Q	Q	O	K	H	H	M	Q	M	(†)	(†)	(†)	(†)	(†)
3623	Bolling & Farris Coal Co. (Clarence Bolling).	Bolling & Farris Coal Co.	Clintwood	7	Coeburn, Va	N&W	30	M	M	K	J	G	E	E	C	D	G	(†)	(†)	(†)	(†)	(†)	C	M	M	K	F	D	D	E	M	G	(†)	(†)	(†)	(†)	O
3049	Bowlin, Ike	Bowlin	Blue Gem	6	Jellico, Tenn	Sou	112	A	A	A	A	A	A	C	A	A	K	(†)	(†)	(†)	(†)	(†)	(†)	A	A	A	A	A	A	C	D	K	(†)	(†)	(†)	(†)	(†)
5261	Brown, Homer	Roadside	Horse Creek	6	Elbert, Ky	L&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
5275	Buttermore, H. K., Jr. (Little Creek Coal Co.).	Little Creek Coal Co.	Harlan	2	Keeman, Ky	L&N	80	N	N	H	G	F	D	D	B	C	H	(†)	(†)	(†)	(†)	(†)	C	M	L	J	E	C	C	D	M	H	(†)	(†)	(†)	(†)	O
81	Cameo Coal Mining Company.	Cameo	Coalburg	4	Cameo, W. Va	C&O	123	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	D	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(*)	(*)	(*)	(*)
3728	Case & Cook Coal Company (Aus L. Case).	Ashcamp	Lower Elkhorn.	1	Elkhorn City, Ky.	C & O CC&O	6	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	O
3077	Childers, Brice	Brice Childers	Upper Elkhorn.	1	Elkhorn City, Ky.[2]	C & O CC&O	63	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(*)
5273	Childers, E. E	Childers	Jellico	6	Woodbine, Ky	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
5299	Combs, Dilce & Barnett (Dilce Combs).	Dilce & Barnett Combs.	Hazard No. 4	3	Jeff, Ky	L&N	100	K	K	J	H	G	E	G	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)	K	K	J	F	D	D	G	L	K	(†)	(†)	(†)	(†)	(†)
5305	Crozier, J. B. (Crozier Red Ash Coal Co.).	Crozier Red Ash	Douglas	8	Iaeger, W. Va	N&W	241	H	H	D	C	A	A	A	A	A	F	(†)	(†)	(†)	(†)	(†)	(†)	H	F	E	A	A	A	A	H	F	(†)	(†)	(†)	(†)	(†)
2194	Couk, H. D. (Penn Lee Fuel Co.).	Penn Lee Fuel Co.	Penn Lee	7	Penn Lee Siding, Va.	L & N Sou.	204	M	M	K	J	G	E	G	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
5258	Diamond Elkhorn Coal Company (c/o T. R. Stapleton).	Diamond	Elkhorn #1 & 3.	1	Bosco, Ky	C&O	61	H	H	H	G	E	C	E	B	C	H	(†)	(†)	(†)	(†)	(†)	C	H	H	H	D	B	B	E	K	H	(†)	(†)	(†)	(†)	O
195	Eavenson, Howard N., W. W. Goldsmith & J. J. Moore Receivers, The Elk Horn Coal Corporation.	No. 27	Elkhorn No. 1	1	Wayland, Ky.	C&O	61	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5293	Goodloe, H. A	East End Coal Co.	Thacker	8	Williamson, W. Va.	N&W	130	Q	Q	O	N	L	J	L	F	F	K	(†)	(†)	(†)	(†)	(†)	(†)	Q	P	N	J	G	G	L	P	K	(†)	(†)	(†)	(†)	(†)
5311	Hart & Harris (Samson Hart)[1]	Hart & Harris	Jellico	6	Woodbine, Ky	L&N	111	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
2163	Head, Mike	Mike Head	No. 5	7	Maness, Va	L & N Sou.	204	E	E	E	D	D	C	C	B	C	G	K	(†)	(†)	(†)	(†)	B	E	E	E	D	C	C	C	H	G	K	(†)	(†)	(†)	B
1989	Hicks & Fowler (J. D. Fowler)	Hicks & Fowler	Rex	6	Habersham, Tenn	L&N	140	F	F	E	D	E	C	E	C	F	M	(†)	(†)	(†)	(†)	(†)	(†)	F	F	E	B	B	C	E	K	M	(†)	(†)	(†)	(†)	(†)
5254	Hughes & Mathena (E. L. Hughes).	Hughes & Mathena.	Lower Banner	7	Trammel, Va	CC&O	50	M	M	K	J	G	E	E	C	D	G	(†)	(†)	(†)	(†)	(†)	C	M	M	K	F	D	D	E	M	G	(†)	(†)	(†)	(†)	O
5255	Hughes & Perry (J. W. Perry)	Hughes & Perry No. 1.	Upper Banner	7	Trammel, Va	CC&O	50	M	M	K	J	G	E	E	C	D	G	(†)	(†)	(†)	(†)	(†)	C	M	M	K	F	D	D	E	M	G	(†)	(†)	(†)	(†)	O
5256	Hughes & Perry (J. W. Perry)	Hughes & Perry No. 2.	Upper Banner	7	Trammel, Va	CC&O	50	M	M	K	J	G	E	E	C	D	G	(†)	(†)	(†)	(†)	(†)	C	M	M	K	F	D	D	E	M	G	(†)	(†)	(†)	(†)	O
2757	Ison & Allen (W. R. Allen)	Ison	Pine Mountain.	2	Dione, Ky	L&N	80	O	O	L	K	F	D	D	D	D	H	(†)	(†)	(†)	(†)	(†)	C	O	M	K	F	C	C	D	N	H	(†)	(†)	(†)	(†)	O
3802	Johnson, J. O. & O. R. (J. O. Johnson).	Johnson	Straight Crk	6	Pineville, Ky	L&N	111	F	F	E	D	C	C	A	B	C	H	(†)	(†)	(†)	(†)	(†)	A	F	F	E	C	B	C	A	J	H	(†)	(†)	(†)	(†)	A
2989	Karr & Hill (Ed. Karr)	Stinson	Blue Gem	6	Yaden, Ky	L&N	111	A	A	A	A	A	A	C	A	A	K	(†)	(†)	(†)	(†)	(†)	(†)	A	A	A	A	A	A	C	D	K	(†)	(†)	(†)	(†)	(†)
5278	Keyser, Chas. M. Jr. (Keyser Mining Company).	Keyser	Elkhorn No. 2	1	Pikeville, Ky	C&O	61	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	O
2930	Kilgore, Joe C	Joe C. Kilgore Coal Co. No. 1.	Lower Banner	7	Coeburn, Va	N&W	30	M	M	K	J	F	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	F	D	D	E	L	K	(†)	(†)	(†)	(†)	(†)

See footnotes at end of table.

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

Mine Index No.	Code member	Mine name	High volatile seam	Subdistrict	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27
3355	Lawson, Nathan	Lawson	Blue Gem	6	Yaden, Ky	L&N	111	A	A	A	A	A	A	C	A	A	K	(†)	(†)	(†)	(†)	(†)	(†)
2781	McIntosh, G. W	G. W. McIntosh	Sturgeon	3	Heidelburg, Ky	L&N	100	K	K	J	H	G	G	J	F	D	M	(†)	(†)	(†)	(†)	(†)	(†)
3681	Margaret Ann Coal Company c/o Thos. H. Pritchard.	Margaret Ann Coal Co.	Splash Dam	8	Conaway, Va	N&W	130	M	M	H	G	E	C	E	A	D	E	(†)	(†)	A	A	A	A
3014	Morris, John B	John B. Morris	Jackson	3	Jackson, Ky	L&N	100	M	M	N	M	K	H	K	F	F	M	(†)	(†)	(†)	(†)	(†)	(†)
5262	Napier & Combs (Alex. D. Combs).	Napier & Combs	Hazard No. 5–A.	3	Combs, Ky	L&N	100	O	O	N	M	K	H	K	F	F	M	(†)	(†)	(†)	(†)	(†)	(†)
2603	Napier & Robinson (Jay Napier).	Napier	Pittsburgh	6	East Bernstadt, Ky.	L&N	111	M	M	K	f	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)
5114	Napier & Robinson (Jay Napier).	Napier No. 2	Pittsburgh	6	East Bernstadt, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)
5234	North Fork Coal Corporation c/o J. Marion Smith.	North Fork	Imboden	7	Penn Lee Siding, Va.	L & N - Sou.	204	M	M	K	J	G	E	G	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)
5282	Perkins, John M	Perkins	Blue Gem	6	Nevisdale, Ky	L&N	111	A	A	A	A	A	A	C	A	A	K	(†)	(†)	(†)	(†)	(†)	(†)
2759	Ramsey, T. G	Ramsey No. 1	Peacock	4	Greendale, W. Va	C&O	123	Q	Q	P	M	M	K	(†)	F	(*)	M	(†)	(†)	(†)	(†)	(†)	(†)
1367	Ritchie, G. W	G. W. Ritchie	Hazard No. 4	3	Combs, Ky	L&N	100	K	K	J	H	G	E	G	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)
5308	Riverton Coal Company	Riverton No. 3	Coalburg	4	Crown Hill, W. Va.	C&O	123	M	M	L	K	G	E	G	D	D	H	(†)	(†)	C	C	C	(†)
5239	Rowe, Roland (Levise River Coal Company).	Levise River	Upper Elkhorn.	1	Conaway, Ky	N&W	130	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C
1549	Sanders Coal Co. (Roy & Joe Sanders).	Sanders No. 1	Straight Creek	6	Pineville, Ky	L&N	111	F	F	E	D	C	C	A	B	C	H	(†)	(†)	(†)	(†)	(†)	A
1859	Sexton, Doc B	Sexton	Blue Gem	6	Jellico, Tenn	L & N - Sou.	113	A	A	A	A	A	A	C	A	A	K	(†)	(†)	(†)	(†)	(†)	(†)
2744	Van Winkle, Corbin	Tom McMahan	Sewanee	6	Crossville, Tenn	T C	72	P	M	L	K	J	M	H	G	O	(†)	(†)	(†)	(†)	(†)	(†)	(†)
5281	White, Clark (Ashland Brick Company).	No. 1	No. 7	1	Summitt, Ky	C & O	61	M	M	K	J	G	E	G	F	F	L	(†)	(†)	(†)	(†)	(†)	(†)
5277	Weller Fuel Company (Leslie N. Weller).	Weller Branch	Mason	6	Ferndale, Ky	L&N	111	H	H	F	E	D	C	E	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)
5276	Weller, Leslie N. (Apex Coal Company).	Apex	Leonard	6	Pineville, Ky	L&N	11	H	H	F	E	D	C	E	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)
875	Williams Coal Co. (J. Nathan & Glen Williams).	No. 1	Harlan	2	Loyall, Ky	L&N	810	P	P	N	M	H	F	F	D	E	H	(†)	(†)	(†)	(†)	(†)	C
3479	Wynn, Ben	Ben Wynn	Blue Gem	6	Barbourville, Ky	L&N	111	A	A	A	A	A	A	C	A	A	K	(†)	(†)	(†)	(†)	(†)	(†)

Mine Index No.	Price classifications by size group Nos. For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
3355	A	A	A	A	A	A	C	D	K	(†)	(†)	(†)	(†)	(†)
2781	K	K	J	F	E	D	B	L	M	(†)	(†)	(†)	(†)	(†)
3681	M	M	H	E	B	B	E	M	E	(†)	A	A	A	A
3014	M	M	M	H	F	F	K	O	M	(†)	(†)	(†)	(†)	(†)
5262	O	N	M	H	F	F	K	N	M	(†)	(†)	(†)	(†)	(†)
2603	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
5114	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
5234	M	M	K	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
5282	A	A	A	A	A	A	C	D	K	(†)	(†)	(†)	(†)	(†)
2759	Q	Q	O	K	H	H	(†)	(†)	M	(†)	(†)	(†)	(†)	(†)
1367	K	K	J	F	D	D	G	L	K	(†)	(†)	(†)	(†)	(†)
5308	M	M	L	G	D	D	G	K	H	(†)	C	C	C	(†)
5239	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	C
1549	F	F	E	C	B	C	A	J	H	(†)	(†)	(†)	(†)	A
1859	A	A	A	A	A	A	C	D	K	(†)	(†)	(†)	(†)	(†)
2744	P	O	M	H	F	F	M	Q	O	(†)	(†)	(†)	(†)	O)
5281	M	M	K	G	E	E	G	N	L	(†)	(†)	(†)	(†)	(†)
5277	H	H	F	C	C	D	E	M	K	(†)	(†)	(†)	(†)	(†)
5276	H	H	F	C	C	D	E	M	K	(†)	(†)	(†)	4†)	(†)
875	P	O	M	H	E	D	F	O	H	(†)	(†)	(†)	(†)	C
3479	A	A	A	A	A	A	C	D	K	(†)	(†)	(†)	(†)	(†)

[1] Hart & Harris (Samson Hart) erroneously listed in Docketr A–1094 as Mine Index No. 2597
[2] Denotes new shipping point. Shipping point at Big Banch, F. O. G. 61 shall no longer be applicable.
[3] Denotes new shipping point. Shipping point at Garrett, Ky., shall no longer be applicable.
*Indicates previously classified these size groups.
†Indicates no classification effective for these size groups.

§ 328.21 *Alphabetical list of code members*—Supplement R–II

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

Mine index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classification by size group No.									
								1	2	3	4	5	6	7	8	9	10
5295	Groves, L. H	Groves	9	Sewell	Quinwood, W. Va.	C&O and NYC.	231	D	D	C	A	A	B	B	C	C	

FOR TRUCK SHIPMENTS

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

Code member index	Mine	Mine Index No.	Seam	Base sizes							
				Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", 2" x 5"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 1—BIG SANDY-ELKHORN											
BOYD COUNTY, KY.											
Wells, Ira, Sr	Sizemore	5294	No. 4	265	245	210	220	205	200	150	145
White, Clark (Ashland Brick Company).	No. 1	5281	No. 7	265	245	210	220	205	200	150	145
CARTER COUNTY, KY.											
Rice, Nigal (Lost Creek Coal Co.).	Lost Creek Coal Co.	5309	No. 7	265	245	210	220	205	200	150	145
FLOYD COUNTY, KY.											
Diamond Elkhorn Coal Company c/o T. R. Stapleton.	Diamond	5258	Elkhorn #1 & 3	285	265	225	230	215	215	165	160
MAGOFFIN COUNTY, KY.											
Williams, Wise	Williams	5263	No. 7	265	245	210	220	205	200	150	145
PIKE COUNTY, KY.											
Keyser, Chas. M., Jr. (Keyser Mining Company).	Keyser	5278	Elkhorn No. 2	275	255	220	230	215	210	170	165
McCoy, Babe	Ott Layne	5253	Upper Elkhorn	275	255	220	230	215	210	170	165
Rowe, Roland (Levise River Coal Company).	Levise River	5239	Upper Elkhorn	275	255	220	230	215	210	170	165
HARLAN COUNTY, KY.											
Buttermore, H. K., Jr. (Little Creek Coal Co.).	Little Creek coal	5275	Harlan	270	250	225	230	210	215	175	170

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

Code member index	Mine	Mine Index No.	Seam	Base sizes							
				Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", 2" x 5"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 3—HAZARD											
PERRY COUNTY, KY.											
Combs, Dilce & Barnett (Dilce Combs).	Dilce & Barnett Combs.	5299	Hazard No. 4	275	255	220	225	205	210	155	150
Combs, Edgar	Edgar Combs	5300	Hazard No. 4	275	255	220	225	205	210	155	150
Napier & Combs (Alex D. Combs).	Napier & Combs	5262	Hazard No. 5-A	275	255	220	225	205	210	150	145
WOLFE COUNTY, KY.											
Hall, Tom	G. B. Rose No. 2	5236	No. 7	265	245	210	220	205	200	150	145
SUBDISTRICT NO. 4—KANAWHA											
BOONE COUNTY, W. VA.											
American Rolling Mill Co., The	Nellis No. 4	5297	Lower Campbells Creek.	275	255	230	230	210	220	175	170
CLAY COUNTY, W. VA.											
Beirne, P. L. & Sons Coal Co	P. L. Beirne	5280	Upper Kittaning	245	225	210	205	180	200	145	140
KANAWHA COUNTY, W. VA.											
Riverton Coal Co	Riverton No. 3	5308	Coalburg	280	260	220	230	205	210	165	160
NICHOLAS COUNTY, W. VA.											
Groves, L. H	Groves	5295	Sewell	265	245	230	230	205	220	165	160
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN											
BELL COUNTY, KY.											
Orick, Luther	Dean	5302	Dean	275	255	220	230	215	210	145	140
Weller Fuel Co. (Leslie N. Weller).	Weller Branch	5277	Mason	285	265	220	240	215	210	155	150
Weller, Leslie N. (Apex Coal Co.).	Apex	5276	Leonard	285	265	220	240	215	210	155	150
CLAY COUNTY, KY.											
Brown, Homer	Roadside	5231	Horse Creek	265	245	220	220	205	210	155	150
JACKSON COUNTY, KY.											
Deaton & Rollin (Lloyd Deaton).	Deaton	5301	Sand Gap	265	245	220	220	205	210	155	150
Lakes, Andy	Lakes	5260	Horse Creek	265	245	220	220	205	210	155	150
Van Winkle, James	Van Winkle	5298	Sand Gap	265	245	220	220	205	210	155	150
KNOX COUNTY, KY.											
Childers, E. E	Childers	5273	Jellico	255	235	225	225	205	215	155	150
Hart & Harris (Samson Hart)	Hart & Harris	5311	Jellico	255	235	225	225	205	215	155	150
Jackson & Jackson (Perry Jackson).	Jackson	5303	Blue Gem	335	315	235	260	225	225	145	140

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

Code member index	Mine	Mine Index No.	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", 2" x 5"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN—Con.											
LAUREL COUNTY, KY.											
Hicks, Jack	Mary Hicks	5264	Pittsburgh	265	245	220	220	205	210	155	150
Leach, L. B	Pigg	5267	Bernstadt	265	245	220	220	205	210	155	150
Napier & Robinson (Jay Napier)	Napier No. 2	5114	Pittsburgh	265	245	220	220	205	210	155	150
ROCKCASTLE COUNTY, KY.											
Taylor, William	Last Chance	5265	No. 3	265	245	220	220	205	210	155	150
WHITLEY COUNTY, KY.											
Jones, George & Oscar (George Jones).	Frederick Blue Gem	5312	Blue Gem	335	315	235	260	225	225	145	140
Lawson, Wesley	Lawson	5307	River Gem	275	255	220	230	215	210	145	140
Perkins, John M	Perkins	5282	Blue Gem	335	315	235	260	225	225	145	140
Taylor, Ben & Charlie Ball (Ben Taylor).	Ball & Taylor	5274	Jellico	285	265	225	240	215	215	170	165
MORGAN COUNTY, TENN.											
Douglas, C. F	Blizzard	5306		255	235	225	230	205	215	145	140
McCoy, Joe	Joe McCoy	5257	State	255	235	225	230	205	215	145	140
PUTNAM COUNTY, TENN.											
Phipps, J. C	L. & W	5310	Bon Air No. 2	250	230	205	210	185	195	135	130
SUBDISTRICT NO. 7—VIRGINIA											
DICKENSON COUNTY, VA.											
Hughes & Mathena (E. L. Hughes).	Hughes & Mathena	5254	Lower Banner	265	245	220	220	215	210	155	150
Hughes & Perry (J. W. Perry)	Hughes & Perry No. 1.	5255	Upper Banner	265	245	220	220	215	210	155	150
Hughes & Perry (J. W. Perry)	Hughes & Perry No. 2.	5256	Lower Banner	265	245	220	220	215	210	155	150
Moore, Calvin		5301	Upper Banner	265	245	220	220	215	210	155	150
LEE COUNTY, VA.											
North Fork Coal Corporation c/o J. Marion Smith.	North Fork	5234	Imboden	265	245	215	220	205	205	155	150
SUBDISTRICT NO. 8—WILLIAMSON											
BUCHANAN COUNTY, VA.											
Hicks, John M	Hicks	5245	Splash Dam	265	245	220	230	215	210	180	175
MCDOWELL COUNTY, W. VA.											
Crozier, J. B. (Crozier Red Ash Coal Co.).	Crozier Red Ash	5305	Douglas	285	265	235	250	225	225	175	170
MINGO COUNTY, W. VA.											
Goodloe, H. A	East End Coal Co	5293	Thacker	245	225	210	200	185	200	155	150

§ 328.42 *General prices for low volatile coals*—Supplement T–II

Code member index	Mine	Mine index No.	Seam	All lump	Egg: larger than 3" top	Stove: 3" top size	Nut or pea: 1¼" top or less	Screened M/R	Straight M/R	1¼" screenings	¾" screenings
				1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 9—BUCHANAN COUNTY LOW VOLATILE AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS											
RUSSELL COUNTY, VA.											
Mill Branch Coal Company (J. H. Bird).	Mill Branch Coal Co	5313	Red Ash	305	305	300	250	280	215	155	150

[F. R. Doc. 42-2422; Filed, March 20, 1942; 10:55 a. m.]

[Docket No. A–1292]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF A. R. DISNEY (DISNEY COAL CO.) A CODE MEMBER IN DISTRICT NO. 13, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF HIS SEABOARD MINE (MINE INDEX NO. 1472)

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 Seaboard Mine (Mine Index No. 1472) of A. R. Disney (Disney Coal Co.), a code member in District 13.

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

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

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

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 333.6 (*General prices*) is amended by adding thereto Supplement R–I, § 333.7 (*Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*) is amended by adding thereto Supplement R–II, and § 333.34 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

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 March 5, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

DISTRICT NO. 13

§ 333.6 *General prices*—Supplement R–I

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

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	TUSCALOOSA COUNTY, ALA.				
1472	Disney, A. R. (Disney Coal Co.)	Seaboard	1	Brookwood	180

Shipping Point, Fox, Ala.; Railroad, GM&O.
This mine shall have the same prices in size groups 13, 19, 20, 22, and 23 on all price tables as listed for mine with Index No. 40.

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

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

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	TUSCALOOSA COUNTY, ALA.				
1472	Disney, A. R. (Disney Coal Co.)	Seaboard	1	Brookwood	180

This mine shall have the same prices for all sizes customarily furnished railroads for Locomotive Fuel on price tables as listed for mine Index No. 40. (See § 333.7 (a) in Minimum Price Schedule.)

FOR TRUCK SHIPMENTS

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

Code member index	Mine	Mine index No.	Subdistrict	Seam	Lump: Over 2" Egg: Top size over 6"	Egg: Top size 6" and under	Lump: 2" and under	Nut: Top size 3" and under; bottom size over ½"		Chestnut: Top size 3" and under; bottom size ½" and under		Chestnut: Top size 1½" and under; bottom size ½" and under		Run of mine: Modified R/M	Resultants: 3" and under		Screenings: 1½" and under		Industrial Coal
								Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw	24, 25, 26
					1	2	3	6	7	8	9	10	11	13	17	22	18	23	
ALABAMA																			
TUSCALOOSA COUNTY																			
Disney, A. R. (Disney Coal Co.)	Seaboard	1472	2	Brookwood	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225

[F. R. Doc. 42–2420; Filed, March 20, 1942; 10:54 a. m.]

[Docket No. A-1297]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 13

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 13; and

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

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

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

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 333.6 (*General prices*) is amended by adding thereto supplement R–I, § 333.7 (*Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*) is amended by adding thereto Supplement R–II, § 333.7 (*Special prices*—(c) *Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*) is amended by adding thereto Supplement R–III, § 333.34 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T–I, and § 333.43 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T–II, which supplements are hereinafter set forth and hereby made a part hereof; and commencing forthwith, the shipping points and freight origin group numbers appearing in the aforesaid Supplement R–I for Mine Index Nos. 142, 193, 198, 411, 1010, 1059, 1174, 1215, 1276, 1317–1326, inclusive, are effective in place of the shipping points heretofore established for these mines.

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

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

No relief is granted herein as to coals produced by the Connellsville Drift Mine, Mine Index No. 1466 of The Plateau Coal & Coke Co. in Size Group 11 for all shipments except truck; produced by the mines having Mine Index Nos. 113, 136, 141, 193, 198, 221, 298, 301, 317, 339, 342, 356, 367, 386, 744, 1059, 1128, 1215, 1271, 1276, 1318, 1360, and 1433 in Size Group 20 for all shipments except truck; or produced by The Jefferson No. 1 Mine, Mine Index No. 1458, of W. P. Headrick in Size Group 23 for truck shipments, for the reasons set forth in that portion of Docket No. A–1297 which relates to them as A–1297 Part II, granting temporary relief in part, and scheduling a hearing therein.

Dated: March 4, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

DISTRICT NO. 13

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

§ 333.6 *General prices*—Supplement R

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

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	ALABAMA				
	BLOUNT COUNTY				
1433	Reno & Reno (F. N. Reno)	Reno & Reno [1]	1	Black Creek	31
1360	Martin, Willie	Nyota #9 [2]	1	Black Creek	31
1276	Harden & Davis (M. L. Harden)	Collins [2]	1	Black Creek	[a] 31
1059	Hart, Onar	Hart [2]	1	Black Creek	[b] 31
1215	Skinner & Parker (R. S. Skinner)	Johnson [2]	1	Black Creek	[b] 31
	CULLMAN COUNTY				
626	Tidmore Coal Co. (E. Tidmore)	Tidmore [3]	1	Black Creek	31
	JEFFERSON COUNTY				
1466	Plateau Coal & Coke Co	Connellsville Drift [4]	1	Black Creek	31
301	Colsman, W. W	Colsman [5]	1	Black Creek	31
113	Crane Bros	Crane Bros. [5]	1	Black Creek	31
317	Dixie Fire Brick Co	Black Cat [5]	1	Black Creek	31
141	Drake & Cato (C. R. Drake)	New Mine [5]	1	Black Creek	31
367	Ellis, Robert	Riverside [5]	1	Black Creek	31
1128	Jay, T. F	Beltona #6 [5]	1	Black Creek	31
339	Knopf, Frank	Frank Knopf [5]	1	Black Creek	31
744	Layne Coal Co., W. F	Mack Hill [5]	1	Black Creek	31
342	Layne Coal Co., W. F	Big Dirt [5]	1	Black Creek	31
136	McCurry, Eugene	Butterfly [5]	1	Black Creek	31
356	Mahaffey, A. Z	Utah #2 [5]	1	Black Creek	31
221	Mahaffey, J. W	Mahaffey's [5]	1	Black Creek	31
198	Rock Coal Co., J. D	Yarbro #1 [5]	1	Black Creek	[c] 31
298	Tidwell & Kemp Coal & Clay Co	Castleberry [5]	1	Black Creek	31
1271	Tidwell & Whaley (S. I. Tidwell)	Gurley Creek [5]	1	Black Creek	31
386	Trotter, C. W	Trotter [5]	1	Black Creek	31
1313	Young, Joe	Joe Young [5]	1	Black Creek	31
193	Young, Robert B	Yarbrough #2 [5]	1	Black Creek	[c] 31
	MARION COUNTY				
411	Burgess, J. H	Burgess [6]	1	Black Creek	[d] 60
426	Evans & Rowell (Landy Evans)	Bell #1 [7]	1	Black Creek	111
435	Hicks, W. J	Hicks [7]	1	Black Creek	111
1174	Colburn, W. J	Colburn No. 1 [8]	1	Black Creek	[e] 60
1317	Colburn, W. J	Colburn No. 2 [8]	1	Black Creek	[e] 60
1318	Colburn, W. J	Colburn No. 3 [8]	1	Black Creek	[e] 60
1319	Colburn, W. J	Colburn No. 9 [8]	1	Black Creek	[e] 60
1320	Colburn, W. J	Colburn No. 10 [8]	1	Black Creek	[e] 60
1321	Colburn, W. J	Colburn No. 11 [8]	1	Black Creek	[e] 60
1322	Colburn, W. J	Colburn No. 12 [8]	1	Black Creek	[e] 60
1323	Colburn, W. J	Colburn No. 13 [8]	1	Black Creek	[e] 60
1324	Colburn, W. J	Colburn No. 14 [8]	1	Black Creek	[e] 60
1325	Colburn, W. J	Colburn No. 15 [8]	1	Black Creek	[e] 60
1326	Colburn, W. J	Colburn No. 16 [8]	1	Black Creek	[e] 60
1010	Colburn, W. J	Colburn No. 5 [9]	1	Black Creek	[e] 60
	WALKER COUNTY				
1442	Allred & Myers (Byrd T. Myers)	Miller [10]	1	Black Creek	80
1256	Big Ridge Coal Co. (Foster Deason)	No. 1 Opening [11]	1	America	120
142	Big Ridge Coal Co. (Foster Deason)	Big Ridge [12]	1	Pratt	[f] 120
1456	Densmore Transfer Co	Pass Strip [13]	1	Mary Lee	101
1458	Headrick, W. P	Jefferson #1 [14]	1	Jefferson	80

See footnotes at end of table.

§ 333.6 *General prices*—Supplement R—Continued

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	ALABAMA—Continued				
	WALKER COUNTY—continued				
1436	Tucker Coal Co. (S. C. Tucker)	Gaslight No. 1 [15]	1	Corona	120
1438	Tucker Coal Co. (S. C. Tucker)	Gaslight No. 4 [15]	1	Corona	120
1439	Tucker Coal Co. (S. C. Tucker)	Gaslight No. 5 [15]	1	Corona	120
1440	Tucker Coal Co (S. C. Tucker)	Gaslight No. 6 [15]	1	Corona	120
1459	Wilson & Huddleston (E. S. Wilson)	Wilson #4 [16]	1	Mary Lee	50
1460	Wilson & Huddleston (E. S. Wilson)	Wilson #5 [16]	1	Mary Lee	50
	WINSTON COUNTY				
1415	Thomas, W. L.	Dodd #4 [17]	1	Black Creek	111

[1] Shipping point: Warrior, Ala.; railroad:L&N.
This mine shall have a price in size groups 13, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 12, 17 and 18, respectively, for mine with index No. 76.
This mine shall have the same price in size group 24 on all price tables as listed for mine with index No. 76.
[2] Shipping point: Warrior, Ala.; railroad: L&N.
These mines shall have a price in size groups 22 and 23 on all price tables, 10¢ under the prices listed in size groups 17 and 18, respectively, for mine with index No. 76.
These mines shall have the same price in size group 24 on all price tables as listed for mine with index No. 76.
[a] Denotes new shipping point. Shipping point at Trafford, Ala., shall no longer be applicable.
[b] Denotes new shipping point. Shipping point at Hayden, Ala., shall no longer be applicable.
[3] Shipping point: Warrior, Ala.; railroad: L&N.
This mine shall have the same prices in size groups 1, 4, 7, 13, 20 and 26 on all price tables as listed for mine with index No. 249 (Freeman Coal Company, Freeman mine).
This mine shall have a price in size groups 22 and 23 on all price tables, 10¢ under the prices listed in size groups 17 and 18, respectively, for mine with index No. 22.
[4] Shipping point: Connellsville, Ala.; railroad: L&N.
This mine shall have the same price in size group 1 on all price tables as listed for mine with index No. 77.
This mine shall have a price in size groups 13, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 12, 17 and 18, respectively, for mine with index No. 77.
[5] Shipping point: Warrior, Ala.; railroad: L&N.
These mines shall have a price in size groups 22 and 23 on all price tables, 10¢ under the prices listed in size groups 17 and 18, respectively, for mine with index No. 76.
These mines shall have the same price in size group 24 on all price tables as listed for mine with index No. 76.
[c] Denotes new shipping point. Shipping point at Trafford, Ala., shall no longer be applicable.
[6] Shipping point: Brilliant, Ala.; railroad: I. C.
[d] Denotes new shipping point, railroad and freight origin group. Shipping point at Glen Allen, Ala. on SL&SF Railroad in freight origin group No. 101 shall no longer be applicable.
[7] Shipping point: Glen Mary, Ala.; railroad: Southern.
These mines shall have the same prices in size groups 1, 4, 7, 11, 13, 22 and 23 on all price tables as listed for mine with index No. 108 (Roy May, Diamond M-2 mine).
These mines shall have the same price in size group 2 on all price tables as listed in size group 1 for mine with index No. 108 (Roy May, Diamond M-2 mine).
[8] Shipping point: Brilliant, Ala.; railroad: I. C.
These mines shall have the same prices in size groups 4, 6, 17 and 18 on all price tables as listed for mine with index No. 18.
[e] Denotes new shipping point, railroad and freight origin group. Shipping point at Glen Allen, Ala., on SL&SF Railroad in freight origin group 101 shall no longer be applicable.
[9] Shipping point: Brilliant, Ala.; railroad: I. C.
[10] Shipping point: Rosemary, Ala.; railroad: SL&SF.
This mine shall have the same prices in size groups 1, 7, 13, 20 and 26 on all price tables as listed for mine with index No. 583 (H. E. Drummond, Drummond mine).
This mine shall have a price in size groups 22 and 23 on all price tables, 10¢ under the price listed in size groups 17 and 18, respectively, for mine with index No. 22.
[11] Shipping point: America Junction, Ala.; railroad: Southern.
This mine shall have the same prices in size groups 22 and 23 on all price tables as listed for mine with index No. 1137 (Pratt-American Coal Company, America 1 and 2 mine).
[12] Shipping point: America Junction, Ala.; railroad: Southern.
This mine shall have the same prices in size groups 1, 22 and 23 on all price tables as listed for mine with index No. 1136 (Pratt-American Coal Company, Pratt 1 and 2 mine).
[f] Denotes new shipping point. Shipping point at Cordova, Ala., shall no longer be applicable.
[13] Shipping point: Hillard, Ala.; railroad: SL&SF.
This mine shall have the same prices in size groups 1 and 2 on all price tables as listed for mine with index No. 31.
This mine shall have a price in size groups 7, 13, 19, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 6, 12, 14, 17 and 18, respectively, for mine with index No. 31.
[14] Shipping point: Drummond, Ala.; railroad: SL&SF.
This mine shall have the same prices in size groups 1, 2, 4, 7, 13, 18 and 20 on all price tables as listed for mine with index No. 583 (H. E. Drummond, Drummond mine).
This mine shall have a price in size group 23 on all price tables, 10¢ under the price listed in size group 18 for mine with index No. 583 (H. E. Drummond, Drummond mine).
[15] Shipping point: Oakman, Ala.; railroad: Southern.
These mines shall have the same prices in size groups 1, 2, 7, 13, 22 and 23 on all price tables as listed for mine with index No. 641 (Newton & Frost, Ferguson mine).
[16] Shipping point: Burnwell, Ala; railroad: Southern.
These mines shall have the same price in size groups 1 and 2 on all price tables as listed for mine with index No. 31.
These mines shall have a price in size groups 7, 13, 19, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 6, 12, 14, 17 and 18, respectively, for mine with index No. 31.
[17] Shipping point: Lynn, Ala.; railroad: Southern.
This mine shall have the same prices in size groups 1, 4, 7, 13 and 23 on all price tables as listed for mine with index No. 1192 (A. J. Brimer, Sahara #2 mine).

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

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

Mine index No.	Code member	Mine [1]	Subdistrict	Seam	Freight origin group
	ALABAMA				
	BLOUNT COUNTY				
1276	Harden & Davis (M. L. Harden)	Collins	1	Black Creek	31
1059	Hart, Onar	Hart	1	Black Creek	31
1360	Martin, Willie	Nyota #9	1	Black Creek	31
1433	Reno & Reno (F. N. Reno)	Reno & Reno	1	Black Creek	31
1215	Skinner & Parker (R. S. Skinner)	Johnson	1	Black Creek	31
	CULLMAN COUNTY				
926	Tidmore Coal Co. (E. Tidmore)	Tidmore	1	Black Creek	31
	JEFFERSON COUNTY				
301	Colsman, W. W	Colsman	1	Black Creek	31
113	Crane Bros	Crane Bros	1	Black Creek	31
317	Dixie Fire Brick Co	Black Cat	1	Black Creek	31
141	Drake & Cato (C. R. Drake)	New Mine	1	Black Creek	31
367	Ellis, Robert	Riverside	1	Black Creek	31
1128	Jay, T. F	Belton #6	1	Black Creek	31
339	Knopf, Frank	Frank Knopf	1	Black Creek	31
744	Layne Coal Co., W. F	Mack Hill	1	Black Creek	31
342	Layne Coal Co., W. F	Big Dirt	1	Black Creek	31
356	Mahaffey, A. Z	Utah #2	1	Black Creek	31
221	Mahaffey, J. W	Mahaffey's	1	Black Creek	31
136	McCurry, Eugene	Butterfly	1	Black Creek	31
198	Rock Coal Co., J. D	Yarbro #1	1	Black Creek	31
298	Tidwell & Kemp Coal & Clay Co	Castleberry	1	Black Creek	31
1271	Tidwell & Whaley (S. I. Tidwell)	Gurley Creek	1	Black Creek	31
386	Trotter, C. W	Trotter	1	Black Creek	31
1313	Young, Joe	Joe Young	1	Black Creek	31
193	Young, Robert B	Yarbrough #2	1	Black Creek	31
	MARION COUNTY				
1174	Colburn, W. J	Colburn No. 1	1	Black Creek	60
1317	Colburn, W. J	Colburn No. 2	1	Black Creek	60
1318	Colburn, W. J	Colburn No. 3	1	Black Creek	60
1319	Colburn, W. J	Colburn No. 9	1	Black Creek	60
1320	Colburn, W. J	Colburn No. 10	1	Black Creek	60
1321	Colburn, W. J	Colburn No. 11	1	Black Creek	60
1322	Colburn, W. J	Colburn No. 12	1	Black Creek	60
1323	Colburn, W. J	Colburn No. 13	1	Black Creek	60
1324	Colburn, W. J	Colburn No. 14	1	Black Creek	60
1325	Colburn, W. J	Colbirn No. 15	1	Black Creek	60
1326	Colburn, W. J	Colburn No. 16	1	Black Creek	60
426	Evans & Rowell (Landy Evans)	Bell No. 1	1	Black Creek	111
435	Hicks, W. J	Hicks	1	Black Creek	111
	WALKER COUNTY				
1442	Allred & Myers (Byrd T. Myers)	Miller	1	Black Creek	80
1256	Big Ridge Coal Co. (Foster Deason)	No. 1 Opening	1	America	120

[1] All of the above mines shall have the same prices for all sizes customarily furnished railroads for Locomotive Fuel on price tables as listed for mines with index Nos. 1, 2, 3, etc. (See § 333.7 (a) in Minimum Price Schedule.)

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

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	ALABAMA—Continued				
	WALKER COUNTY—continued				
1456	Densmore Transfer Co	Pass Strip	1	Mary Lee	101
1458	Headrick, W. P	Jefferson #1	1	Jefferson	80
1436	Tucker Coal Co. (S. C. Tucker)	Gaslight No. 1	1	Corona	120
1438	Tucker Coal Co. (S. C. Tucker)	Gaslight No. 4	1	Corona	120
1439	Tucker Coal Co. (S. C. Tucker)	Gaslight No. 5	1	Corona	120
1440	Tucker Coal Co. (S. C. Tucker)	Gaslight No. 6	1	Corona	120
1459	Wilson & Huddleston (E. S. Wilson)	Wilson #4	1	Mary Lee	50
1460	Wilson & Huddleston (E. S. Wilson)	Wilson #5	1	Mary Lee	50

[1] All of the above mines shall have the same prices for all sizes customarily furnished railroads for Locomotive Fuel on price tables as listed for mines with index Nos. 1, 2, 3, etc. (See § 333.7 (a) in Minimum Price Schedule.)

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

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

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	ALABAMA				
	BLOUNT COUNTY				
1276	Harden & Davis (M. L. Harden)	Collins [1]	1	Black Creek	31
1059	Hart, Onar	Hart [1]	1	Black Creek	31
1360	Martin, Willie	Nyota #9 [1]	1	Black Creek	31
1433	Reno & Reno (F. N. Reno)	Reno & Reno [1]	1	Black Creek	31
1215	Skinner & Parker (R. S. Skinner)	Johnson [1]	1	Black Creek	31
	CULLMAN COUNTY				
926	Tidmore Coal Co. (E. Tidmore)	Tidmore [2]	1	Black Creek	31
	JEFFERSON COUNTY				
301	Colsman, W. W	Colsman [3]	1	Black Creek	31
113	Crane Bros	Crane Bros. [3]	1	Black Creek	31
317	Dixie Fire Brick Co	Black Cat [3]	1	Black Creek	31
141	Drake & Cato (C. R. Drake)	New Mine [3]	1	Black Creek	31
367	Ellis, Robert	Riverside [3]	1	Black Creek	31
1128	Jay, T. F	Beltona #6 [3]	1	Black Creek	31

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

Mine Index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	ALABAMA—Continued				
	JEFFERSON COUNTY—continued				
339	Knopf, Frank	Frank Knopf [3]	1	Black Creek	31
741	Layne Coal Co., W. F	Mack Hill [3]	1	Black Creek	31
342	Layne Coal Co., W. F	Big Dirt [3]	1	Black Creek	31
136	McCurry, Eugene	Butterfly [3]	1	Black Creek	31
356	Mahaffey, A. Z	Utah #2 [3]	1	Black Creek	31
221	Mahaffey, J. W	Mahaffey's [3]	1	Black Creek	31
198	Rock Coal Co., J. D	Yarbro #1 [3]	1	Black Creek	31
208	Tidwell & Kemp Coal & Clay Co	Castleberry [3]	1	Black Creek	31
1271	Tidwell & Whaley (S. I. Tidwell)	Gurley Creek [3]	1	Black Creek	31
386	Trotter, C. W	Trotter [3]	1	Black Creek	31
1313	Young, Joe	Joe Young [3]	1	Black Creek	31
193	Young, Robert B	Yarbrough #2 [3]	1	Black Creek	31
	MARION COUNTY				
1174	Colburn, W. J	Colburn No. 1 [4]	1	Black Creek	60
1317	Colburn, W. J	Colburn No. 2 [4]	1	Black Creek	60
1318	Colburn, W. J	Colburn No. 3 [4]	1	Black Creek	60
1319	Colburn, W. J	Colburn No. 9 [4]	1	Black Creek	60
1320	Colburn, W. J	Colburn No. 10 [4]	1	Black Creek	60
1321	Colburn, W. J	Colburn No. 11 [4]	1	Black Creek	60
1322	Colburn, W. J	Colburn No. 12 [4]	1	Black Creek	60
1323	Colburn, W. J	Colburn No. 13 [4]	1	Black Creek	60
1324	Colburn, W. J	Colburn No. 14 [4]	1	Black Creek	60
1325	Colburn, W. J	Colburn No. 15 [4]	1	Black Creek	60
1326	Colburn, W. J	Colburn No. 16 [4]	1	Black Creek	60
	WALKER COUNTY				
1458	Headrick, W. P	Jefferson #1 [5]	1	Jefferson	80
1436	Tucker Coal Co. (S. C. Tucker)	Gaslight No. 1 [6]	1	Corona	120
1438	Tucker Coal Co. (S. C. Tucker)	Gaslight No. 4 [6]	1	Corona	120
1439	Tucker Coal Co. (S. C. Tucker)	Gaslight No. 5 [6]	1	Corona	120
1440	Tucker Coal Co. (S. C. Tucker)	Gaslight No. 6 [6]	1	Corona	120
1459	Wilson & Huddleston (E. S. Wilson)	Wilson #4 [7]	1	Mary Lee	50
1460	Wilson & Huddleston (E. S. Wilson)	Wilson #5 [7]	1	Mary Lee	50

[1] These mines shall have a price of $2.85 for size group 13 and $2.75 for size group 23 for steamship vessel fuel.
[2] This mine shall have a price of $2.85 for size group 13 and $2.75 for size group 23 for steamship vessel fuel.
[3] These mines shall have a price of $2.85 for size group 13 and $2.75 for size group 23 for steamship vessel fuel.
[4] These mines shall have the same prices on price table as set forth in § 333.7 (c) in minimum price Schedule for district No. 13 as shown for mine with index No. 18.
[5] This mine shall have the same prices on price table as set forth in § 333.7 (c) in Minimum Price Schedule for District No. 13 as shown for mine with index No. 22.
[6] These mines shall have a price of $2.65 for size group 13 for steamship vessel fuel.
[7] These mines shall have the same prices on price table as set forth in § 333.7 (c) in Minimum Price Schedule for District No. 13 as shown for mine with index No. 31.

FOR TRUCK SHIPMENTS

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

Code member index	Mine	Mine index No.	Sub-district	Seam	Lump: Over 2"; egg: Top size over 6"	Egg: Top size 6" and under	Lump: 2" and under	Nut: Top size 3" and under, bottom size over ½"		Chestnut: Top size 3" and under, bottom size ½" and under		Chestnut: Top size 1½" and under, bottom size ½" and under		Run of mine: Modified R/M	Resultants: 3" and under		Screenings: 1½" and under		Industrial coal*
								Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw	
					1	2	3	6	7	8	9	10	11	13	17	22	18	23	24, 25, 26
ALABAMA																			
JEFFERSON COUNTY																			
Conner, Charles	Conner Coal Co	1461	2	Mary Lee	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
Crane Bros	Crane Bros	113	2	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
Plateau Coal & Coke Co	Connellsville Drift	1466	2	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
Short, F. H	Short	1443	2	Lower Nunnally	280	280	275	295	275	------	------	270	250	230	235	200	230	180	230
Weaver & Anderson Coal Co. (J. G. Weaver)	Weaver & Anderson	1450	2	Upper Helena	280	280	275	295	275	------	------	270	250	230	235	200	230	180	230
MARION COUNTY																			
Atkins, C. S	Atkins Co	1451	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Holcomb, Wyman	Moore No. 1	1444	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Moore & Moore (I. W. Moore)	Moore & Moore	1446	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
TUSCALOOSA COUNTY																			
Wheeler & Brooks (J. S. Wheeler)	Wheeler & Brooks	1449	2	Carter	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
WALKER COUNTY																			
Allred & Myers (Byrd T. Myers)	Miller	1442	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Densmore Transfer Co	Pass Strip	1456	2	Mary Lee	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
Headrick, W. P	Jefferson #1	1458	2	Jefferson	385	385	360	335	315	315	305	310	300	290	275	265	265	------	290
Tucker Coal Co. (S. C. Tucker)	Gas Light #1	1436	2	Corona	325	325	325	320	310	310	295	305	290	265	270	250	265	220	265
Tucker Coal Co. (S. C. Tucker)	Gas Light #4	1438	2	Corona	325	325	325	320	310	310	295	305	290	265	270	250	265	220	265
Tucker Coal Co. (S. C. Tucker)	Gas Light #5	1439	2	Corona	325	325	325	320	310	310	295	305	290	265	270	250	265	220	265
Tucker Coal Co. (S. C. Tucker)	Gas Light #6	1440	2	Corona	325	325	325	320	310	310	295	305	290	265	270	250	265	220	265
Wilson & Huddleston (E. S. Wilson)	Wilson #4	1459	2	Mary Lee	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
Wilson & Huddleston (E. S. Wilson)	Wilson #5	1460	2	Mary Lee	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
WINSTON COUNTY																			
Gray, L. D., Jr	Gray	1447	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290

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

Code member index	Mine	Mine index No.	Sub-district	Seam	Lump: Over 2"; Egg: Top size over 5"	Egg: Top size 5" and under, bottom size 2" and under	Lump: 2" and under	Nut: Top size 2" and under, bottom size 1" and under	Stoker: Top size 1½" and under, bottom size ½" and under	Stoker: Top size ¾" and under, bottom size ⅜" and under	Straight and modified M/R	Resultants: 5" and under	Resultants: 4" and under	Screenings: 2" and under	Screenings: 1½" and under	Screenings: 1¼" and under	Screenings: ¾" and under	Screenings: ⅜" and under	Industrial Coal*
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TENNESSEE-GEORGIA																			
MARION COUNTY, TENN.																			
Henry Bros. (Clarence Henry)	Henry Bros	1452	4	Sewanee															
Holder, W. A	Raulston	1195	4	Soft (Bottom)	315	315	305	260	250	245	235	235	235	205	205	205	200	165	260
Whitlow, W. T	Whitlow	1148	4	Sewanee	315	315	305	260	250	245	235	235	235	205	205	205	200	165	260
					315	315	305	260	250	245	235	235	235	205	205	205	200	165	260

*For sizes included see size group table, § 333.42.

Code member index	Mine	Mine index No.	Subdistrict	Seam	Base sizes							
					Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 5"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
					1	2	3	4	5	6	7	8
TENNESSEE												
WHITE COUNTY												
Prater & Lane (Denton Prater)	Bon Air #1¼	1441	4	Bon Air #1	250	230	205	210	185	195	135	130

[F. R. Doc. 42-2421; Filed, March 20, 1942; 10:55 a. m.]

[Docket No. A-623]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND PROPOSED CONCLUSIONS OF LAW OF THE EXAMINER AND GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF A PRICE OF $1.00 PER TON ON 1/4" X 0 SLUDGE, PRODUCED BY MINE INDEX 47, WHICH SIZE IS CURRENTLY EMBRACED IN SIZE GROUP 25

A petition, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by District Board 11, requesting the issuance of an order establishing for the ¼" x 0 sludge produced by the Princeton Mining Company at its King Station Mine, Mine Index No. 47, in District 11, the same effective minimum prices that are applicable to raw carbon produced by said mine, Size Group 15, in lieu of the prices applicable to washed screenings, Size Group 25, in which Size Group ¼" x 0 sludge would be classified, in effect requesting a reduction of 50¢ per net ton f. o. b. the mine in the effective minimum prices for ¼" x 0 sludge produced at Mine Index No. 47;

Pursuant to Orders of the Director, and after notice to all interested persons, a hearing having been held in this matter on March 4, 1941, before Charles O. Fowler, a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The Examiner, Charles O. Fowler, having made and filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated February 5, 1942, recommending that the relief prayed for by District Board 11 be granted to the extent of permitting a reduction of 40¢ per net ton in lieu of the amount requested in the petition;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no such exceptions and supporting briefs having been filed;

The undersigned having determined that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

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

It is further ordered, That § 331.1 (*Price instructions and exceptions*—(*b*) *Price exceptions*) in the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck be, and the same hereby is, amended by adding the following price exception: For Mine Index 47, the prices listed herein for Size Group 25 may be reduced 40¢ per net ton in the case of washed coal which is passed through a ¼" round hole shaker screen and loaded without dewatering or any other processing or treatment.

Dated: March 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2490; Filed, March 23, 1942; 10:39 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 58]

ORDER PRESCRIBING FORMS

THIRD NATIONAL MASTER LIST

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 174, entitled "Third National Master List," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

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

LEWIS B. HERSHEY,
Director.

MARCH 12, 1942.

[F. R. Doc. 42-2491; Filed, March 23, 1942; 10:40 a. m.]

[No. 59]

ORDER PRESCRIBING FORMS

CUMULATIVE REPORT OF DELINQUENCY

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 280, entitled "Cumulative Report of Delinquency," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

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

LEWIS B. HERSHEY,
Director.

MARCH 13, 1942.

[F. R. Doc. 42-2492; Filed, March 23, 1942; 10:40 a. m.]

[No. 60]

ORDER PRESCRIBING FORMS

NOTICE TO APPEAR FOR CONSULTATION, ETC.

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following changes in DSS forms:

1. Addition of a new form designated as DSS Form 225, entitled "Notice to Registrant to Appear for Consultation," effective immediately upon the filing hereof with the Division of the Federal Register.

2. Addition of a new form designated as DSS Form 226, entitled "Registrant's Rehabilitation Statement," effective immediately upon the filing hereof with the Division of the Federal Register.

3. Addition of new forms designated as DSS Forms 227, entitled "Inquiry for Undertaking of Service—Dental" and "Inquiry for Undertaking of Service—Medical/Facility," effective immediately

[1] Filed as part of the original document.

upon the filing hereof with the Division of the Federal Register.

4. Addition of a new form designated as DSS Form 228, entitled "Order to Registrant to Have Defects Remedied," effective immediately upon the filing hereof with the Division of the Federal Register.

5. Addition of a new form designated as DSS Form 229, entitled "Progress Report of Rehabilitation," effective immediately upon the filing hereof with the Division of the Federal Register.

6. Addition of new forms designated as DSS Forms 230, entitled "Report of Completion of Rehabilitation—Dental" and "Report of Completion of Rehabilitation—Medical/Facility," effective immediately upon the filing hereof with the Division of the Federal Register.

7. Addition of a new form designated as DSS Form 231, entitled "Application for Appointment as Selective Service Designated Physician or Dentist," effective immediately upon the filing hereof with the Division of the Federal Register.

8. Addition of a new form designated as DSS Form 232, entitled "Letter of Invitation," effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing additions shall, effective immediately upon the filing hereof with the Division of the Federal Register,[1] become a part of the Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

FEBRUARY 6, 1942.

[F. R. Doc. 42-2493; Filed, March 23, 1942; 10:40 a. m.]

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATION OF AUTHORITY

AMENDMENT NO. 2 TO SUPPLEMENTARY DIRECTIVE NO. 1A—FURTHER AMENDMENT TO DEFINITION OF "PASSENGER AUTOMOBILES"

Paragraph (b) of Supplementary Directive No. 1A[2] (§ 903.2), issued February 2, 1942, as amended by Amendment No. 1 to said Directive, is hereby further amended to read as follows:

(b) As used in this Supplementary Directive, the term "New Passenger Automobile" means any 1942 model passenger automobile, built upon a standard or lengthened passenger car chassis, having a seating capacity of not more than ten persons, irrespective of the number of miles it has been driven, or any other such passenger automobile of earlier model which has been driven less than 1,000 miles, including taxis, but not including ambulances, hearses and station wagons. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Public Law 89, 77th Cong., 1st Sess.)

Issued this 23d day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2500; Filed, March 23, 1942; 11:34 a. m.]

Subchapter B—Division of Industry Operations

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

AMENDMENT NO. 6 TO SUPPLEMENTARY ORDER NO. M-15-B,[1] TO RESTRICT THE USE AND SALE OF RUBBER

Section 940.3 (*Supplementary Order M-15-b*) is hereby amended as follows:

1. By changing subparagraph (a) (6) to read as follows:

(6) "Consume" means to use, process, stamp, cut or in any manner change the form, shape or chemical composition of any rubber, latex or reclaimed and scrap rubber.

2. By inserting immediately after subparagraph (a) (6) thereof the following new subparagraph designated (a) (7):

(7) "Reclaimed and scrap rubber" means all rubber and products and by-products of rubber commonly known as scrap rubber, whether vulcanized or not and whether or not contained in any mixture or compound, and all rubber reclaimed by any process, but does not include rubber or latex as defined in subparagraph (a) (1) hereof, balata, gutta-percha, gutta siak, gutta jelutong or pontianac.

3. By changing paragraph (h) thereof to read as follows:

(h) *Limitation of inventories.* No person shall purchase or receive delivery of rubber, latex or reclaimed and scrap rubber or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies, in quantities which shall result in an inventory of such material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of rubber, latex and reclaimed and scrap rubber products by this Order. An inventory of rubber or latex in excess of a quantity reasonably expected to last not more than sixty days shall be deemed to be in excess of a practicable working inventory unless otherwise specifically authorized by the Director of Industry Operations or the Rubber Reserve Company. An inventory of reclaimed and scrap rubber in excess of a quantity reasonably expected to last not more than sixty days shall be deemed to be in excess of a practicable working inventory unless otherwise specifically authorized by the Director of Industry Operations: *Provided,* That this restriction on inventories of reclaimed and scrap rubber shall not apply to any person engaged in the business of reclaiming rubber.

4. By inserting immediately after paragraph (j) the following new paragraphs designated (k), (l), (m) and (n):

(k) *General restriction on the acquisition of reclaimed and scrap rubber.* No person shall purchase, accept delivery of or otherwise acquire any reclaimed or scrap rubber for any purpose except for the purpose of consuming the same in the manufacture of any of the products hereinafter permitted by paragraph (l): *Provided,* That nothing in this Order shall prevent any dealer in scrap rubber from acquiring reclaimed and scrap rubber in the usual course of his business for the purpose of selling the same to another dealer in scrap rubber or to any manufacturer of rubber products.

(l) *General restriction on the consumption of reclaimed and scrap rubber.* After March 31, 1942, no person shall consume any reclaimed and scrap rubber for any purpose except (subject to the provisions of paragraph (d)) one or more of the following:

(1) To manufacture any of the products for which rubber or latex may be consumed under the provisions of paragraph (b) and (c) hereof: *Provided,* That no person shall consume any reclaimed and scrap rubber to fill any war order until he has forwarded to the Rubber and Rubber Products Branch of the War Production Board a report complying with the requirements of subparagraph (b) (1).

(2) To manufacture products of the groups listed in List E: *Provided,* That no person shall consume more reclaimed and scrap rubber during any calendar month in the production of any such group of products than a quantity determined (by weight) as follows:

(i) Ascertain the average monthly consumption of reclaimed and scrap rubber consumed by such person in the manufacture of products of the same group during the last three months of the year 1941;

(ii) Add to the amount so ascertained an amount equal to 166⅔ percent of the amount (if any) of the average monthly consumption of rubber and/or latex by such person in the manufacture of such group of products during such three month's period;

(iii) Multiply the amount determined pursuant to subparagraph (ii), above, by the appropriate percentage, the percentage for each group of products being that set forth in List E opposite the heading of such group.

(3) To manufacture products of the groups listed in List F: *Provided,* That no person shall consume more reclaimed and scrap rubber during April, 1942, in the production of any such groups of

[1] Filed as part of the original document.
[2] 7 F.R. 698, 1493.

[1] 6 F.R. 6406, 6644, 6792; 7 F.R. 511, 1106, 1634.

products than a quantity determined (by weight) as follows:

(i) Ascertain the average monthly consumption of reclaimed and scrap rubber consumed by such person in the manfacture of products of the same group during the last three months of the year 1941.

(ii) Add to the amount so ascertained an amount equal to 166⅔ percent of the amount (if any) of the average monthly consumption of rubber and/or latex by such person in the manufacture of such group of products during such three month's period;

(iii) Multiply the amount determined pursuant to subparagraph (ii) above, by 60 percent.

Provided further, That beginning May 1, 1942, no person shall consume any reclaimed and scrap rubber for any such purpose without the prior approval of the Director of Industry Operations.

(m) *Limitation on consumption of reclaimed and scrap rubber during March 1942.* No person shall consume reclaimed and scrap rubber during that part of the month of March 1942, remaining after the effective date of this Order, in making any product, whether set forth in Lists E and F or not, at a rate in excess of his consumption of reclaimed and scrap rubber in making similar products during the corresponding portion of the month of February 1942.

(n) *General restriction on the destruction of certain rubber articles.* No person shall, unless expressly permitted by the Director of Industry Operations, destroy by burning or any other means, all or any part of any tire, tire casing or tire tube, or any waterproof footwear, heel, sole, hose, belting or storage battery box, whether worn out or not, which is composed in whole or in part of any kind of rubber (including but not limited to rubber and latex, as defined in paragraph (a) hereof, scrap rubber, reclaimed rubber and synthetic rubber), except in the following cases:

(1) The consumption of any such article by any manufacturer of rubber products as a necessary incident to his manufacturing operations.

(2) The consumption of any such article by any person engaged in the business of reclaiming scrap rubber as a necessary incident to such reclaiming operations.

(3) The destruction of any such article (without destroying the rubber therein) for the purpose of selling its component parts to any person engaged in the business of reclaiming rubber, or to a dealer in scrap rubber for resale by him to a person engaged in the business of reclaiming scrap rubber. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

This Order shall be effective as of the date of its issuance.

Issued this 20th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

List "E" to Supplementary Order No. M–15–b, as amended

Group 1	50%
Heels, heel bases, soles, soling strips, taps, toplifts, toplifting material (black only).	
Group 2	50%
Insoles, midsoles, welting, box toes, shoe bottom fillers, shoe tapes, rope soles.	
Group 3	100%
Rubber-soled fabric-top footwear, without heels (black soles, toe caps and foxings only), provided that no reclaimed and scrap rubber shall be consumed in the manufacture of any products in this Group after May 31, 1942.	
Group 4	30%
Hose (including water, garden, low pressure spray, curb line and garage air, car heater, automotive radiator and fire extinguisher tubing, and other hose not permitted in List "A".	
Group 5	50%
Friction tape.	
Group 6	30%
Erasers (except pencil plugs and pencil caps).	

List "F" to Supplementary Order No. M–15–b, as Amended

Group 1:
Automotive parts (including only weatherstrip and channel filler, tailpipe supports, battery drain tubes, brake boots, nipples for high-tension wiring).

Group 2:
Containers for automotive SLI Batteries (S. A. E. Group 4 and larger motorcycle types only).

Group 3:
Automotive storage battery covers, vents, gaskets and bushings.

Group 4:
Automotive fan belts.

Group 5:
Typewriter platens and business machine rolls.

Group 6:
Parts for business machines (except platens and rolls).

Group 7:
Parts for refrigerators, washing machines and motor-driven electric appliances.

Group 8:
Stamp pad cushions.

Group 9:
Plumbers' suction cups.

Group 10:
Adhesives, gaskets and compounds for sealing bags and bagging, packages, drums and pails.

Group 11:
Barrel lining.

Group 12:
Crutch tips and pads.

Group 13:
Brush-setting compounds.

[F. R. Doc. 42–2437; Filed, March 20, 1942; 3:37 p. m.]

PART 1027—SULPHITE PULP

EXTENSION NO. 1 OF GENERAL PREFERENCE ORDER M–52

It is hereby ordered, that § 1027.1, (*General Preference Order M–52*[1]) which by its terms expires March 31, 1942, shall continue in effect until the 1st. day of May, 1942, unless sooner revoked by the Director of Industry Operations.

This Order shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; W. P. B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a) Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 21st day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2461; Filed, March 21, 1942; 11:25 a. m.]

PART 1027—SULPHITE PULP

AMENDMENT NO. 5 TO GENERAL PREFERENCE ORDER M–52

The "Allocation Schedule of Sulphite Wood Pulp" attached to § 1027.1 (General Preference Order M–52, as amended February 18, 1942 and February 25, 1942) is hereby further amended by adding to the schedule of allocations for Lend-Lease for March, 1942, contained in amendment No. 3 (February 18, 1942), and to the schedule contained in amendment No. 4 (February 25, 1942), the following schedule of allocations for Lend-Lease for Australia and New Zealand for March, 1942:

[1] 7 F.R. 204, 517, 784, 1087, 1541; amendments 5 and 6, *infra*.

BLEACHED SULPHITE WOOD PULP

Government supplier		Producer	Individual producer's scheduled allocated tonnage
Brown Paper Co.:			
Responsibility	463	Champion	87
Own Contribution	181	Consolidated	
Allocation Tonnage	282	Dexter	
		Groveton	
		Hammermill	86
		Hollingsworth & Whitney	
		Kennebec	
		Kimberly-Clark	109
		Mount Tom	
		Oxford	
		Total	282
Rayonier:			
Responsibility	798	Crown Zellerbach	89
Own Contribution	549	Eastern	111
Allocation Tonnage	249	Penobscot	49
		Total	249
Soundview:			
Responsibility	745	Badger	36
Own Contribution	230	Castanea	48
Allocation Tonnage	515	Consolidated	55
		Hammermill	
		Hoberg	
		International	
		Marathon	62
		Marinette	
		Munising	43
		Northern	57
		Oregon	60
		Oxford	93
		St. Regis	
		West Virginia	61
		Wasau	
		Total	515
Weyerhaeuser:			
Responsibility	197	Consolidated	52
Own Contribution	59	Detroit	38
Allocation Tonnage	138	Inland Empire	
		Columbia River	
		Flambeau	
		Nekoosa Edwards	48
		Parker Young	
		Port Huron	
		Rhinelander	
		Northwest	
		J. & J. Rogers	
		Sterling	
		West Virginia	
		Total	138

UNBLEACHED SULPHITE WOOD PULP

Government supplier		Producer	Individual producer's scheduled allocated tonnage
Puget Sound:			
Responsibility	1,013	Crown Zellerbach	119
Own Contribution	272	Columbia River	
Allocation Tonnage	741	Eastern	42
		Fibreboard	52
		Hammermill	
		Hawley	89
		Hollingsworth & Whitney	94
		Kimberly-Clark	
		Marathon	
		Marinette	
		Minnesota & Ontario	116
		Northern	
		Racquette River	
		Rayonier	69
		St. Croix	36
		St. Regis	65
		Soundview	59
		Sterling	
		Wolf River	
		Total	741
Weyerhaeuser:			
Responsibility	604	Anacortes	65
Own Contribution	151	Columbia River	31
Allocation Tonnage	453	Consolidated	45
		Coos Bay	55
		Detroit	
		Dexter	56
		Falls P. & P	
		Flambeau	
		Great Northern	94
		Hoberg	43
		Inland Empire	
		Kennebec	
		Nekoosa Edwards	
		Northwest	
		Oregon	
		Rhinelander	
		Spaulding	64
		Wasau	
		Total	453
Brown:			
Responsibility	541	Algonquin	54
Own Contribution	48	Gould	
Allocation Tonnage	493	Groveton	
		International	186
		Maine Seaboard	73
		Parker Young	
		Crown Zellerbach	180
		Total	493

(P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong. 3d Sess., as amended by Pub. Law 89, 77th Cong. 1st Sess.)

This amendment shall take effect as of March 1, 1942.

Issued this 21st day of March, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2459; Filed, March 21, 1942; 11:25 a. m.]

PART 1027—SULPHITE PULP

AMENDMENT NO 6 TO GENERAL PREFERENCE ORDER NO. 52

The "Allocation Schedule of Sulphite Wood Pulp" attached to § 1027.1 (General Preference Order M-52 as amended) is hereby further amended to read as follows:

FOR NITRATION

Government supplier	Total scheduled allocated tonnage per month (for April 1942)	Producer	Individual producer's scheduled allocated tonnage per month (for April 1942)	Designation of brand or grade used commercially by producer
Rayonier, Inc.	4,860	Algonquin Paper Corp.	40	Unbl. Sulphite
		Anacortes Pulp Co.	[1] 46	Raybook
		Badger Paper Mills	35	Wet Lap Bond Bleached
		Brown Company	297	Bl. & Unbl. Sulphite
		Castanea Paper Co.	48	Wet Lap Soft Book Bl.
		Champion Paper & Fibre Co.	87	Aspen Bl. Sulphite
		Columbia River Paper Mills	49	Col. River Unbl. Rolls
		Consolidated Water Power	168	Bl. Sulphite
		Coos Bay Pulp Corp.	[1] 42	Raybook
		Crown Zellerbach Corp.	309	(Camas Strong Unbl. & West Lynn Unbl.)
		Detroit Sulphite Pulp & P.	56	Unbl. Sulphite
		Dexter Sulphite Pulp & P.	45	Bl. Sulphite
		Eastern Corporation	139	Bl. Sulphite
		Falls Pulp & Paper Co.	25	Wet Lap Newsgrade Unbl.
		Fibreboard Products, Inc.	39	Fibreboard Unbl. Rolls
		Flaumbeau Paper Co.	28	(Wet Lap Soft Book Bl. & Wet Lap Easy Bleaching Unbl.)
		Gould Paper Co.	15	Wet Lap Newsgrade Unbl.
		Great Northern Paper	70	Unbl. Sulphite
		Groveton Paper Company	46	Bl. Sulphite
		Hammermill Paper Co.	119	Bl. Sulphite
		Hawley Pulp & Paper Co.	64	Newsgrade Unbl. Rolls
		Hoberg Paper Mills	61	Wet Lap Hardwood Unbl.
		Hollingsworth & Whitney	95	Weyerhaeuser Strong Unbl. & Wet Lap Strong)
		Inland Empire Paper Co.	20	Newsgrade Unbl. Rolls
		International Paper Co.	158	Bl. Sulphite
		Kennebec Pulp & Paper Co.	32	Wet Lap Easy Bl. Unbl.
		Kimberly Clark Corp.	129	Wet Lap Strong Unbl.
		Maine Seaboard Paper Co.	52	Wet Lap Newsgrade Unbl.
		Marathon Paper Mills Co.	[1] 66	Soundview Bond Bl.
		Minnesota & Ontario Paper	86	Wet Lap Newsgrade Unbl.
		Mount Tom Sulphite Pulp Co.	25	Bl. Sulphite
		Munising Paper Company	44	Wet Lap Book Bl.
		Nekoosa Edwards Paper Co.	64	Wet Lap Bl.
		Northern Paper Mills	75	(Wet Lap Book Bl. and Wet Lap Newsgrade Unbl.)
		Northwest Paper Co.	41	(Wet Lap Book Bl. and Wet Lap Easy Bl. Unbl.)
		Oregon Pulp & Paper Co.	[1] 56	Col. River Unbl. Rolls
		Oxford Paper Company	124	Soft Book Bl.
		Parker-Young Company	39	Bl. Sulphite
		Penobscot Chemical Fibre	50	Penobscot Bond Bl.
		Port Huron	29	
		Puget Sound Pulp & Timber Co.	229	Puget Sound Strong Unbl.
		Racquette River Paper Co.	19	Wet Lap Strong Unbl.
		Rayonier, Inc.	599	Bl. & Unbl.
		Rhinelander Paper Co.	33	(Wet Lap Bl. and Wet Lap Unbl.)
		J. & J. Rogers Co.	23	Bl. Sulphite
		St. Croix Paper Co.	26	Wet Lap Newsgrade Unbl.
		St. Regis Paper Co.	[1] 56	Raybond or other
		Soundview Pulp Company	326	(Soundview Bond Bl. and Soundview Book Bl.)
		Spaulding Pulp & Paper Co.	47	Strong Unbl.
		Sterling Pulp & Paper	43	"Slush" Bl. & unbl.
		Wausau Paper Mills Co.	33	(Wet Lap Bl. and Wet Lap. Unbl.)
		West Virginia Pulp and Paper Company.	[1] 87	(Canadian Unbl. and Wet Lap Bl.)
		Weyerhaeuser Timber Co.	310	(Weyerhaeuser Bond Bl. & Weyerhaeuser Book Bl.)
		Wolf River Paper & Fibre	16	Wet Lap Newsgrade Unbl.
			4,860	

[1] Contribution made by releasing pulp purchased from other producer.

For Lend-Lease to Great Britain

UNBLEACHED SULPHITE

Government supplier		Producer	Individual producer's scheduled allocated tonnage per month (for April 1942)
Spaulding:			
Responsibility	191	Fibreboard Products, Inc.	60
Own Contribution	73	Rayonier Incorporated	58
Allocation Tonnage	118	Total	11
Scott:			
Responsibility	354	International Paper Co.	212
Own Contribution	137	Marinette Company	8
Allocation Tonnage	217	Total	220
Weyerhaeuser:			
Responsibility	648	Columbia River Paper Mills	53
Own Contribution	245	Detroit Sulphite	27
		Dexter Sulphite	64
Allocation Tonnage	403	Falls Pulp & Paper Co.	39
		Flambeau Paper Company	9
		Great Northern Paper Co.	108
		Hoberg Paper Mills	49
		Minn. & Ontario Paper Co.	52
		Total	401
Crown Zellerbach:			
Responsibility	894	Algonquin Paper Corp.	62
Own Contribution	341	Consolidated Water Power	52
		Gould Paper Company	27
Allocation Tonnage	553	Groveton Paper Company	24
		Hawley Pulp & Paper Co.	102
		Inland Empire Paper Co.	24
		Kennebec Pulp & Paper Co.	33
		Maine Seaboard Paper Co.	84
		Minn. & Ontario Paper Co.	81
		Nekoosa-Edwards Paper Co.	25
		Northwest Paper Company	17
		Oregon Pulp & Paper Co.	6
		Parker-Young Company	9
		Wausau Paper Mills Co.	8
		Total	554

UNBLEACHED SULPHITE

Government supplier		Producer	Individual producer's scheduled allocated tonnage per month (for April 1942)
Puget Sound:			
Responsibility	996	Brown Company	60
Own Contribution	378	Eastern Corporation	48
		Hammermill Paper Company	7
Allocation Tonnage	618	Hollingsworth & Whitney	107
		Kimberly Clark Corp	38
		Marathon Paper Mills Co	2
		Mount Tom Sulphite Pulp Co	1
		Munising Paper Company	1
		Northern Paper Mills	27
		Racquette River Paper Co	30
		Rayonier Incorporated	21
		Rhinelander Paper Co	32
		St. Croix Paper Co	42
		St. Regis Paper Co	74
		Soundview Pulp Company	67
		Sterling Pulp & Paper Co	33
		Wolf River Paper & Fibre Co	27
		Total	617
Total:			
Responsibility	3,083		
Own Contribution	1,174		
Allocation Tonnage	1,909		

BLEACHED SULPHITE

Government supplier		Producer	Individual producer's scheduled allocated tonnage per month (for April 1942)
Brown:			
Responsibility	1,000	Champion Paper & Fibre Co	148
Own Contribution	474	Consolidated Water Power	49
		Dexter Sulphite	9
Allocation Tonnage	526	Groveton Paper Company	52
		Kennebec Pulp & Paper Co	21
		Kimberly Clark Corp	186
		Oxford Paper Company	46
		Rhinelander Paper Company	21
		Total	532
Soundview:			
Responsibility	1,050	Consolidated Water Power	119
Own Contribution	481	Flambeau Paper Co	42
		International Paper Co	17
Allocation Tonnage	569	Marinette Company	13
		Marathon Paper Mills Co	106
		Northern Paper Mills	97
		Oxford Paper Company	160
		St. Regis Paper Co	16
		Total	570
Weyerhaeuser:			
Responsibility	550	Consolidated Water Power	10
Own Contribution	258	Detroit Sulphite	65
		Nekoosa-Edwards Paper Co	83
Allocation Tonnage	292	Northwest Paper Co	54
		Port Huron Sulphite & Paper Co	49
		Sterling Pulp & Paper Co	28
		Total	289

BLEACHED SULPHITE—Continued

Government supplier		Producer	Individual producer's scheduled allocated tonnage per month (for April 1942)
Eastern:			
Responsibility	400	Castanea Paper Company	82
Own Contribution	190	Penobscot Chemical Fibre	85
		Wausau Paper Mills Co	42
Allocation Tonnage	210	Total	209
Rayonier:			
Responsibility	2,000	Badger Paper Mills	61
Own Contribution	939	Columbia River Paper Mills	30
		Consolidated Water Power	54
Allocation Tonnage	1,061	Crown Zellerbach Corporation	153
		Hammermill Paper Company	197
		Hoberg Paper Mills	50
		Hollingsworth & Whitney	40
		Inland Empire Paper Co	9
		Mount Tom Sulphite Pulp Co	41
		Munising Paper Company	73
		Oregon Pulp & Paper Co	104
		Parker-Young Company	59
		J. & J. Rogers & Co	39
		West Virginia Pulp & Paper Co	148
		Total	1,058
Total:			
Responsibillty	5,000		
Own Contribution	2,342		
Allocation Tonnage	2,658		

For Lend-Lease to Australia and New Zealand

UNBLEACHED SULPHITE

Puget Sound:			
Responsibility	1,467	Crown Zellerbach	120
Own Contribution	392	Columbia River	30
		Eastern	42
Allocation Tonnage	1,075	Fibreboard	53
		Hammermill	12
		Hawley	89
		Hollingsworth & Whitney	94
		Kimberly-Clark	67
		Marathon	4
		Marinette	14
		Minnesota & Ontario	117
		Northern	46
		Racquette River	52
		Rayonier	69
		St. Croix	37
		St. Regis	65
		Soundview	58
		Sterling	58
		Wolf River	46
		Total	1,073

UNBLEACHED SULPHITE—Continued

Government supplier		Producer	Individual producer's scheduled allocated tonnage per month (for April 1942)
Weyerhaeuser:			
Responsibility	1,116	Anacortas	64
Own Contribution	280	Columbia River	32
		Consolidated	46
Allocation Tonnage	836	Coos Bay	56
		Detroit	46
		Dexter	56
		Falls P & P	68
		Flambeau	15
		Great Northern	95
		Hoberg	43
		Inland Empire	41
		Kennebec	57
		Nekoosa Edwards	44
		Northwest	30
		Oregon	9
		Rhinelander	57
		Spaulding	65
		Wausau	14
		Total	838
Brown:			
Responsibility	659	Algonquin	55
Own Contribution	58	Gould	48
		Groveton	42
Allocation Tonnage	601	International	187
		Maine Seaboard	74
		Parker Young	15
		Crown Zellerbach	180
		Total	601

BLEACHED SULPHITE

Brown Paper Company:			
Responsibility	957	Champion	87
Own Contribution	374	Consolidated	56
		Dexter	11
Allocation Tonnage	583	Groveton	62
		Hammermill	86
		Hollingsworth & Whitney	46
		Kennebec	24
		Kimberly-Clark	109
		Mount Tom	48
		Oxford	54
		Total	583
Rayonier:			
Responsibility	802	Crown Zellerbach	90
Own Contribution	550	Eastern	111
		Penobscot	49
Allocation Tonnage	252	Total	250
Soundview:			
Responsibility	1,071	Badger	36
Own Contribution	332	Castanea	48
		Consolidated	56
Allocation Tonnage	739	Hammermill	58
		Hoberg	59
		International	20
		Marathon	62
		Marinette	16
		Munising	43
		Northern	57
		Oregon	61
		Oxford	94
		St. Regis	18
		West Virginia	62
		Wausau	49
		Total	739
Weyerhaeuser:			
Responsibility	815	Consolidated	52
Own Contribution	243	Detroit	38
		Inland Empire	11
Allocation Tonnage	572	Columbia River	35
		Flambeau	50
		Nekoosa Edwards	49
		Parker Young	69
		Port Huron	56
		Rhinelander	24
		Northwest	63
		J. & J. Rogers	45
		Sterling	32
		West Virginia	50
		Total	574

(P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W. P. B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

This amendment shall take effect as of April 1, 1942.

Issued this 21st day of March, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2460; Filed, March 21, 1942; 11:25 a. m.]

PART 1090—AGAVE FIBER

AMENDMENT NO. 2 TO GENERAL PREFERENCE ORDER M-84

Section 1090.1 (*General Preference Order M-84*)[1] is hereby amended in the following respects:

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

(3) by importers, dealers, jobbers, or processors to any one of the foregoing pursuant to contracts entered into on or before February 20, 1942.

2. Paragraph (c) is amended by adding thereto the following subparagraphs:

(5) where only tow, waste, bagasse, flume, fiber less than 20" in length, and/or other qualities unsuitable for manufacture into cordage or twine is involved, by importers, jobbers, dealers, or processors to any one of the foregoing, provided that such fiber was on hand in the United States as of February 20, 1942, or is thereafter imported into the United States in accordance with paragraph (c) (3) hereof.

(6) by processors to processors.

3. Paragraph (f) is amended by adding at the end thereof the following:

Provided, however, That during the months of March and April, 1942, deliveries of binder twine may be made to persons having contracts for delivery of sand bags on defense orders in the minimum amounts necessary to enable such persons to make their required deliveries of such sand bags in such months and such binder twine may be used for such purpose. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W. P. B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

This Amendment shall take effect immediately. Issued this 21st day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2462; Filed March 21, 1942; 11:26 a. m.]

PART 1122—METAL HOUSEHOLD FURNITURE

LIMITATION ORDER L-62

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

§ 1122.1 *General Limitation Order L-62*—(a) *Definitions.* For the purposes of this Order:

(1) "Metal household furniture" means all household furniture containing more than 5% of metal in the net weight of the finished product (other than such

[1] 7 F.R. 1128, 1642.

minimum amount of iron or steel as is essentially required for nails, nuts, bolts, screws, clasps, rivets and other joining hardware for the construction and assembly of non-metal structural parts) and including but not limited to:

(i) Metal porch and garden furniture including chairs, tables, gliders, swings, seats, benches, urns, ferneries, ornamental wall brackets and hangers, refreshment carts, beach and lawn umbrellas, ornamental awning supports, weather vanes, stands, hammocks, sunshades, chaise longues (with or without wheels), sun tans, couch hammocks, and sand boxes;

(ii) Other metal furniture including tables (folding and non-folding), chairs (folding and non-folding), tea wagons, buffets, dressers, chiffoniers and chifferobes, vanities, wardrobes, benches, chests, (drawer type), kitchen cabinets and cupboards, undersink cabinets, broom cabinets, utility cabinets, Venetian blinds, stools, shoe racks, medicine cabinets, smoking stands and ash trays, radiator covers, porcelain table tops, settees, davenports, table desks, chiffodesks, knee-hole desks, flexible steel mats, metal picture frames and mirror frames, coat and hat racks, under-lavatory closets, clothes hampers, drapery attachments, flower vases, and broom racks;

(iii) But not including furniture such as cots, beds, studio couches, sofa beds, bunks, berths (all types), mattresses, and bed springs, or any wood upholstered furniture unless such wood upholstered furniture contains more than 5% of metal in the net weight of the finished product other than metal contained in springs or wire used in backs, seats, or cushions.

(2) "Iron and steel used" means:

(i) The aggregate weight of iron and steel cut or processed by any manufacturer subject to this Order for use in the production of metal household furniture, plus

(ii) The aggregate weight of iron and steel contained in purchased parts, when such parts are put into the production of metal household furniture.

(3) "Base period" means the period from July 1, 1940 to June 30, 1941.

(4) "Class A manufacturer" means those manufacturers who used during the base period more than 500 tons of iron and steel in the aggregate for the production of metal household furniture.

(5) "Class B manufacturers" means those manufacturers who used during the base period, less than 500 tons of iron and steel in the aggregate for the production of metal household furniture.

(6) "Restricted period" means the period from the effective date of this Order to March 31, 1942.

(7) "Average daily use" means the total amount of iron and steel in the aggregate used by a manufacturer from July 1, 1940 to June 30, 1941, divided by 365.

(b) *General restrictions.* (1) During the restricted period no manufacturer shall use for the production of metal household furniture a greater total of iron and steel in the aggregate than the percentage of his average daily use of iron and steel specified below multiplied by the number of days (including Sundays and holidays) contained in the restricted period:

(i) Class A manufacturers, 55%;

(ii) Class B manufacturers, 70% but not more than 23 tons.

(2) During the month of April, 1942, no manufacturer may use for the production of metal household furniture a percentage of the average monthly amount of iron and steel in the aggregate used by him during the base period greater than that specified below:

(i) Class A manufacturers, 45%;

(ii) Class B manufacturers, 60% but not more than 19 tons.

(3) During the month of May, 1942, no manufacturer may use for the production of metal household furniture a percentage of the average monthly amount of iron and steel in the aggregate used by him during the base period greater than that specified below:

(i) Class A manufacturers, 35%;

(ii) Class B manufacturers, 50% but not more than 16 tons.

(4) From the effective date of this Order no manufacturer may, in the production of metal household furniture:

(i) use any metal other than iron or steel;

(ii) procure or acquire any metal other than iron or steel from any source whatsoever; or

(iii) procure or acquire any iron or steel except from the inventories of other manufacturers of metal household furniture.

(5) From the effective date of this Order no manufacturer of metal household furniture may sell, lease, trade, lend, deliver, ship or transfer any metal other than iron or steel to any person whatsoever, except pursuant to specific authorization of the Director of Industry Operations.

(6) From May 31, 1942, no manufacturer of metal household furniture may sell, lease, trade, lend, deliver, ship or transfer any iron or steel to any person whatsoever, except pursuant to specific authorization of the Director of Industry Operations.

(c) *Prohibition of production after May 31, 1942.* No manufacturer shall after May 31, 1942, process, fabricate, work on or assemble any materials for use in the production of metal household furniture, nor shall any manufacturer produce or assemble any metal household furniture after that date.

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

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

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

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

(h) *Appeal.* Any person affected by this Order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work may appeal to the "War Production Board, Washington, D. C., Ref: L–62", setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(i) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref: L–62.

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

(k) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 20th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2436; Filed, March 20, 1942; 3:37 p. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

REVOCATION OF INTERPRETATION NO. 1[1] OF § 944.14 OF PRIORITIES REGULATION NO. 1, AS AMENDED

Interpretation No. 1 of § 944.14 of Priorities Regulation No. 1, as amended, de-

[1] 7 F.R. 1493.

fining the phrase "practicable minimum working inventory" with respect to inventories of wood pulp, is hereby revoked.

This order shall take effect immediately. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 21st day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2501; Filed, March 23, 1942; 11:34 a. m.]

PART 958—MAINTENANCE, REPAIRS AND OPERATING SUPPLIES

INTERPRETATION NO. 2 OF PREFERENCE RATING ORDER NO. P-100,[1] AS AMENDED

The following official interpretation is hereby issued by the Director of Industry Operations with respect to § 958.2 (Preference Rating Order No. P-100, as amended from time to time):

"Operating Supplies," as defined in paragraph (b) (5) of Preference Rating Order No. P-100, does not include typewriters, adding machines or other business machines, desks, filing cabinets or other such items of durable office equipment, and the preference rating assigned by Preference Rating Order No. P-100 may in no circumstances be applied to deliveries of such items. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 FR. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 23rd day of March, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2505; Filed, March 23, 1942; 11:35 a. m.]

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S-13

Stearns-Mishkin Construction Co., Inc.

Stearns-Mishkin Construction Company, Inc., Washington, D. C., engaged in the construction of Defense Housing Projects in the District of Columbia. On October 13, 1941, the Company filed an application for the issuance to it of Preference Rating Order P-55, covering the construction of a Defense Housing Project. The Company represented to the Director of Priorities, Office of Production Management, that the proposed sale price of each dwelling unit was $6,000. Pursuant to this application, Preference Rating Order P-55, Serial No. 77000-81-088-DC., was issued to the Company on October 31, 1941. Prior to the filing of this application the Company had sold sixteen of the dwelling units at prices in excess of $6,000 each. During the pendency of its application for the issuance of Preference Rating Order P-55 and subsequent to the issuance of this Order, the Company sold ten dwelling units for prices ranging from $6,690 to $7,750 each. These sales were made by the Company despite the fact that it was aware that such prices were in excess of $6,000 which had been represented to the Director of Priorities as the proposed sale price for each dwelling unit. The Company also extended Preference Rating Order P-55 in order to obtain certain materials the delivery of which was not entitled to preference rating.

In view of the foregoing facts,

It is hereby ordered:

§ 1010.13 *Suspension order S-13.* (a) During the period in which this Order shall be in effect, deliveries of materials to Stearns-Mishkin Construction Company, Inc., Washington, D. C., its successors and assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned or applied to such deliveries to Stearns-Mishkin Construction Company, Inc., its successors and assigns, by means of Preference Rating Certificates, Preference Rating Orders, General Preference Orders, or any other Orders or Regulations of the Director of Industry Operations.

(b) During the period in which this Order shall be in effect no Defense Housing Project or other construction being erected or to be erected in whole or in part by Stearns-Mishkin Construction Company, Inc., its successors and assigns, either for itself or for any other person, shall be accorded priority assistance by the issuance of Preference Rating Order P-19 or Preference Rating Order P-55 Amended or by any other Order or Certificate issued by the Director of Industry Operations.

(c) This Order shall take effect immediately and shall expire on March 1, 1943. Within 60 days after the effective date of this Order, Stearns-Mishkin Construcion Company, Inc. may apply for the termination of this Order by submitting to the Compliance Branch of the Division of Industry Operations proof that it has complied with the following condition: that it has made restitution on account of the sale price or modified its contracts for the sale of those dwelling units of the Defense Housing Project described in Preference Rating Order P-55, Serial No. 77000-81-088-D. C., which were sold after October 13, 1941, so as to reduce the sale price of each such dwelling unit to $6,000; that it has sold or offered for sale the remaining dwelling units in the Defense Housing Project at not more than $6,000 per unit; and that with respect to those dwelling units included in the Defense Housing Project which were sold prior to October 13, 1941, it has made restitution or modified its contracts of sale so as to reduce the sale price of each such dwelling unit by 5%. Upon the submission of such proof, the Compliance Branch will recommend to the Director of Industry Operations that this Order be terminated. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 21st day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2504; Filed, March 23, 1942; 11:35 a. m.]

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S-15

Matthew G. Lepley

Matthew G. Lepley of Washington, D. C., is an architect and was employed by Stearns-Mishkin Construction Company, Inc., Washington, D. C., to obtain preference rating assistance for the construction of Defense Housing Projects. On the thirteenth and twenty-first days of October 1941, Matthew G. Lepley in behalf of the company filed applications for the issuance of Preference Rating Order P-55, covering the construction of two separate Defense Housing Projects. Matthew G. Lepley represented to the Director of Priorities, Office of Production Management, in each application that the proposed sale price per dwelling unit was $6,000 and that all of the dwelling units had been sold to Government employees. Pursuant to these applications, Preference Rating Orders P-55, Serial Numbers 77000-123-071-D. C. and 77000-81-088-D. C. were issued to the company on October 31, 1941. Upon the dates of the filing of these applications all of the dwelling units had not been sold to Government employees, and the representations that they had been sold to Government employees constituted misrepresentations to the Director of Priorities. During the pendency of the application for and after the issuance of Preference Rating Order P-55, Serial Number 77000-81-088-D. C., covering a Defense Housing Project consisting of thirty-six dwelling units, ten dwelling units thereof were sold for prices ranging from $6,690 to $7,750 each. Upon the date Matthew G. Lepley applied for the issuance of this Order, he was aware that the company intended to sell each of the dwelling units remaining unsold at a sale price in excess of $6,000, and his statement that the proposed sale price for each such dwelling unit was $6,000 constituted a misrepresentation to the Director of Priorities. In view of the foregoing:

It is hereby ordered:

§ 1010.15 *Suspension order S-15.* (a) During the period in which this Order shall be in effect, no application for priority assistance, now filed or hereafter to be filed by Matthew G. Lepley, Washington, D. C., either in his own behalf or in behalf of any company which he may represent, shall be granted.

(b) During the period in which this Order shall be in effect, no Defense Housing Project or other construction with

[1] 6 F.R. 6548; 7 F.R. 925, 1009, 1626, 1794.

which Matthew G. Lepley is directly or indirectly connected, or upon which he is employed shall be accorded priority assistance by the issuance of Preference Rating Order P-19 or Preference Rating Order P-55 Amended or by any other Order or Certificate issued by the Director of Industry Operations.

(c) This Order shall take effect immediately and shall expire on March 1, 1943. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.).

Issued this 21st day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2506; Filed, March 23, 1942; 11:42 a. m.]

PART 1096—WOOD PULP

AMENDMENT NO. 1 TO § 1096.1 (GENERAL PREFERENCE ORDER M-93 [1]).

Subsection (a) of § 1096.1 (General Preference Order M-93) is hereby amended to read as follows:

§ 1096.1 *General Preference Order M-93*—(a) (1) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(2) *Limitation of inventory.* Until May 1, 1942, no person shall knowingly make or accept delivery of any grade of wood pulp, domestic or imported, if the inventory of such grade of wood pulp of the person accepting delivery, in the same or other forms, is, or will by virtue of such acceptance become, in excess of sixty calendar days' supply (excluding Sundays and holidays) of such grade, on the basis of current method and rate of operation during any ninety calendar days (excluding Sundays and holidays) of the previous six months, stored either at plant or in separate warehouse: *Provided, however,* That the foregoing shall not apply to groundwood pulp, or to wood pulp held for delivery under the Lend-Lease Act of March 11, 1941, or to wood pulp held for the manufacture of products for ordnance purposes, for the manufacture of photographic base paper, or for the manufacture of rayon or rayon staple. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

This amendment shall take effect immediately.

Issued this 21st day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2502; Filed, March 23, 1942; 11:34 a. m.]

[1] 7 F.R. 1978.

PART 1126—CAN ENAMEL

CONSERVATION ORDER M-108

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

§ 1126.1 *Conservation order No. M-108*—(a) *Definition.* For the purpose of this Order:

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

(2) "Can" means any container which is intended for packing, packaging or putting up products of any kind and which is made, in whole or in part, of tinplate, terneplate, blackplate, or fiber, or any combination thereof, and includes closures, crowns and caps, but does not include any closures, crown or cap to be used on, or as a part of, a glass container.

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

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

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

(b) *Prohibition of use of enamel.* No person shall hereafter manufacture Cans, including heat processed food Cans, with Enamel coating on the exterior surface of the ends thereof, where such ends are made of Tinplate or Terneplate: *Provided, however,* That the prohibitions and restrictions contained herein shall not prevent:

(1) The use of Enamel as an exterior coating on Can ends where required to protect from damage and deterioration lithographed printing thereon used to designate contents or to label such Cans where other means of labeling or designating the contents thereof are impracticable; or

(2) The use of Enamel to coat the exterior surface of Can ends made of electro-plated tinned sheet, Blackplate or of any untinned material; or

(3) The manufacture, closing, use or sale of Cans which were coated with Enamel prior to the effective date of this Order or the use in the manufacture of Cans of Materials, including Tinplate or Terneplate sheets, which were coated with Enamel prior to said date; or

(4) The use of Enamel in the manufacture of Cans pursuant to a specific contract or sub-contract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, or for any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act) to the extent that such use is required by the specifications of the prime contract.

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

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

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

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

(3) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Enamel conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Director of Industry Operations by addressing a letter to the War Production Board, Chemicals Branch, Washington, D. C., Ref: M-108, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(f) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as

amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 23d day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2503; Filed, March 23, 1942; 11:35 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

ORDER DEFINING AND DELIMITING CERTAIN OF THE FUNCTIONS AND POWERS OF OFFICERS AND EMPLOYEES OF THE OFFICE OF PRICE ADMINISTRATION

Pursuant to the authority of the Emergency Price Control Act of 1942 and War Production Board Directive No. 1, as supplemented, the following order is prescribed:

§ 1305.2 *Defining and delimiting certain of the functions and powers of officers and employees*—(a) *Institution of civil proceedings.* The General Counsel or the Acting General Counsel, the Associate General Counsel or the Acting Associate General Counsel, and the Assistant General Counsel in charge of the Enforcement Section or the Acting Assistant General Counsel in charge of the Enforcement Section are each authorized to institute, in the name of the Administrator, appropriate civil actions or proceedings; and any of them may authorize any other attorney employed by the Office of Price Administration to institute any designated civil action or proceeding. Except as herein provided, no other officer or employee of the Office of Price Administration, whether employed in the principal office in Washington, D. C., or in any regional or field office, has authority to institute proceedings on behalf of the Administrator.

(b) *Service of process upon the Administrator.* Service of process upon the Administrator may be made by serving him personally, or by leaving a copy thereof at the Office of the Secretary, Office of Price Administration, Washington, D. C. No other officer or employee of the Office of Price Administration, whether employed in the principal office in Washington, D. C., or in any regional or field office, is authorized to accept service of process on behalf of the Administrator or enter his appearance in any action or proceeding, except as hereinafter provided.

(c) *Appearance for the Administrator.* The General Counsel or the Acting General Counsel, the Associate General Counsel or the Acting Associate General Counsel, and the Assistant General Counsel in charge of the Court Review, Research, and Opinion Section or the Acting Assistant General Counsel in charge of the Court Review, Research, and Opinion Section may each specifically authorize any attorney employed by the Office of Price Administration to enter an appearance for the Administrator in any action instituted against the Administrator or the Office of Price Administration in the Emergency Court of Appeals. The General Counsel or the Acting General Counsel, the Associate General Counsel or the Acting Associate General Counsel, and the Assistant General Counsel in charge of the Enforcement Section or the Acting Assistant General Counsel in charge of the Enforcement Section, may specifically authorize any attorney employed by the Office of Price Administration to enter an appearance on behalf of the Administrator or the Office of Price Administration in any other action or proceeding.

(d) *Effective date.* This order shall take effect March 20, 1942. (Public Law 421, 77th Cong., 2d Sess., January 30, 1942; 7 F.R. 562, 698, 925, 1493, 1669, 1792)

Issued this 20th day of March, 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2440; Filed, March 20, 1942; 5:13 p. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

MAXIMUM PRICE REGULATION NO. 109—AIRCRAFT SPRUCE

In the judgment of the Price Administrator the prices of aircraft spruce are threatening to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of aircraft spruce prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation has been prepared and is issued simultaneously herewith.[1]

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, Maximum Price Regulation No. 109 is hereby issued.

§ 1312.351 *Maximum prices for aircraft spruce.* On and after April 1, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver aircraft spruce, and no person shall buy or receive aircraft spruce, in the course of trade or business, at prices higher than the maximum prices set forth in Appendices A, B, and C hereof, incorporated herein as §§ 1312.360, 1312.361, and 1312.362; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of aircraft spruce to a purchaser if prior to April 1, 1942, such aircraft spruce had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.*

*§§ 1312.351 to 1312.362, inclusive, issued the authority contained in Pub. Law 421, 77th Cong., 2d Sess.

§ 1312.352 *Less than maximum prices.* Lower prices than those set forth in Appendices A, B, and C (§§ 1312.360, 1312.361 and 1312.362) may be charged, demanded, paid or offered.*

§ 1312.353 *Conditional agreements.* No seller of aircraft spruce shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by §§ 1312.360, 1312.361 and 1312.362, in the event that this Maximum Price Regulation No. 109 is amended or is determined by a court to be invalid or upon any other contingency: *Provided,* That if a petition for amendment (or for adjustment or for exception) has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment (or for adjustment or exception, as the case may be). Requests for such an exception may be included in the aforesaid petition for amendment (or for adjustment or for exception).*

§ 1312.354 *Evasion.* (a) The price limitations set forth in this Maximum Price Regulation No. 109 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to aircraft spruce, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited: Making terms or conditions of sale more onerous to the purchaser than those in effect or available to the purchaser on October 1, 1941; unnecessarily routing aircraft spruce through a distribution yard; unreasonably refusing to ship aircraft spruce except in specified widths or thicknesses; falsely or wrongly grading or invoicing aircraft spruce.*

§ 1312.355 *Records and reports.* (a) On and after April 1, 1942, every person, who, during any calendar month offers or agrees to sell, sells, or delivers, or offers or agrees to buy, buys, or receives a total of 1,000 board feet or more of aircraft spruce in the course of trade or business, shall keep for inspection by the Office of

[1] The statement of considerations has been filed with the Division of the FEDERAL REGISTER.

[2] 7 F.R. 971.

Price Administration for a period of not less than two years, a complete and accurate record of every such offer, agreement, purchase, sale or delivery, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity of each kind or grade purchased or sold.

(b) Such persons shall keep such other records in addition to or in place of the records required in paragraph (a) of this section and shall submit such reports to the Office of Price Administration as that Office may from time to time require or permit.*

§ 1312.356 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 109 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 109 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.*

§ 1312.357 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 109 or any adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.*

§ 1312.358 *Definitions.* (a) When used in this Maximum Price Regulation No. 109, the terms:

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

(2) "Aircraft spruce" means spruce lumber, plank, boards, flitches and cants produced within the United States, exclusive of Alaska, suitable for use in the construction of aircraft.

(3) "Deliver" means to make physical transfer to the purchaser, or to a carrier not owned or controlled by the seller, for carriage to the purchaser, to whom the goods have been sold.

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

§ 1312.359 *Effective date.* This Maximum Price Regulation No. 109 (§§ 1312.351 to 1312.362, inclusive) shall become effective April 1, 1942.*

§ 1312.360 *Appendix A: Maximum prices for aircraft spruce, American specifications.* (a) The maximum prices per 1000 feet board measure for rough green aircraft spruce, American specifications, f. o. b. cars at point of origin of shipment, shall be as follows:

	Random length groups	Random thickness 2" and under	Random thickness over 2"	Specified thickness				
				1" and under	1¼"	1½"	1¾"	2" and thicker
Random lengths and random widths	3' to 5½'	$100.00	$90.00	$100.00	$110.00	$110.00	$110.00	$100.00
Random lengths and 7 inches, or wider, specified widths	3' to 5½'	105.00	90.00	105.00	115.00	115.00	115.00	105.00
Random lengths and random widths	6' to 9½'	275.00	247.50	275.00	302.50	302.50	302.50	275.00
Random lengths and 7 inches, or wider, specified widths	6' to 9½'	288.75	247.50	288.75	316.25	316.25	316.25	288.75
Random lengths and random widths	10' to 13½'	375.00	337.50	375.00	412.50	412.50	412.50	375.00
Random lengths and 7 inches, or wider, specified widths	10' to 13½'	393.75	337.50	393.75	431.25	431.25	431.25	393.75
Random lengths and random widths	14' to 17½'	450.00	405.00	450.00	495.00	495.00	495.00	450.00
Random lengths and 7 inches, or wider, specified widths	14' to 17½'	472.50	405.00	472.50	517.50	517.50	517.50	472.50
Random lengths and random widths	18' to 22½'	500.00	450.00	500.00	550.00	550.00	550.00	500.00
Random lengths and 7 inches, or wider, specified widths	18' to 22½'	525.00	450.00	525.00	575.00	575.00	575.00	525.00
Random lengths and random widths	23' to 32'	600.00	540.00	600.00	660.00	660.00	660.00	600.00
Random lengths and 7 inches, or wider, specified widths	23' to 32'	630.00	540.00	630.00	690.00	690.00	690.00	630.00
Random lengths and random widths	6' to 20' (average 13')	425.00	382.50	425.00	467.50	467.50	467.50	425.00

(1) For kiln dried the following additions to rough green prices may be made: 2" and thinner, add $30.00 per 1,000 ft. B. M.; for thicker than 2" add $30.00 per 1,00 ft. B. M., plus 10% of rough green price.

(2) In the case of random length groups other than those listed, the price shall be computed by determining the quantity falling into each of the named groups and pricing each such quantity at the random price listed for the group into which each such quantity falls.

(3) In the case of specified lengths, the price for any length shall be the same as the random length price listed for the group into which each such specified length falls.

(4) In the case of specified widths narrower than 7 inches the price for any width shall be the same as the random width price.

(b) Aircraft spruce sold under "American Specifications" is subject to the following rules:

(1) Aircraft Spruce shall be furnished rough sawn in only one quality.

(2) The following species of spruce may be used: Sitka spruce (Picea sitchensis), red spruce (Picea rubens), white spruce (Picea canadensis).

(3) All detail of workmanship in the manufacture of spruce lumber and its preparation for shipment shall be in accordance with high-grade commercial practice covering this class of work.

(4) The following detail requirements apply:

(i) The angle of deviation of the grain from a line parallel to the edges shall not exceed 1 inch in 15 inches.

(ii) Vertical or flat grain will be accepted provided each shipment does not contain more than 25 per cent of flat grain pieces.

(iii) There shall not be fewer than 6 annual rings in any 1 inch when measured in a radial direction on either end section.

(iv) The lumber shall be strong, tough, elastic, and not brashy.

(v) The specific gravity shall not be less than 0.36 based on volume and weight when over. dry.

(vi) The entire number of pieces in each shipment shall be free of knots, except that one knot ¼ inch or less in diameter will be permitted within any 3 square feet of the surface on which it appears.

(vii) All pieces shall be free of hard grain (compression wood).

(viii) At least 75 per cent of the entire number of pieces in each shipment shall be free of burly, curly, gnarly, or irregular grain. In the pieces comprising the remaining 25 per cent, burls or similar irregularities of grain and other defects will be allowed, provided that the purchaser is able to obtain from each piece clear, sound, straight-grained cuttings over 12 feet in length and not less than 4 inches wide, by sawing out and discarding not more than 30 per cent of the total volume of the piece.

(ix) One closed pitch pocket or seam not more than ¼ inch deep, ⅛ inch wide, or 2 inches long will be permitted for each 3 square feet of surface, or its equivalent in smaller ones provided they are not in the same adjacent rings of annual growth.

(x) All pieces shall be free of warp, shake, sap stain, rot, dote, red heart, purple heart, heart stain, and all other forms of decay. Bright sap is no defect.

(xi) Wane will be allowed on 5 per cent of the pieces, but it shall in no case exceed ¼ the thickness, ⅛ the width and ⅛ the length of the piece.

(xii) Thickness, widths, and lengths shall be as ordered. All dimensions shall

be full. Thickness will be measured in fractions of ¼ inch, widths in fractions of ½ inch, and lengths in fractions of ½ foot. Fractions of a foot are to be treated as follows: even half feet shall be alternately counted out and allowed as a whole foot. Fractions under a half foot shall be dropped; fractions over a half foot shall be allowed as a whole foot.

(xiii) When kiln dried is specified the moisture content shall not be less than 8 per cent or more than 15 per cent.

(5) The issue of the following specifications in effect on date of issuance of this Regulation forms a part of this specification:

U. S. Army---- 62–4 Wood, specific gravity of.
U. S. Army---- 83–13 Kiln-drying process for aircraft lumber (applicable when kiln dried is specified).
U. S. Army---- 100–2 Standard specifications for marking shipments.

(c) A delivered price in excess of the maximum f. o. b. mill prices set forth in this Appendix A may be charged, consisting of such maximum prices plus actual transportation costs paid by the seller. However, for the purposes of this section, the following two practices shall not be deemed a deviation from the use of actual transportation costs:

(1) the charging of a sum equivalent to the one-quarter of a dollar nearest to such actual transportation costs; and

(2) the adoption of the following estimated average weights of aircraft spruce per thousand feet board measure:

Aircraft spruce weights (all grades):	*Pounds per 1,000 feet*
Rough green, all sizes	3,500
Rough dry 1"	2,600
Rough dry 1¼, 1½, and 1¾, and 2"	2,800
Rough dry 2½" and thicker	2,900

§ 1312.361 *Appendix B: Maximum prices for aircraft spruce, United Kingdom specifications.* (a) The maximum prices per 1000 feet board measure for rough green aircraft spruce, F. A. S. Seattle, Washington; Tacoma, Washington; or Portland, Oregon, shall be as follows:

(1) *Selace Grade*---------- $265.00
The specifications for Selace grade are as follows:
Sizes: 2" and thicker by 4" and wider, 15 feet and longer (2" and 3" thicknesses must be edge grain; 4" and thicker may be Random, Flat or Edge (vertical grain)).
Deviation of grain: (maximum): 1" in 15"
Rate of growth: 7 annual rings minimum
Texture: Perfect
Description: Each piece shall contain 50 per cent of clear aero spars of minimum size 2" thick by 4" wide 15 feet in length. Hard grain not permitted in such cuttings. 12½ per cent of each such piece shall contain material of clear aero cuttings of minimum 4 feet in length. 25 per cent of each such piece shall contain useful short cuttings of clear lumber. 12½ per cent of waste allowed in each piece including sap and hard grain.

(2) *Ace High Grade:* Random, Flat or Edge (vertical) Grain---------- $215.00
The specifications for Ace High Grade are as follows:
Sizes: 2" and thicker by 4" and wider, 15 feet and longer. Same as Selace Grade Random except: 2" and 3" Flat grain must be 100 percent Selace quality.
Description: 4" and thicker to contain 40 per cent of material of clear aircraft grade of minimum size 2" thick by 4" wide, 15 feet in length. Balance of each such piece shall contain material of clear grade good texture which will develop at at least 70 per cent of clear lamina cuttings 15 feet and longer.

(3) *FLL Grade:* Random, Flat or Edge (vertical Grain)---------- $165.00
The specifications for FLL Grade are as follows:
Sizes: 3" and thicker by 4" and wider, 15 feet and longer; small percentage of 2" may be included.
Deviation of grain: (maximum) 1" in 12"
Rate of growth: 6 annual rings (minimum)
Texture: Good
Description: Each piece shall contain 70 percent clear lamina cuttings 15 feet and longer.

(4) *Thin Aero Grade:* Random, Flat or Edge (vertical) Grain---------- $165.00
The specifications for Thin Aero Grades are as follows:
Sizes: 1" to 3" thick by 3" and wider, 10 feet and longer, permitting 1" to 3" thick, 3" and wider, 6 to 9 feet in length at one-half price.
Deviation of grain: (maximum) 1" in 15".
Rate of growth: 7 annual rings (minimum).
Texture: Perfect.
Description: Each piece must be perfect Selace texture, free from defects including coarse, hard or brashy grain.

(5) *FLLS Grade:* Random, Flat or Edge (vertical) Grain---------- $90.00
The specifications for FLLS Grade are as follows:
Sizes: 3" and thicker by 4" and wider, 6 feet to 14 feet in length, small percentage of 2" permitted.
Deviation of grain: (maximum) 1" in 12".
Rate of growth: 6 annual rings (minimum).
Texture: Good.
Description: Each piece shall contain 70 percent clear lamina cuttings 7 feet and longer.

(6) *H. G. Grade:* Random, Flat or Edge (vertical) Grain---------- $130.00
The specifications for HG Grade are as follows:
Sizes: 2" and thicker, 4" and wider, 10 feet to 14 feet long
Deviation of grain: (maximum) 1" to 15"
Rate of growth: 7 annual rings (minimum)
Texture: Perfect
Description: Each piece must contain Selace quality cuttings 10 feet long or longer, only one cutout or defect per piece, such as a pitch pocket, small burl or knot, not affecting more than ⅓ the width of the piece.

(7) *HGS Grade:* Random, Flat or Edge (vertical) Grain---------- $100.00
The specifications for HGS Grade are as follows:
Sizes: 2" and thicker, 4" and wider, 5 feet to 9 feet in length (approximate 5 per cent of 4 feet permitted)
Deviation of grain: (maximum) 1" to 15"
Rate of growth: 7 annual rings (minimum)
Texture: Perfect
Description: Each piece must be Selace quality, no defects.

(b) The following provisions are applicable to all grades:

(1) All grades shall be clear Sitka spruce, 100 per cent heartwood, free from all defects including burly, curly, gnarly, spiral or irregular grain.

(2) No piece shall have a greater section than 72 square inches; e. g., maximum sizes are 5" x 14", 6" x 12", 7" x 10", and 8" x 9".

(3) Aircraft spruce furnished under these specifications shall represent a fair average assortment of the specified grades, lengths and widths.

(c) The following definitions are applicable to this Appendix B:

(1) "Edge (vertical) grain": Unless otherwise specified, a piece shall be considered "edge (vertical) grain" when the annual rings form an angle of not more than 45 degrees from vertical.

(2) "Flat (slash) grain": A piece shall be considered "flat (slash) grain" when the annual rings form an angle of more than 45 degrees from vertical.

(3) "Random (mixed) grain" means any combination of edge and/or flat grain.

(4) "Grain deviation" means the maximum deviation of the grain from a line parallel to the edges of the piece.

(5) "Rate of growth": The "rate of growth" specified shall be the minimum number of annual rings to each inch, measured at right angles to the direction of the rings, on both end sections.

(6) "Perfect" texture means that the fiber of the wood shall be strong, tough and elastic. It excludes brashy, short or hard grain (compression wood) or pieces of abnormally light weight.

(7) "Good" texture shall mean strong, tough and elastic lumber but possessing these qualities in a slightly lesser degree than "Perfect" texture, free from brashy, coarse, or hard grain, and free from pieces of abnormally light weight.

(8) "Lamina cuttings" shall mean material suitable for remanufacture into strips of any thickness required for use as members in built-up or glued lamination. Such material should be of clear type but may contain slight imperfections such as narrow pitch pockets, knots, slight stain, etc., but must be of "good" texture.*

§ 1312.362 *Appendix C: Maximum prices for non-standard grades and specifications.* For grades and specifications other than those for which maximum prices are provided in Appendices A (§ 1312.360) and B (§ 1312.361), of this Maximum Price Regulation No. 109, the maximum price shall be that of the most

closely corresponding grade and specification of aircraft spruce for which a maximum price is provided in Appendix A or B.*

Issued this 20th day of March, 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2424; Filed, March 20, 1942; 11:18 a. m.]

PART 1335—CHEMICALS

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 68[1] HIDE GLUE STOCK

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

The two existing paragraphs of § 1335.504 are designated (a) and (c) respectively, and a new paragraph (b) is added thereto, two new paragraphs (c) and (d) are added to § 1335.510, and new § 1335.509a is added, as set forth below:

§ 1335.504 *Records and reports.*

(a) * * *

* * * * *

(b) On or before April 10, 1942, and on or before the 10th day of each third month thereafter, every person who during the preceding three months has made a sale of Packers trimmings, consisting of cattle lips or snouts, for use as crab bait, in quantities of 100 pounds or more, whether for immediate or future delivery, shall submit to the Office of Price Administration a sworn affidavit showing for such previous three month period (1) the aggregate amounts of his sales of such material, (2) the price received therefor, and (3) such other information as the Office of Price Administration shall require.

(c) * * *

§ 1335.510 *Appendix A: Maximum prices for hide glue stock.*

* * * * *

(c) *Cattle lips and snouts; crab bait.* Regardless of any other provision of Revised Price Schedule No. 68 (including paragraph (b) of § 1335.508) the maximum prices established by §§ 1335.501 and 1335.510 thereof do not apply to the purchase or sale of Packers trimmings consisting of cattle lips or snouts when sold or marketed for use as crab bait.

(d) *Pre-existing contracts.* Any person who prior to January 20, 1942, had purchased hide glue stock and had the same in his possession or in the custody of a carrier or warehouse, other than a carrier or warehouse owned or controlled by the person from whom such hide glue stock was purchased, in order to fulfill a contract of sale entered into before January 20, 1942, may deliver such hide glue stock in accordance with such contract; and any person to whom such hide glue stock is delivered, and who had also entered into a contract for the sale thereof prior to January 20, 1942, may in turn deliver such hide glue stock in accordance with the terms of his contract: *Provided,* That any person making a delivery of hide glue stock pursuant to the provisions of this paragraph shall, within ten (10) days after such delivery, submit to the Office of Price Administration in Washington, D. C., a verified statement setting forth: (1) the date upon which he received delivery of such hide glue stock or the date upon which it was transferred to the custody of the carrier or warehouse; (2) the name and address of the supplier; (3) the name and address of the purchaser; (4) the date upon which the contract of sale was made; (5) the form of the contract, i. e. signed agreement, order form, exchange of letters, oral, etc.; (6) the quantity of hide glue stock delivered under the contract of sale after January 20, 1942, together with the date or dates of such deliveries; and (7) the selling price of the hide glue stock so delivered.

§ 1335.509a *Effective date of amendments to Revised Price Schedule No. 68.* (a) Amendment No. 1 (§§ 1335.504 (a) (b) and (c), § 1335.510 (c) and (d) and § 1335.509a) to Revised Price Schedule No. 68, shall become effective on March 24, 1942. Until such date Revised Price Schedule No. 68 continues in effect as if not amended by Amendment No. 1. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 21st day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2470; Filed, March 23, 1942; 9:23 a. m.]

PART 1335—CHEMICALS

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 76[1]—HIDE GLUE

A statement of the considerations involved in the issuance of this amendment has been prepared, and is issued simultaneously herewith.[2]

A new paragraph (d) is added to § 1335.704 new paragraphs (e) and (f) are added to § 1335.709, and a new § 1335.708a is added, as set forth below:

§ 1335.704 *Records and reports.*

* * * * *

(d) *Imported hide glue.* From and after March 24, 1942, every person making sales of imported hide glue in quantities of 100 pounds or more at prices based upon the landed cost thereof, as provided in paragraph (f) of § 1335.709, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such sale showing the date thereof; the name and address of the buyer; the landed cost of such glue at the port of entry in the United States; each item entering into such landed cost; any additional charges made pursuant to paragraph (f) (2) of § 1335.709; and the specifications and quantity, including the kind and size of the containers, of the glue sold.

§ 1335.709 *Appendix A: Maximum prices for hide glue.*

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(e) *Pre-existing contracts.* Any person who prior to January 28, 1942, had purchased hide glue and had such glue in his possession or in the custody of a carrier or warehouse, other than a carrier or warehouse owned or controlled by the person from whom such glue was purchased, in order to fulfill a contract of sale entered into before January 28, 1942, may deliver such glue in accordance with such contract; and any person to whom such glue is delivered, and who had also entered into a contract for the sale thereof prior to January 28, 1942, may, in turn, deliver such glue in accordance with the terms of his contract: *Provided,* That any person making a delivery of hide glue pursuant to the provisions of this paragraph shall, within ten (10) days after such delivery, submit to the Office of Price Administration in Washington, D. C., a verified statement setting forth: (1) the date upon which he received delivery of such glue or the date upon which such glue was transferred to the custody of the carrier or warehouse; (2) the name and address of the supplier; (3) the name and address of the purchaser; (4) the date upon which the contract of sale was made; (5) the form of the contract, i. e., signed agreement, order form, exchange of letters, oral, etc.; (6) the quantity of glue delivered under the contract after January 28, 1942, together with the date or dates of such deliveries; and (7) the selling price thereof.

(f) *Imported hide glue.* The maximum delivered prices for imported hide glue shall be either:

(1) The prices established in paragraphs (a) (b) (c) and (d) of this section; or

(2) At the option of the seller, if shipped in the containers in which it was imported and without admixture with any other glue or other substance, the actual landed cost of such glue, duty paid, at the port of entry in the United States, but in no event to exceed twenty-four cents (24¢) per pound, plus (i) the difference between the producers' maximum price and the jobbers' maximum price for the sale of the same grade of glue, as provided in paragraphs (a) (1) and (2) of this section; (ii) one cent (1¢) per pound when delivered in less than carload lots; and (iii) one-half cent (½¢) per pound when ground to 30 mesh or finer:

Provided, That in the case of imported hide glue with a jelly test in grams of less than 100, the maximum delivered price shall be, in all instances, the actual landed cost of such glue, duty paid, at the port of entry in the United States, but in no event to exceed twenty-four cents (24¢) per pound, *plus* (*a*) the difference between the producers' maximum price and the jobbers' maximum price for the sale of hide glue with a jelly test in grams of 100–121, as provided in paragraphs (a) (1) and (2) of this section; (*b*) one cent (1¢) per pound when delivered in less than carload lots;

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[1] 7 F.R. 1338.

[2] The statement of considerations has been filed with the Division of the Federal Register.

[1] 7 F.R. 1351.

and (c) one-half cent (½¢) per pound when ground to 30 mesh or finer: and

Provided, further, That when imported hide glue is sold upon the basis of the landed cost thereof, as permitted by this paragraph (f) (2), there shall be rendered to the purchaser a bill or invoice specifically stating that the glue is imported.

§ 1335.708a *Effective dates of amendments to Revised Price Schedule No. 76.* (a) Amendment No. 1 (§§ 1335.704 (d), 1335.709 (e) and (f), and 1335.708a) to Revised Price Schedule No. 76 shall become effective on March 24, 1942. Until such date Revised Price Schedule No. 76 continues in effect as if not amended by Amendment No. 1. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 21st day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2471; Filed, March 23, 1942; 9:25 a. m.]

PART 1358—TOBACCOS

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 62 [1]—CIGARETTES

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

Section 1358.1 is amended by designating the paragraph therein as (a) and adding two new paragraphs (b) and (c), and a new § 1358.9a is added, as set forth below.

§ 1358.1 *Maximum prices for cigarettes*

(a) * * *

(b) In the event the Federal Internal Revenue tax on cigarettes should be increased from the existing rate of $3.25 per thousand cigarettes, the amount of such increase may be added to the maximum delivered prices for cigarettes, after the deduction of the trade and cash discounts.

(c) Manufacturers may continue, discontinue, decrease or increase existing "drop" shipments, free deals and coupon practices or values.

§ 1358.9a *Effective dates of amendments.* Amendment No. 1 (§ 1358.1 (a), (b), and (c)) to Revised Price Schedule No. 62 shall become effective March 24, 1942. Until such date Revised Price Schedule No. 62 continues in effect as if not amended by Amendment No. 1. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 23d day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2511; Filed, March 23, 1942; 11:47 a. m.]

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[1] 7 F.R. 1322.

[2] The statement of considerations has been filed with the Division of the Federal Register.

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

AMENDMENT NO. 3—TO RATIONING ORDER NO. 2A [1]—NEW PASSENGER AUTOMOBILE RATIONING REGULATIONS

Section 1360.372 (c) is hereby repealed; § 1360.310 (f) and (i) are amended; a new paragraph (d) is added to § 1360.362; a new paragraph (c) is added to § 1360.442; and three new §§ 1360.406, 1360.407, and 1360.408 are added; as set forth below:

Definitions

§ 1360.310 *Definitions.*

* * * * *

(f) "New passenger automobile" means any 1942 model passenger automobile, built upon a standard or lengthened passenger car chassis having a seating capacity of not more than ten persons, irrespective of the number of miles it has been driven, or any other such passenger automobile of earlier model which has been driven less than 1,000 miles, including taxis, but not including ambulances, hearses, and station wagons.

* * * * *

(i) "Transfer" means sell, lease, trade, lend, give, deliver, ship, or physically transfer in any other way which involves the use of the automobile, after the transfer, by a person other than the transferor; but does not include delivery to a carrier for shipment, or delivery by a carrier to a consignee; does not include a lease or loan made in good faith for a period of one week or less; does not include a physical return or physical delivery of the automobile to the registered owner thereof, or a physical return or physical delivery by the registered owner to a person who satisfies the conditions of § 1360.407 (b) and (d); and does not include a technical transfer of title for security purposes to a person financing a conditional sale or similar type of transaction, made simultaneously with a transfer of the automobile itself to the conditional sales buyer. It also includes the change of the designation of the registered owner.

(1) The term "transfer" is intended to include the conversion to use of an automobile held for sale or resale, whether or not a change of ownership or possession is involved.

(2) The term "transfer" is not intended to include the registration of an automobile acquired or received under the conditions described in § 1360.407 in the name of the person so acquiring or receiving it.

Transfers Without Certificates

* * * * *

§ 1360.362 *Persons eligible to acquire only for purposes of resale.*

* * * * *

(d) Persons duly authorized by law to engage in the insurance business, by exercise of the right of subrogation, or in consequence of the payment of a claim.

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[1] 7 F.R. 1542, 1647, 1756, 2108.

Certificates for New Passenger Automobiles

* * * * *

§ 1360.406 *Definitions.* When used in §§ 1360.407 and 1360.408 following:

(a) "Automobile salesman" means any person regularly employed for the purpose of selling passenger automobiles.

(b) "Acquired" means obtained in a manner consistent with an assertion of ownership by the person claiming acquisition.

(c) "Privately acquired" means acquired from a source other than a manufacturer, distributor, dealer, or other authorized channel of distribution of passenger automobiles.

§ 1360.407 *Conditions required for issuance of Clearance Statements.* Any person desiring to procure the registration, by a state or local agency empowered to register motor vehicles, of any new passenger automobiles acquired under any of the circumstances hereinafter described in paragraphs (a), (b), (c), (d), or (e) of this section, may apply to the appropriate Local Rationing Board for the issuance of a Clearance Statement on Form R-212. Such Board is hereby authorized to issue such Clearance Statement to an applicant therefor in the following cases:

(a) Where an applicant other than a manufacturer, dealer, distributor, or automobile salesman establishes either:

(1) That he acquired, accepted delivery, and had possession of such automobile prior to 6 P. M. EST., on January 1, 1942; or

(2) That such automobile was privately acquired by him and that he accepted delivery and had actual possession prior to February 2, 1942.

An applicant shall not be deemed to have had possession of such automobile for the purposes of this paragraph (a) while it was in the possession or physical control of the person from whom the applicant claims to have acquired it.

(b) Where an applicant other than a manufacturer, dealer, distributor, or automobile salesman shows that prior to February 2, 1942 such automobile was registered in the name of another person, with the knowledge and consent of the applicant, if it is also established:

(1) That the automobile was acquired by the applicant, or by such other person on his behalf, under conditions which satisfy the requirements of paragraph (a) above; and

(2) That prior to or simultaneously with such acquisition the applicant paid or agreed to pay the full purchase price of the automobile; and

(3) That the registration of such automobile in the name of such other person was pursuant to a written or oral agreement entered into at or prior to the date of such registration whereby such other person agreed to return or deliver the automobile to the applicant; and

(4) That such person has returned or delivered such automobile to the appli-

cant and has received no payment or other consideration for such return.

(c) Where an applicant who is a manufacturer, distributor, dealer or automobile salesman establishes:

(1) That he acquired, accepted delivery and had possession of such automobile prior to 6 P. M. EST. on January 1, 1942; and

(2) That prior to 6 P. M. EST on January 1, 1942 such automobile was segregated by him for his personal use and ownership, from those held for sale or resale, and if such automobile was at any time carried on the books or records of a manufacturer, dealer, distributor or automobile salesman as held for sale or resale, that such books or records were changed, or a notation was made thereon prior to January 2, 1942 in some manner calculated to evidence such segregation.

(d) Where an applicant who is a manufacturer, distributor, dealer, or automobile saleman shows that prior to January 2, 1942 such automobile was registered in the name of another person, with the knowledge and consent of the applicant, if it is also established:

(1) That the automobile was acquired by the applicant or by such other person on his behalf under conditions which satisfy the requirements of paragraph (c) above; and

(2) That prior to or simultaneously with such acquisition the applicant paid or agreed to pay the full purchase price of the automobile; and

(3) That the registration of such automobile in the name of such other person was pursuant to a written or oral agreement entered into at or prior to the date of such registration whereby such other person agreed to return the automobile to the applicant; and

(4) That such person has returned such automobile to the applicant and has received no payment or other consideration for such return.

(e) Where any applicant shows by documentary evidence that such automobile was acquired by him pursuant to written authorization of the Administrator of the Office of Price Administration, or of the Director of Priority of the Office of Production Management or of the Director of Industry Operations of the War Production Board.

§ 1360.408 *Form of Clearance Statement R–212.* (a) The Clearance Statement, Form R–212 when issued in accordance with the provisions of § 1360.407, shall be signed by at least two members of the Local Rationing Board, and shall state that the Board has no objection to the registration of the designated new passenger automobile in the name of the applicant. Such Clearance Statement, when issued, shall not be construed as evidence of ownership of the automobile in question. The Clearance Statement shall be serially numbered, and divided into two parts, A and B.

(b) The whole Clearance Statement, together with a postpaid envelope addressed to the Board issuing it, shall be filed by the applicant with the State or Local agency having jurisdiction over the registration of motor vehicles.

(c) Such State or Local agency may retain Part B for its own files and shall forward Part A to the issuing board in the postpaid envelope provided.

(d) The Local Rationing Board shall keep records of all applications granted under this and the preceding section, which shall include Part A of Form R–212, when returned, together with any evidence or documents on the basis of which the application was granted. The Board shall also comply with the posting and release requirements of § 1360.421.

(e) If the new passenger automobile for which registration is sought, pursuant to § 1360.407, was included in the inventory of passenger automobiles made by direction of the Office of Price Administration on or about February 11, 1942, the applicant shall also file with the Board one copy of Form R–203. The Board shall, after registration has been completed and Part A of Form R–212 has been received from the State or Local agency having jurisdiction over the registration of motor vehicles, forward such Form R–203 to the Office of Price Administration, Automobile Inventory Unit, New York, N. Y. No new passenger automobile as to which a Form R–212 has been issued pursuant to §§ 1360.407 and 1360.408 shall be charged against the quota of the issuing board.

Effective Dates

* * * * *

§ 1360.442 *Effective dates of amendments*

* * * * *

(c) Amendment No. 3 (§ 1360.372 (c), § 1360.310 (f), (i), § 1360.362 (d), § 1360.406, § 1360.407, § 1360.408) to rationing Order No. 2A shall become effective March 23, 1942. (Pub. Law 421, 77th Cong., 2d Sess., W.P.B. Directive No. 1, Supplementary Directive No. 1A, 7 F.R. 562, 698, 1493)

Issued this 23d day of March, 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42–2507; Filed, March 23, 1942; 11:36 a. m.]

PART 1363—FEEDINGSTUFFS

MAXIMUM PRICE REGULATION NO. 74—ANIMAL PRODUCT FEEDINGSTUFFS

Revised Price Schedule No. 74[1] (§§ 1363.51 to 1363.59, inclusive)—Animal Product Feedingstuffs is revoked and Maximum Price Regulation No. 74—Animal Product Feedingstuffs is hereby issued.

In the judgment of the Price Administrator the prices of animal product feedingstuffs have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of animal product feedingstuffs prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. The maximum prices established herein will have no effect on the prices received by producers of the agricultural commodities from which animal product feedingstuffs are manufactured, for the reason that the animal product feedingstuffs covered by this Regulation are remote by-products of the production of such agricultural commodities. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation has been prepared and is issued simultaneously herewith.[2]

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulations No. 1,[3] issued by the Office of Price Administration, Maximum Price Regulation No. 74 is hereby issued.

§ 1363.51 *Maximum prices for animal product feedingstuffs.* On and after March 26, 1942, no person shall sell or deliver animal product feedingstuffs in the course of trade or business at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1363.61; and no person shall agree, offer, solicit, or attempt to do any of the foregoing, except that contracts entered into prior to March 26, 1942, providing for prices higher than the maximum prices, may be carried out at the contract prices. The maximum prices shall include commissions and all other charges.*

*§§ 1363.51 to 1363.61, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2d Sess.

§ 1363.52 *Exempt sales.* Sales at retail are excepted from the operation of this Maximum Price Regulation No. 74.*

§ 1363.53 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1363.61) may be charged, demanded, paid, or offered.*

§ 1363.54 *Conditional agreements.* No seller of animal product feedingstuffs shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1363.61, in the event that this Maximum Price Regulation No. 74 is amended or is determined by a court to be invalid or upon any other contingency: *Provided,* That if a petition for amendment has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may

[1] 7 F.R. 1349.

[2] The statement of considerations has been filed with the Division of the Federal Register.

[3] 7 F.R. 971.

grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.*

§ 1363.55 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 74 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to animal product feedingstuffs, alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1363.56 *Records and reports.* (a) Every person making a purchase or sale of animal product feedingstuffs in the course of trade or business, after January 20, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than two years complete and accurate records of each such purchase or sale, including the date thereof, the name of the seller or purchaser, the price paid or received, the amount sold or purchased, and the kind and grade of animal product feedingstuffs sold or purchased.

(b) Such persons shall submit such reports to the Office of Price Administration, and keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require.*

§ 1363.57 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 74 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 74 or any price schedule, regulation, or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.*

§ 1363.58 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 74 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.*

§ 1363.59 *Definitions.* (a) When used in this Maximum Price Regulation No. 74, the term:

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

(2) "Animal Product Feedingstuffs" means meat scraps and digester tankage used as such or as ingredients in the manufacture of mixed feeds for the feeding of livestock and poultry. The term "meat scraps" includes meat meal and meat scraps. The term "digester tankage" includes digester tankage, meat meal tankage, feeding tankage, digester tankage with bone, meat and bone meal digester tankage, meat and bone meal tankage, and feeding tankage with bone.

(3) "Grade" refers to the percentage of protein content per ton of feedingstuff.

(4) "Sale at retail" means a sale to the ultimate user: *Provided,* That no manufacturer, processor, or purchaser for resale shall be deemed to be an ultimate user.

(5) In the phrase "similar amount to the same type of purchaser," the word "similar" means that amount, and the word "same" means that type of purchaser with respect to which the same price did apply or would have applied under the seller's trade practices during the period January 20 to March 20, 1942.*

§ 1363.60 *Effective date.* This Maximum Price Regulation No. 74 (§§ 1363.51 to 1363.61, inclusive) shall become effective March 26, 1942.*

§ 1363.61 *Appendix A: Maximum prices for sales of animal product feedingstuffs.* (a) The maximum shipping point price for any grade of meat scraps shall be:

(1) Five dollars ($5.00) less than the highest shipping point price (or delivered price converted to a shipping point price) at which the seller sold, contracted, or agreed to sell at such shipping point such grade during the period January 20 to March 20, 1942, for delivery within thirty days, in a similar amount to the same type of purchaser; or

(2) If the seller did not sell, contract or agree to sell such grade during the period January 20 to March 20, 1942, for delivery within thirty days, in a similar amount to the same type of purchaser, the maximum shipping point price shall be five dollars ($5.00) less than the highest shipping point price (or delivered price converted to a shipping point price) at which the seller sold, contracted, or agreed to sell at such shipping point meat scraps of a different grade or in a different amount or to a different type of purchaser during the period January 20 to March 20, 1942, for delivery within thirty days, making the necessary adjustments for differences in grade, amount, or type of purchaser, in accordance with the seller's practice for determining price differentials existing in the period January 20 to March 20, 1942; or

(3) If the seller did not sell, contract, or agree to sell meat scraps in the period January 20 to March 20, 1942, for delivery within thirty days, the seller's maximum shipping point price for any one of the various grades of meat scraps shall be five dollars ($5.00) less than the shipping point price (or delivered price converted to a shipping point price) at which such grade was sold, contracted, or agreed to be sold in the market nearest the seller's shipping point in the period January 20 to March 20, 1942, for delivery within thirty days, in a similar amount to the same type of purchaser, making adjustment for the normal differential, if any, between the seller's shipping point price and the shipping point price in such market.

(b) The maximum shipping point price for any grade of digester tankage shall be:

(1) Six dollars ($6.00) less than the highest shipping point price (or delivered price converted to a shipping point price) at which the seller sold, contracted, or agreed to sell at such shipping point such grade in the period January 20 to March 20, 1942, for delivery within thirty days, in a similar amount to the same type of purchaser; or

(2) If the seller did not sell, contract, or agree to sell such grade during the period January 20 to March 20, 1942, for delivery within thirty day, in a similar amount to the same type of purchaser, the maximum shipping point price shall be six dollars ($6.00) less than the highest shipping point price (or delivered price converted to a shipping point price) at which the seller sold, contracted, or agreed to sell at such shipping point digester tankage of a different grade or in a different amount or to a different type of purchaser during the period January 20 to March 20, 1942, for delivery within thirty days, making the necessary adjustments for differences in grade, amount, or type of purchaser, in accordance with the seller's practice for determining price differentials existing in the period January 20 to March 20, 1942; or

(3) If the seller did not sell, contract, or agree to sell digester tankage in the period January 20 to March 20, 1942, for delivery within thirty days, the seller's maximum shipping point price for any one of the various grades of digester tankage shall be six dollars ($6.00) less than the shipping point price (or delivered price converted to a shipping point price) at which such grade was sold, contracted, or agreed to be sold in the market nearest the seller's shipping point in the period January 20, 1942 to March 20, 1942, for delivery within thirty days, in a similar amount to the same type of purchaser, making adjustment for the normal differential, if any, between the seller's shipping point price and the shipping point price in such market.

(c) The maximum delivered price to any point shall be the maximum shipping point price determined under paragraph (a) or (b), plus the transportation charge at the lowest available established rate available for an identical shipment to such point.*

Issued this 21st day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2457; Filed, March 21, 1942; 11:22 a. m.]

PART 1364—FRESH, SMOKED AND CANNED MEAT PRODUCTS

AMENDMENT NO. 1 TO TEMPORARY MAXIMUM PRICE REGULATION NO. 8 [1]—DRESSED HOGS AND WHOLESALE PORK CUTS

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

Section 1364.6 (a) is amended, and § 1364.13 is added, as set forth below:

§ 1364.6 *Records and reports.* (a) Not later than April 6, 1942, every person making sales subject to § 1364.1 above, shall file with the Office of Price Administration in Washington, D. C., a copy of each and every price list, together with all amendments thereto, used by him during the periods February 23, 1942, to February 28, 1942, inclusive, and March 3, 1942, to March 7, 1942, inclusive, upon which he based his sales price quotations. He shall also submit a sworn statement certifying (1) that such copy or copies are true and correct; (2) the area or areas in which each list was applicable; (3) the period during which each such list was in effect; (4) customary deductions from and additions to the list prices, representing the cost differentials, referred to in paragraph (b) of § 1364.1; and (5) whether the prices quoted in such list were delivered prices or f. o. b. seller's shipping point.

* * * * *

§ 1364.13 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1364.6 (a) and 1364.13) to Temporary Maximum Price Regulation No. 8 shall become effective March 21, 1942. Until such date, Temporary Maximum Price Regulation No. 8 continues in effect as if not amended by Amendment No. 1. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 20th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2458; Filed, March 21, 1942; 11:23 a. m.]

PART 1410—WOOL

AMENDMENT NO. 1 TO MAXIMUM PRICE REGULATION NO. 106 [3]—DOMESTIC SHORN WOOL

A statement of the considerations involved in the issuance of this Amendment No. 1 to Maximum Price Regulation No. 106 has been prepared and is issued simultaneously herewith.[2]

Sections 1410.5 and paragraph (e) of § 1410.10 are hereby amended and a new § 1410.9a is hereby added to read as follows:

§ 1410.5 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 106 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 106 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1410.10 *Appendix A: Maximum prices for domestic shorn wool.*

* * * * *

(e) *Brokers' commissions.* In cases where a purchaser or a seller of domestic shorn wool employs a broker or other agent to make a purchase or sale on his behalf, a commission of not to exceed 1% of the applicable maximum price may be charged for such services and added to the applicable maximum price set forth above. A commission may not be charged to both buyer and seller on the same lot of wool. Such commission shall be payable only if (1) the wool is purchased at a price not exceeding the maximum price established by Maximum Price Regulation No. 106, (2) it is shown as a separate charge on the invoice or similar document delivered to the purchaser and (3) the commission is not split or divided with the seller or with an agent or an employee of the seller.

No such commission may be charged and added to the maximum price by cooperative marketing associations or other persons making sales of wool held on consignment from the grower.

§ 1410.9a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1410.5, 1410.10 (e) and 1410.9a) to Maximum Price Regulation No. 106 shall become effective March 24, 1942. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 23d day of March 1942.

JOHN E. HAMM,
Acting Administrator.

Approved:

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-2512; Filed, March 23, 1942; 11:47 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—United States Public Health Service Federal Security Agency

PART 10—GRANTS TO STATES FOR VENEREAL DISEASE CONTROL

AMENDMENT TO RULES AND REGULATIONS GOVERNING ALLOTMENTS AND PAYMENTS TO THE STATES FOR VENEREAL DISEASE CONTROL ACTIVITIES FOR THE FISCAL YEAR 1942.

Pursuant to authority contained in section 4d of Chap. XV of the Act of July 9, 1918, as added by the Act of May 24, 1938, 52 Stat. 439 (U. S. Code, title 42, sec. 25d), § 10.302 [1] is amended to read as follows:

§ 10.302 *Allotments—Allotments of funds made available under Appropriation Act, 1942.* The Surgeon General, pursuant to the authority contained in section 4b of the Act, has determined that $5,566,600 (or 86.9%) of the total amount available for the fiscal year 1942 shall be allotted to the States, the District of Columbia, Alaska, Puerto Rico, the Virgin Islands, and Hawaii on the bases of (1) population; (2) the extent of the venereal disease problem; and (3) the financial needs of the respective States ". . . in establishing and maintaining adequate measures for the prevention, treatment, and control of the venereal diseases," in accordance with the following percentage distribution:

(1) *Population.* Allotments amounting to 26.0 percent of the available appropriations will be made to the several States in the ratio which the population of each State bears to the population of the United States, as shown by the census of 1940.

(2) *Extent of the venereal disease problem.* Allotments amounting to 34.9 percent of the available appropriations will be made to the several States on the bases of (i) the varying composite and racial prevalence rates for syphilis; (ii) the extent to which treatment facilities have been provided as evidenced by the population under treatment for syphilis; (iii) the varying costs of providing equal services as determined by the inverse function of the density and the direct function of the size of the population of each State and Territory; (iv) the need for training centers and demonstrations in selected areas; (v) the need for facilities for the prevention and control of the venereal diseases in localities where armed forces or civilian employees engaged in national defense activities are concentrated.

(3) *Financial needs.* Allotments amounting to 26.0 percent of the available appropriations will be made to the several States on the basis of their financial needs, as determined by the ability of the States to raise revenue, expressed in terms of per capita income differences obtained from data supplied by the Bureau of Foreign and Domestic Commerce for the five-year period 1935–1939.[1]

(b) *Allotments of funds made available under the First Deficiency Appropriation Act, 1942.* This paragraph shall be applicable only to the allotment of funds made available under the First Deficiency Appropriation Act, 1942. In order to carry out the recommendations of the Committee on Appropriations of the House of Representatives the Surgeon General, pursuant to the authority contained in section 4b of the act, has determined that $2,250,000 (or 90%) of the $2,500,000 deficiency appropriation available for the remainder of the fiscal year 1942 shall be allotted to the States, the District of Columbia, Alaska, Puerto Rico, the Virgin Islands, and Hawaii on

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[1] 7 F.R. 1841.

[2] The statement of considerations has been filed with the Division of the Federal Register.

[3] 7 F.R. 1648.

[1] 6 F.R. 3289.

[1] Martin, J. L.: "Income payments to individuals by States, 1929–1939," Survey of Current Business, October 1940. Table 1, page 2, modified to include later revisions of the Bureau of Foreign and Domestic Commerce and estimates of per capita income for the Territories.

the bases of (1) population, (2) the extent of the venereal disease problem; and (3) the financial needs of the respective States "* * *in establishing and maintaining adequate measures for the prevention, treatment and control of the venereal diseases," in accordance with the following percentage distribution:

(1) *Population.* Allotments amounting to 13.4 percent of the available deficiency appropriation will be made to the several States in the ratio which the population of each State bears to the population of the United States, as shown by the census of 1940.

(2) *Extent of the venereal disease problem.* (i) Allotments amounting to 14 percent of the available deficiency appropriation will be made to the several States for the general extent of the venereal disease problem on the bases of (*a*) the varying composite and racial prevalence rates for syphilis; (*b*) the extent to which treatment facilities have been provided as evidenced by the population under treatment for syphilis; (*c*) the varying costs of providing equal services as determined by the inverse function of the density and the direct function of the size of the population of each State and Territory; (*d*) the need for training centers and demonstrations in selected areas. (ii) Allotments amounting to 49.1 percent will be made for war needs, as recommended by the Committee on Appropriations of the House of Representatives on the bases of (*a*) expanding military and industrial war concentrations; (*b*) the prevalence of syphilis among men in the age group subject to military service.

(3) *Financial needs.* Allotments amounting to 13.4 percent of the available deficiency appropriation will be made to the several States on the basis of their financial needs, as determined by the ability of the States to raise revenue, expressed in terms of per capita income differences obtained from data supplied by the Bureau of Foreign and Domestic Commerce for the five-year period 1935–1939.[1]

THOMAS PARRAN,
Surgeon General.

MARCH 10, 1942.

Approved: March 13, 1942.

PAUL V. MCNUTT,
Administrator, Federal Security Agency.

[F. R. Doc. 42-2498; Filed, March 23, 1942; 10:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office

[Circular No. 1504]

PART 192—OIL AND GAS PERMITS AND LEASES

AMENDMENT OF OIL AND GAS LEASING REGULATIONS, AND FORMS OF LEASES, TO SECURE PROMPT FILING OF ASSIGNMENTS, AND LIMITATIONS OF OVERRIDING ROYALTIES

Circular No. 1453, approved November 18, 1938, containing §§ 192.42a to 192.42c, inclusive, of Title 43 of the Code of Federal Regulations, is hereby amended by adding the following:

§ 192.42d *Assignment of oil and gas lease or interest therein.* The lessee will be required to agree not to assign his lease, or any interest therein, whether by operating agreement, working or royalty interest, or otherwise, nor to sublet any portion of the leased premises, except with the consent in writing of the Secretary of the Interior. All assignments must be submitted in triplicate within 30 days from the date of execution and must contain all of the terms and conditions agreed upon by the parties thereto. If the consideration expressed in the agreement fails to describe the true consideration, an accompanying affidavit must be submitted stating the consideration in full. The affidavit will be treated as confidential and not for public inspection. No assignment of any kind will be recognized as valid which, exclusive of the royalty payable to the United States, shall create overriding royalty interests in the lease aggregating in excess of five per cent. Furthermore, no assignment providing for other payments out of production which constitute a burden upon lease operations prejudicial to the interests of the United States will be approved. (Sec. 32, 41 Stat. 450; 30 U.S.C. 189)

Oil and gas lease forms amended. Subsections 2 (p) of the standard lease form 4–208f (43 CFR 192.28; par. 13, Circ. 1386, May 7, 1936, 55 I.D., 508) and of the renewal lease form 4–973 (43 CFR 192.84; Circ. 1476, August 5, 1940) are hereby amended to read as follows:

2 (p). *Assignment of oil and gas lease or interest therein.* Not to assign this lease, or any interest therein, whether by operating agreement, working or royalty interest, or otherwise, nor to sublet any portion of the leased premises, except with the consent in writing of the Secretary of the Interior. All assignments must be submitted in triplicate within 30 days from the date of execution and must contain all of the terms and conditions agreed upon by the parties thereto. If the consideration expressed in the agreement fails to describe the true consideration, an accompanying affidavit must be submitted stating the consideration in full. The affidavit will be treated as confidential and not for public inspection. No assignment of any kind will be recognized as valid which, exclusive of the royalty payable to the United States, shall create overriding royalty interests in the lease aggregating in excess of five per cent. Furthermore, no assignments providing for other payments out of production which constitute a burden upon lease operations prejudicial to the interests of the United States will be approved.

(Sec. 32, 41 Stat., 450; 30 U.S.C. 189)

FRED W. JOHNSON,
Commissioner.

I concur: DECEMBER 4, 1941.

W. C. MENDENHALL,
Director, Geological Survey.

Approved: March 9, 1942.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 42-2441; Filed, March 21, 1942; 10:23 a. m.]

[Circular No. 1505]

PART 192—OIL AND GAS PERMITS AND LEASES

REGULATIONS REQUIRING REDUCTION OF OVERRIDING ROYALTIES IN EXCESS OF FIVE PER CENT PRIOR TO ISSUANCE OF OIL AND GAS RENEWAL LEASES

Circular No. 1476, approved August 5, 1940, containing §§ 192.75 to 192.85, inclusive, of Title 43 of the Code of Federal Regulations, is hereby amended by adding thereto the following:

§ 192.81a *Overriding royalties.* Oil and gas renewal leases will not be issued unless overriding royalties are reduced to not more than five per cent by agreement between the interested parties. An affidavit must be furnished by the applicant for the renewal lease showing that there will be no overriding royalties in excess of five per cent outstanding under the lease, if issued, and that no other payments will be made out of production which constitute a burden upon lease operations prejudicial to the interests of the United States. If other payments are to be made out of production, a full showing relative thereto must be furnished. (Sec. 32, 41 Stat., 450; 30 U.S.C. 189)

FRED W. JOHNSON,
Commissioner.

I concur: December 4, 1941.

W. C. MENDENHALL,
Director, Geological Survey.

Approved: March 9, 1942.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 42-2442; Filed, March 21, 1942; 10:27 a. m.]

Chapter III—Grazing Service

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

MODIFICATION[1] OF ORDER ESTABLISHING CALIFORNIA GRAZING DISTRICT NO. 2

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315–315p), as amended, commonly known as the Taylor Grazing Act, the departmental order of April 8, 1935 establishing California Grazing District No. 2 is hereby modified to the extent necessary to permit the use of the following-described lands by the War Department for military purposes, as provided by Executive order:

MOUNT DIABLO MERIDIAN

T. 27 N., R. 17 E.,
sec. 6, E½SW¼, S½SE¼;
sec. 7, E½E½;
sec. 29, S½NE¼, N½SE¼;
sec. 30, Lots 1, 2, 3, E½W½, E½;
T. 28 N., R. 17 E.,
sec. 19, Those portions of the E½SW¼ and the SE¼ lying south of the Southern Pacific Railroad right-of-way.

HAROLD L. ICKES,
Secretary of the Interior.

MARCH 9, 1942.

[F. R. Doc. 42-2444; Filed; March 21, 1942; 10:25 a. m.]

[1] See footnote, p. 2245.

[1] Affects tabulation in § 502.1e.

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

MODIFICATION [1] OF ORDER ESTABLISHING NEW MEXICO GRAZING DISTRICT NO. 3

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315–315p), as amended, commonly known as the Taylor Grazing Act, the departmental order of July 11, 1935 establishing New Mexico Grazing District No. 3 is hereby modified to the extent necessary to permit the use of the following-described lands by the War Department for military purposes, as provided by Executive order:

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 S., R. 18 W.,
secs. 12 and 13.

HAROLD L. ICKES,
Secretary of the Interior.

MARCH 9, 1942.

[F. R. Doc. 42-2443; Filed, March 21, 1942; 10:25 a. m.]

TITLE 46—SHIPPING

Chapter I—Bureau of Marine Inspection and Navigation

[Order No. 229]

GENERAL RULES AND REGULATIONS

Adjustments

The following adjustments are designed to offset the typographical errors incorporated in the document filed with the Division of the Federal Register and printed in the issue for Saturday, March 14, 1942.

Page 2052, third column, insert "(d)" after "61.17" in the eleventh line. Substitute "(d)" for "§ 61.17" at the beginning of the next paragraph and change the following paragraph designations (a) through (e), inclusive, to (1) through (5), inclusive.

Page 2055, second column, insert "(d)" after "77.17" in the first line of the third paragraph from the bottom. Substitute "(d)" for "§ 77.17" at the beginning of the next paragraph and change the following paragraph designations (a) through (e), inclusive, to (1) through (5), inclusive.

Page 2058, first column, insert "(d)" after "95.16" in the first line of the second paragraph from the bottom. Substitute "(d)" for "§ 95.16" at the beginning of the next paragraph and change the following paragraph designations (a) through (e), inclusive, to (1) through (5), inclusive.

Page 2060, third column, insert "(d)" after "114.17" in the first line of the third paragraph from the bottom. Substitute "(d)" for "§ 114.17" at the beginning of the next paragraph and change the following paragraph designations (a) through (e), inclusive, to (1) through (5), inclusive.

[1] Affects tabulation in § 502.1e.

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

Subchapter P—Alaska Fresh-Water Fisheries

PART 190—ALASKA FRESH-WATER FISHERIES [1]

Sec.

§ 190.1 *Definition, Alaska game fish.* Game fish in Alaska are deemed to include the following species:

(a) Rainbow trout (*Salmo iridius*).
(b) Steelhead trout (*Salmo gairdneri*).
(c) Cutthroat trout (*Salmo clarkii*).
(d) Eastern brook trout (*Salvelinus fontinalis*).
(e) Grayling (*Thymallus signifer*).
(f) Lake trout (*Cristivomer namaycush*).*

*§§ 190.1 to 190.12, inclusive, issued under the authority contained in sec. 1, 44 Stat. 752; 48 U.S.C. 221. Whenever there is special authority for a specific section reference thereto is made in parentheses at the end of the section.

§ 190.2 *Use of explosives in taking fish prohibited.* The use or placement of any explosive in the waters of Alaska for the purpose of taking fish is prohibited.*

§ 190.3 *Waters in which the taking of game fish is prohibited, except with artificial lures.* In Russian River, flowing into Kenai River, and in waters within one-half mile of the mouth of Russian River, and in Buskin River, near Kodiak, and all lakes and tributaries thereof, and in Summit Lakes on the Moose Pass–Hope Highway, including the outlet stream thereof, game fish may be taken only by means of artificial lures.*

§ 190.4 *Open season for fishing in Russian River, Buskin River, and tributary waters.* It is prohibited to fish for, catch, or kill any game fish in Russian River, flowing into Kenai River, and in waters within one-half mile of the mouth of Russian River, and in Buskin River, near Kodiak, and all lakes and tributaries thereof, except during the period from June 5 to September 30, both dates inclusive.*

§ 190.5 *Open season for fishing in Dewey Lakes and Salmon Creek Reservoir.* It is prohibited to fish for, catch, or kill any game fish in Dewey Lakes, near Skagway, and in Salmon Creek Reservoir, near Juneau, except during the period from May 1 to September 30, both dates inclusive.*

§ 190.6 *Limitations on daily catch and possession of game fish, Buskin River.* No one shall take in any one day from Buskin River and its tributaries and lakes more than a combined total of 5 game fish of all species or more than 5 pounds and 1 game fish of all species, and no person shall have in his possession at any one time more than a combined total of 10 game fish of all species or more than 10 pounds and 1 game fish of all species.*

§ 190.7 *Limitations on daily catch and possession of game fish, Russian River and other streams and lakes of Kenai Peninsula.* No one shall take in any one day from Russian River and other streams and lakes of Kenai Peninsula more than a combined total of 5 game fish of all species or more than 10 pounds and 1 game fish of all species, and no one shall have in his possession at any one time more than a combined total of 10 game fish of all species or more than 20 pounds and 1 game fish of all species.*

§ 190.8 *Limitations on daily catch and possession of game fish, Naknek River, Newhalen River, Naknek Lake, Iliamna Lake, Lake Clark, and their watersheds.* No one shall take in any one day from Naknek River and Newhalen River, and from Naknek Lake, Iliamna Lake and Lake Clark, and the streams of their watersheds more than a combined total of 10 game fish of all species or more than 15 pounds and 1 game fish of all species, and no one shall have in his possession at any time more than a combined total of 20 game fish of all species or more than 30 pounds and 1 game fish of all species.*

§ 190.9 *General limitations on daily catch and possession of game fish; exceptions.* No one shall take in any one day from the fresh waters of Alaska, except Buskin River and its tributaries and lakes, Russian River and other streams and lakes of Kenai Peninsula, Naknek River, Newhalen River, and in Naknek Lake, Iliamna Lake and Lake Clark and the streams of their watersheds, where special limitations apply, more than a combined total of 20 game fish of all species or more than 15 pounds and 1 game fish of all species, and no person shall have in his possession at any one time more than a combined total of 40 game fish of all species or more than 30 pounds and 1 game fish of all species.*

§ 190.10 *Commercial fishing for fresh-water game fish prohibited.* All commercial fishing for game fish, including fishing for feed for fur-bearing animals,

[1] These regulations supersede the Alaska fresh-water fisheries regulations promulgated by the Secretary of the Interior on July 1, 1941 (6 F.R. 3408).

is prohibited in the streams and lakes of Alaska.*

§ 190.11 *Waters in which commercial fishing for Dolly Varden trout is prohibited.* All commercial fishing for Dolly Varden trout (*Salvelinus malma*), including fishing for feed for fur-bearing animals, is prohibited in the streams and lakes of Alaska east of 150 degrees west longitude.*

§ 190.12 *Wanton waste of food or game fish prohibited.* It is unlawful for any person wantonly to waste or destroy any food or game fish taken or caught in any of the waters of Alaska.*

§ 190.13 *Penalties for violation of fresh-water fisheries regulations.* Any person who violates any of the provisions of these regulations shall, upon conviction therefor, be punished by a fine or imprisonment, or by both such fine and imprisonment, as provided for in section 6 of the act of June 6, 1924. (Sec. 6, 43 Stat. 466; 48 U.S.C. 226).

HAROLD L. ICKES,
Secretary of the Interior.

MARCH 9, 1942.

[F. R. Doc. 42-2450; Filed, March 21, 1942; 10:26 a. m.]

Notices

WAR DEPARTMENT.

INFORMATION GOVERNING TRANSFERS FROM CANADIAN ARMED FORCES TO ARMED FORCES OF THE UNITED STATES

1. *Who may apply.* Members of the Canadian Armed Forces who are United States citizens or former United States citizens who lost their citizenship by taking the oath of allegiance upon entering the Canadian Forces.

2. *How to apply.* Submit written request to your immediate commanding officer for authority to appear before Canadian-American Military Board.

3. *What to apply for.* Request discharge from Canadian Forces and appointment or enlistment in either the United States Army, Navy, or Marine Corps. (Aviation is an integral part of these services and is not separate, as in the case of the Royal Canadian Air Force.)

4. *When to apply.* Immediately, if possible, and *not later than* March 31, 1942. Applications filed after March 31, 1942, will not be considered.

5. *Applications may be withdrawn* at any time prior to actual appointment or enlistment in the American Forces.

6. *Release obtained from the Canadian Armed Forces* by action of the Canadian-American Military Board, and only after prior acceptance or appointment by this Board for service in the United States Forces.

7. *General qualifications.* All applicants for appointment or enlistment in the United States Forces must meet such physical and other standards appropriate to the position of service, as are required by current United States War or Navy Department regulations. The decision of the Canadian-American Military Board in all such matters will be final.

8. *Army Air Forces qualifications*—(a) *Pilot personnel.* Qualified pilots will be appointed or enlisted in the United States Army Air Forces as follows:

(1) *Officers.* Pilot officer to be commissioned as 2d lieutenant.

Flying officer to be commissioned as 1st lieutenant.

Flight lieutenant to be commissioned as 1st lieutenant or in exceptional cases as captain if in the opinion of the United States Board such commission is warranted.

(2) *Enlisted men.* Sergeant pilots who have 400 hours flying time with the Canadian Forces and who are recommended by appropriate Canadian commanders, to be commissioned as 2d lieutenant.

Other sergeant pilots to be enlisted and appointed staff sergeants.

(b) *Eligibility for rating as pilot.* (1) The flight test prescribed for the rating of pilots as set forth in Air Corps Circular 50-10, June 20, 1941, will be waived for active pilots with the Canadian Forces. Individuals will be rated pilots provided that—

(i) They are graduates of the standard Canadian course of flying instructions.

(ii) Nongraduates of the standard Canadian course of flying instruction who are currently on duty as a flying instructor in an Advanced School.

(iii) Other nongraduates of the standard Canadian course of flying instruction who have officially logged 300 hours flying time as pilot, 100 hours of which were solo; not less than 100 hours were in airplanes powered with engines of 200 or more horse power, at least 25 hours of which were alone and have completed 50 hours or more within the six months preceding date of appointment or enlistment.

(2) All other active pilots now flying with the Canadian Forces who are acceptable to the United States Board will be rated as service pilots.

9. *Grade and service for which application may be made* are those for which the individual feels qualified. In general, appointment or enlistment will be made only in the service and grade in which applicant is serving in the Canadian Forces.

10. *Arms and services of the United States Army* for which application may be made:

(a) *Enlisted men and officers.* Corps of Engineers, Army Air Forces, Signal Corps, Cavalry, Coast Artillery Corps, Field Artillery, Infantry, Quartermaster Corps, Medical Corps, Chemical Warfare Service, Finance Department, and Ordnance Department.

(b) *Officers only.* The Adjutant General's Department, the Judge Advocate General's Department, the Inspector General's Department.

11. *United States Navy*—(a) *General provisions.* The records of individuals appointed or enlisted in accordance with the following will be subject to review and investigation by the Navy Department. False statements made by applicants to obtain their appointments or enlistments will be grounds for discharge.

(b) *General information.* Accepted applicants will be commissioned or enlisted in the United States Naval Reserve, and assigned to the Naval Aeronautic Organization or other duties in the United States Navy for which qualified.

(c) *Officer personnel.* In general and if qualified, eligible applicants now holding commissions in the Canadian Armed Forces will, if accepted by the Navy, receive commission in the United States Naval Reserve on an equivalent rank basis, subject, however, to the following restrictions:

(1) No appointments may be made above the rank of lieutenant commander.

(2) In general, the minimum ages for original appointment will be as follows:

Lieutenant commander	42 years
Lieutenant	33 years
Lieutenant (junior grade)	27 years
Ensign	19 years

(3) The following table indicates equivalent ranks in the United States Navy and the Canadian Armed Forces:

COMPARATIVE RANKS

U. S. Navy	Canadian armed forces		
	Air forces	Army	Navy
Ensign	Pilot Officer	Second Lieutenant	Sublieutenant.
Lieutenant (junior grade)	Flying Officer	Lieutenant	
Lieutenant	Flight Lieutenant	Captain	Lieutenant.
Lieutenant commander	Squadron Leader	Major	Lieutenant Commander.

(d) *Enlisted personnel.* (1) Enlisted personnel acepted by the United States Navy will be enlisted in the United States Naval Reserve in ratings corresponding to those now held in the Canadian Armed Forces: *Provided,* That mark of not less than 75 is attained on a Navy General Classification Test.

(2) Sergeant pilots who have 400 hours flying time with the Canadian Forces and who are recommended by appropriate Canadian military authority may be commissioned as ensigns, United States Naval Reserve.

(3) Those individuals who have been selected for, or who are undergoing flight training in, the Royal Canadian Air Force may, if qualified, be appointed as Naval Reserve Aviation Cadets for flight training leading to commissions in

the United States Naval Reserve or United States Marine Corps Reserve. Individuals who have previously failed any military flight training course will not be eligible for appointments as aviation cadets.

12. *United States Marine Corps*—(a) *General provisions.* The records of those persons appointed or enlisted will be subject to review and investigation. They will be required to furnish records of satisfactory service while in the Canadian Armed Forces. If the individual has prior military service in the United States Armed Forces, the separation therefrom must have been under honorable conditions. The civilian life of the individual is subject to investigation and must be satisfactory to the Marine Corps. Appointments or enlistments obtained by fraudulent representation by the individual will result in disciplinary action.

(b) *General information.* All commissions and enlistments of those accepted by the Marine Corps will be in the Marine Corps Reserve.

(c) *Officer personnel.* American citizens who are commissioned officers in the Canadian Armed Forces and who are acceptable to the Marine Corps Board will be commissioned in the Marine Corps Reserve corresponding to that held by the individual in the Canadian Armed Forces, with the exception that no commission will be given above that of captain in the Marine Corps Reserve. The following table shows the corresponding ranks in the United States Marine Corps:

United States Marine Corps	Canadian Army	Canadian Air Force
Second lieutenant	Second lieutenant	Pilot officer.
First lieutenant	Lieutenant	Flying officer.
Captain	Captain	Flying lieutenant.

(d) *Enlisted personnel.* (1) American citizens who are serving as enlisted personnel in the Canadian Armed Forces will be given an enlisted rank in the Marine Corps Reserve corresponding to that held by them in the Canadian Armed Forces. They will be allowed to hold this rank through a probationary period, the length of which will be determined later, but which will be considered of sufficient time for the individual to adjust himself to the requirements of the Marine Corps, in the rank to which the man is appointed.

(2) Sergeant pilots who have 400 hours flying time with the Canadian Armed Forces and who are recommended by appropriate Canadian commanders may be commissioned as second lieutenant, Marine Corps Reserve.

(3) All other enlisted pilots in the Canadian Armed Forces may be enlisted as Staff Sergeants in the Marine Corps Reserve.

(4) United States Marine Corps normally obtains its flying personnel from aviation cadets in the United States Navy. Therefore, individuals undergoing flight training in the Royal Canadian Air Force will not be accepted by the United States Marine Corps.

13. *Pay, promotion, or transfer in United States Forces.* Once in the United States forces, pay, promotion, or transfer will be governed by laws and regulations then existing. No transfers are made between the Army, Navy, and Marine Corps. Transfers are sometimes made from one arm or service in the Army to another, for example, from the Infantry to the Field Artillery.

14. *Transportation and quarters.* The United States Government will pay for the transportation of officers and enlisted men from point of acceptance to reception centers or replacement training centers. Government transportation will not be furnished to dependents. There are no Government quarters available at reception centers or replacement training centers for dependents of military personnel. Due to the expansion of the armed forces, and the utilization of all available space by military personnel, this condition in general holds true at all stations, military or naval.

15. *Distribution of accepted applicants*—(a) *United States Army Ground Forces*—(1) *Officers.* Officers appointed in the ground forces of the United States Army will be ordered on temporary duty to the nearest replacement training center of the arm or service in which appointed and furnished transportation thereto. The period of service at the replacement training center will vary according to individual needs but will probably be from two to ten weeks. Upon completion of this training, the individual officer will be assigned to a unit or installation.

(2) *Warrant officers.* Generally the same as for officers.

(3) *Enlisted men.* Men enlisted in the ground forces of the United States Army will be dispatched immediately, at Government expense, to the nearest reception center. There they will turn in their Canadian clothing and equipment and draw United States Army clothing. There they will be interviewed, classified as to abilities, and offered the opportunity of subscribing for Government insurance. Upon completion of this processing, they will be dispatched to the nearest replacement training center of the arm or service in which enlisted. Their stay at reception centers will probably be four days; and at the replacement training centers from one week to thirteen weeks, depending upon the amount of training found necessary. Upon completion of this course of instruction, enlisted men will be assigned to units of installations.

(b) *United States Army Air Forces*—(1) *Initial assignment.* Pilots who are accepted and appointed or enlisted in the United States forces will be initially ordered to duty as follows:

(i) From locations east of the 32d meridian to the Southeast Air Corps Training Center, Maxwell Field, Alabama.

(ii) From locations west of the 32d meridian and east of the 103d meridian to the Gulf Coast Air Corps Training Center, Randolph Field, Texas.

(iii) From locations west of the 103d meridian to the West Coast Air Corps Training Center, Mather Field, California.

(2) *Nonpilot flying personnel (navigators and bombardiers).* Provisions for grades, rating, and initial station assignment same as for pilots.

(3) *Ground officers.* Officers, other than flying personnel, who in the opinion of the board qualify for appointment as administrative or other specialists officers may be appointed in commissioned grades from 2d lieutenant to major. These officers will be initially assigned to Lowry Field, Denver, Colo., for duty and indoctrination.

(4) *Enlisted personnel.* Enlisted personnel, other than pilots, navigators and bombardiers, will be enlisted in the corresponding or equivalent grade which they hold in the Canadian Forces provided that they attain a mark of not less than 100 on Army General Classification test. Enlisted personnel who are accepted and enlisted in locations east of the 32d meridian will be initially assigned to Mather Field, California. No enlisted men, either qualified technicians or basic soldiers, will be assigned initially or in the immediate future to pursue a course of instruction at a technical school.

(5) *Classification and reassignment.* All officer and enlisted personnel will, on arrival at the stations specified above, be classified and thereafter assigned to duty in accordance with the best interest of the service.

(6) *Individuals in training.* Individuals undergoing training as pilots, navigators, and bombardiers may elect to transfer to the United States forces and will be authorized as mutually agreed upon by the United States and Canadian Boards to—

(i) Complete their training prior to their physical transfer to the United States forces.

(ii) Be immediately ordered upon enlistment or appointment to such training establishment in the United States as the Board may determine, except that any student pursuing a course of instruction in a Canadian school, who has previously been eliminated from flying training as an aviation cadet in the United States Force shall be ineligible for redetail for pilot training.

(c) *United States Navy.* All personnel accepted by the United States Navy will, in general, be ordered to brief periods of training and naval indoctrination before final assignment. Upon completion of training, they will be ordered to duty assignment in accordance with the requirements of the naval service.

(d) *United States Marine Corps.* All officer and enlisted personnel will, in general, be ordered to brief periods of training and Marine Corps indoctrination before being assigned to general duty. Upon completion of such training, they will be ordered to duty where it is deemed

consistent with the best interests of the United States Marine Corps. (R.S. 161; 5 U.S.C. 22) [Circular, W.D., March 9, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-2452; Filed, March 21, 1942; 10:27 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1345]

PETITION OF DISTRICT BOARD NO. 20 FOR THE INCLUSION OF FISCHER, IDAHO WITHIN THE LIST OF DESTINATIONS CONTAINED IN PRICE INSTRUCTION AND EXCEPTION NO. 10 IN THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 20, FOR ALL SHIPMENTS

NOTICE OF AND ORDER FOR HEARING

A petition and an amendment thereto, having been duly filed with this Division by the above-named party, pursuant to the Bituminous Coal Act of 1937;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on April 7, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, at Room 220, United States Post Office Building, in Salt Lake City, Utah.

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

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before April 1, 1942.

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

The matter concerned herewith is in regard to the petition of District Board No. 20 for revision of Price Instruction and Exception No. 10 in the Schedule of Effective Minimum Prices for District No. 20 for All Shipments to include the destination Fischer, Idaho, thereby making available, in connection with shipments of coal to that destination, the reductions in minimum prices provided in such price instruction and exception.

Dated: March 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2478; Filed, March 23, 1942; 10:36 a. m.]

[Docket No. A-1158 Part II]

PETITION OF DISTRICT BOARD NO. 14 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE PRAIRIE CREEK COAL COMPANY NO. 1 MINE (MINE INDEX NO. 540) AND FOR THE COALS OF THE NEW BLUE VALLEY COAL COMPANY, BLUE VALLEY MINE (MINE INDEX NO. 562), PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER POSTPONING HEARING

A hearing in the above-entitled matter having been scheduled to be held on March 27, 1942, in a hearing room of the Bituminous Coal Division at Fort Smith, Arkansas; and

District Board No. 14, the original petitioner therein, having moved that such hearing be postponed to a date in the month of April, 1942, and having shown good cause for such postponement; and all parties to the proceeding having joined in such request for postponement in a stipulation filed herein;

Now therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 o'clock in the forenoon of March 27, 1942, to 10 o'clock in the forenoon of April 20, 1942, to be held in a hearing room of the Bituminous Coal Division at Sebastian County Circuit Court, in Fort Smith, Arkansas.

In all other respects the Notice of and Order for Hearing, as heretofore amended, entered in this matter on December 16, 1941, shall remain in full force and effect.

Dated: March 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2480; Filed, March 23, 1942; 10:36 a. m.]

[Docket No. A-1309 Part II]

PETITION OF DISTRICT BOARD NO. 15 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 1579 AND 1587 AND FOR REVISION IN THE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 890 AND 164 IN DISTRICT NO. 15, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER POSTPONING HEARING

A hearing in the above-entitled matter having been scheduled to be held on March 24, 1942, at a hearing room of the Division in Kansas City, Missouri; and

It now appearing advisable to postpone such hearing to the date hereinafter specified;

Now, therefore, it is ordered, That the heading in the above-entitled matter be, and it hereby is, postponed from 10 o'clock in the forenoon of March 24, 1942, until 10 o'clock in the forenoon of April 15, 1942, and that it be held at a hearing room of the Bituminous Coal Division at 538 Dwight Building Kansas City, Missouri.

It is further ordered, That the time within which petitions of intervention may be filed in this matter be, and it hereby is, extended to and including April 10, 1942.

In all other respects, the Notice of and Order for Hearing entered in this matter on March 9, 1942, shall remain in full force and effect.

Dated: March 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2479; Filed, March 23, 1942; 10:36 a. m.]

[Docket No. B-186; District No. 10]

GEORGE B. REED AND J. S. WALLACE, INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF THE REED COAL COMPANY, CODE MEMBER, DEFENDANTS

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on March 23, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Circuit Court House, Peoria, Illinois; 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 hereby is postponed from March 23, 1942, at 10 a. m., to April 25, 1942, at 10 a. m., at the place and before the Examiner heretofore designated.

Dated: March 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2481; Filed, March 23, 1942; 10:36 a. m.]

[Docket No. A-1282]

PETITION OF GLENN SMALL, A CODE MEMBER IN DISTRICT NO. 15, FOR REVISION IN THE EFFECTIVE MINIMUM PRICES FOR THE COALS OF THE SMALL MINE (MINE INDEX NO. 962) IN DISTRICT NO. 15 FOR SHIPMENT BY TRUCK INTO ALL MARKET AREAS, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER POSTPONING HEARING

A hearing in the above-entitled matter having been scheduled to be held in Kansas City, Missouri on March 23, 1942; and

It appearing advisable that such hearing be postponed to the date hereinafter specified;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is, postponed from 10 o'clock in the forenoon of March 23, 1942, to 10 o'clock in the forenoon of April 15, 1942, to be held in a hearing room of the Bituminous Coal Division at 538 Dwight Building in Kansas City, Missouri.

It is further ordered, That the time within which petitions of intervention may be filed in this matter be, and it hereby is, extended to and including April 10, 1942.

In all other respects the Notice of and Order for Hearing entered in this matter on February 26, 1942, shall remain in full force and effect.

Dated: March 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2482; Filed, March 23, 1942; 10:36 a. m.]

[Docket No. A-1177]

PETITION OF L. O. RYALS, CODE MEMBER PRODUCER IN DISTRICT NO. 15, FOR A REDUCTION IN THE EFFECTIVE MINIMUM PRICE FOR MINE RUN COAL PRODUCED FROM THE RYALS MINE (MINE INDEX NO. 935) FOR TRUCK SHIPMENTS TO ALL MARKET AREAS, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER POSTPONING HEARING

A hearing in the above-entitled matter having been scheduled to be held on March 23, 1942, in Kansas City, Missouri; and

It now appearing advisable that such hearing be postponed to the date hereinafter specified;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is, postponed from 10 o'clock in the forenoon of March 23, 1942, to 10 o'clock in the forenoon of April 15, 1942, to be held at a hearing room of the Bituminous Coal Division at 538 Dwight Building, in Kansas City, Missouri before the officers heretofore designated to preside at such hearing.

In all other respects the order entered in this docket on February 26, 1942, shall remain in full force and effect.

Dated: March 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2483; Filed, March 23, 1942; 10:37 a. m.]

[Docket No. D-11]

APPLICATION OF THE ASSOCIATED PRODUCERS COAL COMPANY FOR PERMISSION TO RECEIVE SALES AGENT'S COMMISSIONS AND DISTRIBUTOR'S DISCOUNTS ON COAL SOLD TO ASSOCIATED SALES COMPANY

ORDER POSTPONING HEARING

A hearing in the above-entitled matter having been scheduled to be held on March 24, 1942, at a hearing room of the Division in Kansas City, Missouri; and

It now appearing advisable to postpone such hearing to the date hereinafter specified:

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 o'clock in the forenoon of March 24, 1942, until 10 o'clock in the forenoon of April 15, 1942, and that it be held at a hearing room of the Bituminous Coal Division at 538 Dwight Building in Kansas City, Missouri.

It is further ordered, That the time within which persons may file notices of their desires to be heard at such hearing be, and it hereby is, extended to and including April 4, 1942.

In all other respects the Notice of and Order for Hearing, as heretofore amended, entered in this matter on January 19, 1942, shall remain in full force and effect.

Dated: March 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2484; Filed, March 23, 1942; 10:37 a. m.]

[Docket No. 599-FD]

APPLICATION OF CLEARFIELD BITUMINOUS COAL CORPORATION FOR EXEMPTION

ORDER DENYING EXEMPTION AND DISMISSING APPLICATION

An application having been filed with the National Bituminous Coal Commission (hereinafter called the "Commission") by Clearfield Bituminous Coal Corporation (hereinafter called the "Coal Corporation") on September 28, 1937, pursuant to Section 4-A of the Bituminous Coal Act of 1937, seeking an order declaring all coal produced by the Coal Corporation exempt from the provisions of section 4 and the first paragraph of section 4-A of the Act, in that: (1) such coal is produced solely for New York Central Railroad Company (hereinafter called the "Railroad Company"), the parent company of the Coal Corporation, which transports for itself and consumes "all of the coal loaded for shipment by the Applicant" (2) "Applicant's operations and sales or other disposition of coal * * * do not constitute transactions in or directly affecting interstate commerce in bituminous coal" (3) "Prior to June 16, 1933, (and continuing without interruption since that date) the entire output of Applicant has been sold to its parent company at cost pursuant to the terms of a bona fide contract" with the latter;

A public hearing in this matter having been held before W. A. Cuff, a duly designated Examiner of the Commission, at a hearing room thereof in Washington, D. C., at which the Railroad Company was granted leave to join in the application with the Coal Corporation;

Appearances having been entered for the Coal Corporation, the Railroad Company, the Consumers' Counsel Division (now the Bituminous Coal Consumers' Counsel), and District Board No. 1;

Briefs having been filed by the applicants and the Solicitor of the Commission, and a reply brief having been filed by the applicants;

Examiner Cuff having made and entered his Report, Proposed Findings of Fact, Conclusions, and Recommendation on October 31, 1939;

Applicants having filed a petition for further hearing on March 20, 1940, and exceptions to the Examiner's Report on April 30, 1940;

The petition for further hearing having been granted on June 18, 1941, for the sole purpose of receiving into the record a stipulation of facts entered into by counsel for the parties;

A record of the proceeding having been submitted to the undersigned; and the undersigned having made Findings of Fact, Conclusions of Law and having rendered an Opinion, which are filed herewith;

Now, therefore, it is ordered, That effective ten (10) days from the date hereof the exemption prayed for in the application herein of Clearfield Bituminous Coal Corporation be and it is hereby denied and the application of the New York Central Railroad be and it hereby is dismissed.

Dated: March 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2485; Filed, March 23, 1942; 10:37 a. m.]

[Docket No. A-971]

PETITION OF CARL NYMAN FOR A REDUCTION IN THE EFFECTIVE MINIMUM PRICES FOR THE COALS PRODUCED AT THE NATIONAL MINE IN DISTRICT NO. 20, FOR SHIPMENT BY TRUCK

ORDER DISMISSING PETITION AND TERMINATING PROCEEDING

An original petition was filed with the Division in the above-entitled matter by Carl Nyman, while a code member in District No. 20, requesting a reduction in the minimum prices of the coals produced at the National Mine in that district, for shipment by truck, pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

The petition was deficient in form and substance, and the petitioner was advised in writing to that effect by letter of the Director of the Division under date of October 7, 1941. However, the petitioner made no response to that letter of the Director and took no steps to remedy the deficiency of his petition.

On February 23, 1942, an order effective fifteen days thereafter, was entered in Docket No. 1744-FD revoking and cancelling the code membership of the petitioner in the instant docket.

It appearing from the foregoing that the petitioner is no longer interested in this matter and is no longer legally qualified to prosecute any interest in this proceedings;

Now, therefore, it is ordered, That the original petition filed by Carl Nyman in the above-entitled matter be, and it hereby is, dismissed and that this proceeding be, and it hereby is, terminated.

Dated: March 23, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2486; Filed, March 23, 1942; 10:38 a. m.]

[Docket No. 1797-FD]

GIBB COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 3442, RESPONDENT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE EXAMINER, AND ORDER SUSPENDING REGISTRATION

This proceeding having been instituted by the Bituminous Coal Division, pursuant to the provisions of § 304.14 of the Rules and Regulations for the Registration of Distributors, to investigate and determine whether or not Gibb Coal Company, the respondent, a registered distributor, Registration No. 3442, located in Albia, Iowa, has violated any of the provisions of the Bituminous Coal Act, the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, and the Distributor's Agreement executed on July 17, 1940, by the respondent;

A hearing in this matter having been held before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof in Albia, Iowa, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard, and at which an appearance was entered for the Division and for the respondent;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in this matter, dated January 28, 1942, in which it was recommended that an order be entered providing that the registration of the respondent as a registered distributor be suspended for a period of ninety (90) days and that certain conditions be met by the respondent as a pre-requisite to reinstatement;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed;

The undersigned having determined after consideration of the record that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the Undersigned;

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

It is further ordered, That the registration of the respondent, Gibb Coal Company, as a registered distributor, Registration No. 3442, be, and it hereby is, suspended for a period of ninety (90) days, effective fifteen (15) days from the date of this Order: *Provided, however,* That if the respondent shall not have complied with the provisions of § 304.15 of the Rules and Regulations for the Registration of Distributors at least five (5) days prior to the expiration of said suspension period, said suspension shall continue in full force and effect until five (5) days after the affidavit required by said § 304.15 shall have been filed with the Division; and *Provided further,* That the respondent be required to return to the following producers the following amounts representing improperly collected discounts as set forth in the Proposed Findings of Fact of the Examiner, and that a statement by the respondent that such refunds have been made shall be required to be included in the affidavit:

Blakesburg Deep Vein Coal Co	$99.00
Right Way Coal Co	73.16
Watkins Coal Co	34.56
Gilger Coal Co	106.98

Dated: March 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2487; Filed, March 23, 1942; 10:38 a. m.]

[Docket No. B-219, District No. 1]

FREEBROOK CORPORATION, CODE MEMBER, DEFENDANT

ORDER EXTENDING TIME TO FILE APPLICATION BASED UPON ADMISSIONS FOR DISPOSITION OF COMPLIANCE PROCEEDING WITHOUT FORMAL HEARING, EXTENDING TIME TO FILE ANSWER, AND POSTPONING HEARING

The above-entitled matter having been scheduled for hearing on March 26, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at Room 203, Post Office Building, Altoona, Pennsylvania, pursuant to Notice of and Order for Hearing entered herein on February 21, 1942, and served on said defendant on February 27, 1942, and the place of said hearing having been changed to the Community Room of the City Hall, Altoona, Pennsylvania, pursuant to an Order of the Acting Director entered herein on March 5, 1942; and

A petition dated March 7, 1942, having been filed by the defendant with the Division on March 9, 1942, praying that the time within which to file its answer and that the time within which to file its application based upon admissions for the disposition of the above-entitled matter without formal hearing, pursuant to § 301.132 of the Rules and Regulations of the Division, be extended for a period of thirty (30) days, and that the hearing in the above-entitled matter be continued until some convenient time thereafter; and

The Acting Director deeming it advisable that said petition should be granted in part and denied in part as hereinafter set forth;

Now, therefore, it is ordered, That the time within which said defendant may file a verified application based upon admissions for disposition of the above-entitled matter without formal hearing pursuant to said § 301.132 of the Rules of Practice and Procedure Before the Division, be and the same hereby is extended to and including March 28, 1942; and

It is further ordered, That the time within which said defendant must file its answer herein be and the same hereby is extended to March 28, 1942: *Provided, however,* That if an application is filed by said defendant pursuant to said § 301.132, the time within which said defendant must file its answer herein shall be, and it hereby is, extended to ten (10) days from the date of final disposition of said application by the Division, pursuant to § 301.132 (f) of the said Rules of Practice and Procedure Before the Division; and

It is further ordered, That the hearing in the above-entitled matter be and the same hereby is postponed from March 26, 1942, at 10 a. m., at the Community Room of the City Hall at Altoona, Pennsylvania, to April 16, 1942, at 10 a. m., before the officer or officers previously designated to preside at such hearing, at a hearing room of the Bituminous Coal Division at Room 118, Fifth Floor of Colonial Hotel, Altoona, Pennsylvania.

Dated: March 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2488; Filed, March 23, 1942; 10:38 a. m.]

[Docket No. 1609-FD]

HANNA COAL SALES COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 3961, RESPONDENT

MEMORANDUM OPINION AND ORDER APPROVING AND ADOPTING, WITH MODIFICATIONS, THE PROPOSED FINDINGS OF FACT AND PROPOSED CONCLUSIONS OF LAW OF THE EXAMINER AND SUSPENDING REGISTRATION

This proceeding was instituted by the Bituminous Coal Division, pursuant to Section 304.14 of the Rules and Regulations for the Registration of Distributors, to investigate and determine whether the Hanna Coal Sales Company, a registered distributor (Registration No. 3961), 1300 Leader Building, Cleveland, Ohio, has violated certain provisions of the Bituminous Coal Act of 1937, the Marketing Rules and Regulations Incidental to the Sale and Distribution of Coal, the Rules and Regulations for the Registration of Distributors, and the Agreement by Registered Distributor signed by Hanna on June 20, 1939.

A Notice of and Order for Hearing was duly issued and the respondent filed an answer;

Pursuant to appropriate Orders and after due notice to all interested per-

sons, a hearing in this matter was held on May 28 and 29 and June 3 to 7, 1941, inclusive, before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The respondent appeared and subsequently filed with the Examiner its proposed findings of fact and proposed conclusions of law and a brief.

On February 6, 1942, the Examiner filed his proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in this matter. The Examiner found that the respondent, both in handling 9,400.35 tons of coal, apparently as sales agent for the Gulf Smokeless Coal Company Laurel Creek Coal Company, and Laurel Smokeless Coal Company, code members in District 7, and Inland Steel Company, a code member in District 8; and 836.25 tons of coal purchased on its own account as a distributor from the Elmer Miller Coal Company, sales agent for the Clear Branch Mining Company and Beaver Coal and Mining Company, code members in District 8, had violated section 4 II (i) 3, 6, and 7 of the Act, Rules 3, 6, and 7 of section XIII and Rule 1 (J) of section VII of the Marketing Rules and Regulations Incidental to the Sale and Distribution of Coal, § 304.12 (b) (3) and (5) of the Rules and Regulations for the Registration of Distributors, and the terms of the Agreement by Registered Distributor, executed by the Hanna Coal Sales Company on June 20, 1939, in that (1) the respondent prepaid freight charges on coal shipped to the J. J. Wallace Coal Company of Chicago, Illinois, a retailer, thereby granting said retailer a discriminatory credit allowance; (2) the respondent, by extending credit for the freight charges so prepaid and by other treatment accorded Wallace, granted credits and extended services and privileges to Wallace not extended to all purchasers under like terms and conditions or in similar circumstances; and (3) the respondent, by relieving Wallace from the necessity of making substantial investments in coal, granted a concession by which Hanna purchased the business of the J. J. Wallace Coal Company;

The Examiner recommended that an order be issued, pursuant to the Act, particularly section 4 II (h) thereof, and the Rules and Regulations for the Registration of Distributors, particularly § 304.14 thereof, providing that the registration of the Hanna Coal Sales Company as a registered distributor, Registration No. 3961, should be suspended for a period of 60 days from the date thereof; that the effect of such suspension should not be evaded directly or indirectly by the use of any device such as a sales agency agreement or any other device; that such suspension should not excuse the Hanna Coal Sales Company from all duties and functions imposed upon it by the Act and the Rules, Regulations, and Orders of the Division; and that such registration should be reinstated only upon condition that five days before the expiration of said 60-day period, the respondent file the affidavit required by § 304.15 of the Rules and Regulations for the Registration of Distributors;

On February 27, 1942, Hanna filed exceptions to the Examiner's Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations, and a supporting brief.

In summary, Hanna excepts to (1) the failure of the Examiner to make certain findings as requested by Hanna, (2) the Examiner's concluding findings of fact and conclusions of law, and (3) the Examiner's findings with reference to the good faith of Hanna in the transactions in question.

The respondent's exception to the Examiner's failure to make certain findings is concerned with findings proposed by the respondent which are based upon the underlying assumption that an agreement entered into between Hanna and Wallace on September 30, 1940, resulted in an arrangement whereby Hanna leased a part of the Wallace coal yard, shipped coal to that yard consigned to its own Inventory Account, and thereafter received payment for said coal as it was sold to Wallace by Wallace's withdrawing same from Hanna's Inventory Account. The Examiner has thoroughly considered these contentions and the facts as found by him and the inferences drawn therefrom are fully supported by the record. It is clear from the record, as found by the Examiner, that the lease by Hanna of part of the Wallace yard was one of form and not of substance, that the coal shipped by Hanna to the Wallace yard was actually shipped to Wallace, and that, except for changes in bookkeeping practices, Hanna continued to sell coal to Wallace after September 30, 1940, substantially as it had prior thereto. A detailed consideration of the facts leading to these conclusions is set forth in the Examiner's Report and repetition thereof is unnecessary. As found by the Examiner, whatever the validity of the September 30, 1940, lease and agreement as between Wallace and Hanna when that arrangement is sought to be squared against the Act and examined for substance rather than form, it is clear that the Hanna-Wallace arrangement subsequent to September 30, 1940, did not meet with the requirements of the Act or the rules and regulations thereunder. In view of the invalidity of Hanna's basic assumption, its exceptions based upon the Examiner's failure to make findings consistent with that assumption must be overruled.

The findings of fact and conclusions of law proposed by Hanna to the Examiner were the subject of careful consideration in the Examiner's report. The respondent has not brought to the attention of the undersigned any facts of record not considered by the Examiner which lead to conclusions different from those arrived at by the Examiner. Upon a review of the record, the rejection by the Examiner of the respondent's contentions appears fully justified.

Hanna contends that even if, for the purposes of argument, proof of technical violations be conceded nonetheless the proceeding should be dismissed because of the proof of the absence of wilfulness. Hanna contends that the Examiner in his Report made no mention of wilfulness and that the Congress did not intend that a distributor should be denied "his right to do business under the Act without proof of wilfulness any more than a code member may be so deprived." Hanna then claims that the evidence indicates that it exercised every effort to arrive at a lawful and proper method of solving the problem of the protection of its Wallace account. Hanna further submits that the Examiner erred in concluding that Hanna's good faith does not excuse its violation.

In this connection, Hanna excepts to the Examiner's failure to find, in summary, that Hanna was informed in September 1940 by its counsel that in order to retain title to coal shipped by it to the Wallace yard, it would be necessary for Hanna to ship the coal to itself for storage for resale on property under its control and that upon such advice Hanna entered into the September 30, 1940, arrangement; that from October 1, 1940, to March 27, 1941, Hanna filed reports with the Statistical Bureaus for Districts 7 and 8 on all coals shipped to the Wallace yard from those districts, respectively; and that on March 27, 1941, after being advised by the Division by letter dated February 1, 1941, that it appeared from the facts available that the Wallace arrangement was in violation of the Marketing Rules, Hanna cancelled the said arrangement, in so far as it related to the storage of coal and, on April 20, 1941, charged Wallace interest on its unpaid March balance. The evidence indicates and I find that Hanna entered into its arrangement of September 30, 1940, with Wallace after consultation with counsel, that Hanna filed reports with the District 7 and 8 Statistical Bureaus, that Hanna was advised by the Division on February 1, 1941, that the Wallace arrangement appeared to be in violation of the Marketing Rules, and that Hanna cancelled its Wallace arrangement of September 30, 1940, on March 27, 1941, and charged Wallace interest on what Hanna considered to be the March balance.

Neither the Act nor the Distributors' Rules requires that in order to suspend or revoke the registration of a registered distributor proof must be made that the distributors' infractions of the Act or rules and regulations thereunder were wilful. However that may be, here the violations committed were wilful. It is clear from the record, as the Examiner found, that the leasing arrangements between Hanna and Wallace do not reflect the true nature of the transaction between the parties and that the coals shipped to the Wallace yard by Hanna were actually shipped to Wallace itself. The effect of the September 30 arrangement, as the parties not only were aware but intended, was to enable Wallace to obtain coals on terms more favorable than those under which coals could be obtained in orthodox purchase and sale transactions. This, in itself, constituted

a doing of something which, the respondent well knew, the Act was designed to prevent. That Hanna had what to it was a good business reason for entering into the September 30 arrangement cannot absolve it from its responsibility for its acts in this respect.

In passing, it should be noted that Hanna, in entering into the September 30 arrangement, sought to avoid what it considered to be the illegality of a previous arrangement it had with Wallace. It thereupon entered into a new arrangement which accomplished all the objectives of the old arrangement in a different form. Yet Hanna did not, with respect to this new arrangement, seek from the Division a ruling as to its legality. Instead, Hanna proceeded to act without such ruling and at its own responsibility, to such an extent that, even though it was advised by the Division on February 1, 1941, that it appeared to be in violation of the Marketing Rules, Hanna did not cancel the Wallace arrangement with respect to coal until March 27. In these circumstances, there is no room to argue "good faith"[1] for the conclusion is inescapable that Hanna wilfully violated the Act and the rules and regulations thereunder.

It should be noted that the Congress, in passing the Act, sought to terminate a chaotic condition in the coal industry brought about, in large part, through price cutting and other trade practices engaged in by producers and distributors, frequently for the purpose of furthering their own business interests. It was this condition which the Act was intended to prevent. The purposes of the Act will not be served by tolerating the continuation of practices which led to its enactment.

I conclude that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner, as modified, are proper, that they should, as modified, be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned, and that the exceptions of the respondent should be overruled.

Now, therefore it is ordered, That the exceptions of the Hanna Coal Sales Company to the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner be, and they hereby are, severally overruled.

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

It is further ordered, That the registration of the Hanna Coal Sales Company as a registered distributor (Registration No. 3961) be, and it hereby is, suspended for a period of sixty (60) days beginning fifteen (15) days after the date of this Order: *Provided, however,* That if the respondent shall not have complied with the provisions of § 304.15 of the Rules and Regulations for the Registration of Distributors at least five days prior to the expiration of said suspension period, said suspension shall continue in full force and effect until five days after the affidavit required by said § 304.15 shall have been filed with the Division.

It is further ordered, That the effect of such suspension shall not be evaded directly or indirectly by the use of any device such as a sales agency agreement or any other device, and that such suspension shall not excuse the Hanna Coal Sales Company from all duties and functions imposed upon it by the Bituminous Coal Act of 1937 and the rules, regulations, and orders thereunder.

Dated: March 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2489; Filed, March 23, 1942; 10:39 a. m.]

Bureau of Reclamation.

SUN RIVER PROJECT, MONTANA

RESERVATION FOR COMMUNITY PURPOSES

FEBRUARY 16, 1942.

THE SECRETARY OF THE INTERIOR.

SIR: The Act of October 5, 1914 (38 Stat. 727), authorizes the Secretary of the Interior to withdraw from other disposition public lands and reserve the same for county parks, public playgrounds, and community centers for use by the residents on Reclamation projects, as authorized under the Act of June 17, 1902 (32 Stat. 388).

The Town Council of the Town of Fairfield, Teton County, Montana, acting for the said town, has filed application in pursuance of the Act of October 5, 1914, supra, that the hereinafter described lands be reserved for community park, public playground, and community center. The area lies within the boundaries of the Greenfields Irrigation District of the Sun River project, Montana, and the said district, by resolution at the regular meeting of its Board of Commissioners on September 2, 1941, adopted a resolution recommending that the said tract be reserved in accordance with the provisions of the Act of October 5, 1914, supra.

It is therefore recommended that the following described land, now withdrawn under the first form as provided by Sec. 3, Act of June 17, 1902 (32 Stat. 388) in connection with the Sun River project, Montana, be withdrawn from other disposition and reserved for a public park, playgrounds and community center under the provisions and conditions of the Act of October 5, 1914, supra, for the benefit of the settlers on the Sun River project, Montana:

SUN RIVER PROJECT

PRINCIPAL MERIDIAN, MONTANA

Beginning at a point from which the quarter section corner between sections 33 and 34, T. 22 N., R. 3 W., P. M., Montana, bears south 85 feet, thence east 150 feet.

From the point of beginning, by metes and bounds;

N. 89°46'W., 980.0 feet;
N. 77°43'W., 653.4 feet;
N. 47°07'E., 1381.4 feet;
S. 25°03' E., 1195.2 feet, to the point of beginning.

The tract as described contains an area of 20 acres.

Respectfully,

JOHN C. PAGE,
Commissioner.

I concur: MARCH 5, 1942.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The lands described are hereby reserved as recommended and the Commissioner of the General Land Office will cause the records of his office and of the district land office to be noted accordingly.

JOHN J. DEMPSEY,
Under Secretary.

MARCH 11, 1942.

[F. R. Doc. 42-2451; Filed, March 21, 1942; 10:26 a. m.]

Office of the Secretary.

RECOMMENDATIONS OF THE BOULDER CANYON PROJECT WAGE BOARD TO THE SECRETARY OF THE INTERIOR IN THE MATTER OF WAGE RATES FOR FOREMEN

Pursuant to the Order[1] of the Secretary of the Interior dated December 6, 1941, and entitled "Wage Fixing Procedures, Boulder Canyon Project", the Boulder Canyon Project Wage Board determined prevailing wage rates for certain classes of laborers and mechanics, and these wage rates were approved by the Secretary of the Interior February 12, 1942, and concurred in by the Secretary of Labor on February 17, 1942

Wage rates for foremen. The Wage Board finds with respect to foremen who do not work with the tools of the trade that there is a prevailing differential between wages paid to foremen and wages paid to laborers and mechanics, namely, that foremen receive not less than twelve and one-half cents per hour in excess of the rate paid to the workers they supervise. The Wage Board recommends that the basic hourly wage rate for foremen employed by the Government on this project be fixed at twelve and one-half cents per hour in excess of the basic hourly rate established for the classification of labor supervised.

It is the understanding of the Wage Board that Bureau of Reclamation employees paid in accordance with this schedule will receive overtime pay on a

[1] Hanna excepted to the Examiner's statement that "Hanna's good faith * * * does not excuse Hanna's violation." Properly construed in its context I do not think this statement reflects a position inconsistent with the above. However that may be, the basis for my conclusion is as here stated, and to that extent the Examiner's Report is hereby modified.

[1] 7 F.R. 1515.

basis of one and one-half times the basic hourly rate for all time worked in excess of forty hours in any one week. Refer to 40-hour week act (Sec. 23, Act of March 28, 1934; 48 Stat., 522).

Effective date. The Wage Board recommends that these recommendations be made effective as of the close of business December 15, 1941.

The foregoing recommendations approved and adopted by the Boulder Canyon Project Wage Board this tenth day of March, 1942.

DUNCAN CAMPBELL,
Chairman.
C. A. BISSELL,
Member.

Approved: MARCH 13, 1942.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 42-2456; Filed, March 21, 1942; 10:26 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

[Docket No. AO 164]

NOTICE OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER REGULATING THE HANDLING OF ORANGES GROWN IN THE STATE OF CALIFORNIA OR IN THE STATE OF ARIZONA

Notice is hereby given of a hearing to be held in Patriotic Hall, 1816 South Figueroa Street, Los Angeles, California, beginning at 10:00 a. m., P. W. T., April 13, 1942, with respect to a proposed marketing agreement and proposed order regulating the handling of oranges grown in the State of California or in the State of Arizona.

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 (a) as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and (b) as to the specific provisions which a marketing agreement and order should contain.

The marketing agreement and order provide for (1) the establishment of a growers' control board of six members and for the appointment of a manager to administer the terms and provisions of the marketing agreement and order; (2) the regulation of oranges grown in the States of California and Arizona by limiting the quantity which may be shipped during specified periods; (3) the fixing of the total quantity of such oranges which each handler thereof has available for current shipment during the marketing season for each variety of oranges and allotting the total quantity which may be handled during a specified period among such handlers upon the basis of the quantity each such handler has available for current shipment.

In addition to those provisions and the provisions necessary and incidental to the operation of a marketing agreement and order providing for regulation by volume, at the suggestion of representatives of the industry, provisions have been included which would authorize the regulation of such oranges by limiting the shipment thereof to particular grades and sizes during a specified period and for determining the existence and extent of the surplus of such oranges and the method to be followed in providing for the control and disposition of such surplus.

Provisions are also included for the establishment of separate prorate districts, the making of reports on shipments, and the levying of assessments upon handlers of such oranges to pay the cost of administering the marketing agreement and order.

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

GROVER B. HILL,
Assistant Secretary of Agriculture.

Dated: MARCH 23, 1942.

[F. R. Doc. 42-2509; Filed, March 23, 1942; 11:57 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective March 23, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Artcraft Leather Novelty Company, 20 West 22d Street, New York, N. Y.; Leather Picture Frames; 2 learners; 8 weeks for any one learner; 30 cents per hour; Picture Frame Maker; June 15, 1942.

Canvas Products Corporation, 19-23 E. McWilliams St., Fond du Lac, Wisconsin; Miscellaneous canvas, Leather & Apparel Specialties; 9 learners; 8 weeks for any one learner; 30 cents per hour; Sewing Machine Operator, Presser, Cutter; August 10, 1942.

G. M. Garabedian & Co., Church & Main Sts., Thorndike, Mass., Cotton Rag Rugs; 3 learners; 6 weeks for any one learner; 30 cents per hour; Weaver, Braider, Skeiner and Sewing Machine Operator; June 29, 1942.

Signed at New York, N. Y., this 21st day of March 1942.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-2496; Filed, March 23, 1942; 10:45 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite

the employer's name. These Certificates become effective March 23, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Bostonia Coat Company, Inc., 68 Harrison Avenue, Boston, Massachusetts; Men's Topcoats; 5 learners (T); March 23, 1943.

New England Sports Wear Company, 3–9 Foster Street, Peabody, Massachusetts; Leather Garments; 5 learners (T); March 23, 1943.

Newtowne Manufacturing Company, 33 Simmons Street, Roxbury, Massachusetts; Rainwear of Gabardine Type; 8 learners (T); March 23, 1943.

Weil-Kalter Manufacturing Company, Washington & Lafayette Streets, Millstadt, Illinois; Woven Underwear, Knit Underwear; 10 percent (T); March 23, 1943.

Whitewater Garment Company, 206 Whitewater Street, Whitewater, Wisconsin; Rainwear, Sport Clothing; 5 learners (T); March 23, 1943.

Single Pants, Shirts and Allied Garments and Women's Apparel Industries

Addison Underwear Co., Inc., 112 Madison Avenue, New York, N. Y.; Woven Lingerie; 10 percent (T); July 6, 1942.

Angeles Apparel Company, 834 South Broadway, Los Angeles, California; House Coats, Blouses, Slack Suits, Slacks & Play Clothes; 5 learners (T); March 23, 1943.

C. A. Baltz and Sons, Salem, New York; Men's Pajamas; 10 percent (T); March 23, 1943.

Blue Bell-Globe Manufacturing Company, 301–309 N. Main Street, Abingdon, Illinois; Overalls; 10 percent (T); March 23, 1943.

Bo-Peep Manufacturing Company, Inc., 64 West 36th Street, New York, N. Y.; Infants' & Children's Wear; 10 percent (T); August 10, 1942.

H. Bomze and Brothers, 3111 W. Allegheny Avenue, Philadelphia, Pennsylvania; Women's Rayon & Cotton Dresses; 10 percent (T); March 23, 1943.

Braeburn Manufacturing Company, 302 West 9th Street, Kansas City, Missouri; Ladies' Sportswear; 6 learners (E); September 23, 1942.

Carefree Wear Company, 1706 Washington Avenue, St. Louis, Missouri; Ladies' Playsuits, Slack Suits, Separate Shirts, Dresses and Blouses; 5 learners (T); March 23, 1943.

Charnale Company, 333 South Market Street, Chicago, Illinois; Women's Slips & Blouses; 3 learners (T); March 23, 1943.

Classic City Overall Company, Inc., Foundry Street, Athens, Georgia; Overalls, Government Pants; 10 percent (T); March 23, 1943.

The Dayton Dress Company, 38 W. Fifth Street, Dayton, Ohio; House Dresses; 10 percent (T); March 23, 1943.

DeGarcy-Aquilla, Inc., 38 E. 32d St., New York, N. Y.; Ladies' Underwear; 6 learners (T); July 6, 1942.

Eagle Brothers, 108–110 S. Main Street, Mahanoy City, Pennsylvania; Boys' & Men's Shirts; 10 percent (T); March 23, 1943.

F. & B. Finishing Company, 11 Tompkins Street, Pittston, Pennsylvania; Dresses; 10 learners (T); March 23, 1943.

Fashion Foundations, Inc., 37 W. 26th Street, New York, N. Y.; Corsets, Brassieres, Girdles; 10 percent (T); July 6, 1942.

Figure Builder Foundations, Inc., 683 Broadway, New York, N. Y.; Corsets, Girdles, etc., 10 percent (T); August 10, 1942.

Fisch & Company, Ltd., 2816 S. San Pedro Street, Los Angeles, California; Shirts, Jackets, Slacks; 10 percent (T); March 23, 1943.

Franklin Manufacturing Company, Inc., 175 Lincoln Street, Manchester, New Hampshire; 10 learners (T); March 23, 1943. (Women's Cotton & Rayon Dresses)

Gort Girls Frocks, Inc., 75 Stark Street, N. E., Wilkes-Barre, Pennsylvania; Children's Dresses, Children's Playclothes; 10 percent (T); March 23, 1943.

Hutchins Manufacturing Company, Inc., 112–114 Conyers Street, Lithonia, Georgia; Misses', Ladies' & Women's Dresses; 5 learners (T); March 23, 1943.

Imperial Manufacturing Company, 524 Broadway, New York, N. Y.; Bandeaux, Girdles & Corselettes; 10 percent (T); July 6, 1942.

La Vivante Foundations, Inc., 11 West 32d Street, New York, N. Y.; Corsets; 2 learners (T); July 6, 1942.

D. Lazar and Sons, 430 1st Avenue, N., Minneapolis, Minnesota; Men's Trousers and Breeches, Boys' Longies & Breeches; 2 learners (T); March 23, 1943.

Lin-Dol Dress Company, 226 S. 11th Street, Philadelphia, Pennsylvania; Cotton Dresses; 5 learners (T); March 23, 1943.

Lomar Manufacturing Company, 1304 Race Street, Philadelphia, Pennsylvania; Men's Pajamas and Sport Shirts; 5 learners (T); March 23, 1943.

Manistee Garment Company, 77 Hancock Street, Manistee, Michigan; House Dresses; 5 percent (T); March 23, 1943.

Marvel Sportwear Company, 1 Junius Street, Brooklyn, New York; Washable Service Apparel; 10 learners (T); July 6, 1942.

Middletown Underwear Company, Inc., 14 Montgomery Street, Middletown, New York; Ladies' Underwear & Nightwear; 10 percent (T); March 23, 1943.

Miller Brothers, 47 Thames Street, Brooklyn, New York; Children's Wear; 10 learners (T); July 6, 1942.

Miller Corsets, Inc., 10 Chapin Street, Canandaigua, New York; Foundation Garments; 10 learners (T); March 23, 1943.

Modern Dress Company, 1427 Vine Street, Philadelphia, Pennsylvania; Ladies' Blouses & Sportswear; 10 percent (T); March 23, 1943.

Modern Form Foundations, Inc., 650 6th Avenue, New York, N. Y.; Girdles & Brassieres, Neckwear; 10 percent (T); July 6, 1942.

Mt. Carmel Manufacturing Company, 5th and Walnut Streets, Mt. Carmel, Pennsylvania; Boys' Shirts; 6 learners (T); March 23, 1943.

A. Oestreicher, 8 South Street, Wilkes-Barre, Pennsylvania; Infants' & Children's Wear; 10 learners (T); March 16, 1943. (This certificate effective 3–16–42.)

Perfect Garment Company, Inc., 52 12th Street, Fall River, Massachusetts; Ladies' Wash Garments; 10 percent (T); March 23, 1943.

Phillips-Lester Manufacturing Co., Inc., 2300 1st Avenue, N., Birmingham, Alabama; Overalls, Jackets, Work Trousers; 10 percent (T); March 23, 1943.

The Poisefair Company, Inc., 44 E. 32d Street, New York, N. Y.; Girdles & Brassieres; 10 percent (T); July 6, 1942.

Ribbon Products Corporation, 454 N. Parkside Avenue, Chicago, Illinois; Ladies' Blouses, Neckwear, Ribbon Rosebuds; 10 percent (T); March 23, 1943.

S. I. Novelty Company, Inc., 2961 Atlantic Avenue, Brooklyn, New York; Beachwear for Children, Snow Suits, Overalls, Shirts; 10 learners (T); July 6, 1942.

S & Z Manufacturing Company, 230 South Franklin Street, Chicago, Illinois; Lingerie; 5 percent (T); March 23, 1943.

Salant and Salant, Inc., Parsons, Tennessee; Cotton Work Shirts; 90 learners (E); September 23, 1942.

Salant & Salant, Inc., Washington Street, Paris, Tennessee; Cotton Work Shirts; 60 learners (E); September 23, 1942.

Silverstine Garment Company, 213 W. Institute Place, Chicago, Illinois; Cotton Dresses; 10 percent (T); March 23, 1943.

Solomon Manufacturing Company, 1233 Washington Avenue, St. Louis, Missouri; Junior Dresses; 10 learners (E); September 23, 1942.

Star Novelty Company, Inc., 477 Broadway, New York, N. Y.; Overalls; 10 learners (T); March 23, 1943.

A. Stein, 621 Broadway, New York, N. Y.; Ladies' Slips, Children's Slips; 8 learners (E); August 10, 1942.

Oscar Stowens, Cutler Street, Hackettstown, New Jersey; Nightgowns & Slips; 5 learners (T); March 23, 1943.

Ted's Sportswear, 121 N. 7th Street, Philadelphia, Pennsylvania; Cotton Dresses; 2 learners (T); March 23, 1943.

Triangle Underwear Corporation, 135 Madison Avenue, New York, N. Y.; Ladies' Slips, Ladies' Gowns; 10 percent (T); August 10, 1942.

Uni Sportswear Company, 210 West Van Buren Street, Chicago, Illinois; Jackets, Shirts & Robes; 5 learners (T); September 23, 1942.

Valley Garment Company, 701 Marshall Street, McMechen, West Virginia; Ladies' Cotton Dresses and Sportswear; 10 percent (T); March 23, 1943.

Vanity Corset Company, Inc., 16 E. 34th Street, New York, N. Y.; Foundation Garments, Corsets; 10 learners (T); August 10, 1942.

Vido Manufacturing Corporation, 38 W. 21st Street, New York, N. Y.; Ladies' Slips; 10 learners (T); July 6, 1942.

Waterbury Garment Corporation, 313 Mill Street, Waterbury, Connecticut;

Ladies' Garments; 10 percent (T); March 23, 1943.

William S. Wismer Clothing Factory, Main Street, Silverdale, Pennsylvania; Men's Trousers; 10 percent (T); March 23, 1943.

Gloves

Richmond Glove Corporation, 601 N. D. Street, Richmond, Indiana; Work & Knit Fabric Gloves; 5 percent (T); March 23, 1943.

Hosiery

Crewe Hosiery Company, Inc., Crewe, Virginia; Full Fashioned Hosiery; 10 percent (T); March 23, 1943.

Knitted Wear

E-Z Mills, Inc., 119 Scott Street, Bennington, Vermont; Knitted Underwear; 10 learners (T); March 23, 1943.

Knitting Department, Trion Company, Trion, Georgia; Knitted Underwear & Commercial Knitting; 3 learners (T); March 23, 1943.

Vogue Knitting Company, Inc., 2d and Jefferson Streets, Womelsdorf, Pennsylvania; Knitted Underwear; 5 learners (T); March 23, 1943.

Wilson Brothers, 1008 W. Sample Street, South Bend, Indiana; Knitted Underwear & Outerwear; 10 learners (E); September 23, 1942.

Textile

Central Falls Manufacturing Company, Central Falls, North Carolina; Rayon Piece Goods; 10 learners (T); March 23, 1943.

Riverside Mills, 1 Kollock Street, Augusta, Georgia; Cotton Waste Yarn, Machined Yarn; 8 learners (T); March 23, 1943.

Virginia Mills, Inc., Swepsonville, North Carolina; Rayon Crepes, Cotton & Rayon Upholstery & Drapery Cloth; 14 learners (T); March 23, 1943.

Wyoming Textile Company, 373 High Street, Wilkes-Barre, Pennsylvania; Silk & Rayon & Nylon Weaving; 3 percent (T); March 23, 1943.

Signed at New York, N. Y., this 21st day of March 1942.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-2494; Filed, March 23, 1942; 10:46 a. m.]

NOTICE OF ORAL REARGUMENT BEFORE THE ADMINISTRATOR IN THE MATTER OF THE RECOMMENDATIONS OF INDUSTRY COMMITTEE NO. 37 FOR MINIMUM WAGES IN THE CIGAR INDUSTRY

Whereas a hearing was held on January 13 and 14, 1942, before Major Robert N. Campbell, as Presiding Officer, at which all persons interested in the report and recommendation of Industry Committee No. 37 for the fixing of minimum wages in the Cigar Industry were given an opportunity to be heard and to offer evidence bearing thereon; and

Whereas the complete record of said hearing and the written briefs subsequently submitted have been transmitted to the present Administrator; and

Whereas oral argument was had before former Administrator Thomas W. Holland, on February 17, 1942, and the transcript of said oral argument has been transmitted to the present Administrator.

Now, therefore, notice is hereby given:

That the Administrator will hear oral reargument upon the complete record of said hearing on April 1, 1942, at 10:00 a. m., in Room 1610, 165 West 46th Street, New York, N. Y., by any person who entered an appearance at said hearing, provided that on or before April 1, 1942, such person notifies the Wage and Hour Division of his intention to offer oral argument and of the amount of time he will require to make his presentation.

Signed at New York, N. Y., this 20th day of March 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-2495; Filed, March 23, 1942; 10:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6200]

APPLICATION OF GOLDEN GATE BROADCASTING CORP. (KSAN) SAN FRANCISCO, CALIFORNIA, FOR CONSTRUCTION PERMIT

ORDER FOR SUPPLEMENTARY HEARING

It is ordered, On the Commission's own motion this 17th day of March, 1942, that the notice of issues heretofore released on the application in Docket No. 6200 be, and it is hereby, supplemented, as follows:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine what broadcast service is already available to the new areas and populations which would receive primary service as a result of the proposed change in facilities.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

By the Commission, Norman S. Case, Commissioner.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-2445; Filed, March 21, 1942; 10:33 a. m.]

[Docket No. 6241]

APPLICATION OF BROADCASTERS, INC. (NEW) SAN JOSE, CALIFORNIA, FOR CONSTRUCTION PERMIT

ORDER FOR SUPPLEMENTARY HEARING

It is ordered, On the Commission's own motion this 17th day of March, 1942, that the notice of issues heretofore released on the application in Docket 6241 be, and it is hereby, supplemented, as follows:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine the areas and populations which would receive primary service from the proposed station and what broadcast service is available to such areas and populations.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

By the Commission, Norman S. Case, Commissioner.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-2446; Filed, March 21, 1942; 10:33 a. m.]

[Docket No. 6242]

APPLICATION OF SAN JOSE BROADCASTING COMPANY (NEW) SAN JOSE, CALIFORNIA, FOR CONSTRUCTION PERMIT

ORDER FOR SUPPLEMENTARY HEARING

It is ordered, On the Commission's own motion this 17th day of March, 1942, that the notice of issues heretofore released on the application in Docket No. 6242 be, and it is hereby, supplemented, as follows:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine the areas and populations which would receive primary service from the proposed station and what broadcast service is available to such areas and populations.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

By the Commission, Norman S. Case, Commissioner.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-2447; Filed, March 21, 1942; 10:33 a. m.]

[Docket No. 6243]

APPLICATION OF LUTHER E. GIBSON (NEW), VALLEJO, CALIFORNIA, FOR CONSTRUCTION PERMIT

ORDER FOR SUPPLEMENTARY HEARING

It is ordered, On the Commission's own motion this 17th day of March, 1942, that the notice of issues heretofore released on the application in Docket No. 6243 be, and it is hereby, supplemented, as follows:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine the areas and populations which would receive primary service from the proposed station and

what broadcast service is available to such areas and populations.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

By the Commission, Norman S. Case, Commissioner.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2448; Filed, March 21, 1942; 10:33 a. m.]

[Docket No. 6293]

IN THE MATTER OF CHARGES, REGULATIONS AND PRACTICES, OF THE WESTERN UNION TELEGRAPH COMPANY WITH RESPECT TO DELIVERY OF DOMESTIC TELEGRAMS TO CLOSED OFFICE POINTS

INVESTIGATION AND HEARING

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 17th day of March, 1942;

It appearing, that The Western Union Telegraph Company has filed with the Commission a tariff schedule stating new regulations with respect to delivery of telegrams to "closed office points", to become effective on March 20, 1942, designated as follows: The Western Union Telegraph Company, Tariff F. C. C. No. 176, 3rd Revised Page 33, Paragraph X (c) of Rule 8;

It further appearing, that said schedule might have the effect of adding a new and additional charge with respect to the delivery of telegrams; that said schedule does not appear to be in conformance with the Commission's Rules and Regulations; that the interests of the public may be injuriously affected by the regulations stated therein; and it being the opinion of the Commission that the effective date of said schedule should be postponed pending hearing and decision concerning the lawfulness of the regulations stated therein, and the related charges, regulations and practices;

It is ordered, That the Commission upon its own motion without formal pleading, enter upon a hearing concerning the lawfulness of the regulations stated in said schedule, namely, paragraph X (c) of Rule 8 of 3d Revised Page 33 of The Western Union Telegraph Company Tariff F. C. C. No. 176;

It is further ordered, That the operation of the regulations contained in said schedule be suspended and that the use thereof be deferred until three months beyond the time when they would otherwise go into effect, unless otherwise ordered by the Commission; and during the said period of suspension, no change shall be made in such regulations, or in the charges, regulations and practices thereby sought to be altered, unless otherwise authorized by special permission of the Commission;

It is further ordered, That an investigation be, and the same is hereby instituted into the lawfulness of the charges, regulations, and practices of The Western Union Telegraph Company for and in connection with the delivery of interstate domestic telegrams to "closed office points";

It is further ordered, That a copy of this order be filed with said schedule in the office of the Federal Communications Commission, that copies hereof be forthwith served upon the carrier parties to such schedule, and that said carrier parties to such schedule be, and they are hereby made respondent to this proceeding;

It is further ordered, That this proceeding be, and the same is hereby assigned for hearing at 10 a. m., beginning on the 21st day of April, 1942, at the offices of the Federal Communications Commission in Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2449; Filed, March 21, 1942; 10:34 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5772]

IN THE MATTER OF CENTRAL ILLINOIS PUBLIC SERVICE COMPANY

ORDER POSTPONING HEARING

MARCH 21, 1942.

It appearing to the Commission that: (a) On March 20, 1942, Central Illinois Public Service Company filed a response to the Order to Show Cause adopted by the Commission in the above-entitled matter on February 20, 1942;

(b) In the response to the Order to Show Cause, Central Illinois Public Service Company represents that it proposes to make certain further studies and analyses for the purpose of determining and reclassifying the original cost of its property in accordance with the requirements of the Commission's Uniform System of Accounts and its order of May 11, 1937;

(c) In order to prepare the further studies and analyses, Central Illinois Public Service Company requests that the hearing set for March 23, 1942, in Springfield, Illinois, by the order of February 20, 1942, be indefinitely postponed;

The Commission *orders* that: The hearing in the above-entitled matter heretofore set for March 23, 1942, in the offices of the Illinois Commerce Commission in Springfield, Illinois, be and the same is hereby indefinitely postponed, subject to such further orders the Commission may make with respect thereto.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 42-2499; Filed, March 23, 1942; 11:45 a. m.]

PETROLEUM COORDINATOR FOR NATIONAL DEFENSE.

TANKER COORDINATING BOARD, ESTABLISHMENT AND FUNCTIONS

Pursuant to the President's letter of May 28, 1941,[1] establishing the Office of Petroleum Coordinator for National Defense for the purpose, among others, of coordinating the Federal functions relating to petroleum problems by joint cooperative action with Federal departments and agencies exercising such functions there is hereby established a Tanker Coordinating Board. The members of the Board shall be the following: Ralph K. Davies, Deputy Petroleum Coordinator for National Defense, B. Brewster Jennings, of the United States Maritime Commission, Commander W. M. Callaghan, of the Department of the Navy, E. Holman, J. R. Parten, and a member to be named from District 5.

Nothing in this Order shall be construed as being in opposition to the provisions of Executive Order No. 9054,[2] of February 7, 1942, creating the War Shipping Administration.

Mr. Davies shall be Chairman of the Board, and Mr. Jennings shall be Vice-Chairman thereof. The members of the Board shall serve without compensation as such, but shall be entitled to be reimbursed for their actual and necessary transportation, subsistence, and other expenses incidental to the performance of their duties. The Deputy Petroleum Coordinator is authorized to appoint and fix the compensation of an Executive Secretary to the Board and such other personnel as may be necessary, with the approval of the Petroleum Coordinator.

The Tanker Coordinating Board shall direct its policies and operations toward the coordination of all effort bearing on the distribution and most efficient utilization of tanker transportation capacity owned, operated or controlled by, or under contract to, American companies, their affiliates and subsidiaries, excluding, however, tanker capacity requisitioned for war, defense, or other governmental purposes. The functions of the Tanker Coordinating Board shall be exercised with reference to tankers operated in the Western Hemisphere.

To this end, the Tanker Coordinating Board shall:

(1) Obtain from Federal agencies and, through the industry committees designated by this Office or otherwise, from the petroleum and allied industries, information concerning (a) the military and essential civilian needs for crude petroleum and the products thereof, (b) the tanker capacity required to supply petroleum transportation requirements, (c) the current amount, type, availability, and location of tanker capacity used or usable for the transportation of petroleum, and (d) the prior use of tanker capacity for supplying crude petroleum and the products.

(2) Determine the deficiency or surplus in tanker capacity available or which can be made available for the transportation of crude petroleum and the products thereof.

(3) Devise and prepare plans for the distribution and most efficient utilization of available tanker capacity.

In accomplishing the objectives above set out, the Tanker Coordinating Board shall:

(4) Assemble and analyze all pertinent statistical and other data and information available from any source.

[1] 6 F.R. 2760.

[2] 7 F.R. 837.

(5) Plan the distribution and utilization of tanker capacity available for the service of essential petroleum requirements in the Western Hemisphere on an equitable basis between all markets and elements of the petroleum industry therein and in accordance with principles to be formulated and issued by the Office of Petroleum Coordinator, or other governmental agencies having jurisdiction.

(6) In devising plans for the distribution and utilization of tanker capacity as hereinbefore directed, prescribe such schedules and formulas essential to obtaining the desired objectives in such detail that the effectuation of such plans will require, on the part of the committees or subcommittees having responsibility therein and the persons and companies affected thereby, only the mechanical and ministerial functions of making the necessary statistical calculations and scheduling tanker capacity in accordance therewith.

(7) Make, from time to time, to the appropriate governmental agency or agencies such recommendations as it may deem necessary or desirable.

In carrying out the functions hereinbefore prescribed, the Tanker Coordinating Board may:

(8) Create and establish, with the approval of the Deputy Petroleum Coordinator, such committees or subcommittees within the petroleum industry as are essential to the performance of its duties.

(9) Direct any such committees or subcommittees to gather and obtain such statistical and other data and information as the Tanker Coordinating Board may deem pertinent.

Pursuant to the authority contained in the President's letter of May 28, 1941, the Petroleum Coordinator will, upon his approval of a request by the Tanker Coordinating Board, make provision for necessary supplies, facilities, and services and for actual and necessary transportation, subsistence, and other expenses incidental to the performance of the duties of the Tanker Coordinating Board.

The Tanker Control Board is hereby abolished, and its personnel, records and property transferred to the Tanker Coordinating Board.

HAROLD L. ICKES,
Petroleum Coordinator
for National Defense.

MARCH 16, 1942.

[F. R. Doc. 42-2468; Filed, March 21, 1942; 12:43 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-455]

IN THE MATTER OF NORTHEASTERN WATER AND ELECTRIC CORPORATION, DENIS J. DRISCOLL AND WILLARD L. THORP, AS TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORPORATION, APPLICANTS-DECLARANTS

SUPPLEMENTAL ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania on the 19th day of March, A. D. 1942.

The Commission having previously entered its order herein on March 3, 1942, which order permitted the declarations to become effective and granted the applications herein, and which order approved a plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 and directed the taking of steps to carry out said plan;

Applicants-declarants having, on March 16, 1942 filed a supplemental Amendment to said declaration and application, said Amendment being Amendment No. 3, in which Amendment it is stated that there are to be no adjustments in the purchase price of $1,500,000 for the securities of certain companies operating in Ohio, which securities pursuant to said plan are being transferred by Northeastern Water and Electric Corporation to Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation.

Applicants-declarants having further, in said amendment, requested that the Commission amend its order for the purpose of specifically indicating the securities to be transferred as aforesaid for the said consideration; and

Applicants having further represented that said proposed transfers have been approved by the United States District Court for the Southern District of New York; and

Applicants having further requested that an order of the Commission be entered specifically directing said Denis J. Driscoll and Willard L. Thorp, as Trustees of aforesaid, to carry out the provisions of said order, and having requested that said order require that all steps necessary to carry out said plan be taken on or before July 1, 1942;

The Commission having examined said Amendment and finding that the taking of the action therein requested is necessary to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and the Commission therefore being of the opinion that said request may appropriately be granted;

It is hereby ordered, pursuant to Section 11 (e) and other applicable provisions of the Public Utility Holding Company Act, that the aforesaid plan pursuant to Section 11 (e) of said Act be and hereby is approved, and specifically, without limiting the generality of the foregoing, Northeastern Water and Electric Corporation is hereby directed to sell to Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, on or before July 1, 1942, and said trustees are hereby directed to acquire from said Northeastern Water and Electric Corporation, on or before July 1, 1942, the following securities, being all the securities of General Utilities Company, The Ohio Northern Public Service Company and Western Reserve Power and Light Company, (the last mentioned company, in turn, owns all the securities of New London Power Company), all of said four last named companies being incorporated under the laws of, and operating in, the state of Ohio:

The General Utilities Company:
900 shares of Common Stock of the par value of $100 each.
$200,000, principal amount, First Mortgage 6½% Sinking Fund Bonds, Series A, matured July 1, 1936.
$332,321.88, principal amount, 7% Demand Promissory Note, dated August 15, 1934.
$6,000, principal amount, 6% Demand Promissory Note, dated March 9, 1936.
$11,000, principal amount, 6% Demand Promissory Note, dated May 12, 1936.
$11,000, principal amount, 6% Demand Promissory Note, dated August 11, 1936.
$51,271.76, principal amount, 7% Demand Promissory Note, dated October 1, 1936.
$14,804.74, principal amount, 7% Demand Promissory Note, dated October 1, 1936.
$159,569.17, principal amount, 7% Demand Promissory Note, dated October 1, 1936.
$7,258.26, principal amount, 6% Demand Promissory Note, dated August 6, 1937.
$10,000, principal amount, 6% Demand Promissory Note, dated August 6, 1937.

The Ohio Northern Public Service Company:
1,930 shares of Common Stock of the par value of $100 each.
$102,600, principal amount, First Mortgage and Refunding Gold Note (6%) payable on demand.

The Western Reserve Power and Light Company:
1,000 shares of Common Stock without par value.
$175,000, principal amount, 7% Demand Promissory Note dated August 15, 1934.
$25,000, principal amount, 6% Demand Promissory Note, dated July 6, 1936.

Said securities are to be sold by said Northeastern Water and Electric Corporation and acquired by said Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, for a consideration of $1,500,000.

It is further ordered, That nothing herein contained shall modify or affect any provisions of the Commission's Order of March 3, 1942 not within the subject matter of this order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2466; Filed, March 21, 1942; 12:30 p. m.]

[File No. 70-505]

IN THE MATTER OF THE UNITED CORPORATION

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 20th day of March 1942.

The United Corporation, a registered holding company, having filed a declaration, and an amendment thereto, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the reduction in the stated value of its outstanding 2,488,712⅛ shares of $3 Cumulative Preference Stock from $50 per share, as presently stated, to $5 per share; and

A public hearing having been held upon such declaration, as amended, after appropriate notice, and the Commission having considered the record and made and filed its Findings and Opinion herein;

It is ordered, That said declaration, as amended, be and the same hereby is permitted to become effective, subject to the terms and conditions prescribed in Rule U-24 and to the following further conditions:

(1) Without the prior approval of the Commission, no charge whatsoever shall be made to the account totalling $111,-992,047.50 to be designated as capital surplus arising from the reduction in the stated value of the outstanding 2,488,-712½ shares of $3 Cumulative Preference Stock from $50 per share, as presently stated, to $5 per share;

(2) The solicitation of the security holders of The United Corporation with respect to the approval of the reduction in the stated value of the Preference Stock and the accompanying restrictions to the capital surplus arising therefrom shall be submitted to the Commission for its approval pursuant to the applicable provisions of the Act and the Rules thereunder, jurisdiction being reserved for this purpose.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2467; Filed, March 21, 1942; 12:30 p. m.]

[File No. 70-504]

IN THE MATTER OF THE MILWAUKEE ELECTRIC RAILWAY & TRANSPORT COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 20th day of March, A. D. 1942.

The above named party, a direct subsidiary of Wisconsin Electric Power Company and an indirect subsidiary of The North American Company, a registered holding company, having filed a declaration pursuant to Rule U-42 promulgated under section 12 of the Public Utility Holding Company Act of 1935, regarding the partial liquidation of its capital obligations by the redemption, at par, of $500,000 principal and par amount of its First Mortgage 4% Bonds; Wisconsin Electric Power Company being the owner of all of the outstanding securities of said party; such securities consisting of $9,700,000 principal amount of 4% bonds which are pledged under Wisconsin Electric Power Company's mortgage, dated October 28, 1938, and $24,300,000 of common stock which is a free asset; and

The declaration having been filed on February 19, 1942, and notice of said filing having been duly given in the form and in the manner prescribed by Rule U-23 promulgated under the Act, and the Commission not having received a request for a hearing with respect to the declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the declaration, to become effective and finding with respect thereto that the transaction of said party in its own securities is not objectionable under Rule U-42; and

The Commission being satisfied that the date of permitting the declaration to become effective should be advanced;

It is hereby ordered, Pursuant to said Rule U-23 and Rule U-42 promulgated under the Act and the applicable provisions of the Act, that the aforesaid declaration be and the same hereby is permitted to become effective forthwith; subject, however, to the terms and conditions prescribed in Rule U-24 promulgated under the Act.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2472; Filed, March 23, 1942; 9:35 a. m.]

[File No. 70-508]

IN THE MATTER OF UNION ELECTRIC COMPANY OF MISSOURI AND UNION ELECTRIC COMPANY OF ILLINOIS

ORDER APPROVING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE AND POSTPONING ACTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 21st day of March, A. D. 1942.

Union Electric Company of Missouri, a registered holding company and a subsidiary of The North American Company, also a registered holding company, and Union Electric Company of Illinois, a subsidiary of Union Electric Company of Missouri, having filed a joint application and declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 7, 10, 12 (b) and 12 (d) and Rules U-44 and U-45 promulgated thereunder regarding (1) the proposal by Union Electric Company of Missouri (a) to issue and sell $10,000,000 additional principal amount of its First Mortgage and Collateral Trust Bonds, 3⅜% Series due 1971, and publicly to invite sealed, written proposals for their purchase and to use the proceeds therefrom for new construction and for the purchase of additional common stock of its subsidiary, Union Electric Company of Illinois, (b) to purchase, from time to time during the period ending April 30, 1943, for cash, at the par value thereof, up to 500,000 shares having an aggregate par value of $10,000,000 of additional common stock of Union Electric Company of Illinois and to deposit all shares so purchased with the Trustee under the mortgage securing its First Mortgage and Collateral Trust Bonds, and (c) in the event all necessary steps prerequisite to the issue and sale of the common stock of Union Electric Company of Illinois have not been completed prior to the time when Union Electric Company of Illinois may be in need of additional funds, to advance to Union Electric Company of Illinois, from time to time during the period ending April 30, 1943, sums aggregating up to $1,-000,000, without interest, to be applied against the purchase price of the common stock to be subsequently purchased as set forth in (b) above; and (2) the proposal of Union Electric Company of Illinois (a) to issue and sell to Union Electric Company of Missouri, from time to time during the period ending April 30, 1943, for cash at the par value thereof up to 500,000 shares having an aggregate par value of $10,000,000 of additional common stock and to use the proceeds therefrom for new construction, and (b) in case all necessary steps prerequisite to the issue and sale of its common stock have not been completed prior to the time when it may be in need of additional funds, to borrow from Union Electric Company of Missouri, from time to time during the period ending April 30, 1943, sums aggregating up to $1,000,000, without interest, to be applied against the purchase price of its common stock subsequently sold as set forth in (a) above and to use the proceeds from any such advances for new construction; and

Union Electric Company of Missouri having represented that pursuant to Rule U-50 it will publicly invite proposals for the purchase of the $10,000,000 additional principal amount of its First Mortgage and Collateral Trust Bonds, 3⅜% Series due 1971; and

Said application and declaration having been filed on March 6, 1942, and amendments thereto having been filed on March 14 and 20, 1942, respectively, and a notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application and declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above named applicants and declarants in an amendment filed March 20, 1942 having stated that the proceeds from the sale of the proposed bonds will be used by Union Electric Company of Missouri to purchase for cash, from time to time during the period ending April 30, 1943, up to $10,000,000 additional par value of the capital stock of Union Electric Company of Illinois, the type of capital stock to be purchased and the consideration to be paid therefor being subject to the approvals of regulatory bodies, and having requested by said amendment that action by the Commission on that portion of said application and declaration, as amended, relating to the issuance and sale by Union Electric Company of Illinois to Union Electric Company of Missouri of 500,000 shares of the former's common stock as set forth in (2) (a) in the first paragraph hereof and to the acquisition and pledge by Union Electric Company of Missouri of said stock as set forth in (1) (b) in said paragraph be temporarily postponed; and having further requested that said application, as amended, be approved and said declaration, as amended, be permitted to become effective in all other respects, subject to compliance with the provisions of Rule U-50, on March 21, 1942; and having also requested that the

10 day period prescribed by Rule U-50 (b) relating to the public invitation for proposals for the purchase of the bonds be shortened so that such public invitation could be published on March 23, 1942 and a contract for the purchase of said bonds could be executed on March 30, 1942; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to at this time approve said application, as amended, and to permit said declaration, as amended, to become effective, subject to compliance with the conditions imposed by Rules U-24 and U-50 (c) and to the reservation of jurisdiction over all fees and expenses incurred in connection with the proposed bonds, insofar as the same relates to (1) the proposal of Union Electric Company of Missouri (a) to issue and sell $10,000,000 additional principal amount of its First Mortgage and Collateral Trust Bonds, 3⅜% Series due 1971, and publicly to invite sealed, written proposals for their purchase and to use the proceeds therefrom for new construction and for the purchase of up to $10,000,000 additional par value of the capital stock of its subsidiary, Union Electric Company of Illinois; and (b) in the event all necessary steps prerequisite to the issue and sale of the capital stock of Union Electric Company of Illinois have not been completed prior to the time when Union Electric Company of Illinois may be in need of additional funds, to advance to Union Electric Company of Illinois, from time to time during the period ending April 30, 1943, sums aggregating up to $1,000,000, without interest, to be applied against the purchase price of the capital stock of Union Electric Company of Illinois to be subsequently purchased, and (2) the proposal of Union Electric Company of Illinois in case all necessary steps prerequisite to the issue and sale of its capital stock have not been completed prior to the time when it may be in need of additional funds, to borrow from Union Electric Company of Missouri, from time to time during the period ending April 30, 1943, sums aggregating up to $1,000,000, without interest, to be applied against the purchase price of its capital stock subsequently sold and to use the proceeds from any such advances for new construction; and finding with respect thereto that the requirements of section 7 (c) of said Act are satisfied and that no adverse findings are necessary under section 7 (d) thereof and that the provisions of Rule U-45 have been complied with; and that the 10-day period prescribed by Rule U-50 (c) should be shortened as requested; and that the date of its order should be advanced as requested;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act that said application, as amended, be approved and that said declaration, as amended, be permitted to become effective forthwith as regards only the proposals set forth in the preceding paragraph of this order; subject, however, to the terms and conditions prescribed by Rule U-24 and to the following further condition:

That Union Electric Company of Missouri report to the Commission the results of the competitive bidding as required by Rule U-50 (c) and comply with such supplemental order as the Commission may enter by reason of the facts disclosed thereby; jurisdiction is hereby reserved for such purpose;

It is further ordered, That our action on the proposals set forth in (1) (b) and (2) (a) in the first paragraph of this order be and the same is hereby postponed and jurisdiction over such proposals is hereby reserved.

It is further ordered, That jurisdiction over all fees and expenses incurred in connection with proposed bond issue be and the same is hereby reserved.

By the Commission, (Commissioner Healy dissenting for the reasons set forth in his Memorandum of April 1, 1940).

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2473; Filed, March 23, 1942; 9:35 a. m.]

[File Nos. 59-17, 59-11, 54-25]

IN THE MATTERS OF THE UNITED LIGHT AND POWER COMPANY; THE UNITED LIGHT AND RAILWAYS COMPANY; AMERICAN LIGHT & TRACTION COMPANY; CONTINENTAL GAS & ELECTRIC CORPORATION; UNITED AMERICAN COMPANY; AND IOWA-NEBRASKA LIGHT AND POWER COMPANY, RESPONDENTS, AND THE UNITED LIGHT AND POWER COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS, AND THE UNITED LIGHT AND POWER COMPANY, APPLICANT

NOTICE OF FILING OF RESPONDENTS' APPLICATION NO. 11 AND ORDER RECONVENING HEARING FOR PURPOSE OF CONSIDERING SAID APPLICATION NO. 11

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of March 1942.

The Commission having previously, by order dated March 20, 1941, under section 11 (b) (2) of the Public Utility Holding Company Act of 1935, ordered among other things the dissolution of The United Light and Power Company; and said order having provided that the respondents should make application to the Commission for the entry of such further orders as were necessary or appropriate for that purpose, and the Commission having reserved jurisdiction to enter such further orders as might be necessary or appropriate;

Notice is hereby given that The United Light and Power Company, a registered holding company, has filed on March 18, 1942 an application designated as "Application No. 11", requesting the entry of an order by this Commission under section 11 (c) of the Act extending the time for compliance with our order of March 20, 1941 for a period of one year.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that the hearings herein be reconvened for the purpose of considering said Application No. 11;

It is ordered, That the hearing in this proceeding shall be reconvened at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the Hearing Room Clerk, at 10:00 A. M. on the 30th day of March 1942. All persons desiring to be heard or otherwise wishing to participate in the proceedings should notify the Commission in the manner provided by our Rules of Practice, Rule XVII, on or before March 28, 1942. At said reconvened hearing on that day the issues will be limited to a consideration of the request presented by said Application No. 11

All interested persons are referred to said Application No. 11 which is on file in the office of said Commission for full details concerning the application.

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 matters. The officer so designated to preside at such hearing is hereby authorized to assert all powers granted to the Commission under section 18 (c) of the Act and to the trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said application, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether or not The United Light and Power Company has exercised due diligence in its efforts to comply with the order of this Commission dated March 20, 1941.

(2) Whether an extension of one year in which to comply with our order of March 20, 1941, as requested by the Company, is necessary or appropriate in the public interest or for the protection of investors or consumers, or whether a shorter period would be adequate.

Notice of such hearing is hereby given to the respondents and applicants herein, and to any other person whose participation in such proceedings may be in the public interest or for the protection of investors and consumers.

It is further ordered, That the Secretary of this Commission serve notice of the entry of this order by mailing a copy thereof by registered mail to the respondents and applicants and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2474; Filed, March 23, 1942; 9:35 a. m.]

[File No. 70-514]

IN THE MATTER OF NEW ENGLAND GAS AND ELECTRIC ASSOCIATION, APPLIANCE CREDIT CORPORATION, AND NEGEA SERVICE CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its Office in the City of Philadelphia, Pa., on the 20th day of March, 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 persons may, not later than April

9, 1942, at 5:30 p. m. E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing therein. 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. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration and application which is on file in the office of said Commission for a statement of the transactions therein proposed, which are summarized below:

It is proposed that a merger of Appliance Credit Corporation and NEGEA Service Corporation, both subsidiary service companies of New England Gas and Electric Association, be made. NEGEA Service Corporation will issue for cash to New England Gas and Electric Association 500 additional shares of common stock of a par value of $100 per share. NEGEA Service Corporation will then purchase the assets, subject to the liabilities, of Appliance Credit Corporation for cash at the book value of $52,514.30 (figure as at December 31, 1941). New England Gas and Electric Association will then surrender to Appliance Credit Corporation its present holdings of 500 shares of common stock, of a par value of $100 per share, of the latter corporation and will receive, as a liquidation dividend, cash in the amount of $52,514.30 representing the par value of Appliance Credit Corporation stock plus earned surplus of $2,514.30. Appliance Credit Corporation will then cancel its common shares and dissolve. The surplus of $2,514.30 mentioned above represents accumulated surplus from earnings to the date of registration by Appliance Credit Corporation as a subsidiary service company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2475; Filed, March 23, 1942; 9:35 a. m.]

[File No. 70-501]

IN THE MATTER OF SOUTHWESTERN DEVELOPMENT COMPANY, WEST TEXAS GAS COMPANY, AMARILLO GAS COMPANY, AND PANHANDLE PIPE LINE COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 20th day of March 1942.

Southwestern Development Company, a registered holding company (a subsidiary of The Mission Oil Company, also a registered holding company) and its wholly-owned subsidiary companies, West Texas Gas Company, Amarillo Gas Company and Panhandle Pipe Line Company, having filed a declaration and application and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 7 and 10 thereof, regarding an issue or sale and acquisition involved in a proposed modification of Loan Agreements and certain Promissory Notes issued pursuant thereto and presently held by or pledged with Guaranty Trust Company of New York thereunder, more fully described as follows:

(1) Four 3% Promissory Notes of Southwestern Development Company, aggregating $4,418,065.77, due in serial installments of varying amounts up to and including July 1, 1945.

(2) One 3% Promissory Note of West Texas Gas Company in the amount of $2,400,000, due in serial installments of varying amounts up to and including January 2, 1945.

(3) One 3% Promissory Note of Amarillo Gas Company in the amount of $170,000, due in serial installments of varying amounts up to and including July 1, 1944.

(4) One 3% Promissory Note owned by Amarillo Gas Company and issued by Panhandle Pipe Line Company in the amount of $85,000, due in serial installments of varying amounts up to and including July 1, 1944.

The proposed modifications which will not change the aggregate amounts outstanding are as follows:

(1) Revising the serial maturities to provide that (a) Southwestern Development Company notes will mature in installments of varying amounts due July 1 of each year from 1943 to 1947 inclusive; (b) West Texas Gas Company notes will mature semi-annually in varying amounts on January 1 and July 1 of each year beginning July 1, 1942 and ending January 1, 1947; (c) Amarillo Gas Company note will mature in installments of various amounts beginning July 1, 1942 and ending July 1, 1946; (d) Panhandle Pipe Line Company note will mature in annual installments of varying amounts beginning July 1, 1942 and ending July 1, 1946;

(2) Reducing the interest rates on all notes to provide that (a) all installments maturing on or prior to July 1, 1946 shall bear interest from February 1, 1942 at the rate of 2½% per annum; and (b) amounts maturing after July 1, 1946 shall bear interest from February 1, 1942 at the rate of 2¾% per annum.

Said application and declaration having been filed February 16, 1942 and amendments thereto having been filed on February 26, 1942 and March 5, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect thereto within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the aforesaid declaration under section 7 of said Act that the requirements of section 7 (c) of said Act are satisfied that section 7 (g) is inapplicable and that no adverse findings are necessary under section 7 (d) of said Act, and with respect to such application, insofar as the standards of section 10 of the Act are applicable, that no adverse findings are necessary under sections 10 (b) and 10 (c) (1) of said Act and that the transactions involved have the tendency required by section 10 (c) (2) of said Act;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration, as amended, be and it is hereby permitted to become effective forthwith, and the aforesaid application, as amended, be and it hereby is granted forthwith.

By the Commission (Commissioner Healy not participating).

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2476; Filed, March 23, 1942; 9:36 a. m.]

[File Nos. 59-33, 70-263, 70-371]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION, COLUMBIA OIL & GASOLINE CORPORATION, PANHANDLE EASTERN PIPE LINE COMPANY, MICHIGAN GAS TRANSMISSION CORPORATION, INDIANA GAS DISTRIBUTION CORPORATION, AND THE OHIO FUEL GAS COMPANY, RESPONDENTS

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania on the 20th day of March 1942.

The Commission having, on February 28, 1942, issued its Notice of and Order (Holding Company Act Release No. 3359) reconvening the hearing in the above-entitled consolidated proceeding on March 24, 1942, at 10:00 a. m. in the offices of the Securities and Exchange Commission, Eighteenth & Locust Streets, Philadelphia, Pennsylvania; and

Columbia Oil & Gasoline Corporation and Columbia Gas & Electric Corporation having filed a request for postponement of such reconvened hearing to the 7th day of April 1942, stating as their reason that they require additional time to prepare for such hearing; and

The Commission having considered the request for postponement and being of the opinion that, under the circumstances, it should be granted;

It is further ordered, That the reconvening of the hearing in the above-entitled proceeding heretofore set for March 24, 1942, be and the same is hereby postponed to April 7, 1942, at 10:00 o'clock in the forenoon of that day at the same place and before the same officer of the Commission as specified in the aforesaid Notice and Order dated February 28, 1942; on such date the hearing room clerk in Room 318 will advise as to where the hearing will be held.

Notice of such hearing is hereby given to the applicants, declarants and respondents, to other interested parties, and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors and consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2477; Filed, March 23, 1942; 9:36 a. m.]