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Washington, Tuesday, August 26, 1941

The President

INCREASING RATE OF DUTY ON CRAB MEAT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS pursuant to section 336 of Title III, Part II, of the Tariff Act of 1930 (46 Stat. 590, 701), the United States Tariff Commission has investigated the differences in costs of production of, and all other facts and conditions enumerated in said section with respect to, crab meat, fresh or frozen (whether or not packed in ice), or prepared or preserved in any manner, including crab paste and crab sauce, being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of the principal competing country; and

WHEREAS in the course of the investigation hearings were held, of which reasonable public notice was given and at which parties interested were given reasonable opportunity to be present, to produce evidence, and to be heard; and

WHEREAS the Commission has reported to the President the results of the investigation and its findings with respect to such differences in costs of production; and

WHEREAS the Commission has found it shown by the investigation that the principal competing country is Japan, and that the duty expressly fixed by statute does not equalize the difference in the costs of production of crab meat, prepared or preserved in any manner, including crab paste and crab sauce, packed in air-tight containers, wholly or in part the growth or product of the United States, and the like or similar foreign articles when produced in the principal competing country, and has specified in its report the increase in the rate of duty expressly fixed by statute found by the Commission to be shown by the investigation to be necessary to equalize such difference; and

WHEREAS in the judgment of the President such rate of duty is shown by the investigation of the Tariff Commission to be necessary to equalize such difference in costs of production:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 336 (c), Title III, Part II of the said act, do hereby approve and proclaim an increase in the rate of duty expressly fixed in paragraph 721 (a) of Title I of the said act on crab meat, prepared or preserved in any manner, including crab paste and crab sauce, packed in air-tight containers, from 15 per centum ad valorem to 22½ per centum ad valorem, the rate found to be shown by the investigation to be necessary to equalize such difference in costs of production.

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

DONE at the City of Washington this 22nd day of August in the year of our Lord, nineteen hundred and [SEAL] forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2504]

[F. R. Doc. 41-6343; Filed, August 23, 1941; 10:11 a. m.]

EXECUTIVE ORDER

WHEREAS on the 27th day of May, 1941,[1] a Presidential proclamation was issued, declaring an unlimited national emergency and calling upon all loyal citizens in production for defense to give precedence to the needs of the Nation to the end that a system of government which makes private enterprise possible may survive; and calling upon our loyal workmen and employers to merge their lesser differences in the larger effort to insure the survival of the only kind of

[1] 6 F.R. 2617.

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RULES, REGULATIONS, ORDERS

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FEDERAL REGISTER

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government which recognizes the rights of labor or of capital, and calling upon all loyal citizens to place the Nation's needs first in mind and in action to the end that we may mobilize and have ready for instant defensive use, all of the physical powers, all of the moral strength and all of the material resources of the Nation; and

WHEREAS The Federal Shipbuilding and Drydock Company has contracted with the United States, its departments and agencies for the construction and manufacture of vessels, facilities and other material and equipment vital to the defense of the United States, and such vessels, facilities, material and equipment have been in the course of construction and manufacture at the plant of said company and the United States owns vessels and facilities in the course of construction and material and equipment there situated; and

WHEREAS a controversy arose concerning the terms and conditions of employment between said company and its workers which they have been unable to adjust by collective bargaining, and the controversy was duly certified to the National Defense Mediation Board, established by Executive Order of March 19, 1941;[1] and the said Board has made a recommendation which the company has refused to accept; and

WHEREAS as a result of such refusal, the construction and manufacture at said company's plant of vessels, facilities, material and equipment has been interrupted by a strike which still continues, the objectives of said proclamation of May 27, 1941, are jeopardized, and the immediate resumption of the construction and manufacture of said vessels, facilities, material and equipment is essential to the defense of the United States; and

WHEREAS for the time being and under the circumstances set forth, it is essential in order that operation at said

[1] 6 F.R. 1532.

plant be continued that the plant be operated by or under the control of the United States:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, pursuant to the powers vested in me by the Constitution and laws of the United States, as President of the United States and Commander-in-Chief of the Army and Navy of the United States, hereby authorize and direct the Secretary of the Navy immediately to take possession of and operate the plant of The Federal Shipbuilding and Drydock Company, through and with the aid of such person or persons or instrumentality as may be designated, and in so far as may be necessary or desirable, to produce the vessels, facilities, material and equipment called for by the company's contracts with the United States, its departments and agencies, or otherwise, and do all things necessary or incidental to that end. There shall be employed such employees, including a competent civilian adviser on industrial relations, as are necessary to carry out the provisions of this order, and, in furtherance of the purposes of this order, the Secretary of the Navy may exercise any existing contract rights with said company, or take such other steps as may be necessary or desirable.

Possession and operation hereunder shall be terminated by the President as soon as he determines that the plant will be privately operated in a manner consistent with the needs of national defense.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 23,1941.

[No. 8868]

[F. R. Doc. 41-6402; Filed, August 25, 1941; 1:43 p. m.]

EXECUTIVE ORDER

WAIVING COMPLIANCE WITH PROVISIONS OF LAW RELATING TO MASTERS, OFFICERS, MEMBERS OF THE CREW, AND CREW ACCOMMODATIONS ON CERTAIN VESSELS

WHEREAS subsection (b) of section 5 of the act of Congress entitled "An Act to authorize the acquisition by the United States of title to or the use of domestic or foreign merchant vessels for urgent needs of commerce and national defense, and for other purposes", approved June 6, 1941, provides, in part:

> Notwithstanding any other provisions of law, the President may, by rules and regulations or orders, waive compliance with any provision of law relating to masters, officers, members of the crew, or crew accommodations on any vessel documented under authority of this Act to such extent and upon such terms as he finds necessary because of the lack of physical facilities on said ships, and because of the need to employ aliens for their operation. * * *:

NOW, THEREFORE, by virtue of the authority vested in me by the above-quoted statutory provisions, it is hereby ordered as follows:

1. The Secretary of Commerce, from time to time upon request of the United States Maritime Commission, is authorized and directed to make due investigation of the physical facilities on each vessel documented under the authority of the said act of June 6, 1941, and of the need to employ aliens for the operation of the vessel.

2. Whenever the Secretary of Commerce, upon the basis of his investigation as to any such vessel, shall find (a) that the physical facilities of the vessel are not adequate to meet the requirements of the laws of the United States, or (b) that the employment of an alien master, officers, or crew is necessary for its operation, he shall certify such finding or findings, and the extent to and the terms upon which the waiver of compliance with any of the said laws may be made with safety and is necessitated by reason of such finding or findings, to the United States Maritime Commission, whereupon such provisions of law shall be waived to the extent and upon the terms set forth in such certification.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 23, 1941.

[No. 8869]

[F. R. Doc. 41-6403; Filed, August 25, 1941; 1:43 p. m.]

EXECUTIVE ORDER

TRANSFERRING TO THE CONTROL AND JURISDICTION OF THE TREASURY DEPARTMENT A CERTAIN PORTION OF THE MILITARY RESERVATION AT "LA PUNTILLA", SAN JUAN, PUERTO RICO

By virtue of the authority vested in me as President of the United States, it is ordered that the following-described tract of land at "La Puntilla", San Juan, Puerto Rico, which tract constitutes a part of the land set apart for the use of the War Department by Proclamation No. 1177 of January 26, 1912, be, and it is hereby, transferred from the control and jurisdiction of the War Department to the control and jurisdiction of the Treasury Department for Coast Guard purposes:

> Beginning at station 3 of survey of War Department reservation at La Puntilla, San Juan, P. R., as established by Proclamation of January 26, 1912, and shown on drawing file No. 3-28-19, which station is located in the center of main gate leading to Lighthouse reservation at the continuation of Santo Toribio Street, thence S 84°06'39" W, 273.53 feet along ornamental fence to station 4, thence N 5°35'22" W, 177.75 feet to station 5, thence S 46°05'06" E, 79.60 feet to station 6, thence N 40°38'56" E, 286.78 feet to station 7, thence S 4°23'37" E, 20.67 feet to station 8(a), thence N 85°33'41" E, 18.20 feet to station 9 (a), thence S 5°04'22" E, 294.50 feet to point of beginning, including an area of 1.31 acres. All bearings are true.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 22, 1941.

[No. 8867]

[F. R. Doc. 41-6404; Filed, August 25, 1941; 1:43 p. m.]

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER III—FARM SECURITY ADMINISTRATION

[Memorandum No. 901—Supplement 1]

PART 300—GENERAL [1]

ADMINISTRATION OF THE "STOPGAP" DEFENSE HOUSING PROGRAM IN THE UNITED STATES DEPARTMENT OF AGRICULTURE

AUGUST 25, 1941.

Memorandum No. 901, dated April 30, 1941 (6 CFR 300.6; 6 F.R. 2225), is hereby amended as follows:

1. The phrase, "or under other law," is inserted immediately after "'Emergency Funds for the President,'" in the first paragraph (paragraph (a), 6 CFR 300.6).

2. The following new paragraph (which shall be paragraph (c), 6 CFR 300.6) is added:

§ 300.6 *Administration of the defense housing program.*

* * * * *

(c) The Administrator of the Farm Security Administration (or, in his absence, the Acting Administrator) is authorized to correspond directly with the Coordinator of Defense Housing in connection with this program: *Provided, however,* That, when such correspondence deals with the allocation of or accounting for funds, it shall be signed, or approved in advance, by the Director of Finance, or his authorized representative, and copies of such correspondence shall be furnished to the Office of Budget and Finance."

[SEAL] CLAUDE R. WICKARD,
Secretary.

[F. R. Doc. 41-6386; Filed, August 25, 1941; 11:26 a. m.]

TITLE 7—AGRICULTURE

CHAPTER I—AGRICULTURAL MARKETING SERVICE

PART 26—GRAIN STANDARDS

REGULATIONS OF THE SECRETARY OF AGRICULTURE UNDER THE UNITED STATES GRAIN STANDARDS ACT

By virtue of the authority vested in the Secretary of Agriculture by the United States Grain Standards Act, approved August 11, 1916, as amended (39 Stat. 482, 485; 54 Stat. 765; U. S. Code, title 7, ch. 3, secs. 71-87), the following regulations for the enforcement of the United States Grain Standards Act are hereby promulgated, to be in force and effect on and after the date of publication herein, until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said act. These regulations are amendatory of, and shall supersede, the regulations issued under the said act on April 2, 1935, and the amendments thereto.

[1] 6 F.R. 14, 2225.

Definitions

§ 26.1 *Meaning of words.* Words in the regulations in this part in the singular form shall be deemed to import the plural form when necessary.*

*§§ 26.1 to 26.87, inclusive, issued under the authority contained in 39 Stat. 482, 485, 54 Stat. 765; 7 U.S.C. 71–87 and Sup.

§ 26.2 *Terms defined.* For the purposes of the regulations in this part, unless the context otherwise require, the following terms shall be construed, respectively, to mean:

(a) *The act.* The United States Grain Standards Act, approved August 11, 1916, as amended, (39 Stat. 482, 485; 54 Stat. 765; U. S. Code, title 7, ch. 3, secs. 71–87).

(b) *Person.* Individual, association, partnership, or corporation.

(c) *In interstate or foreign commerce.* From any State, Territory, or District to or through any other State, Territory, or District, or to or through any foreign country, or within any Territory or District.

(d) *Grain.* Any grain for which standards shall have been fixed and established under the act, including corn (maize), wheat, rye, oats, Feed Oats, Mixed Feed Oats, barley, flaxseed, grain sorghums, soybeans and Mixed Grain.

(e) *Grade.* Grade according to the official grain standards of the United States.

(f) *Inspection.* The procedure followed by a licensed inspector or a Federal grain supervisor in determining the grade of grain.

(g) *Secretary.* Secretary of Agriculture of the United States.

(h) *Department.* United States Department of Agriculture.

(i) *Chief of the Service.* The Chief or Acting Chief of the Agricultural Marketing Service of the Department.

(j) *Agricultural Marketing Service.* Agricultural Marketing Service of the Department.

(k) *Regulations.* Regulations made under the act by the Secretary.

(l) *Licensed inspector.* Any person licensed by the Secretary to inspect and grade grain and to certificate the grade thereof for shipment or delivery for shipment in interstate or foreign commerce under the act and regulations.

(m) *License.* A license issued under the act by the Secretary to any person to inspect and grade grain and to certificate the grade thereof.

(n) *State grain inspector.* A person duly authorized and employed to inspect and grade grain under the laws of a State having a State grain inspection department established by the laws of such State.

(o) *District.* A defined portion of the United States designated by the Chief of the Service for the purpose of the administration of the act.

(p) *District headquarters.* A field office of the Grain and Seed Division of the Agricultural Marketing Service designated by the Chief of the Service as the headquarters of a district.

(q) *Grain supervisor.* An officer or employee of the Department whose duties include the supervision of the inspection and grading of grain and of the certification of grade thereof, and the issuance of Federal appeal and Federal dispute grade certificates in accordance with the act and regulations.

(r) *Appeal.* An appeal taken by an interested party pursuant to section 6 of the act, from the inspection and grading by a licensed inspector of any grain which has been sold, offered for sale, or consigned for sale, or which has been shipped or delivered for shipment, in interstate or foreign commerce.

(s) *Dispute.* The submission by an interested party pursuant to section 4 of the act, of a dispute as to the grade of any grain which has been sold, offered for sale, or consigned for sale by grade, and shipped without inspection in interstate or foreign commerce, from a place at which there is no inspector licensed under the act to a place at which there is no such inspector.

(t) *Established inspection point.* A town, city, port, or other area within which a licensed inspector is located, has his license posted and approved, and performs inspection service regularly.

(u) *Designated inspection point.* A town, city, port, or other area designated by a licensed inspector, other than his established inspection point, within which he regularly performs sampling and inspection service at the request of interested parties.

(v) *Interested party.* A person financially interested in a transaction involved in an appeal or a dispute.

(w) *Appellant.* An interested party taking an appeal under the act, from an inspection and grading performed by a licensed inspector.

(x) *Complainant.* An interested party submitting a dispute as to the grade of grain, pursuant to section 4 of the act.

(y) *Respondent.* An interested party in an appeal or a dispute other than the appellant or the complainant.*

Administration

§ 26.3 *Authority.* The Chief of the Service shall perform such duties as the Secretary may require in enforcing the provisions of the act and of the regulations in this part.*

Licensed Inspectors

§ 26.4 *Form of application.* Applications for licenses shall be made to the Secretary upon forms furnished for the purpose by the Chief of the Service or by any District Headquarters office. Each such application shall fully and truly state the information therein required and shall be signed by the applicant.*

§ 26.5 *Application of State grain inspectors.* In case the applicant is a State grain inspector, the application shall contain or be accompanied by satisfactory evidence thereof, and shall otherwise comply with § 26.4.*

§ 26.6 *Additional contents of application.* In case the applicant is not a State grain inspector, his application shall contain or be accompanied by (a) satisfactory evidence that he (1) has passed his twenty-first birthday and (2) has had at least 1 year's experience as an inspector of grain of the kind for which a license is sought, or the equivalent of such experience; (b) a schedule of the fees which it is expected will be charged for his services as a licensed inspector; (c) satisfactory assurance that he will have available to him and subject to his direction the necessary equipment and facilities for inspecting and grading grain of the kind for which a license is sought.*

§ 26.7 *Applicant to be examined for competency.* Each applicant for a license, other than a State grain inspector, whose application complies with the requirements of §§ 26.4 and 26.6 shall, if so required by the Chief of the Service, be examined, for the purpose of determining his competency, at such time and place and in such manner as may be prescribed by the Chief of the Service or by any officer of the Department designated by him for the purpose.*

§ 26.8 *Issuance of temporary licenses.* In the discretion of the Secretary, in a case of special urgency and upon presentation to him of satisfactory evidence of the competency of the applicant, without compliance with §§ 26.4 to 26.7 inclusive, a temporary license may be issued, valid only for the period therein specified, not exceeding 60 days. A temporary licensee shall be subject to all the provisions of the act and the regulations thereunder.*

§ 26.9 *License, property of Department.* Each license shall be the property of the Department, but the licensee to whom issued shall, except as provided in § 26.10, have the right to the possession thereof.*

§ 26.10 *Return of license.* Whenever any license shall have been superseded, suspended, canceled, or revoked, the same shall be returned to the Secretary through the District Headquarters office in the inspector's district.*

§ 26.11 *Conditions governing license.* Each license issued shall be on condition that the licensee will, during the term of his license, apply the standards correctly and will comply with all the provisions of the act and the regulations thereunder.*

Duties of Licensed Inspectors

§ 26.12 *Inspector to post license.* Immediately upon receipt of his license, each licensed inspector shall submit in writing to the Chief of the Service a statement showing (a) the name of the town, city, port or other area, properly identified as to limits and boundaries, within which he will be located and within which he will perform inspection services regularly, (b) address at which his license will be posted, (c) the inspection arrangements at such point, and (d) the inspection equipment and apparatus which will be available to him. If the Chief of the Service, or any officer of the Department designated by him for the purpose, is satisfied that the inspection arrangements and facilities at the disposal of such licensed inspector are adequate and in accordance with the requirements of the act and these regulations, he shall approve such place of posting as an established inspection point. Such license thereafter shall be kept conspicuously posted at such approved place and shall not be removed to any other place unless notice in advance be given by the licensee to the District Headquarters office for the district in which the posting was last approved. Immediately after such notice such inspector shall secure approval of the new place of posting as provided in this section.*

§ 26.13 *Inspector to give notice of changes.* Each licensed inspector shall immediately, in writing or by telegraph, inform the District Headquarters office in his district of any change in the point or points where he performs service as a licensed inspector, or in the nature of his duties or of his employment, or of any suspension of his activities for such length of time as to impair the inspection facilities at any point, and except in case of a State grain inspector, of any change in the schedule of fees for services performed by him as a licensed inspector.*

§ 26.14 *Reporting violations, adulteration, irregularly loaded cars, etc.* Each licensed inspector shall immediately report to the District Headquarters office of his district evidence coming to his knowledge tending to show:

(a) That any provision of the act or regulations has been violated;

(b) That any grain, inspected and graded, or to be inspected and graded, under the act or regulations has been irregularly loaded, or so loaded as to conceal evidently inferior grain, or has been improperly inspected and graded by any licensed inspector; or

(c) That any grain has been or is to be adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act of June 25, 1938, by the addition of water, dirt, screenings, or other material, whether the grade be changed or not.*

§ 26.15 *Instructions by federal grain supervisor.* Each licensed inspector shall execute diligently all instructions for carrying out the act and the regulations, issued to him, directly or indirectly, by the grain supervisor in charge of the district wherein his license is posted, or by any officer of the Department engaged in administering the act and regulations, and, upon request, shall advise such grain supervisor in full detail of any facts regarding inspection and grading equipment used by him, inspection services performed by him, and compensation received therefor.*

§ 26.16 *Instructions by chief inspectors.* No chief, or supervising inspector, licensed under the act, shall issue to licensed inspectors under his supervision any instructions inconsistent with the act or regulations. Each licensed inspector shall immediately report to the District Headquarters office for the district in which his license is posted, any instructions issued contrary to this section.*

§ 26.17 *Discriminatory and unreasonable fees forbidden.* Whenever, after citation, the Chief of the Service shall determine that discrimination has been practiced or unreasonable fees demanded by any licensed inspector, he may order their discontinuance. Failure on the part of any licensee to conform to such order shall be regarded as a violation of this section.*

§ 26.18 *Inspection and grading consist of.* Inspection and grading of a lot or parcel of grain tendered for inspection and grading under the act shall consist of taking and examining a representative sample thereof and making such tests as are necessary to determine its grade. For each inspection and grading, a certificate of grade shall be issued, and failure on the part of a licensed inspector to issue such certificate of grade will be regarded as a violation of this section.*

§ 26.19 *Inspection and grading, when required.* Each licensed inspector whose license remains in effect shall, without discrimination, as soon as practicable, and upon reasonable terms, inspect, grade, and issue a certificate of grade for each inspection of any grain of the kind mentioned in his license the inspection and grading of which are required under the act, provided such grain be offered and made accessible during customary business hours at the point where he performs service as a licensed inspector, and under conditions which permit the taking of a representative sample and the proper determination of the grade of the grain.*

§ 26.20 *Inspector may inspect grain, when.* Each licensed inspector may, at any time upon request of any interested party, inspect, grade, and certificate the grade of grain for which he holds a license, at any point, if the conditions permit the taking of a representative sample and the proper determination of the grade of the grain, provided that no licensed inspector shall perform inspection service at any regularly established inspection point other than the market in which his license is posted without notifying and securing in advance the approval of the grain supervisor in charge of the District Headquarters office in which the grain is to be inspected. Whenever a licensed inspector shall designate a point for inspection, in addition to his established inspection point, he shall in advance furnish such information regarding sampling, inspection equipment, and inspection arrangements, as may be required by the grain supervisor in charge of his district and shall secure approval thereof by the Chief of the Service or by such officer of the Department as may be designated by the Chief of the Service for the purpose. Thereafter no other licensed inspector shall perform inspection and grading service at such designated point for inspection without securing in advance the approval of the grain supervisor. This section shall not be construed to prevent a State grain inspection department from transferring its employees to established inspection points where their services may be required within such State.*

§ 26.21 *Inspection and grading to be based on representative sample.* No licensed inspector shall issue a certificate of grade for any grain unless the inspection and grading thereof be based upon a correct and representative sample of the grain and be made under conditions which permit the determination of its true grade, except as provided in §§ 26.22 and 26.34. Each licensed inspector shall take proper precautions to insure that no sample be exposed to manipulation which would deprive it of its representative character from the time of its collection until the grade be determined. No sample shall be deemed to be representative unless of the size, and procured in accordance with the methods, prescribed in instructions issued by the Chief of the Service or by such officer of the Department as may be designated by him for the purpose, which are in effect at the time of the inspection and grading.*

§ 26.22 *Inspection and grading of submitted samples.* Any licensed inspector may inspect and grade a submitted sample or package of grain, provided that the certificate issued in such case clearly shows that the inspection and grading covers only the submitted sample or package as required by § 26.29.*

§ 26.23 *Inspector not to be interested in grain.* No licensed inspector shall issue a certificate of grade for any lot of grain in which he is directly or indirectly financially interested.*

§ 26.24 *Sampler disqualified, when.* No licensed inspector shall issue certificate of grade for a lot or parcel of grain based upon a sample thereof drawn by a sampler who is not employed by him or his inspection department, or who is not an employee of the United States Department of Agriculture approved for the purpose by a grain supervisor, or who is interested, financially or otherwise, directly or indirectly, in the grain involved or in any grain elevator or warehouse or in the merchandising of grain, or who is in the employment of any person or corporation owning or operating a grain elevator or warehouse, or who the licensed inspector knows or has reason to believe is incompetent.*

§ 26.25 *Reinspections.* No licensed inspector shall issue a certificate of grade which supersedes a previous inspection and grading, except on the following conditions:

(a) When the application for reinspection has been filed not later than the close of business on the second business day following the date of the inspection to be superseded;

(b) Before the identity of the grain has been lost and before the grain has left the place where the inspection to be superseded was performed;

(c) When the superseding inspection and grading are based on a representative sample;

(d) When the superseding inspection and grading are performed as promptly as possible after the application for reinspection has been filed; and

(e) When to the inspector's knowledge no Federal appeal has been taken from the inspection and grading which are to be superseded.*

§ 26.26 *Reinspection certificates.* Whenever any licensed inspector shall issue a certificate of grade as the result of a reinspection, such reinspection certificate shall bear a conspicuous notation on the face thereof indicating the fact of such reinspection and shall clearly identify the certificate which it supersedes.*

§ 26.27 *Inspection not to be made, when.* No inspection shall be made of any grain which is to be loaded into a vessel, vehicle, or other container, if it appears that the hold, compartment, or other enclosure into which the grain is to be loaded is in such condition as to contaminate the grain or lower the grade.*

§ 26.28 *Form of certificate to be approved.* No certificate of grade shall be issued under the act until its form has been approved by the Chief of the Service, or by such officer of the Department as may be designated by him for the purpose.*

§ 26.29 *Certificates, form of.* Each certificate of grade issued under the act by a licensed inspector shall, except as permitted in § 26.28, embody within its written or printed terms:

(a) The caption Grain Inspection Certificate;

(b) A statement showing whether it is an original or a duplicate, or other copy;

(c) A statement showing whether the inspection represents an in, out, export, cargo, submitted sample, reinspection, "in" heavily loaded car, local elevator bin, or otherwise, as the case may require.

For "in" inspections of grain arriving at any inspection point in railway cars, except in the case of a heavily loaded car as provided in § 26.34, the certificate shall have stamped or printed upon either the face or the reverse side thereof substantially the following:

This certificate is valid for "in" inspection, but not for "out" inspection, except when shipment is made in the same car not later than close of second business day after date hereof and without removal of grain or any change of its identity.

If printed or stamped on the reverse side, the words "See reverse side" shall be conspicuously stamped or printed on the face of the certificate;

(d) The name of the State, board of trade, chamber of commerce, exchange, or other organization, if any, by which the licensed inspector is regularly authorized or employed to inspect and grade grain;

(e) The name of the established inspection point at which the licensed inspector performs inspection service regularly;

(f) The consecutive number, or other means of identification, of the certificate;

(g) The date the inspection was performed;

(h) The statement that the certificate is issued by an inspector holding a license, under the United States Grain Standards Act, to inspect and grade the kind of grain covered by the certificate;

(i) The location of the grain at the time of sampling, and its identification by (1) car initials, car number, and name of carrier or other owner or operator of track, or (2) name or other designation of boat or vessel and hold number or other place of stowage, or (3) name or other designation of elevator or warehouse and of bin or compartment, or (4) otherwise as the case may require;

(j) A statement of the approximate quantity of grain covered by the certificate stated either in carloads, or in bushels, or by weight;

(k) The kind of grain covered by the certificate;

(l) The grade of the grain, as determined by such licensed inspector, according to the official grain standards of the United States;

(m) A statement of the factor or factors that determine the grade, except in the case of grade No. 1. Certificates for grain of any grade may contain a statement of any or all factor determinations. The requirements of this paragraph shall not be mandatory on certificates issued for export shipments;

(n) A statement of the test weight per bushel whether or not such factor determines the grade. In the case of wheat and rye the test weight shall be stated in terms of pounds and tenths of a pound. In the case of corn, barley other than Western Barley, oats, Feed Oats, Mixed Feed Oats, grain sorghums, flaxseed, soybeans, and Mixed Grain, the test weight shall be stated in terms of whole and half pounds and for this purpose a fraction of a pound when equal to or greater than one-half shall be treated as one-half and when less than one-half shall be disregarded. In the case of Western Barley, the test weight shall be stated in terms of whole pounds and shall appear in the grade designation only. The requirements of this paragraph, except for test weight of Western Barley, shall not be mandatory on certificates issued for export shipments.

(o) A statement of the moisture content in terms of whole percent and tenths of a percent for any grain graded "Tough"; and may contain a statement of the moisture content in terms of whole percent and tenths of a percent for any grain of any grade. The requirements of this paragraph shall not be mandatory on certificates issued for export shipments;

(p) The signature of the licensed inspector who determined the grade of the grain, affixed by him or by his authorized agent; and

(q) In case of an inspection of a submitted package or sample of grain, the words "Sample Inspection" in conspicuous type, together with a statement which shall clearly show that the inspection covers only the package or sample submitted and does not represent the grade of the lot or parcel of grain from which the portion submitted purports to have been taken.*

§ 26.30 *Additional statements on certificates subject to approval.* In addition to the matters required or permitted by the regulations, the certificate of grade may include only such additional matter as may be approved by the Chief of the Service, or by such officer of the Department as may be designated by him for the purpose.*

§ 26.31 *Signature of inspector.* When the signature of the licensed inspector is affixed by his authorized agent, the agent shall identify himself on such certificate in connection with such signature, by initialing or otherwise.*

§ 26.32 *Date of inspection.* In order to determine the date of inspection and grading at any point for the purposes of the regulations in this part, each day shall be deemed to end at midnight unless otherwise fixed by agreement of the licensed inspectors and the trade at such point with the approval of the supervisor in charge of the District Headquarters office for the district in which such inspection point is located.*

§ 26.33 *Certification of crop year, prohibited.* No inspector licensed under the act shall certify or otherwise indicate in writing that any grain for which standards have been established is "new crop," or "old crop," nor the year in which any grain was produced.*

§ 26.34 *"Heavily loaded car" certificates.* In case any licensed inspector is called upon to make an "in" inspection and grading of a carload of grain, in sacks or in bulk, which is so heavily loaded as to make it possible to secure only a door probe, shallow probe, door sack probe, or interior surface sack-probe, sample of the carlot, and appears not to have been irregularly loaded; and the licensed inspector has no reason to believe is so loaded as intentionally to conceal evidently inferior grain, he may, if the act and the regulations be otherwise complied with, inspect and grade such carlot of grain and issue a certificate of grade therefor, upon the conditions set forth in this section.

(a) The inspection and grading of such grain must be based upon a sample which represents all of the grain which can be reached by the use of the customary probes in the drawing of samples from such grain.

(b) The certificate must show that it represents an "in" inspection.

(c) There must be legibly and conspicuously stamped or printed on the face of such certificate the words "heavily loaded car."

(d) The certificate must bear a legible statement indicating the kind of sample obtained.

(e) The certificate must bear the following statement, "This certificate not valid for 'out' inspection."

(f) The statements required by paragraphs (d) and (e) may appear either on the face or the reverse side of the certificate but if either statement appears on the reverse side, the words, "See reverse side of this certificate" shall be stamped or printed immediately below the words "heavily loaded car."

(g) The daily record prescribed in §§ 26.40 and 26.41 shall show, with respect to such grain, that the car was "heavily loaded," or shall show the abbreviation "h. l.".

(h) No heavily loaded car certificate shall be issued for any inspection other than the kind described in this section.

(i) Nothing in this section shall prevent any person, otherwise entitled under the act and regulations, from taking an appeal from an inspection and grading of the kind described in this section, if a representative sample or samples be obtainable for the purpose of the appeal; nor shall anything in this section prevent any person, if he so desire, from having an unqualified inspection of the lot or parcel of grain performed by the same or any other licensed inspector, provided the grain be made accessible for sampling in accordance with the requirements of § 26.21.*

§ 26.35 *Copies of superseded certificates.* No licensed inspector shall issue, nor permit to be issued over his signature, any copy of a grain inspection certificate which has been superseded by a Federal appeal grade certificate, without first notifying the district grain supervisor and securing his approval of such issuance.*

§ 26.36 *Inspection after appeal.* In the case of grain which has been inspected and graded by a licensed inspector and regarding which an appeal has been taken to the Secretary, no licensed inspector in the same market shall thereafter issue a certificate of grade for the purpose of the same shipment or transaction without showing satisfactory reasons therefor and securing in advance the approval of the district grain supervisor.*

§ 26.37 *Inspector not to prevent appeal.* No licensed inspector shall, directly or indirectly, by any means whatsoever, deter or prevent, or attempt to deter or prevent, any party from taking an appeal to the Secretary.*

§ 26.38 *Methods of certification.* Certificates of grade issued by licensed inspectors shall conform to the regulations in this part and shall meet the requirements set forth in instructions, pursuant to this section, issued from time to time by the Chief of the Service, or by such officer of the Department as may be designated by him for the purpose.*

§ 26.39 *Certification of grain in vessels.* In the inspection and grading of lots, parcels, and cargoes of grain loaded aboard boats, barges, and other vessels licensed inspectors shall be governed by the following requirements:

(a) If such a lot, parcel, or cargo tendered for inspection and grading be uniform in quality and condition, the grade shall be based upon an average sample thereof and certificated accordingly;

(b) If such lot, parcel, or cargo so tendered is not uniform in quality and condition by reason of the presence therein of a material portion of grain of a different grade, the licensed inspector shall consider the portions of such lot, parcel, or cargo which are of different grades as separate lots tendered for inspection, and shall separately inspect, grade, and certificate as to grade such different portions; and each such certificate of grade shall bear a statement to the effect that the grain to which it applies has been loaded on board with other grain, the grade, description, and approximate quantity of which shall be specified.*

§ 26.40 *Inspector to make records.* Each licensed inspector shall keep complete and correct records of all grain inspected and graded by him, which shall be open for inspection and examination by any grain supervisor or by any person designated for the purpose by the Chief of the Service, and which shall contain, separately for each lot or parcel of grain inspected and graded by such licensed inspector, the information required for compliance with § 26.41.*

§ 26.41 *Record to be made accessible.* Each licensed inspector shall, as soon as possible after grading any grain and not later than the close of business on

the next following business day, make accessible to the interested parties at the place where his license is posted, a record of each lot or parcel of grain inspected and graded by him, showing (a) the date the grading was performed; (b) the kind and grade of the grain; (c) its location at the time of sampling and its identification by either (1) car initials, car number, and name of carrier or other owner or operator of track, or (2) name or other designation of boat or vessel and hold number or other place of stowage, or (3) name or other designation of elevator or warehouse and of bin or compartment, or (4) otherwise as the case may require; (d) the name of the person for whom the service was performed, or his agent; and (e) the name of such licensed inspector. Copies of licensed inspectors' grade certificates which contain the required information may be used as the record for compliance with this section. The sample upon which the certificate of grade is based shall, while in the possession or under the control of the licensed inspector or his inspection department, be part of the record of such inspection and as such shall be made accessible to any grain supervisor in the district in which such inspection is made.*

§ 26.42 *Copies of certificates to be filed with supervisor.* Each licensed inspector, as soon as possible after grading any grain and not later than the close of business on the next following business day, shall transmit to the District Headquarters office in the district in which the grain was located at the time of sampling, a true copy of the certificate of grade therefor.*

§ 26.43 *Supervisor may extend time limit.* Upon a showing by a licensed inspector, or in his behalf by his inspection department, of an emergency or other good cause, the grain supervisor in charge of the District Headquarters office may extend the time prescribed for compliance by such licensed inspector with any one or more of the provisions of §§ 26.40, 26.41 and 26.42.

§ 26.44 *Suspension, cancelation, and revocation of licenses*—(a) *Suspension or cancelation upon request.* Upon a written request and a satisfactory statement of reasons therefor, submitted by a licensed inspector, the Secretary may, without hearing, suspend for a definite period of time, or may cancel, the license issued to such licensed inspector.

(b) *Suspension, pending investigation.* Pending investigation, the Secretary, whenever he deems necessary, may suspend a license temporarily, without hearing.

(c) *Suspension or revocation for cause.* In all other cases, before a license is suspended or revoked, the licensed inspector involved shall be furnished by the Secretary, or by an official of the Department designated by the Secretary for the purpose, a written notice to show cause why his license should not be suspended or revoked for reasons specified in such notice, and shall be allowed a reasonable time within which to answer the same in writing and submit affidavits and other proper evidence. If requested by such licensed inspector, within the time allowed for answering, or in the discretion of the Chief of the Service, an oral hearing, of which reasonable notice shall be given, shall be held before, and at a time and place fixed by the Chief of the Service, or an officer of the Department designated by him for the purpose.

(d) *Service of notice.* Service of such notice shall be made by delivering the same to the licensed inspector, but if he cannot be found, in the exercise of reasonable diligence, at the inspection point where his license is posted as required by § 26.12, such service shall be made by delivering the notice to an adult member of his immediate family or by registered mail to his last-known residence address. Service by registered mail shall be deemed to have been made on the date shown on the registry return receipt.

(e) *Hearings.* Hearings for the purposes of this section shall be in accordance with § 26.79. A copy of the notice to show cause, the answer thereto, copies of all other notices and orders, and all the evidence shall be made a part of the records of the Department.*

§ 26.45 *Issuance of licenses after suspension or cancelation.* Upon a written request and satisfactory evidence of competency, submitted by a person whose license has been suspended or canceled, the Secretary may terminate the period of suspension or may issue to such person a new license for the kinds of grain covered by the canceled license.*

§ 26.46 *Surrender of license, when.* Any licensed inspector who is not making inspections regularly under his license, shall, upon request of the district grain supervisor, surrender his license to be canceled. When any licensed inspector, who received his license by reason of his being a State grain inspector, ceases to be a State grain inspector, he shall, upon request of the district grain supervisor, surrender his license for cancelation. The Secretary may cancel any license not surrendered as provided for by this section.*

Appeals

§ 26.47 *Appeal, when may be taken.* An appeal shall be taken (a) before the grain leaves the inspection point where the inspection appealed from was made; (b) before the identity of the grain has been lost; (c) when the conditions otherwise are as prescribed in section 6 of the act; and (d) as promptly as possible, but not later than the close of business on the second business day following the date of the inspection appealed from, except as provided in § 26.52.*

§ 26.48 *Appeals, how taken.* An appeal shall be taken to the Secretary by filing an application for appeal in writing or by telegraph, in the District Headquarters office in the district in which the inspection appealed from was made: *Provided*, That in his discretion the officer in charge of General Field Headquarters of the Grain and Seed Division may authorize the entertaining of an appeal in another District Headquarters office.*

§ 26.49 *Advance notice of appeal.* Any party desiring to appeal may, in advance, transmit to the proper District Headquarters office, by telegraph, telephone, or otherwise, such information as may be necessary to enable a grain supervisor in such office to proceed to the examination of the grain involved.*

§ 26.50 *Contents of application.* An application, in the form prescribed by the Department, signed by the appellant, shall state: (a) That the grain involved was shipped, delivered for shipment, consigned for sale, sold for shipment, or offered for sale for shipment in interstate or foreign commerce; (b) the identification and definite location of the grain at the time of taking the appeal; (c) the names and post office addresses of all other parties interested in the grain involved, if any; and (d) such other information as may be required by the District Headquarters office in which such application is filed or by the Chief of the Service.*

§ 26.51 *Inspection certificate, filing of.* The appellant may be required to file or cause to be filed, in the District Headquarters office mentioned in § 26.48, the certificate of grade for the grain involved, issued by the licensed inspector from whose inspection the appeal is taken, if the same be in his possession. If such certificate be in the custody or control of the licensed inspector, he shall upon request immediately transmit or deliver it to said office.*

§ 26.52 *Extension of time.* Upon satisfactory showing of the discovery of fraud, or that on account of distance the time allowed for filing is not sufficient, or other good cause, the grain supervisor in charge of the office mentioned in § 26.48 may permit the filing of an application after the time prescribed therefor in the regulations in this part, and a statement of such action shall be included in the record of such appeal.*

§ 26.53 *Date of filing.* Each application or statement shall be deemed filed in a District Headquarters office when delivered thereto.*

§ 26.54 *Receipt of papers to be recorded.* The official of the Department receiving any paper offered for filing shall note thereon, or on a record kept by him for the purpose, the place and date of its receipt.*

§ 26.55 *Opportunity for hearing.* Opportunity for hearing will be afforded interested parties as provided in section 6 of the act, if application therefor be made to the grain supervisor entertaining the appeal within 10 days after the issuance of the final Federal appeal grade certificate. If no request for hearing be made by an interested party such hearing will be deemed waived. The Secretary or the Chief of the Service, however, may order a hearing to inves-

tigate the circumstances surrounding an appeal.*

§ 26.56 *Notice of hearing.* Whenever a hearing is set pursuant to § 26.55, notice of the time and place thereof shall be served a reasonable time in advance upon each party or his agent.*

§ 26.57 *Oral hearing, before whom held.* When a hearing at which oral evidence may be submitted by the parties is granted or ordered, it shall be held before the Secretary, or before such officer of the Department as may be designated by the Secretary, or by the Chief of the Service.*

§ 26.58 *Testimony under oath.* The testimony of witnesses at an oral hearing shall be upon oath or affirmation administered by the official before whom the hearing is held. Such hearing may be postponed or adjourned by the official from time to time.*

§ 26.59 *Production of books and papers.* Any official before whom an appeal is heard may require the production and submission in evidence by any party to such appeal of all books, papers, and documents in his custody or under his control, evidencing or relating to the transaction, the grain or other matter, involved in, or relevant to, the appeal.*

§ 26.60 *Appeal may be dismissed, when.* A grain supervisor may dismiss any appeal filed in his office for noncompliance with the regulations or if it shall appear that the Secretary is without jurisdiction to determine the appeal in accordance with the act or the regulations. Any application, statement, or other paper filed by any party may be stricken from the files if it fails to comply with the regulations in this part. Upon dismissal or withdrawal of an appeal the certificate of grade filed therein shall be immediately returned to the person by whom filed, or delivered upon his written order. No appeal may be withdrawn after the issuance of a Federal appeal grade certificate.*

§ 26.61 *Supervisor to determine grade.* The sample or samples of grain involved in an appeal, complying with §§ 26.72 and 26.73, shall be examined as soon as possible, such tests shall be applied as are necessary, the papers and all other available evidence shall be carefully considered, and, except as provided in § 26.60 a Federal appeal grade certificate shall be issued by the grain supervisor entertaining the appeal, showing the grade assigned by him to such grain which shall be the final Federal appeal grade certificate unless superseded as provided in § 26.63. Such Federal appeal grade certificate shall supersede the certificate of grade for the grain involved, and such inspection certificate shall not thereafter represent the grade of the grain.*

§ 26.62 *Objection to supervisor's grade may be filed.* Any party to an appeal may, not later than the close of business on the next business day after the issuance of the Federal appeal grade certificate mentioned in § 26.61, file with the grain supervisor issuing the same a statement objecting to the grade shown. The said grain supervisor may, for good cause shown, permit the filing of such statement after the time prescribed therefor in this section.*

§ 26.63 *Review by board.* If such objection be filed as provided in § 26.62, a sample or samples of the grain involved, the papers and all other evidence shall be immediately submitted to a board of grain supervisors constituted for the purpose by the Chief of the Service, which board shall carefully consider the papers and all available evidence, and make such examination and apply such tests as may be necessary to determine the grade of the grain. Such board shall, if the regulations be complied with, issue or cause to be issued a Federal appeal grade certificate showing the grade assigned by such board to the grain, which Federal appeal grade certificate shall supersede the Federal appeal grade certificate previously issued for such grain and shall be the final Federal appeal grade certificate issued.*

§ 26.64 *Direct appeal to board.* Such board may, upon showing of special urgency, hear an appeal in the first instance without compliance with §§ 26.61 and 26.62, and in accordance with the procedure described in § 26.63.*

§ 26.65 *Original and copies of Federal appeal grade certificate.* Every Federal appeal grade certificate shall be numbered and shall, by number or otherwise, identify the certificate which it supersedes. The original of the Federal appeal grade certificate, issued by the grain supervisor and marked as such, shall be delivered to the party, or upon the written order of the party, who filed the appeal. The original of the Federal appeal grade certificate, issued by a board of grain supervisors and marked as such shall be delivered to the party, or upon the written order of the party, who filed the objection to the supervisor's grade. A copy of each Federal appeal grade certificate marked as such shall be furnished to each interested party, if any, other than the party to whom, or upon whose order, the original Federal appeal grade certificate is furnished.*

§ 26.66 *Findings of the Secretary.* A copy of the findings of the Secretary will be furnished to any interested party upon request.*

Disputes

§ 26.67 *Disputes, how taken.* A dispute shall be submitted to the Secretary by filing a complaint in conformity with §26.70, either in writing or by telegraph, in the District Headquarters office in the district where the grain is then located.*

§ 26.68 *Complaint, time of filing.* Such complaint shall be filed as promptly as possible, but not later than the close of business on the second business day after the grain involved becomes subject to examination by the contracting parties at the point where the grade is disputed. The grain supervisor hearing the dispute may, for good cause shown, permit the filing of such complaint after the time prescribed in this section.*

§ 26.69 *Advance notice of dispute.* Any party desiring to refer a dispute may transmit, in advance, to the proper District Headquarters office by telegraph, telephone, or otherwise, such information as may be necessary to enable a grain supervisor in such office to proceed to the examination of the grain involved.

§ 26.70 *Contents of complaint.* A complaint signed by the complainant shall state (a) the name and post office address of each party; (b) the kind of grain and the grade thereof, claimed by each party; (c) the respective interests of the complaint and the respondent in the transaction; (d) that the grain involved was sold, offered for sale, or consigned for sale by grade, and shipped in interstate or foreign commerce without inspection from a place at which there is no licensed inspector to a place at which there is no licensed inspector, and the points of shipment and destination; (e) the time when the grain became subject to examination by the party receiving it, at the point where the grade is disputed; (f) the location of the grain and its identification; and (g) any other material facts.*

§ 26.71 *Appeal regulations applicable to disputes.* The provisions of §§ 26.47 to 26.66 inclusive, relating to appeals, which in substance are applicable to disputes, and in respect to which no special provision is made by §§ 26.67 to 26.70, inclusive, are hereby made applicable to disputes.*

Samples in Appeals and Disputes

§ 26.72 *Representative sample.* No appeal or dispute shall be determined except upon the basis of a representative sample of the grain involved. Such sample shall be drawn by a person authorized for the purpose by either the Chief of the Service or the grain supervisor in charge of the District Headquarters office in which the appeal or dispute is heard, provided the parties in interest shall have the grain made accessible and placed under such conditions as to permit the taking of a representative sample.*

§ 26.73 *Representative samples, how procured.* For the purposes of an appeal or dispute no sample shall be deemed representative unless of the size, and procured in accordance with the method, prescribed in instructions issued by the Chief of the Service, or by an officer of the Department designated by him for the purpose, in effect at the time of taking the appeal or referring the dispute.*

Department Charges and Fees

§ 26.74 *Fees and charges.* The fee in an appeal or a dispute shall be fixed as follows:

(a) For bulk or sacked grain in carload lots, $1.50 per car;

(b) For bulk or sacked grain in a wagon or truck or in a lot of 75 sacks or less $1.00 per wagon, truck, or lot;

(c) For a submitted sample or package of grain, $1.00 per sample or package;

(d) For all lots of grain other than those referred to in (a), (b), and (c) of this section, 50 cents per one thousand bushels or fraction thereof with a minimum fee of $1.50.

Charges may be made for telegrams, express, parcel post, registry fees, travel expenses, and other items paid or incurred by the Department on account of an appeal or a dispute and for oral hearings, as will reimburse the Department; all such additional items to be determined by the Chief of the Service. Unless otherwise stated in the findings in any appeal, the fee as prescribed by this regulation, and no further charges, shall be deemed to be fixed and assessed.*

§ 26.75 *Fees, against whom assessed.* The fees so fixed shall, in case of an appeal, be assessed against the appellant, and in case of a dispute, against the complainant.*

§ 26.76 *Deposits.* For each appeal or dispute filed in any District Headquarters office of the Grain and Seed Division there shall be delivered to such office a check, (certified, if required by the Chief of the Service), or a post office or express money order, payable to the order of "Treasurer of the United States" for an amount sufficient to cover the fees, at the rate specified in § 26.74 (a), (b), (c), and (d). Additional sums may be required by the official hearing the appeal or dispute when deemed necessary by him as deposits. Any part of such deposit which may remain after payment of the fee assessed shall be returned to the party depositing the same. In case an appeal be sustained the amount of the fee assessed shall be refunded. All fees not covered by advance deposits shall be payable immediately upon notice of the assessment of the fee, and shall be paid by check (certified, if required by the Chief of the Service), or a post office or express money order drawn to the order of "Treasurer of the United States."

The grain supervisor in charge of a District Headquarters office shall hold each deposit in his custody until the final Federal appeal grade certificate or final Federal dispute grade certificate shall have been issued, and it has been determined, in case of an appeal, whether the same has been sustained or not sustained. In case an appeal is not sustained, and in case of a dispute, the sum received by the grain supervisor as a deposit, shall be transmitted to the Department for deposit in the Treasury of the United States of such amount as may be due the Government, and for the refund of any excess deposit to the depositor thereof.*

Hearings

§ 26.77 *Hearings, notice and record.* Notice shall be given of any oral hearing under the regulations in this part. The hearing shall be held before and at a time and place fixed by the Chief of the Service, or an officer of the Department designated by him for the purpose. Such hearing shall be in accordance with § 26.79. A copy of the charges, copies of all other notices and orders, and all the evidence shall be made a part of the records of the Department.*

§ 26.78 *Section 5 cases.* In case a hearing is ordered in connection with an alleged violation of, or an investigation under, section 5 of the act, a written notice of the time and place of such hearing shall be given by the Secretary or the Chief of the Service to the owner or shipper of the grain involved, to the licensed inspector, if any, who inspected the grain, and any other interested parties, such reasonable time in advance as will enable the persons notified, if they so desire, to attend the hearing. Persons notified shall, in advance of the hearing, be furnished with a written statement of the charges or subject matter of the investigation, and shall be afforded opportunity to submit evidence in their own behalf.*

§ 26.79 *Conduct of hearings.* Hearings under the regulations in this part shall proceed in accordance with this section. The testimony of witnesses shall be upon oath or affirmation administered by the officer before whom the hearing is held. The officer before whom an oral hearing is held may exclude obviously irrelevant evidence, but the party offering such evidence may state what he expects to prove thereby. Any witness may, in the discretion of the officer holding the hearing, be examined separate and apart from all other witnesses except the interested parties. Such hearing, for good cause appearing to the satisfaction of such officer, may be postponed or adjourned by him from time to time. When good cause for such action appears to the Chief of the Service, the evidence of any material witness may be taken under oath or affirmation by deposition. Such deposition shall be taken after reasonable notice to the parties interested and at a time and place and before a person designated for the purpose by the Chief of the Service. The expense of taking such deposition shall be borne by the party in whose behalf it is taken. A true copy of every written entry in the records of the Department, made by an officer or employee thereof in the course of his official duty, which is relevant to the issues involved in a hearing, shall be admissible as prima facie evidence of the facts stated therein without the production of such officer or employee. Oral argument will be permitted before the hearing officer at the close of the hearing and any argument advanced will be embodied in the record. Written brief or argument may be submitted and made a part of the record if received by the hearing officer within 15 days after the close of the hearing. This period may be extended by the hearing officer for good cause shown. Except as otherwise provided in this section, the expense of reducing the evidence to writing for the purposes of the record in any hearing shall be borne by the Department.*

Provisions Governing Grain Merchandising

§ 26.80 *Inspection to be obtained, where.* For each shipment of grain in interstate or foreign commerce from or to a place where a licensed inspector is located, which is sold, offered for sale, or consigned for sale by grade, an inspection by a licensed inspector must, in accordance with section 4 of the act, be obtained at the shipping point, at some convenient point en route, or at destination.*

§ 26.81 *Limitations on use of "heavily loaded car" certificate.* For the purposes of the act, an "in" inspection "heavily loaded car" certificate shall not be valid to represent the grade of the grain covered thereby for an "en route" inspection nor for an "out" shipment from the place of such inspection.*

§ 26.82 *Arrival inspection valid for out shipment of reconsigned cars.* An "in" inspection of grain in a railroad car performed on arrival at an inspection point, except in the case of a heavily loaded car, shall also be deemed valid for the purpose of out shipment from such inspection point under the following conditions only:

(a) When the out shipment or delivery for shipment is made not later than the close of the second business day after the date of such inspection;

(b) When the grain covered by the inspection has not in the meantime been removed or transferred from the car in which it was inspected;

(c) When the identity of the grain has not been changed, and

(d) When the certificate of grade bears the statement regarding its validity for "in" and "out" inspection as required by paragraph (c) of § 26.29.

Nothing contained in this section shall be construed as authorizing an inspector to refuse to comply with a request for another inspection and the issuance of a regular "out" or other inspection certificate when necessary for the purposes of the act and regulations.*

§ 26.83 *Certificate which has been superseded shall not represent grade of grain.* When a certificate of grade issued by a licensed inspector shall have been superseded, under the regulations in this part, by a certificate issued as a result of a reinspection, or by a Federal appeal grade certificate, such superseded certificate of grade shall not thereafter represent the grade of the lot or parcel of grain described therein.*

§ 26.84 *Final appeal or dispute grade certificate supersedes previous certificates.* No Federal appeal grade certificate or Federal dispute grade certificate shall represent the grade of a lot or parcel of grain described therein after it shall have been superseded, under the regulations in this part, by a final Federal

appeal grade certificate or final Federal dispute grade certificate.*

§ 26.85 *Required inspections not to be prevented.* Whenever, under the act and regulations, inspection and grading of any grain by a licensed inspector is required, no person entitled under the act and regulations to have such inspection and grading performed, shall be deprived of his right thereto by any rule, regulation, bylaw, or custom of any market, board of trade, chamber of commerce, exchange, inspection department, or similar organization, or by any contract, agreement, or understanding whatsoever.*

§ 26.86 *Right of appeal or dispute not to be impaired.* No rule, regulation, bylaw, or custom of any market, board of trade, chamber of commerce, exchange, inspection department, or similar organization, nor any contract, agreement, or understanding, shall be ground for refusing to hear and determine any appeal taken or any dispute referred to the Secretary in compliance with the act and regulations.*

§ 26.87 *Uninspected grain.* Whenever any grain for which standards shall have been fixed and established under the act is sold, offered for sale, or consigned for sale by any of the grades fixed therefor in the official grain standards of the United States, and such grain is shipped in interstate or foreign commerce without inspection from a place at which there is no inspector licensed under the act to a place at which there is no such inspector, the shipper shall promptly transmit to the purchaser or consignee an invoice covering such grain, which invoice shall bear a statement, written, typewritten or affixed with a rubber stamp, to the effect that the grain involved has not been inspected by a licensed inspector and that the grade thereof is subject to dispute under the act. Such statement may be worded as follows: "This grain not officially inspected; grade subject to dispute privilege under United States Grain Standards Act." Any such shipper shall, upon request by the Agricultural Marketing Service, submit a statement showing the following with respect to any shipment or with respect to such shipments made within given period of time to be specified in the request: (a) the date of shipment, (b) the kind of grain, (c) the quantity thereof, (d) the grade by which it is sold, offered for sale, or consigned for sale, (e) the point of shipment and destination thereof, (f) the name of the initial carrier, (g) the car initial, and number, or the name or other designation of the vessel, boat, barge, or vehicle, as the case may be, in which such grain is shipped, (h) the name of the shipper, and (i) the name of the consignee.

Done at Washington, D. C., this 23d day of August 1941. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 41-6387; Filed, August 25, 1941; 11:27 a. m.]

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[Form PN-514, Supplement 2]

PART 729—NATIONAL MARKETING QUOTA FOR PEANUTS

SUBPART A—1941 [1]

The "Regulations Pertaining to Marketing Quotas for Peanuts of the Crop Planted in the Calendar Year 1941" (Form PN-514) are amended as follows:

Section 729.3 is amended by adding at the end thereof the following definitions:

§ 729.3 *Definitions.*

* * * * *

(18) "Quota peanuts" means any farmers' stock peanuts marketed within the marketing quota for the farm on which the peanuts are produced and so identified through the use of forms issued in accordance with the regulations in this part.

(19) "Excess peanuts" means any farmers' stock peanuts marketed in excess of the farm marketing quota for the farm on which the peanuts are produced and so identified through the use of forms issued in accordance with these regulations, and any farmers' stock peanuts marketed without identification through the use of forms issued in accordance with the regulations in this part.*

*§§ 729.3 to 729.38, inclusive, issued under the authority contained in 52 Stat. 38 as amended, 7 U.S.C. Supp., 1301 et seq.

Section 729.17, paragraph (d) is amended by striking out the last sentence therein and inserting in lieu thereof the following sentence:

§ 729.17 *Amount, liability for, collection and payment of penalties.*

* * * * *

* * * The market value of peanuts for crushing into oil shall be determined as hereafter provided in the regulations in this part.*

Section 729.24 is amended by striking out the words "mentioned in § 729.23 of" as they appear in the second sentence of said section and inserting in lieu thereof the words "required by these regulations to keep records of".

Section 729.25 is amended by striking out the sentence therein and inserting in lieu thereof the following:

§ 729.25 *Findings as to the necessity for records and reports.* The Secretary hereby finds that the records and reports required by these regulations are necessary to enable him to carry out with respect to peanuts the provisions of Title III of the act.*

[1] 6 F.R. 2779.

Section 729.26 is amended by striking out the sentence therein beginning with the words "Any person" and inserting in lieu thereof the following:

§ 729.26 *Failure to keep record or make report.* * * * Any person or agency (other than a producer acting in his capacity as a producer) failing to make any report or keep any record as required by these regulations, or making any false report or record shall be deemed guilty of a misdemeanor and shall be fined not more than $500 for each such offense.*

The promulgating clause contained in the last paragraph of the regulations is hereby amended by striking out the words "in the calendar year 1940" and inserting in lieu thereof the words "in the calendar year 1941."

The "Regulations Pertaining to Marketing Quotas for Peanuts of the Crop Planted in the Calendar Year 1941" (Form PN-514), as amended, are further amended by the addition of the following new sections:

Operation of Designated Agencies

§ 729.30 *Designation of agencies.* Any person may upon request be designated as an agency if the Secretary considers such designation advisable in order to provide facilities for receiving and handling excess peanuts in any area and such person shall become such an agency upon designation and upon entering into an agreement with the Secretary with respect to the handling of excess peanuts. Any designated agency may enter into agreement with any other person to act as its sub-agent.*

§ 729.31 *Prices of and payments for excess peanuts for crushing into oil.* The market value of excess peanuts for crushing into oil shall be established or approved for each day or for any period of days by the Secretary or his authorized representative. If no market value is established or approved for any day, the market value to be used during any such day shall be the last established or approved market value unless otherwise provided by the Secretary or his authorized representative. The market value shall be established on the basis of available market information pertinent to the determination of the value for crushing into oil of peanuts of the different types and grades and at different locations. Each designated agency shall pay producers for excess peanuts not less than the market value established pursuant hereto as of the date of delivery less the estimated cost determined by the Secretary or his authorized representative of storing, handling and selling excess peanuts. The "date of delivery" for the purpose of these regulations shall mean, with respect to excess peanuts delivered to the designated agency at warehouse, the date upon which the warehouse receipt is issued. The "date of delivery" for excess peanuts

delivered to the designated agency at places other than at warehouse shall be the date upon which the bill of sale is made.*

§ 729.32 *Sales of excess peanuts by designated agencies.* All excess peanuts received by a designated agency shall be sold for crushing into oil under a sales agreement approved by the Secretary or his authorized representative; or, if the Secretary or his authorized representative should direct, all or any part of such excess peanuts shall be sold or publicly offered for sale, at times specified (a) for crushing into oil, or (b) for purposes other than for crushing into oil at prices not less than those established for peanuts of similar types and grades under any peanut diversion program established by the Secretary for quota peanuts. Each designated agency shall assist in determining whether excess peanuts sold by it for crushing into oil are, in fact, crushed into oil.*

§ 729.33 *Records and reports.* In addition to records and reports required by §§ 729.22, 729.23, and 729.24 of the regulations in this part, each designated agency shall maintain records, and shall make reports as requested by the Secretary showing the number of pounds of excess peanuts and the number of pounds of quota peanuts acquired from producers, both by type and grade and the price paid therefor; the number of pounds of excess peanuts and the number of pounds of quota peanuts sold for crushing into oil and the price received therefor; the number of pounds of excess peanuts and the number of pounds of quota peanuts sold for purposes other than crushing into oil and the price received therefor; and the cost incurred in storing, handling and selling excess peanuts. Each person acquiring excess peanuts for crushing into oil shall keep records and shall make reports as requested by the Secretary showing the number of pounds of excess peanuts acquired for crushing into oil; the number of pounds of excess peanuts crushed into oil; the number of pounds of any other peanuts crushed into oil at the same time; and the number of pounds of oil and the number of pounds of peanut meal obtained from peanuts crushed into oil.*

§ 729.34 *Additional payments for peanuts not identified as within quota peanuts when marketed.* Upon presentation to a designated agency, not later than June 16, 1942, of a certificate issued by the Secretary or his authorized representative that any particular quantity of peanuts were improperly identified upon delivery as excess peanuts and were in fact quota peanuts, the designated agency shall pay to the producer an amount equivalent to that by which the prices for such peanuts in a schedule of prices for quota peanuts approved by the Secretary in connection with a diversion program and in effect on the date of delivery, exceeds the amounts paid to the producer for such peanuts: *Provided,* That such certificate shall be given only in the event of an error in connection with the issuance of the marketing card, or in the event of some mistake on the part of the county office or the designated agency which the producer could not reasonably have been expected to detect and have corrected. In the event of payment of any additional amount hereunder, the designated agency shall correct its records relating to the peanuts for which such additional payment is made.*

§ 729.35 *Refunds of payments for excess peanuts identified as quota peanuts when marketed.* Upon presentation to the seller of a certificate issued by the Secretary or his authorized representative that any particular peanuts were improperly identified upon delivery as quota peanuts and were in fact excess peanuts, the producer shall refund to the designated agency an amount equivalent to that by which the scheduled payments for such peanuts as of the date of delivery exceeded the amount which would have been paid to the producer for such peanuts as excess peanuts. In the event of a refund of any amount hereunder, the designated agency shall correct its records relating to such peanuts. Any amount so recovered shall be deducted from claims for payment or refunded as provided in approved applications and agreements pursuant to the "Offer of the Secretary of Agriculture", Form SMA–PND 500.*

§ 729.36 *Funds from excess peanuts.* Out of the proceeds from the sale of excess peanuts, the designated agencies shall make refunds or payments as provided in the "Offer of the Secretary of Agriculture", Form SMA–PND 500, and the various applications and agreements executed pursuant thereto in connection with the Peanut Marketing Program (Fiscal Year 1942).*

§ 729.37 *Penalty for improper disposition of excess peanuts.* Any person who acquired excess peanuts for crushing into oil and who disposes of such peanuts for purposes other than for crushing into oil, except at the direction of the Secretary, shall pay a penalty of three cents per pound upon the peanuts so used or disposed of and shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned for not more than one year, or both. The penalty of three cents per pound shall be due upon such use of the peanuts and shall be paid immediately to the Agricultural Adjustment Administration in the form of a check, draft, or money order, payable to the order of the Treasurer of the United States.*

§ 729.38 *Determination of the Secretary.* The Secretary will authorize and direct, from time to time, representatives and agents to make determinations under Part VII and related provisions of the regulations in this part.*

By virtue of the authority vested in the Secretary of Agriculture by title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938; 52 Stat. 38, as amended, 7 U.S.C. 1301 et seq.), he does make, prescribe, publish and give public notice of the foregoing amendments to the "Regulations Pertaining to Marketing Quotas for Peanuts of the Crop Planted in the Calendar Year 1941" (Form PN–514) issued by him on June 7, 1941, as amended.

Done at Washington, D. C., this 25th day of August, 1941. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 41–6385; Filed, August 25, 1941; 11:26 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VI—ORGANIZED RESERVES

PART 64—ENLISTED RESERVE CORPS [1]

§ 64.13 *Separation from service*—(a) *Discharge before expiration of enlistment.* * * * (2) * * *

(ii) Upon acceptance of a commission in the Regular Army, Officers' Reserve Corps, or National Guard; or in order to accept a commission in the United States Navy, Naval Reserve, the Marine Corps, or the Marine Corps Reserve, provided evidence is presented showing that the individual will be ordered to immediate active duty.

(iii) For the purpose of enlisting in the Regular Army, National Guard, or Coast Guard; or in order to enlist in the United States Navy, Naval Reserve, the Marine Corps, or the Marine Corps Reserve, provided evidence is presented showing that the individual will be ordered to immediate active duty.

* * * * *

(5) Members of the Enlisted Reserve Corps on active duty will not be relieved from duty or discharged in order to enlist in the United States Navy, the Naval Reserve, the United States Marine Corps, or in the Marine Corps Reserve until their tour of active service is completed. Such men may, however, be relieved from active service and discharged provided satisfactory evidence is presented that they will be commissioned in the United States Navy, the Naval Reserve, the United States Marine Corps, or in the Marine Corps Reserve upon discharge and placed upon immediate active duty. (39 Stat. 195, 41 Stat. 780; 44 Stat. 705; 10 U.S.C., 421, 423–427) [Par. 22, AR 150–5, Sept. 30, 1931, as amended by Cir. 167, W.D., Aug. 13, 1941]

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[SEAL] J. A. ULIO,
Brigadier General,
Acting, The Adjutant General.

[F. R. Doc. 41–6342; Filed, August 23, 1941; 9:46 a. m.]

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[1] § 64.13 (a) (2) (ii) and (iii) is amended and § 64.13 (a) (5) is added.

TITLE 14—CIVIL AVIATION[1]

CHAPTER I—CIVIL AERONAUTICS BOARD

PART 61—SCHEDULED AIRLINE RULES (INTERSTATE)

SPECIAL REGULATION

At a session of the Civil Aeronautics Board held at its office in Washington, D. C. on the 21st day of August 1941.

It appearing that:

The provisions of §§ 61.3220 and 61.3230 of the Civil Air Regulations forbidding the operation of multi-engine land aircraft over water beyond a gliding distance from shore without the aid of power unless equipped with certain equipment for over-water flying causes scheduled air carrier aircraft to fly between Keyport, New Jersey, and Brooklyn, New York, at altitudes frequently requiring unnecessary instrument operation;

The Board finds that:

Its action is in the public interest and in the interest of safety of air transportation;

Now, therefore, The Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 and 604 of said Act, makes and promulgates the following regulation:

Notwithstanding the provisions of §§ 61.3220 and 61.3230, scheduled air carriers in air transportation may operate multi-engine land aircraft on a direct route between Keyport, New Jersey and New York Municipal Airport, La Guardia Field, New York over the Lower Bay of New York Harbor at a distance beyond gliding distance from shore without the aid of power when such operation is authorized by the Administrator in the interest of safety.

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY, *Secretary.*

[F. R. Doc. 41-6356; Filed, August 25, 1941; 9:34 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4492]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF DISABLED AMERICAN VETERANS OF THE WORLD WAR REHABILITATION DEPARTMENT ET AL.

§ 3.69 (a) 3.5) *Misrepresenting oneself and goods—Business status, advantages or connections—Connections and arrangements with others:* § 3.69 (a) 7.4) *Misrepresenting oneself and goods—Business status, advantages or connections—Identity:* § 3.69 (a) 9.9) *Misrepresenting oneself and goods—Business status, advantages or connections—Nonprofit character:* § 3.69 (a) 11) *Misrepresenting oneself and goods—Business status, advantages or connections—Personnel or staff:* § 3.96 (b) 1.3) *Using misleading name—Vendor—Connections and arrangements with others:* § 3.96 (b) 2) *Using misleading name—Vendor—Identity:* § 3.96 (b) 4) *Using misleading name—Vendor—Non-profit character.* In connection with offer, etc., in commerce, of books known as "Progress of Nations" and "Forward March", or any other similar books, and among other things, as in order set forth, (1) representing, through the display and use of literature published by the organization known as the Disabled American Veterans of the World War, or by any other means, that respondents' salesmen and representatives are representatives or agents of said organization; and (2) using the corporate name "Disabled American Veterans of the World War Rehabilitation Department", or representing in any manner that the corporate respondent is identical to, identified with, or is a constituent part of the organization known as the Disabled American Veterans of the World War; prohibited. (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, Disabled American Veterans of the World War Rehabilitation Department et al., Docket 4492, August 18, 1941]

§ 3.72 (m5) *Offering deceptive inducements to purchase—Sales for noncommercial recipients or objectives:* § 3.72 (n) *Offering deceptive inducements to purchase—Special offers, savings and discounts.* In connection with offer, etc., in commerce, of books known as "Progress of Nations" and "Forward March", or any other similar books, and among other things, as in order set forth, representing (1) that any books or sets of books offered for sale and sold by respondents, or any of them, are being offered for sale or sold to selected persons only, when such is not the fact; (2) that the organization known as the Disabled American Veterans of the World War receives the entire profit, derived from the sale of respondents' said books or sets of books, or any profit in excess of that actually paid by respondents to said organization; (3) that any customer purchasing any of respondents' books or sets of books is, in effect, making a direct contribution to the organization known as the Disabled American Veterans of the World War; and (4) that the funds derived from the sale of said books or sets of books will be used by the Disabled American Veterans of the World War to defray the expense of said organization's activities and efforts in combating anti-American and subversive organizations and influences in the United States; prohibited. (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, Disabled American Veterans of the World War Rehabilitation Department et al., Docket 4492, August 18, 1941]

In the Matter of Disabled American Veterans of the World War Rehabilitation Department, a Corporation, and Frank J. Mackey, L. C. Maier, Daniel C. Moore, and Robert T. Mackey, Individually, and as Officers of Disabled American Veterans of the World War Rehabilitation Department

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of August, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, evidence and stipulation as to the facts entered into which provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Disabled American Veterans of the World War Rehabilitation Department, a corporation, its directors, officers, representatives, agents and employees, and Frank J. Mackey, L. C. Maier, Daniel C. Moore, and Robert T. Mackey, individually, and as officers of Disabled American Veterans of the World War Rehabilitation Department, and their representatives, agents and employees, jointly or severally, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of books known as "Progress of Nations" and "Forward March", or any other books of similar kind or nature whether sold under these names or under any other name or names, in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist, directly or indirectly, from:

(1) Representing, through the display and use of literature published by the organization known as the Disabled American Veterans of the World War, or by any other means, that respondents' salesmen and representatives are representatives or agents of said organization;

(2) Representing that any books or sets of books offered for sale and sold by respondents, or any of them, are being offered for sale or sold to selected persons only, when such is not the fact;

(3) Representing that the organization known as the Disabled American

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[1] Title 14—Civil Aviation, Chapter I—Civil Aeronautics Authority, has been changed to Title 14—Civil Aviation, Chapter I—Civil Aeronautics Board, Chapter II—Administrator of Civil Aeronautics, Department of Commerce.

[1] 6 F.R. 3202.

Veterans of the World War receives the entire profit, derived from the sale of respondents' said books or sets of books, or any profit in excess of that actually paid by respondents to said organization;

(4) Representing that any customer purchasing any of respondents' books or sets of books is, in effect, making a direct contribution to the organization known as the Disabled American Veterans of the World War;

(5) Representing that the funds derived from the sale of said books or sets of books will be used by the Disabled American Veterans of the World War to defray the expense of said organization's activities and efforts in combating anti-American and subversive organizations and influences in the United States;

(6) Using the corporate name "Disabled American Veterans of the World War Rehabilitation Department", or representing in any manner that the corporate respondent is identical to, identified with, or is a constituent part of the organization known as the Disabled American Veterans of the World War.

It is further ordered, That the respondents shall, within sixty (60) days after 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. 41-6382; Filed, August 25, 1941; 11:12 a. m.]

[Docket No. 4495]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF PEOPLES HARDWARE STORES

§ 3.6 (a) 22) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Manufacturer:* § 3.6 (r) 1.1) *Advertising falsely or misleadingly—Prices—Comparative.* In connection with offer, etc., in commerce, of paint products, and among other things, as in order set forth, representing, directly or indirectly, (1) that the products sold and distributed by respondent are made or manufactured by him; and (2) that respondent's products are offered for sale at savings of 20% to 35%, or at any other savings, in excess of the actual savings from the prices charged by respondent's competitors for similar products made of the same or comparable ingredients; prohibited. (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, Peoples Hardware Stores, Docket 4495, August 12, 1941]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., in commerce, of paint products, and among other things, as in order set forth, representing, directly or indirectly, that respondent's paint designated "Lawrence Master Painters Flat Paint", or designated by any other name, or any other paint composed of comparable ingredients, by whatsoever name it may be designated, will cover 1,100 square feet of surface per gallon, or any comparable area, unless it is also stated in a manner equally as conspicuous that such coverage is possible only over a pigment sealer and on a smooth surface, prohibited. (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, Peoples Hardware Stores, Docket 4495, August 12, 1941]

In the Matter of Domenico Del Vecchio, an Individual Trading as Peoples Hardware Stores

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of August, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives 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 respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Domenico Del Vecchio, an individual, trading as Peoples Hardware Stores, or under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of paint products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, directly or indirectly, that the products sold and distributed by respondent are made or manufactured by him.

(2) Representing, directly or indirectly, that respondent's products are offered for sale at savings of 20% to 35%, or at any other savings, in excess of the actual savings from the prices charged by respondent's competitors for similar products made of the same or comparable ingredients.

(3) Representing, directly or indirectly, that respondent's paint designated "Lawrence Master Painters Flat Paint", or designated by any other name, or any other paint composed of comparable ingredients, by whatsoever name it may be designated, will cover 1100 square feet of surface per gallon, or any comparable area, unless it is also stated in a manner equally as conspicuous that such coverage is possible only over a pigment sealer and on a smooth surface.

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

By the Commission.

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

[F. R. Doc. 41-6383; Filed, August 25, 1941; 11:12 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T. D. 50457]

PART 11—SAMPLING, WEIGHING, AND TESTING OF SUGARS, SIRUPS, AND MOLASSES; ASCERTAINING CLEAN CONTENT OF WOOL AND HAIR; ENTERING, SAMPLING, WEIGHING, GAUGING, AND STORING PETROLEUM PRODUCTS

WOOL AND HAIR

Sections 11.47 to 11.50 [Articles 762 to 768], inclusive, of the Customs Regulations of 1937, as amended, are hereby amended to read as follows:

ART. 762. *Rates of duty—Regulations authorized.* Tariff Act of 1930, paragraph 1101 (a), as amended by the Customs Administrative Act of 1938, section 33, and paragraphs 1102, 1103, and 1104.

PAR. 1101. (a) Wools: Donskoi, Smyrna, Cordova, Valparaiso, Ecuadorean, Syrian, Aleppo, Georgian, Turkestan, Arabian, Bagdad, Persian, Sistan, East Indian, Thibetan, Chinese, Manchurian, Mongolian, Egyptian, Sudan, Cyprus, Sardinian, Pyrenean, Oporto, Iceland, Ecotch Blackface, Black Spanish, Kerry, Haslock, and Welsh Mountain; similar wools without merino or English blood; all other wools of whatever blood or origin not finer than 40s; and hair of the camel; all the foregoing, in the grease or washed, 24 cents per pound of clean content; scoured, 27 cents per pound of clean content; on the skin, 22 cents per pound of clean content; sorted, or matchings, if not scoured, 25 cents per pound of clean content: *Provided,* That a tolerance of not more than 10 per centum of wools not finer than 44s may be allowed in each bale or package of wools imported as not finer than 40s. * * *.

PAR. 1102. (a) Wools, not specially provided for, not finer than 44s, in the grease or washed, 29 cents per pound of clean content; scoured, 32 cents per pound of clean content; on the skin, 27 cents per pound of clean content; sorted, or matchings, if not scoured, 30 cents per pound of clean content: *Provided,* That a tolerance of not more than 10 per centum of wools not finer than 46s may be allowed in each bale or package of wools imported as not finer than 44s.

(b) Wools, not specially provided for, and hair of the Angora goat, Cashmere goat, alpaca, and other like animals, in the grease or washed, 34 cents per pound of clean content; scoured, 37 cents per pound of clean content; on the skin, 32 cents per pound of clean content; sorted, or matchings, if not scoured, 35 cents per pound of clean content.

PAR. 1103. If any bale or package contains wools, hairs, wool wastes, or wool waste material, subject to different rates of duty, the highest rate applicable to any part shall apply to the entire contents of such bale or package, except as provided in paragraphs 1101 and 1102.

PAR. 1104. The Secretary of the Treasury is hereby authorized and directed to prescribe methods and regulations for carrying out the provisions of this schedule relating to the duties on wool and hair. The Secretary of the Treasury is further authorized and directed to procure from the Secretary of Agriculture, and deposit in such customhouses and other places in the United States or elsewhere as he may designate, sets of the Official Standards of the United States for grades of wool. He is further authorized to display, in the customhouses of the United States, or elsewhere, numbered, but not otherwise identifiable, samples of imported wool and hair, to which are attached data as to clean content and other pertinent facts, for the information of the trade and of customs officers.

§ 11.47 *Definitions.* (a) Tariff Act of 1930, paragraphs 1101 (c) (1) to (4), as amended by the Customs Administrative Act of 1938, section 33:

For the purposes of this schedule:

(1) Wools and hair in the grease shall be considered such as are in their natural condition as shorn from the animal, and not cleansed otherwise than by shaking, willowing, or burr-picking;

(2) washed wools and hair shall be considered such as have been washed, with water only, on the animal's back or on the skin, and all wool and hair, not scoured, with a higher clean yield than 77 per centum shall be considered as washed;

(3) scoured wools and hair shall be considered such as have been otherwise cleansed (not including shaking, willowing, burr-picking, or carbonizing);

(4) sorted wools or hair, or matchings, shall be wools and hair (other than skirtings) wherein the identity of individual fleeces has been destroyed, except that skirted fleeces shall not be considered sorted wools or hair, or matchings, unless the backs have been removed; * * *.

(b) For the purposes of §§ 11.47 to 11.50b [Articles 762 to 768], inclusive, the words "clean content", wherever they appear therein, shall mean all that portion of the wool or hair which consists exclusively of wool or hair free of all vegetable and other foreign material and containing 12% by weight of moisture and 1½% by weight of material removable from the wool or hair by extractions with alcohol, and having an ash content not exceeding ½ of 1% by weight.

(c) The words "percentage clean content", wherever they appear in §§ 11.47 to 11.50b [Articles 762 to 768], inclusive, shall mean the clean content, as defined above, expressed as a percentage of the net weight of the wool.

(d) The words "clean yield" in paragraph 1101 (c) (2), Tariff Act of 1930, as amended, shall mean the clean content of the wool or hair. (Pars. 1101–1104: sec. 1, 46 Stat. 646, 647; 19 U.S.C. 1001) [Art. 763]

§ 11.48 *Invoices.* Invoices of wool or hair provided for in paragraph 1101 or 1102 of the Tariff Act of 1930, as amended, shall show the following detailed information in addition to other information required:

(a) Condition, i. e., whether in the grease, washed, pulled, on the skin, scoured, carbonized, burr-picked, willowed, handshaken, or beaten;

(b) Whether free of vegetable matter, practically free, slightly burry, medium burry, heavy burry;

(c) Whether in the fleece, skirted, matchings, sorted;

(d) Length, i. e., whether super combing, ordinary combing, clothing, or filling;

(e) Country of origin, and, if possible, the province, section, or locality of production;

(f) If wool, the quality or grade of each lot covered by the invoice, specifying the standard or basis used, i. e., whether United States Official Standards or the commercial term to designate grade in the country of shipment;

(g) Net weight of each lot of wool or hair covered by the invoice in the condition in which it is shipped, and the shipper's estimate of the clean content of each such lot by weight or by percentage. (Pars. 1101–1104: sec. 1, 46 Stat. 646, 647; 19 U.S.C. 1001) [Art. 764]

§ 11.49 *Entry; affidavit of clean content; duties; sampling by importer.* (a) Each entry covering wool or hair subject to duty under paragraph 1101 or 1102 of the Tariff Act of 1930, as amended, shall show as to each lot of wool or hair covered thereby, in addition to other information required, the total estimated or actual net weight of the wool or hair in its condition as imported, its total estimated clean content in pounds, and the estimated percentage clean content. Two copies of each entry covering wool or hair classifiable under the provisions of paragraph 1101, as amended, or paragraph 1102 shall be filed in addition to the copies otherwise required.

(b) Duties on wool or hair classifiable under paragraph 1101, as amended, or paragraph 1102 may be estimated at the time of entry on the basis of the clean content shown on the entry if the collector is satisfied that the revenue will be properly protected. Liquidated duties shall be determined on the basis of the appraiser's final report of clean content. Estimated and liquidated duties on wool or hair tested for clean content pursuant to the provisions of § 11.50 [Article 766], and withdrawn for consumption without a change in condition which affects the duties and in a quantity less than an entire sampling unit as defined in § 11.50 (a) (1) [Article 766 (a) (1)], shall be determined on the basis of an appropriate adjustment of the estimated percentage clean content shown on the entry for the wool or hair included in each of the lots covered by the withdrawal. This adjustment shall be made by increasing or decreasing such estimated percentage clean content of each lot by the difference between the percentage clean content of the related sampling unit, as reported by the appraiser, and the weighted average percentage clean content for the sampling unit, as computed from the estimated percentages clean content and net weights shown on the entry for the lots included in the sampling unit.

(c) Pursuant to the authority vested in the collector and the appraiser by sections 509 and 510 of the Tariff Act of 1930, either officer may require, in connection with any or all lots of wool or hair included in the importation, that the owner or his representative file in duplicate a properly and fully executed affidavit on customs Form 6449 after opportunity is given to inspect the importation. If in his judgment it will aid in a more accurate determination of the amount of duty, the appraiser or the collector shall direct the importer to furnish such additional information and documents pertaining to the lot or lots as may be necessary. The release of the wool or hair may be withheld until the affidavit and any other required information are received by the officer who directed its production.

(d) The importer of record, the owner under section 485 (d) of the tariff act, or the transferee under section 557 (b) of the tariff act, as amended, as the case may be, may be permitted after entry to draw samples under customs supervision in reasonable quantities from the packages of wool or hair designated for examination, provided the bales or bags will be properly repacked and repaired by such person. Any samples so withdrawn shall be weighed and a record showing the quantities thereof shall be made and filed with the related entry.

(e) Duty shall be assessed and collected on samples taken pursuant to the provisions of paragraph (d) of this section or § 11.50 [Art. 766], § 11.50a [Art. 767], or § 1150b [Art. 768], unless an exemption or remission is obtained by compliance with an applicable provision of the law or regulations. The duty shall be assessed upon the samples in accordance with their condition at the time of importation, except as provided for in section 562 of the tariff act, as amended. The collection of duty on the samples may be postponed, when the importation concerned is not entered for consumption, until the withdrawal of the merchandise from which the samples are taken, or until an application for the destruction or abandonment of such merchandise has been accepted pursuant to an appropriate provision of the law or regulations. (Pars. 1101–1104: sec. 1, 46 Stat. 646, 647; 19 U.S.C. 1001) [Art. 765]

§ 11.50 *Weighing, sampling, and laboratory testing for clean content.* (a) When used in this section, the terms:

(1) "Sampling unit" means all the similar packages covered by one entry or withdrawal, containing wool or hair of the same kind, or same general condition and character, produced in the same country, packed in substantially the same manner, and entered as subject to the same rate of duty.

(2) "General sample" means the composite of the individual portions of wool or hair drawn from a sampling unit.

(b) The following shall be weighed, sampled, and tested for clean content, as prescribed in this section, unless such sampling or testing is not feasible: (1) all importations of wool or hair classifiable under the provisions of paragraph 1102, Tariff Act of 1930, except importations entered directly for manipulation under the provisions of section 562 of the tariff act, as amended, or for manufacture under the provisions of section 311 of the tariff act; (2) all imported wool or hair manipulated under the provisions of such section 562 and classifiable after manipulation under the provisions of paragraph 1102 of the tariff act; and (3) such other imported wool or hair as the collector may designate. When a quantity of any wool or hair so tested which is less than the sampling unit previously tested is to be withdrawn by a transferee as provided for in section 557 (b), Tariff Act of 1930, as amended, or is to be exported from continuous customs custody without manipulation or manufacture, there shall be a new determination in accordance with the regulations in this part of the percentage clean content of such quantity with an appropriate adjustment or new determination, as may be required, of the part of the original sampling unit remaining in customs custody.

(c) A general sample shall be taken from each sampling unit, unless it is not feasible to obtain a representative general sample of the wool or hair in a sampling unit or to test such a sample in accordance with the provisions of this section, in which case the clean content of the wool or hair in such sampling unit shall be estimated as provided for in § 11.50a [Article 767]. At the request of the importer of record, the owner under section 485 (d) of the tariff act, or the transferee under section 557 (b) of the tariff act, as amended, as the case may be, two general samples may be taken from a sampling unit, if the taking and testing of a second general sample is feasible. If two general samples are taken, one general sample shall be held for use in making a second test to determine the clean content of the wool or hair if such a test is requested in accordance with the provisions of paragraph (e) of this section.

(d) The clean content of all general samples taken in accordance with this section shall be determined by test in a customs laboratory and a report of the clean content of each general sample so determined shall be forwarded to the appraiser. If the report is not received by the appraiser within one month after the date of the entry, the clean content of the wool or hair shall be estimated as provided for in § 11.50a [Article 767] provided an adequate quantity of the merchandise is available for examination.

(e) The appraiser shall promptly notify the importer of record, the owner under section 485 (d) of the tariff act, or the transferee under section 557 of the tariff act, as amended, as the case may be, by mail of the percentage clean content determined by the laboratory test. If such person within fourteen calendar days after the date of mailing of the notice of the appraiser's finding of percentage clean content, files with the appraiser a written request in duplicate for another laboratory test for percentage clean content, supported by an affidavit in duplicate on Form 6449, when such an affidavit has not previously been filed, such request shall be granted, provided the request appears to the appraiser to be made in good faith, and provided, further, that a second general sample, as provided for in paragraph (c) of this section, is available for testing, or that all packages or, in the opinion of the Bureau, an adequate number of the packages represented by the general sample are available and in their original imported condition. The second test shall be made upon the second general sample, if such a sample is available. If the second general sample is not available, the packages shall be reweighed, resampled, and tested in accordance with the provisions of this section. All costs and expenses of such operations, exclusive of the compensation of customs officers, shall be borne by the person who requested the further test. Such person may be present during such resampling and testing. If he is dissatisfied with the results of the second laboratory test, or if a second laboratory test is not feasible, the wool or hair may be retested subject to the conditions and in the manner provided for in § 11.50a (c) [Article 767 (c)]. (Pars. 1101–1104: sec. 1, 46 Stat. 646, 647; 19 U.S.C. 1001) [Art. 766]

§ 11.50a *Examination for clean content by non-laboratory method.* (a) Importations of wool or hair classifiable under the provisions of paragraph 1101 or 1102 of the Tariff Act of 1930, as amended, including all imported wool or hair withdrawn for consumption after being manipulated under the provisions of section 562 of the tariff act, as amended, and classifiable under the provisions of paragraph 1101, as amended, or paragraph 1102 after such manipulation, when not tested under the provisions of § 11.50 [Article 766], shall be examined by the appropriate customs officer who shall estimate and report the percentage clean content of each lot.

(b) The appraiser shall promptly notify the importer of record, the owner under section 485 (d) of the tariff act, or the transferee under section 557 (b) of the tariff act, as amended, as the case may be, by mail of the percentage clean content estimated by the appropriate customs officer. If such person is dissatisfied with the estimate, and within the time and under the conditions prescribed in § 11.50 (e) [Article 766 (e)], files a request for a new examination of the wool or hair and a re-estimation of its percentage clean content, such request shall be granted, provided the request appears to the appraiser to be made in good faith. The aforementioned importer, owner, or transferee shall be given an opportunity to inspect those of the packages which are in dispute.

(c) If the person who requested re-estimation of the percentage clean content is dissatisfied with such re-estimation, he may, within fourteen calendar days after the date of mailing of the notice of the appraiser's findings upon re-examination, file a written request that a test be made to determine the percentage clean content of the wool or hair. The appraiser shall then cause a representative quantity of the wool or hair in dispute to be selected and tested by a commercial method approved by the Bureau. The yield, as determined by such commercial test, shall be suitably adjusted to coincide with the definition of clean content, as defined in § 11.47 (b) [Article 763 (b)]. Such test shall be made under the supervision and direction of the appraiser at an establishment approved by him, and the expense thereof, including the actual expense of travel and subsistence of customs officers but not their compensation, shall be paid by the person who requested the test.

(d) If the appraiser is not satisfied with the results of any test provided for in § 11.50 (e) [Article 766 (e)] or in paragraph (c) of this section, he may, within fourteen calendar days after receiving the report of the results of such test, proceed to have another test made upon a suitable sample of the wool or hair at the expense of the Government. Where the appraiser is proceeding to have another test made, he shall, within the fourteen-day period provided for in this paragraph, notify the importer, owner, or transferee, as the case may be, by mail, of that fact. The appraiser shall base his final report of clean content upon a consideration of all of the tests and examinations made in connection with the wool or hair concerned. (Pars. 1101–1104: sec. 1, 46 Stat. 646, 647; 19 U.S.C. 1001) [Art. 767]

§ 11.50b *Grades of wool; Standards; Reconsideration of.* (a) Tariff Act of 1930, paragraph 1101 (c) (5), as amended by the Customs Administrative Act of 1938, section 33:

> (5) the Official Standards of the United States for grades of wool as established by the Secretary of Agriculture on June 18, 1926, pursuant to law, shall be the standards for determining the grade of wools.

(b) The appraiser shall cause wool provided for in paragraph 1101 or 1102 of the Tariff Act of 1930, as amended, to be examined for grade. If classification of the wool at the grade or grades determined on the basis of this examination will result in the assessment of duty at a rate higher than the rate provided for wool of the grade or grades stated in the entry, the appraiser shall promptly

notify, by mail, the importer of record, the owner under section 485 (d) of the tariff act, or the transferee under section 557 (b) of the tariff act, as amended, as the case may be. If such importer, owner, or transferee is dissatisfied with the appraiser's findings as to the grade or grades of the wool, such person may, within fourteen calendar days after the date of mailing of the notice of the appraiser's findings, file in duplicate a written request for another determination of grade or grades, stating the reason for the request. Notice of the appraiser's findings on the basis of the re-examination of the wool shall be mailed to the person who requested the re-examination. If such person is dissatisfied with these findings, he may, within fourteen calendar days after the date of mailing of the notice, request in writing that a sorting test be made on the wool contained in the examination packages to determine the percentage of each of the grades of wool in the importation. Such a test shall be made on a representative number of the bales in dispute, under the supervision and direction of the appraiser. The expense of the test, including the actual expenses for travel and subsistence of customs officers, but not their compensation, shall be paid by the person who requested the test. (Pars. 1101–1104: sec. 1, 46 Stat. 646, 647; 19 U.S.C. 1001) [Art. 768]

The provisions of these sections, inclusive, as amended, shall apply to wool and hair imported on and after October 1, 1941.

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: August 21, 1941.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41–6332; Filed, August 22, 1941; 12:36 p. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A–765]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER OF THE DIRECTOR GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF CONSUMERS' COUNSEL DIVISION REQUESTING THAT BOTH TEMPORARY AND PERMANENT ORDERS BE ENTERED TO THE EFFECT THAT MINIMUM F. O. B. MINE PRICES ESTABLISHED FOR "INDUSTRIAL COAL" IN DISTRICT NO. 8 ALSO APPLY TO COAL PURCHASED BY CLARE-BURNS BRICK COMPANY.

An original petition, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937 and Price Instruction and Exception No. 12 in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck, having been duly filed with the Bituminous Coal Division by Consumers' Counsel Division, requesting that the minimum prices established for "Industrial Coals" be applied to purchases of District 8 coals by the Clare-Burns Brick Company; and

A hearing having been held in this matter pursuant to an Order of the Director, before a duly designated Examiner of the Bituminous Coal Division at Washington, D. C., at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard; and

The preparation and filing of a report by the Examiner having been waived and the matter submitted to the Director; and

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

Now, therefore, it is ordered, That the minimum f. o. b. mine prices established for "Industrial Coals", § 328.1 (*Price instructions and exceptions*) in the Schedule of Effective Minimum Prices for District 8 for All Shipments Except Truck be and they are hereby made applicable to coal purchased in carload quantities by the Clare-Burns Brick Company for use in its plant near Atlanta, Georgia.

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

An appropriate order will be entered.

Dated: August 23, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–6370; Filed, August 25, 1941; 10:36 a. m.]

[Docket No. A–473]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER OF THE DIRECTOR IN THE MATTER OF THE PETITION OF THE M'CLAREN COAL COMPANY, A PRODUCER IN DISTRICT NO. 10, FOR CHANGES IN THE EFFECTIVE MINIMUM PRICES FOR ALL RAIL SHIPMENTS AND RAILWAY LOCOMOTIVE FUELS

An original petition having been filed with the Bituminous Coal Division, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, by the McLaren Coal Company, a code member in District No. 10, requesting a reduction in the effective minimum prices established for the coals of the McLaren Mine, Mine Index No. 94, in Size Groups 1 to 16, 26 and 27, for all shipments except truck to Market Areas 29, 40, 54 and 68;

A petition of intervention having been filed by District Board No. 10 and several code members therein;

Temporary relief having been granted on January 30, 1941, 6 F.R. 757, after an informal conference had been held on December 23, 1940;

A hearing having been held in this matter pursuant to Orders of the Director dated January 15, 1941, and February 18, 1941, before 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 preparation and filing of a report by the Examiner having been waived by all the parties, and the matter thereupon having been submitted to the Director;

The Director 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:

(1) § 330.9 (*General prices*) in the Schedule of Effective Minimum Prices for District No. 10, For All Shipments Except Truck, be and it hereby is amended by reducing the prices for Mine Index No. 94, by 20¢ per ton in Size Groups 1 to 8 and by 10¢ in Size Groups 9 to 16, 26 and 27 for all shipments except for locomotive fuel use.

(2) The petition of the McLaren Coal Company herein, in so far as it prays for a change in the effective minimum prices for coals shipped for railway locomotive use, is denied.

Dated: August 21, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–6371; Filed, August 25, 1941; 10:36 a. m.]

[Docket No. A–985]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE SYCAMORE MINE, MINE INDEX NO. 1294, OF THE MAUMEE COLLIERIES COMPANY, IN DISTRICT NO. 11

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 Sycamore Mine, Mine Index No. 1294, of the Maumee Collieries Company, in District No. 11; and

The Director finding 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 Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 331.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 331.9 (*Adjustments in f. o. b. mine prices*) is amended by adding thereto Supplement R–II, and § 331.10 (*Special prices; Railroad locomotive fuel*) is amended by adding thereto Supplement R–III, 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 the Director shall otherwise order.

Dated: August 16, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in this "Supplement R" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

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

Mine index No.	Code member	Mine	Seam	Sub-dist.	Freight origin group No.	Price group
1294	Maumee Collieries Company	The Sycamore 26	VI	LS	68	7

Mine Index No. 1294 shall be included in Price Group 7 and for shipment into various market areas shall be accorded the prices shown for other mines in Price Group 7 listed in Price Schedule No. 1 for District No. 11 for All Shipments Except Truck.

§ 331.9 *Adjustments in f. o. b. mine prices*—Supplement R–II. *Deductions for freight rate differences.*

a. On shipments originating on the C. M. St. P. & P. Railroad—the same absorptions as have been established for mines included in Freight Origin Group No. 61.

b. On shipments originating on the Pennsylvania Railroad—the same absorptions as have been established for mines included in Freight Origin Group No. 63.

c. On shipments to Market Areas 32, 33 and 34—the same absorptions as have been established for Mine Index Nos. 48, 49, 51, 78; provided that the applicable adjustment used must be the one which results in the highest f. o. b. mine price.

§ 331.10 *Special prices; Railroad locomotive fuel*—Supplement R–III. *Prices for railroad locomotive fuel.*

a. On shipments to the C. M. St. P. & P. Railroad—the same prices as established for Mine Index Nos. 51 and 78.

b. On shipments to all railroads other than the C. M. St. P. & P Railroad—the same prices as established for Mine Index Nos. 48, 49, 51, 78.

[F. R. Doc. 41–6317; Filed, August 22, 1941; 11:00 a. m.]

[Docket No. A–957]

PART 332—MINIMUM PRICE SCHEDULE, DISTRICT NO. 12

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 12 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 12

An original petition, pursuant to 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 new price classifications and minimum prices for certain coals produced in District No. 12; and

The Director finding 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 this Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief be and § 332.2 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 332.24 (*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.

No relief is granted herein for the coals of the Simpson Mine, Mine Index No. 682, for the reason that price classifications and minimum prices for the coals of this mine for all shipments except truck were established by Order of the Director dated March 14, 1941, 6 F.R. 1654, in Docket No. A–675, and for truck shipment by Order of the Director dated November 20, 1940, 5 F.R. 4709, in Docket No. A–247.

No relief is granted herein for the coals of the Delpierre-Davis Mine (Mine Index No. 742) since the original petition in this matter neither proposes minimum prices to be made applicable to such coals nor prays that either temporary or permanent relief is granted thereto. Accordingly, due to this deficiency in the original petition, no relief can be granted to the coals of the Delpierre-Davis Mine in this proceeding. The Division will, however, consider the establishment of price classifications and minimum prices for the coals of Mine Index No. 742 if and when a petition is filed praying for such an establishment and specifying the exact relief desired.

No minimum prices are established herein for coals produced at Mine Index Nos. 498, 334, 75, 203, 233, 736, 46, 557, 384 and 650, since it appears that price classifications and effective minimum prices have heretofore been established therefor in previous proceedings before this Division, and that these mines were included in the petition only because of changes in their ownership. As stated in the Director's Findings of Fact in General Docket No. 15, prices previously established for any mine continue to apply regardless of subsequent changes in its ownership or name.

No price classifications or minimum prices are established herein for the coals of Mine Index Nos. 392, 516, and 639 for the reason that such coals are affected by unique considerations, which are set forth in an Order entered today severing that portion of Docket No. A–957 which relates to them from the remainder of the docket, designating such portion as Docket No. A–957, Part II, and setting Docket No. A–957, Part II, for hearing.

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 Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

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

Dated: August 15, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 12

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 332, Minimum Price Schedule for District No. 12 and Supplements thereto.

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

FOR ALL SHIPMENTS EXCEPT TRUCK

[Listing of code members, mines, mine index numbers and mine origin groups (for delivery by railroad)]

Mine index No.	Code member	Mine	Mine origin group	Mine origin group No.
730	Big Six Coal Co	#3*	Bussey	31
670	Cedar Creek Coal Company (R. E. Davis)	Cedar Creek*	Lovilia	40
742	Delpierre & Davis Coal Co. (Watt Davis)	Delpierre-Davis*	Chariton	64
75	Dunreath Coal Co. (M. B. McConville)	English Creek*	Flagler	26
748	Edwards Bros. Coal Company	Edwards Bros. #2*	Evans	50
743	Frye, John	Hidden Valley Fuel Co.*	Bussey Lovilia	67
740	Hirlinger & Wilkinson (C. C. Hirlinger)	Hirlinger & Wilkinson*	Albia	30
744	Knoxville Coal Co. (R. J. Anderson)	Knoxville Coal Co.*	Knoxville	39
750	Liter Coal Co	Liter #2*	Bussey	31
233	McCoy, Harlan (Harlan Coal Co.)	Harlan Coal Co.*	Melcher	48
745	Parker & Spaur Coal Co. (Earl Parker)	Parker & Spaur *	Bussey	31
736	Ray, C. V	Heggen *	Des Moines	63
741	Ritchey Coal Co. (Eugene Johnson)	Ritchey Coal Co.*	Melrose	65
46	Sanders, C. D	Sanders *	Rose Hill	66
557	Stokes, Robert (Shamrock Coal Co.)	Shamrock Coal *	Bussey	31

*Indicates mines shipping via public sidings and ramps for railway delivery.

TRUCK SHIPMENTS

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

Code member index	Mine Name	Mine No.	Group No.	County	Chunk	Standard lump	Egg 8 x 2", 6 x 2"	Small egg 4 x 2", 3 x 1½"	Mine run	Nut 2 x 1¼ x ¾"	Dom. stoker 1¼", 1 x 5/16"	Screenings 2" 1½", 1¼" x 0	Ind. stoker, Cr. 2", 1½", 1¼" x 0	5/16" x 0
					1	2	3	4	5	6	7	8	9	10
Ansley, Alvin	Ansley #2	746	15	Lucas	295	285	275	265	270	270	270	160	2201	00Q
Big Six Coal Co	#3	730	18	Marion	300	290	280	270	270	270	270	160	220	100
Drake, William (Drake Coal Co.)	Drake #2	747	33	Adams	360	350	350	350	350	340	340	250	340	150
Edwards Bros. Coal Company.	Edwards Bros. #2	748	23	Mahaska	320	310	300	290	275	275	275	170	230	100
Frye, John	Hidden Valley Fuel Co.	743	18	Marion	300	290	280	270	270	270	270	160	220	100
Hirlinger & Wilkinson (C. C. Hirlinger).	Hirlinger & Wilkinson.	740	11-A	Monroe	300	290	280	270	270	270	270	180	240	100
Karsten Bros. Coal Co. (Tom Karsten).	Karsten #14	749	24	Keokuk	325	315	305	295	275	275	275	175	235	100
Knoxville Coal Co. (R. J. Anderson).	Knoxville Coal Co.	744	19	Marion	310	300	290	280	270	270	270	170	230	100
Liter Coa lCo	Liter #2	750	18	Marion	300	290	280	270	270	270	270	160	220	100
Parkerl & Spaur Coal Co. (Earl Parker).	Parker & Spaur	745	18	Marion	300	290	280	270	270	270	270	160	220	100
Ritchey Coal Co. (Eugene Johnson).	Ritchey Coal Co	741	15	Lucas	295	285	275	265	270	270	270	160	220	100
Six, L. H. (Six Coal Co.)	Six Coal Co. #2	751	18	Marion	300	290	280	270	270	270	270	160	220	100

[F. R. Doc. 41-6318; Filed, August 22, 1941; 11:00 a. m.]

[Docket No. A-633]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER OF THE DIRECTOR IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS' BOARD FOR DISTRICT NO. 13 FOR MODIFICATIONS IN THE PRICE CLASSIFICATIONS OF CERTAIN COALS OF THE MARIGOLD COAL MINING COMPANY, AND CHANGES IN SEAM DESIGNATIONS WITH ACCOMPANYING CHANGES IN PRICE CLASSIFICATIONS OF CERTAIN TRUCK MINES INCORRECTLY DESIGNATED

This proceeding was instituted upon an original petition filed with the Bituminous Coal Division on January 26, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board No. 13. The petition requests a reduction in the price of coal where more than 50% of the coal loaded in the railroad car is stained; a reduction in the price of unwashed coal in Size Group 26; and a change in the seam designation of certain mines incorrectly designated with a corresponding change in the price classifications for the coal of those mines.

Pursuant to an order dated February 6, 1941, a hearing was held in this matter on February 27, 1941, before Charles O. Fowler, 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 only appearances entered were on behalf of the District Board and the Bituminous Coal Division. The preparation and filing of a report by the examiner were waived, and the matter thereupon submitted to the Director. Now, having considered all the evidence at said hearing, upon the basis thereof, I make the following Findings of Fact and Conclusions of Law and render the following Memorandum Opinion and Order:

It appears from the record that when the original prices and seam designations were established for C. B. DeVine, Mine Index No. 312, Jefferson County, Aubrey Key (Cripple Creek Coal Company), Mine Index No. 534, L. W. Manderson, Mine Index No. 540, both of Tuscaloosa County, and Pickett Coal Company (O. P. Pickett), Mine Index No. 515, Shelby County, the District Board had insufficient evidence to properly designate the seams; that as a result of this lack of information, improper minimum prices were established for those mines. It further appears that the seam designations and the minimum prices proposed for those mines as shown in the schedule attached are proper and will reflect the true value and conform to the prices heretofore established for comparable coals. It further appears that these prices will preserve fair competitive opportunities for the producers thereof, as well as coal producers competing with them.

The evidence indicates that the unwashed coal in Size Group 26 of the Marigold Coal Mining Company should have a price lower than that heretofore established in order to maintain its competitive opportunities with washed coals of that size group. This Company apparently is the only one producing this type of coal in District No. 13. There was no opposition to this proposed reduction and I find that it is proper.

With regard to the request for a reduction in the price heretofore established for the Marigold Coal Mining Company's coal which is stained, the evidence indicates no reason or need for the granting of this request. The stain appears on only a small percentage of the coal produced and has practically no effect on its burning qualities. Moreover, the coals of the Cahaba Field with which these coals compete also have a characteristic stain, to which consumers of Alabama coals have become accustomed. Hence, any such stain is not a particular detriment in the market. Furthermore, the record indicates that the Marigold coal has a better structure than the coal of many deep mines, and that no sales have been lost by the producer, attributed to these stains. The installation of new rinsing facilities will be expected to aid materially in the preparation and cleaning of this coal. Accordingly, this request will be denied.

Now, therefore, it is ordered, That commencing fifteen (15) days from the

date hereof, § 333.34 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That an addition be made in § 333.1 (*Price instructions and exceptions*) in the Schedule of Effective Minimum Prices for District No. 13 for all Shipments as follows:

(B) Price Exceptions.

For the mine with Index No. 29, the price established in Docket No. A–521 for Size Group No. 26 may be reduced 10 cents per ton when unwashed.

It is further ordered, That the prayer of the petition in all other respects be and the same is hereby denied.

Dated: August 15, 1941.

[SEAL] H. A. GRAY,
Director.

DISTRICT NO. 13

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 333, Minimum Price Schedule for District No. 13 and supplements thereto.

TRUCK SHIPMENTS

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

Code member index	Mine	Sub. dist.	Mine index No.	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, bot. size over ½"		Chestnut; top size 3" and under, bot. size ½" and under		Chestnut; top size 1¼" and under, bot. size ½" and under		Run of mine & oddfied R/M	Resultants 3" and under		Screenings; 1¼" and under		Industrial coal*
					1	2	3	Wash 6	Raw 7	Wash 8	Raw 9	Wash 10	Raw 11	Raw 13	Wash 17	Raw 22	Wash 18	Raw 23	24, 25, 26
ALABAMA																			
JEFFERSON COUNTY																			
A. DeVine, C. B.	DeVine's	2	312	Gould	365	365	340	335	315	------	------	300	275	275	260	190	250	175	275
B. DeVine, C. B.	DeVine's	2	312	Up. Nunnally	280	280	275	295	275	------	------	270	250	230	235	200	230	180	230
SHELBY COUNTY																			
A. Pickett Coal Company (O. P. Pickett)	Straven (Pickett)	2	515	Upper Dogwood	365	365	340	335	315	315	290	300	275	275	260	190	250	175	275
B. Pickett Coal Company (O. P. Pickett)	Straven (Pickett)	2	515	Montevallo	405	405	380	355	355	320	295	300	275	275	260	190	250	175	275
TUSCALOOSA COUNTY																			
A. Key, Aubrey (Cripple Creek Coal Co.)	Cripple Creek	2	534	Brookwood	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
B. Key, Aubrey (Cripple Creek Coal Co.)	Cripple Creek	2	534	Carter	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
A. Manderson, L. W	Manderson	2	540	Weaver	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
B. Manderson, L. W	Manderson	2	540	Chambers	385	385	360	335	315	315	305	310	300	290	275	265	265	250	290

In line "B" is shown the name of the Code Member as listed in the effective minimum price schedule.
In line "A" is shown the change in seam name and price classifications.

[F. R. Doc. 41–6319; Filed, August 22, 1941; 11:01 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 949—CHROMIUM

Amendment to General Preference Order No. M–18 [1]

Section 949.1 (*General preference order*) is hereby amended as follows:

Paragraph (a) (4) of said section is hereby amended to read as follows:

§ 949.1 *General preference order.* (a) *Definitions.*

* * * * *

(4) The term "processor" means any person who uses ores or concentrates for the manufacture of, or converts them into Chromium Chemicals, Chromium Refractories or Metallurgical forms of Chromium.

Paragraph (a) (6) of said section is hereby amended to read as follows:

(6) "Defense Order" means:

(i) Any contract or order for material or equipment to be delivered to, or for the account of:

(*a*) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and development;

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

(ii) Any contract or order placed by any agency of the United States Government for material or equipment to be delivered to, or for the account of, the government of any country listed above or any other country in the Western Hemisphere pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act).

(iii) Any other contract or order to which the Director of Priorities assigns a preference rating of A–10 or higher.

(iv) Any contract or order for material or equipment required by the person placing the same to fulfill his contracts or orders on hand, provided such material or equipment is to be physically incorporated in material or equipment to be delivered under contracts or orders included under (i), (ii), or (iii) above.

Paragraph (b) (9) of said section is hereby amended to read as follows:

(b) *Deliveries.*

* * * * *

(9) No processor shall, during any calendar month, use in the manufacture of Chromium Chemicals from Chromium ores or concentrates, a quantity of Chromium Oxide greater than 1/12 of such processor's total annual consumption of Chromium Oxide for this purpose during the period from July 1, 1940 through June 30, 1941, unless otherwise specifically authorized by the Director of Priorities.

Paragraph (b) is hereby further amended by adding at the end thereof two new subparagraphs to be designated as (12) and (13) respectively, and to read as follows:

(12) *Acceptance of defense orders.* Defense Orders for Chromium, whether or not accompanied by a Preference Rating Certificate, must be accepted and fulfilled in preference to any other contracts, or purchase orders for such material, subject to the following provisions:

(i) Defense Orders shall be accepted even if acceptance will render impossible, or result in deferment of:

(*a*) Deliveries under non-defense orders previously accepted; or

(*b*) Deliveries under Defense Orders previously accepted bearing lower preference ratings, unless rejection is specifically permitted by the Director of Priorities.

(ii) Defense Orders need not be accepted:

(*a*) If delivery on schedule thereunder would be impossible by reason of the requirements of Defense Orders previously accepted bearing higher or equal preference ratings, unless acceptance is specifically directed by the Director of Priorities; or

(*b*) If the Chromium ordered is not of the kind usually produced or capable of being produced by the person to whom the Defense Order is offered; or

(*c*) If the person seeking to place the Defense Order is unwilling or unable to meet regularly established prices and terms of sale, but there shall be no discrimination against Defense Orders in establishing such prices or terms of sale; or

(*d*) If such Defense Orders specify deliveries within twenty-one days, and if compliance with such delivery dates would require the termination or alteration before completion of a specific production schedule already commenced, but this provision shall not authorize rejection when such schedule can be terminated or altered without substantial loss to the producer.

(13) *Rejected orders and deferred deliveries.* When a Defense Order for Chromium has been rejected or delivery thereunder has been unreasonably or improperly deferred in violation of this Order, the person seeking to place such order or obtain such delivery may file with the Division of Priorities a verified report in the form to be prescribed by the Division of Priorities, setting forth the facts in connection with the rejection or deferment. When the facts set forth justify such action, the Director of Priorities will thereupon direct the person against whom complaint is made to submit a sworn statement, setting forth the circumstances concerning the alleged rejection or deferment. Thereafter, such action will be taken by the Director of Priorities as he deems appropriate.

(b) Subject to the amendments herein contained, General Preference Order No. M–18 shall remain in full force and effect.

(c) This Amendment to General Preference Order No. M–18 shall take effect on the 22 day of August 1941. (O.P.M. Reg. 3, March 7, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; sec. 2 (a), Public No. 671, 76th Congress, 3rd Session, as amended by Public No. 89, 77th Congress, 3rd Session; sec. 9, Public No. 783, 76th Congress.)

Issued this 22 day of August 1941.

E. R. STETTINIUS, Jr.,
Director of Priorities.

[F. R. Doc. 41–6347; Filed, August 23, 1941; 10:45 a. m.]

PART 970—CHLORINATED HYDROCARBON REFRIGERANTS

General Preference Order No. M–28 to Conserve the Supply and Direct the Distribution of Chlorinated Hydrocarbon Refrigerants

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

Now, therefore, it is hereby ordered that:

§ 970.1 *General preference order*—(a) *Definitions.* For the purposes of this Order:

(1) "Chlorinated Hydrocarbon Refrigerants" means trichloromonofluoromethane, dichlorodifluoromethane, dichloromonofluoromethane, trichlorotrifluoroethane, and dichlorotetrafluoroethane.

(2) "Person" means any person, firm, corporation, or other form of business enterprise.

(3) "Producer" means any Person engaged in the production of Chlorinated Hydrocarbon Refrigerants and includes any Person who has Chlorinated Hydrocarbon Refrigerants produced for him pursuant to toll agreement.

(4) "Defense Order" means:

(i) Any contract or order for material or equipment to be delivered to, or for the account of:

(*a*) The Army or Navy of the United States, the United States Maritime Com-

[1] 6 F.R. 3284.

mission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and development;

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

(ii) Any contract or order placed by any agency of the United States Government for delivery to, or for the account of, the government of any country listed above or any other country in the Western Hemisphere pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act).

(iii) Any other contract or order to which the Director of Priorities assigns a preference rating of A–10 or higher.

(iv) Any contract or order placed or offered by any person for the delivery of any material all of which is to be physically incorporated into material or equipment to be delivered under specific contracts or orders included under (i), (ii), and (iii) above.

(b) *Preference ratings and directions.* Deliveries of Chlorinated Hydrocarbon Refrigerants shall be made in accordance with the following directions:

(1) Deliveries under Defense Orders shall be made in preference to deliveries under all other orders whenever, and to the extent, necessary to assure fulfillment of the delivery schedule, specified in such Defense Orders or in any individual preference rating certificates assigned thereto, whichever schedule be earlier.

(2) Preference ratings, in order of precedence, are: AA, A–1–a, A–1–b, etc., . . . A–1–j; A–2, A–3, etc., . . . A 10.

(3) Deliveries under all Defense Orders which have not been assigned a higher preference rating are hereby assigned a preference rating of A–10.

(4) Defense Orders for Chlorinated Hydrocarbon Refrigerants, whether or not accompanied by a Preference Rating Certificate, must be accepted and fulfilled in preference to any other contracts or purchase orders for such Material, subject to the following provisions:

(i) Defense Orders must be accepted even if acceptance will render impossible, or result in deferment of,

(*a*) deliveries under non-defense orders previously accepted, or

(*b*) deliveries under Defense Orders previously accepted bearing lower preference ratings, unless rejection is specifically permitted by the Director of Priorities;

(ii) Defense Orders need not be accepted:

(*a*) if delivery on schedule thereunder would be impossible by reason of the requirements of Defense Orders previously accepted bearing higher or equal preference ratings, unless acceptance is specifically directed by the Director of Priorities;

(*b*) if the Person seeking to place the Defense Order is unwilling or unable to meet regularly established prices and terms of sale or payment, but there shall be no discrimination against Defense Orders in establishing such prices or terms;

(*c*) if the Chlorinated Hydrocarbon Refrigerants ordered are not of the kinds usually produced or capable of being produced by the Person to whom the Defense Order is offered;

(*d*) if such Defense Orders specify deliveries within fifteen days, and if compliance with such delivery dates would require the termination before completion of a specific production schedule already commenced.

(c) *Directions with respect to residual supply.* After providing for all deliveries under Defense Orders, giving preference among such deliveries in accordance with any preference ratings specifically assigned thereto, Producers shall make deliveries of Chlorinated Hydrocarbon Refrigerants under other contracts or orders in accordance with the following directions:

(1) Non-defense uses of Chlorinated Hydrocarbon Refrigerants shall be divided into the following four classifications:

(i) Classification I—Maintenance of refrigeration equipment already installed. Maintenance of air conditioning equipment already installed in hospitals, clinics, and sanatoria.

(ii) Cissification II—Maintenance of industrial air conditioning already installed.

(iii) Classification III—Maintenance of air conditioning equipment already installed, not included in Classifications I and II.

(iv) Classification IV—Manufacture of new refrigeration equipment. Manufacture of new air conditioning equipment.

(2) Supplies of Chlorinated Hydrocarbon Refrigerants for non-defense uses, enumerated in Classification I, shall be given primary preference. If it appears, in any month, that the available supply for that month will exceed the amount estimated to be required for the uses enumerated under Classification I, supplies for non-defense uses enumerated under Classification II shall be given secondary preference. If it appears, in any month, that the available supply for that month will exceed the amount estimated to be required for the uses enumerated under Classifications I and II, supplies for non-defense uses enumerated under Classification III shall be given tertiary preference. If it appears, in any month, that the available supply for that month will exceed the amount estimated to be required for the uses enumerated under Classifications I, II, and III, the residual supply shall be divided among users enumerated under Classification IV. If it appears, in any month, that the available supply for any Classification is less than the existing demand in that Classification, Producers of such refrigerants shall allocate the available supply ratably among the users in accordance with the average monthly consumption by such users during the period July 1, 1940, to June 30, 1941.

(d) *Grievances.* When deliveries of Chlorinated Hydrocarbon Refrigerants have been unreasonably or improperly deferred, or when orders therefor have been rejected (for any reason other than the restrictions contained in this Order), the Person aggrieved may file with the Division of Priorities a verified report in form to be prescribed by the Division of Priorities, attention Chemicals Section, setting forth the facts in connection with such deferment or rejection.

(e) *Doubtful cases.* Whenever there is doubt as to the preference rating applicable to any delivery, or whether an order or contract placed or offered to be placed, constitutes a Defense Order, the matter should be referred to the Division of Priorities for determination with a statement of all pertinent facts.

(f) *Excessive inventories.* The preferences and preference ratings granted by this Order shall not be used to accumulate excessive inventories.

(g) *Records, information, and inspection.* All Persons affected by this Order shall keep and preserve, for a period of not less than two years, accurate and complete records of their inventories of Chlorinated Hydrocarbon Refrigerants, and of the details of all transactions in any way regulated or affected by this Order. Such records shall include the dates of all contracts or orders accepted; the delivery dates specified in such contracts or orders, and in any Preference Rating Certificates accompanying them; the dates of actual deliveries thereunder; description of the material covered by such contracts or orders; description of deliveries by classes, types, quantities, and weights; the preference ratings, if any, assigned to such contracts or orders or to deliveries thereunder; the parties involved in each transaction; their sources of supply; and other pertinent information. All records specified in this paragraph shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Division of Priorities. All Persons affected by this Order shall execute and file with the Division of Priorities such reports and questionnaires as said Division shall from time to time request. No reports or questionnaires are to be filed by any Person until so requested and until forms therefor are prescribed by the Division of Priorities.

(h) *Appeal.* Any Person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may appeal to the Division of Priorities by addressing a letter to the Division of Priorities, Office of Production Management, Social Security Building, Washington, D. C., setting forth the pertinent facts and the reasons such Person considers that he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(i) *Effective date.* This Order shall take effect on the 22 day of August, 1941, and, unless sooner terminated by direction of the Director of Priorities, shall expire on the 31st day of December, 1941. (O.P.M. Reg. 3, March 7, 1941, 6 F.R. 1956; E.O. 8629, January 7, 1941, 6 F.R. 191; Sec. 2 (a), Public No. 671, 76th Congress, as amended by Public No. 89, 77th Congress, Sec. 9, Public No. 783, 76th Congress)

Issued this 22 day of August, 1941.

E. R. STETTINIUS, Jr.,
Director of Priorities.

[F. R. Doc. 41-6346; Filed, August 23, 1941; 10:45 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION AND CIVILIAN SUPPLY

PART 1334—SUGAR

SUPPLEMENT TO PRICE SCHEDULE NO. 16 [1]—RAW CANE SUGAR

§ 1334.10 *Application to carry out certain forward delivery contracts.* To provide for carrying out certain forward delivery contracts in accordance with § 1334.1, any person who, prior to August 14, 1941, entered into a forward delivery contract calling for the delivery or transfer, after that date, of raw cane sugars at prices higher than the maximum prices established by Price Schedule No. 16 may make application to the Office of Price Administration and Civilian Supply on form 116.1 which will be furnished upon request, for permission to carry out such contracts at the contract price. Such permission will be granted if it is found that hardship will result from a denial thereof. Such applications shall be filed with the Office of Price Administration and Civilian Supply on or before September 15, 1941. (Executive Order No. 8734 [2])

Issued this twenty-second day of August 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-6344; Filed, August 23, 1941; 10:30 a. m.]

[1] 6 F.R. 4063.
[2] 6 F.R. 1917.

PART 1337—RAYON

PRICE SCHEDULE NO. 23—RAYON GREY GOODS

Recent events have further disturbed a market situation in rayons which was already unsettled. A shortage of rayon yarns for some time past has forced chemical firms producing these yarns to make deliveries in amounts far under their customers' requirements. Concurrently, the restricted supply has forced prices of both grey goods and finished goods up to levels which are unwarranted by such minor cost increases as have occurred.

To check these rises, leading weavers entered into a voluntary agreement with the Office of Price Administration and Civilian Supply on July 16, 1941, to refrain from further price advances on certain specified standard constructions. Among primary producers these voluntary ceilings were successfully maintained, but the market continued to be disturbed by second-hand sales at inflated levels.

Now that civilian supplies of silk are unavailable, the diversion of rayon yarns to silk manufacturers inevitably will aggravate the existing shortage of rayon for weaving and disrupt price stability unless remedial action is taken.

Accordingly, under the authority vested in me by Executive Order No. 8734,[2] it is hereby directed that:

§ 1337.11 *Maximum prices for rayon grey goods.* On and after August 25, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer, rayon grey goods of the constructions enumerated in Appendix A hereof, incorporated herein as § 1337.22, and no person shall buy, offer to buy or accept delivery of, rayon grey goods of such enumerated constructions, at prices higher than the maximum prices set forth in Appendix A.*

*§§ 1337.11 to 1337.22, inclusive, issued under the authority contained in Executive Order No. 8734.

§ 1337.12 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1337.13 *Evasion.* The price limitations set forth in this Schedule shall not be evaded, whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of rayon grey goods, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1337.14 *Records.* Every person making purchases or sales of rayon grey goods after August 25, 1941, shall keep for inspection by the Office of Price Administration and Civilian Supply for a period of not less than one year (a) complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity in yards of each construction purchased or sold, (b) copies of each contract of sale containing the details required in § 1337.15 hereof, and, in the case of manufacturers, (c) the quantity in yards of each construction of rayon grey goods produced during each calendar month.*

§ 1337.15 *Details required in contract of sale and invoice.* (a) Every seller of rayon grey goods shall, with respect to each sale thereof, deliver to the purchaser a contract of sale which shall contain, in addition to the terms thereof, a full description of each construction of rayon grey goods sold, including (1) the width, specifying whether in or off the loom, (2) the cloth count, i. e., the number of end and picks per inch, specifying whether in or off the loom, and (3) a full description of the yarn both in the warp and in the filling, specifying in each case the denier and number of filaments, the process by which made, the twist or combination, if any, and, if a blend, the percentages of each type of yarn so blended.

(b) With each delivery of rayon grey goods there shall be transmitted to the purchaser an invoice or similar document which shall contain either the information required by paragraph (a) above or a style number or symbol, making reference to the contract of sale, sufficient to identify the details of each construction so delivered.*

§ 1337.16 *Reports.* On or before October 10, 1941, and on or before the 10th day of each month thereafter, every manufacturer of rayon grey goods shall submit to the Office of Price Administration and Civilian Supply a report on Form 123:1 setting forth in the detail required by the Form all the constructions of rayon grey goods, other than the constructions enumerated in Appendix A, manufactured by such person in quantities in excess of 25,000 yards per month, and the highest prices at which each such construction was sold, both for immediate and future delivery, during such month. Copies of Form 123:1 can be procured from the Office of Price Administration and Civilian Supply.*

§ 1337.17 *Affirmations of compliance.* On or before October 10, 1941, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month has purchased or sold rayon grey goods of the constructions enumerated in Appendix A, whether for immediate or future delivery, shall submit to the Office of Price Administration and Civilian Supply an affirmation of compliance on Form 123:2 containing a sworn statement that during such month all such purchases or sales were made at prices in compliance with this Schedule or with any exception or modification

thereof. Copies of Form 123:2 can be procured from the Office of Price Administration and Civilian Supply, or, provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1337.18 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions contained in this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions contained in this Schedule, the Office of Price Administration and Civilian Supply will make every effort to assure (a) that the Congress and the public are fully informed thereof, and (b) that the powers of the Government are fully exerted in order to protect the public interest and interests of those persons who comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of rayon grey goods for which maximum prices are herein established, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration and Civilian Supply.*

§ 1337.19 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration and Civilian Supply for approval of any modification thereof or exception therefrom.*

§ 1337.20 *Definitions.* When used in this Schedule, the term:

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

(b) "Rayon grey goods" means fabric manufactured from chemically produced fiber or yarn made from cellulose or with a cellulose base, woven, but not printed, dyed, or finished.*

§ 1337.21 *Effective date of the schedule.* This Schedule shall become effective August 25, 1941.*

§ 1337.22 *Appendix A; maximum prices for rayon grey goods.* The maximum prices for the enumerated constructions of rayon grey goods established by this Schedule are applicable to *all sales* of rayon grey goods whether made by the manufacturer or by any other person.

Type of fabric	Off loom width	Cloth count (gray)	Warp	Filling	Price per yard f. o. b. manufacturer's mill
					Cents
Viscose Twill	38"	112 x 68	150 denier viscose	150 denier viscose	20
	40½"	92 x 64	150 denier viscose	150 denier viscose	18¾
	40½"	84 x 64	150 denier viscose	150 denier viscose	18
	40½"	72 x 46	150 denier viscose	150 denier viscose	14
	42½"	108 x 64	150 denier viscose	150 denier viscose	20½
Viscose Taffeta	39"	110 x 44	150 denier viscose	150 denier viscose	16½
	39"	96 x 44	150 denier viscose	150 denier viscose	15½
	39"	88 x 44	150 denier viscose	150 denier viscose	14½
	39"	68 x 42	150 denier viscose	150 denier viscose	12¾
	40½"	84 x 60	150 denier viscose	150 denier viscose	17
Acetate Twill	37"	120 x 72	150 denier acetate	150 denier viscose	22
	42"	112 x 68	150 denier acetate	150 denier viscose	22½
Acetate Taffeta	39"	110 x 48	150 denier acetate	150 denier acetate	17¾
Pigment Taffeta	40½"	92 x 68	100 denier pigment viscose.	150 denier pigment viscose.	18
	43½"	92 x 64	100 denier pigment viscose.	150 denier pigment viscose.	18½
	40½"	72 x 56	150 denier pigment viscose.	150 denier pigment viscose.	16½
Viscose Satin	40"	140 x 64	100 denier viscose	150 denier viscose	22
	40"	140 x 56	100 denier viscose	150 denier viscose	21
	40"	110 x 48	150 denier viscose	150 denier viscose	17
	42½"	180 x 72	150 denier viscose	150 denier viscose	28½

Type of fabric	Off loom width	Cloth count (gray)	Warp	Filling	Price per yard f. o. b. manufacturer's mill
SPUN RAYON					
Twill	40½"	128 x 60	30 s/1 spun viscose	30 s/1 spun viscose	19½
Challis	40½"	68 x 62	30 s/1 spun viscose	30 s/1 spun viscose	13½
Oneway Flake	40½"	68 x 44	30 s/1 spun viscose	18 s/1 average spun flake viscose.	14
Poplin	40½"	104 x 44	30 s/1 spun viscose	14 s/1 spun viscose	18½
File Challis	41"	66 x 38	30 s/1 spun viscose	14 s/1 spun viscose	14½
10% Blend	41"	66 x 38	30 s/1 spun 10% acetate, 90% viscose.	14 s/1 spun 10% acetate, 90% viscose.	15
20% Blend	42½"	52 x 36	14 s/1 spun 20% acetate, 80% viscose.	14 s/1 spun 20% acetate, 80% viscose.	17½
30% Blend	40"	60 x 52	20 s/1 spun 30% acetate, 70% viscose.	20 s/1 spun 30% acetate, 70% viscose.	18½

Type of fabric	Reed width	Cloth count: Ends in loom	Cloth count: Picks off loom	Warp (combined and twisted)	Filling (combined and twisted)	Price per yard f. o. b. manufacturer's mill
COMBINATION YARNS (TWIST ON TWIST)						*Cents*
2-ply Alpaca	48"	44	36	150 denier acetate 150 denier viscose crepe twist.	150 denier acetate 150 denier viscose crepe twist.	30
"Magic Hour" type	48"	54	44	150 denier acetate 100 denier viscose crepe twist.	150 denier acetate 100 denier viscose crepe twist.	34½
"Cynara" type	47"	52	40	150 denier acetate 100 denier viscose crepe twist.	150 denier acetate 100 denier viscose crepe twist.	32
"Tricolido" type	48"	44	38	150 denier acetate abraded 150 denier viscose crepe twist.	150 denier acetate 150 denier viscose crepe twist.	31½
"Mock Romaine" type.	47"	52	46	150 denier acetate 100 denier viscose crepe twist.	200 denier acetate	29½

Type of fabric	Off loom width	Cloth count (gray)	Warp	Filling	Price per yard f. o. b. manufacturer's mill
					Cents
Acetate Satin	42"	200 x 72	75 denier acetate	100 denier acetate	25½
	42"	180 x 72	75 denier acetate	100 denier acetate	24¾
	42"	180 x 64	75 denier acetate	120 denier acetate	24
	42"	225 x 90	55 denier multi-filament acetate.	75 denier multi-filament acetate.	27½
Acetate Taffeta	42"	180 x 60	75 denier acetate	150 denier acetate	23½
French crepe	41"	104 x 72	100 denier multi-filament pigment viscose.	150 denier multi-filament viscose voile twist.	23½
	Reed width	Ends in loom	Picks off loom		
French crepe	43½	150 x 94		75 denier acetate	75 denier viscose voile twist.	28½
Acetate suiting	43½"	102 x 48		150 denier acetate	300 denier acetate	23½
Spun rayon filled poplin.	43½"	108 x 48		150 denier acetate	14 s/1 spun viscose	23½

Type of fabric	Off loom width	Cloth count (gray)	Warp	Filling	Price per yard f. o. b. manufacturer's mill
CREPE					*Cents*
Acetate warp	45″	110 x 64	120 denier acetate	100 denier viscose crepe twist.	27
	45″	135 x 64	100 denier acetate	100 denier viscose crepe twist.	28½
	48″	90 x 48	150 denier acetate	150 denier viscose crepe twist.	23½
All-Viscose	44″	150 x 76	75 denier pigment viscose	75 denier viscose crepe twist.	29
	45″	114 x 68	100 denier multi-filament pigment viscose.	100 denier viscose crepe twist.	27½
SHEERS		Off-loom: Ends / Picks			
Cuprammonium triple-sheer.	46″	104 x 72	75 denier cuprammonium crepe twist.	75 denier cuprammonium	27
Viscose triple-sheer	46″	104 x 72	75 denier viscose crepe twist.	75 denier viscose	25½
Cuprammonium triple-sheer.	48″	104 x 72	75 denier cuprammonium crepe twist.	75 denier cuprammonium	28
Viscose triple-sheer	48″	104 x 72	75 denier viscose crepe twist.	75 denier viscose	26½
Viscose georgette	50″	80 x 72	75 denier viscose crepe twist.	75 denier viscose crepe twist.	28

Issued this 23 day of August 1941.

[SEAL]

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-6345; Filed, August 23, 1941; 10:30 a. m.]

TITLE 46—SHIPPING

CHAPTER II—UNITED STATES MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS

[General Order No. 40]

PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

Regulation Governing the Departure From Ports of the United States of Certain Vessels Not Documented Under the Laws of the United States

§ 221.50 *Departure of undocumented vessels under five tons burden.* The United States Maritime Commission hereby approves, under and pursuant to section 37 of the Shipping Act, 1916, as amended, the departure from any port of the United States of any vessel constructed in whole or in part within the United States and not documented as a vessel of the United States: *Provided*, That such vessel is owned by a citizen of the United States and is of less than five tons burden. (Merchant Marine Act, 1936, particularly section 204 (b) thereof (49 Stat. 1987; 46 U.S.C. Supp. 1114 (b)), the Shipping Act, 1916, particularly section 37 thereof (40 Stat. 901; 46 U.S.C. 835) and the Merchant Marine Act, 1920, as all of said acts are amended.)

By order of the United States Maritime Commission.

[SEAL]

W. C. PEET, Jr.
Secretary.

AUGUST 14, 1941.

[F. R. Doc. 41-6337; Filed, August 22, 1941; 3:28 p. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 1—RULES OF PRACTICE AND PROCEDURE

The Commission on August 22, 1941, effective immediately, amended the following section in part as follows:

§ 1.451 *Applications under section 214.*

* * * * *

(e) *Exceptions.* Requests for authorization for emergency service, temporary service, or for the supplementing of existing facilities through construction, purchase or lease, involving an expenditure of $10,000 or less, may be made as hereinafter provided without regard to the other provisions of this rule.

(1) *Emergency service.* Emergency service may be authorized on request made by letter or telegram describing the service and facilities involved and stating the nature and extent of the emergency.

(2) *Temporary service.* Temporary service for a period not exceeding 4 months, to points already directly served by the applicant with the same type of service, may be authorized upon informal request to the Commission made not less than 10 days prior to establishment of the proposed service, setting forth the type of facilities to be used, the route mileage thereof, the termini of the facilities proposed to be used, the points to be served, how these points are now being served by the applicant and other carriers, the dates on which service is to begin and terminate, the need for the proposed service, and the cost involved, including rentals. The authority so requested shall be deemed to be granted unless, during the 10-day period, the Commission shall call upon the carrier for a formal application in accordance with paragraphs (a), (b), (c), and (d) of this section.

(3) *Small projects.* Applications for authority to supplement existing facilities by construction, purchase or lease between points already directly served by the applicant with the same type of service, where the estimated cost of the proposed construction or purchase is not more than $10,000 or the annual rental does not exceed $10,000, may be authorized upon informal request to the Commission made not less than 10 days prior to the commencement of the proposed construction, purchase or lease and the authority shall be deemed to be granted unless during said 10-day period the Commission shall call upon the carrier for a formal application in accordance with paragraphs (a), (b), (c), and (d) of this section. The informal request for authorization shall state:

(i) the exact points between which the proposed facilities are to be constructed, purchased or leased;

(ii) the need for the proposed construction, purchase or lease;

(iii) a description of the facilities proposed to be constructed, purchased or leased;

(iv) the estimated cost of the proposed construction, purchase or lease;

(v) the route miles involved in the project.

Within 60 days after the completion of the construction or purchase authorized, the applicant shall file with the Commission a report stating the date of completion, together with the total cost of the project authorized; in case facilities are leased, the applicant shall within the same period advise the date of the establishment of service over such leased facilities. The informal authorization herein provided shall not be construed as an approval by the Commission of the amounts expended or the accounting performed in connection therewith. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-6395; Filed, August 25, 1941; 11:35 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC-13]

PART 197—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Motor Carrier Safety Regulations, Revised

At a Session of the Interstate Commerce Commission, Division 3, held at its

office in Washington, D. C., on the 13th day of August, A. D. 1941.

It appearing, that application has been made by interested parties for certain changes in rule 7.1113 of the *Motor Carrier Safety Regulations, Revised, Part 7, Transportation of Explosives and Other Dangerous Articles*, 22 M. C. C. 477, 23 M. C. C. 649, and 24 M. C. C. 439, and as further amended by order of March 31, 1941, in the above-entitled proceedings:

It further appearing, that investigation of the matters and things involved having been made, and good cause therefor appearing:

It is ordered, That, pursuant to the authority of section 233 of the Transportation of Explosives Act approved March 4, 1921 (41 Stat. L 1444), so far as common carriers by motor vehicle are concerned, and pursuant to the authority of section 204 (a) (2) of Part II of the Interstate Commerce Act, so far as contract carriers by motor vehicle are concerned, rule 7.1113 of *Motor Carrier Safety Regulations, Revised, Part 7, Transportation of Explosives and Other Dangerous Articles* be, and it is hereby, superseded and amended to read as follows:

7.1113 *Fuel-feed system.* All portions of the fuel-feed system, including carburetor, pumps, and all auxiliary mechanisms and connections, shall be constructed and installed in a workmanlike manner, and so constructed and located as to minimize the fire hazard, with no readily combustible materials used therein, and shall, except for Diesel fuel connections, be well separated from the engine exhaust system. A pressure-release device shall be provided where necessary. The fuel-feed lines shall be made of materials not adversely affected by the fuel to be used or by other materials likely to be encountered, of adequate strength for their purpose, well secured to avoid chafing or undue vibration, having a readily accessible and reliable shut-off valve or stop-cock. Joints depending upon solder for mechanical strength and liquid tightness shall not be used in the fuel system at or near the engine, or its accessories, unless the solder has a melting point of not less than 340° F., or unless a self-closing, thermally controlled valve set to operate at not exceeding 300° F., or other equivalent automatic device, shall be installed in the fuel line on the fuel-tank side of such joint.

It is further ordered, That this order shall be effective on and from this date.

By the Commission, division 3.

[SEAL] W. P. BARTEL,
Secretary.

§ 197.7–1113 *Fuel-feed system.* All portions of the fuel-feed system, including carburetor, pumps, and all auxiliary mechanisms and connections, shall be constructed and installed in a workmanlike manner, and so constructed and located as to minimize the fire hazard, with no readily combustible materials used therein, and shall, except for Diesel fuel connections, be well separated from the engine exhaust system. A pressure-release device shall be provided where necessary. The fuel-feed lines shall be made of materials not adversely affected by the fuel to be used or by other materials likely to be encountered, of adequate strength for their purpose, well secured to avoid chafing or undue vibration, having a readily accessible and reliable shut-off valve or stop-cock. Joints depending upon solder for mechanical strength and liquid tightness shall not be used in the fuel system at or near the engine, or its accessories, unless the solder has a melting point of not less than 340° F., or unless a self-closing thermally-controlled valve set to operate at not exceeding 300° F., or other equivalent automatic device, shall be installed in the fuel line on the fuel-tank side of such joint.

[F. R. Doc. 41–6336; Filed, August 22, 1941; 1:29 p. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 478 ORD 1333]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: COLT'S PATENT FIRE ARMS MANUFACTURING COMPANY, HARTFORD, CONNECTICUT

Contract[1] for * * * Guns, Browning Machine, * * * and Essential Extra Parts.

Amount: $4,529,954.83.

Place: Hartford Ordnance District, 95 State Street, Springfield, Mass.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authority, the available balance of which is sufficient to cover the cost of the same.

ORD 9775 P11–30A (1005) .105–01

This contract, entered into this 19th day of June 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Guns, Browning Machine * * * and Essential extra parts for the consideration stated a total price of four million five hundred twenty-nine thousand, nine hundred fifty-four dollars and eighty-three cents ($4,529,954.83). The consideration stated above of four million, five hundred twenty-nine thousand, nine hundred fifty-four dollars, and eighty-three cents ($4,529,954.83) includes the rental payable by the contractor pursuant to its proposed agreement of Lease with Defense Plant Corporation, namely, the sum of one hundred ninety-five thousand, sixty-nine dollars, and eighty-three cents ($195,069.83) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Quantities. The Government reserves the right to increase the quantity on this contract by as much as * *% and at the prices specified in Article 1, and subject to the provisions of Article 25, such option to be exercised within * * * days from date of this contract.

Termination when contractor not in default. This contract is subject to termination by the Government at any time as its interests may require.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–6333; Filed, August 22, 1941; 1:13 p. m.]

[Change Order No. B—Date June 27, 1941]

SUMMARY OF CHANGE ORDER[1] TO CONTRACT FOR ARCHITECTURAL-ENGINEERING SERVICES

ARCHITECT-ENGINEER: STEVENS AND KOON

Summary of change order to Cost-Plus-a-Fixed-Fee Contract No. W 6974 qm–5,[2] Dated January 18, 1941 (Published in FEDERAL REGISTER April 3, 1941) between the United States of America and Stevens and Koon, Spalding Bldg., Portland, Oregon for architectural-engineering services in connection with the construction of an Ordnance Depot at

[1] Approved by the Chief of Ordnance June 30, 1941.

[2] 6 F.R. 1772.

Umatilla Site in Morrow and Umatilla Counties, Hermiston, Oregon.

Pursuant to the authority vested in the Contracting Officer under Article XII of the contract above described, you, as architect-engineer, are hereby directed to perform the work and services indicated below.

Provide the necessary architect-engineer services incident to the following changes in the work:

Add * * * to the description of the work now set forth in Article I of the principal contract, as modified and amended.

The above will result in a net increase in the estimated construction cost and Architect-Engineer's Fixed-Fee as follows:

Increase the estimated construction cost by	$3,130,999
Total estimated cost including this Change Order	10,686,660
Total Fixed-Fee including this Change Order	63,874
Increase the Architect-Engineer's Fixed-Fee	14,842

Funds will be available under Procurement Authority No. QM 18064 PL 29-77 A 0540-12

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-6334; Filed, August 22, 1941; 1:13 p. m.]

[Change Order No. B—Date June 27, 1941]

SUMMARY OF CHANGE ORDER [1] TO CONSTRUCTION CONTRACT

CONTRACTOR: J. A. TERTELING & SONS

Summary of change order to Cost-Plus-A-Fixed-Fee Contract No. W 6974 qm-6 [2] Dated January 21, 1941 (Published in FEDERAL REGISTER April 3, 1941), between the United States of America and J. A. Terteling & Sons, Box 1406, Boise, Idaho, for the construction of an Ordnance Depot, at Umatilla Site in Morrow and Umatilla Counties, Hermiston, Oregon.

Pursuant to the authority vested in the Contracting Officer under Article I of the contract above described, you, as contractor, are hereby directed to perform the work and services indicated below.

Add * * * to the description of the work now set forth in Article I of the principal contract, as modified and amended.

The above will result in a net increase in the estimated construction cost and Contractor's Fixed-Fee as follows:

Increase the estimated construction cost by	$3,061,980
Total estimated cost including this Change Order	10,371,625
Total Fixed-Fee including this Change Order	315,035
Increase in the Construction Contractor's Fixed-Fee	$69,109

Funds will be available under Procurement Authority No. QM 18063 PL 29-77 A 0540-12.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-6335; Filed, August 22, 1941; 1:13 p. m.]

[1] Approved by the Undersecretary of War, June 30, 1941.
[2] 6 F.R. 1773.

[Contract No. W 7120 qm-1; O. I. No. 1-42]

SUMMARY OF FIXED-FEE CONTRACT FOR ARCHITECT-ENGINEER SERVICES

ARCHITECT-ENGINEER: WHITMAN, REQUARDT AND SMITH, 1304 ST. PAUL ST., BALTIMORE, MARYLAND

Amount fixed fee: $147,000.

Estimated construction cost (Art. V-2): $29,134,255.

Type of construction project: Chemical Warfare Service Arsenal.

Location: Huntsville, Alabama.

Type of service: Architect-Engineer.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority No. CWS 928 29 77 EP of ES—01410.02 the available balance of which is sufficient to cover the cost of same.

This contract,[1] entered into this 16th day of July 1941.

ARTICLE I. *Description of the work.* The Architect-Engineer shall perform all the necessary services provided under this contract for the following described project: The Construction of a Chemical Warfare Service Arsenal, including necessary buildings, temporary structures, utilities and appurtenances thereto, located at or in the vicinity of Huntsville, Alabama.

ART. III. *Data to be furnished by the Government.* The Government will furnish the Architect-Engineer essential schedules of preliminary data, layout sketches, and other essential information respecting sites, topography, soil conditions, outside utilities and equipment as may be available for the preparation of preliminary sketches and the development of final drawings and specifications.

ART. V. * * * *Estimated cost of construction.* The present preliminary estimated construction cost of the project on which the services of this contract are based is approximately twenty-nine million, one hundred thirty-four thousand, two hundred fifty-five dollars ($29,134,255.00) exclusive of Architect-Engineer's fixed fee.

ART. VI. *Fixed-fee and reimbursement of expenditures.* 1. In consideration for his undertakings under the contract, the Architect-Engineer shall be paid the following:

a. A fixed fee in the amount of one hundred forty-seven thousand dollars ($147,000.00) which shall constitute complete compensation for the Architect-Engineer's services.

b. In addition to the payment of the fixed fee as specified herein, the Architect-Engineer will be reimbursed for such of his actual expenditures in the performance of the work as may be appoved or ratified by the Contracting Officer.

ART. VIII. *Method of payment.* Payments of reimbursable cost items and of 90% of the amount of the Architect-Engineer's fee earned shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, supported by original certified payrolls, receipted bills for all expenses including materials, supplies and equipment, rentals, and all other supporting data. Upon completion of the project and its final acceptance the Architect-Engineer shall be paid the unpaid balance of any money due the Architect-Engineer hereunder.

ART. IX. *Drawings and other data to become property of Government.* All drawings, designs and specifications are to become the property of the Government.

ART. XII. *Changes in scope of project.* The Contracting Officer may, at any time, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

ART. XIII. *Termination for cause or for convenience of the Government.* The Government may terminate this contract at any time and for any cause by a notice in writing from the Contracting Officer to the Architect-Engineer.

This contract is authorized by the following law:

Public No. 139 77th Congress. Approved June 30, 1941.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-6338; Filed, August 23, 1941; 9:45 a. m.]

[1] Approved by the Under Secretary of War July 24, 1941.

[Contract No. W 7120 qm-2; O. I. No. 1-42]

SUMMARY OF FIXED FEE CONSTRUCTION CONTRACT

CONTRACTORS: C. G. KERSHAW CONTRACTING COMPANY, BIRMINGHAM, ALABAMA; ENGINEERS, LIMITED, 225 BUSH STREET, SAN FRANCISCO, CALIFORNIA; AND WALTER BUTLER COMPANY, 1300-46 MINNESOTA BLDG., SAINT PAUL, MINNESOTA

Contract [1] for construction of Chemical Warfare Service Arsenal.

Location: Huntsville, Ala.

Fixed fee: $492,855.

[1] Approved by the Under Secretary of War July 28, 1941.

Estimated construction cost exclusive of fixed fee: $28,641,400.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same. CWS 928 29 77 EP of ES-01410.02.

This contract, entered into this 21st day of July 1941.

ARTICLE I. *Statement of work.* The Constructor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: The construction of a Chemical Warfare Service Arsenal, including necessary buildings, temporary structures, utilities and appurtenances thereto at or near Huntsville, Alabama.

It is estimated that the construction cost of the work covered by this contract will be twenty-eight million six hundred forty-one thousand four hundred dollars ($28,641,400.00) exclusive of the constructor's fee.

In consideration for his undertaking under this contract the Constructor shall receive the following:

(a) Reimbursement for expenditures as provided in Article II.

(b) Rental for Constructor's equipment as provided in Article II.

(c) A fixed fee in the amount of four hundred ninety-two thousand eight hundred fifty-five dollars ($492,855.00) which shall constitute complete compensation for the Constructor's services, including profit and all general overhead expenses.

The Contracting Officer may, at any time, without notice to the sureties, if any, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies for which the Constructor shall be entitled to be reimbursed under Article II, shall vest in the Government.

ART. III. *Payments—Reimbursement for cost.* The Government will currently reimburse the Constructor for expenditures made in accordance with Article II upon certification to and verification by the Contracting Officer of the original of signed pay rolls, for labor, the receipted invoices for materials, and such other documents as the Contracting Officer may require. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

Rental for constructor's equipment. Rental as provided in Article II for such construction plant or parts thereof as the Constructor may own and furnish shall be paid monthly upon presentation of proper vouchers.

Payment of the fixed fee. Ninety percent (90%) of the fixed fee set out in Article I shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates submitted to and approved by the Contracting Officer.

Final payment. Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Constructor the unpaid balance of the cost of the work determined under Article II hereof, and of the fee.

ART. VI.—*Termination of contract by Government.* The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Constructor.

This Contract is authorized by the following law: Public No. 139—77th Congress; Approved June 30, 1941.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-6339; Filed, August 23, 1941; 9:45 a. m.]

[Contract No. W 478 ORD 10]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: THE HIGH STANDARD MANUFACTURING COMPANY, INC., NEW HAVEN, CONNECTICUT

Contract[1] for * * * Guns, Browning Machine, Cal. * * * and Essential Extra Parts.

Amount: $4,989,725.69.

Place: Hartford Ordnance District, 95 State Street, Springfield, Massachusetts.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authority, the available balance of which is sufficient to cover the cost of the same.

ORD 50,099 P 024-30 A-0020-13

This contract, entered into this 16th day of June 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Guns, Browning Machine * * * and essential extra parts for the consideration stated a total price of four million, nine hundred eighty-nine thousand, seven hundred twenty-five dollars and sixty-nine cents ($4,989,725.69), the consideration stated four million, nine hundred eighty-nine thousand, seven hundred twenty-five dollars and sixty-nine cents ($4,989,725.69) includes the rental payable by the contractor pursuant to its proposed Agreement of Lease with Defense Plant Corporation, namely, the sum of two hundred fourteen thousand eight hundred sixty-eight dollars, and fifty-seven cents ($214,868.57) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Quantities. The Government reserves the right to increase the quantity on this contract by as much as * * * % and at the price specified in Article 1, such option to be exercised within * * * days from date of this contract.

Termination when contractor not in default. This contract is subject to termination by the Government at any time as its interests may require.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-6340; Filed, August 23, 1941; 9:45 a. m.]

ARMY POST OFFICES

POSTAL SERVICE AT ATLANTIC BASES

Postal service at Atlantic bases. Section II, Circular No. 78,[1] War Department, 1941, is rescinded and the following substituted therefor:

1. *Bases and APO numbers.* Domestic postal rates and conditions apply to mail addressed to personnel at the Atlantic

[1] Approved by the Chief of Ordnance June 30, 1941.

[1] See 6 F.R. 2289.

bases where United States post offices have been established, as follows:

Base	*APO No.*
Newfoundland: Units at—	
St. John's	801
Argentia	801–A
Stephenville	801–B
Newfoundland Air Port	801–C
Bermuda	802
Trinidad	803
Jamaica	804
Saint Lucia	805
Antigua	806
British Guiana	807
Bahamas (see note)	808

NOTE: A United States post office has not yet been established at the Bahamas base. Therefore, domestic postal rates and conditions do not apply to mail addressed to personnel at that base, and the APO number should not be used. Notice will be issued upon establishment of a domestic postal unit at the Bahamas base.

2. *Method of addressing mail to Army personnel at Atlantic bases.* a. Mail addressed to Army personnel at Atlantic bases should show clearly—

(1) Grade, first name in full, middle initial, and last name of the person addressed, followed by his Army serial number, if known.

(2) Letter or number of the company or other similar organization of which the soldier is a member.

(3) Designation of the regiment or separate battalion, if any, to which the company belongs.

(4) The Army post office number and base where located. The location of units in Newfoundland, i. e., St. John's, Argentia, etc., should not be shown as a part of the address on mail; the APO number and "Newfoundland" are sufficient.

(5) Name and address of the sender, in the upper left corner.

b. There should be sufficient space to the left of the address to allow for indorsements by forwarding agencies should it not be possible to deliver the piece of mail at the address given.

c. The following is an example of a correctly addressed envelope:

From John B. Doe
205 W. ------ St.
Boston, Mass.

Private Willard J. Roe (Army serial No.)
Company F
---- th Infantry
APO 801, Newfoundland.

d. The return address on mail from Army personnel will be shown in the upper left corner as follows:

Pvt. Willard J. Roe
Co. F, ---- th Inf. APO 801.
Newfoundland.

Mr. John B. Doe
205 W. ---- St.
Boston,
Massachusetts.

(R.S. 161; 5 U.S.C. 22) [Sec. II, Cir. 166, W.D., Aug. 13, 1941]

[SEAL] W. V. CARTER,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 41–6341; Filed, August 23, 1941; 9:46 a. m.]

[Contract No. W 741–ORD–8979]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: GUIBERSON DIESEL ENGINE COMPANY, CHICAGO, ILLINOIS

Contract for: Spare Parts for Light Tanks, * * *.

Amount: $3,390,072.35.

Place: Rock Island Arsenal, Rock Island, Illinois.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in and are chargeable to procurement authority (741) ORD 9274 P11–30 A 1005–01, the available balance of which is sufficient to cover cost of same.

This contract, entered into this 22d day of May 1941.

Scope of this contract. The contractor shall furnish and deliver Spare Parts for Light Tanks for the consideration stated $3,390,072.35 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

Delays—Liquidated damages. If the contractor refuses or fails to make delivery of the materials or supplies within the time specified in Article 1, or any extension thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government, as fixed, agreed, and liquidated damages for each calendar day of delay in making delivery, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Advance payments. At any time and from time to time, after the approval of this contract, at the request of the Contractor and subject to the approval of the Chief of Ordnance as to the necessity therefor, the Government shall advance to the Contractor, without payment of interest therefor by the Contractor, sums not to exceed * * * per centum of the price.

As a condition precedent to the making of any advance payment or payments as hereinbefore provided, the Contractor shall furnish the Government with such adequate security as the Secretary of War shall prescribe.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–6352; Filed, August 25, 1941; 9:33 a. m.]

[Contract No. W 241 ORD–1]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: UNITED SHOE MACHINERY CORPORATION, 140 FEDERAL STREET, BOSTON, MASS.

Contract[1] for * * * Guns, complete with extra parts.

Amount: $1,257,607.00.

Place: Boston Ordnance District Office, Room 1501, 140 Federal Street, Boston, Mass.

The * * * Guns, complete with extra parts to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority ORD 50,017, P10–30 A0020–13, the available balance of which is sufficient to cover the cost thereof.

This contract, entered into this eleventh day of June 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Guns, * * *, complete with extra parts for the consideration stated one million two hundred fifty-seven thousand six hundred seven ($1,257,607.00) dollars, in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time

[1] Approved by the Chief of Ordnance June 30, 1941.

specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided.

Termination when contractor not in default. This contract is subject to termination by the Government at any time as its interests may require.

Payments (special provisions). * * * percent of the unit contract price as set forth in Article 1 hereof will be paid to the contractor after provisional acceptance of each gun, the balance thereof after final acceptance. Full payment will be made for extra parts on delivery and acceptance as provided for herein.

This contract is authorized by the Act of July 2, 1940 (Public No. 703—76th Congress).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-6353; Filed, August 25, 1941; 9:33 a.m.]

[Contract No. W 478 ORD 1321]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: THE BULLARD COMPANY, BRIDGEPORT, CONNECTICUT

Contract for: Vertical Turret Lathes.

Amount: $4,391,440.00.

Place: Hartford Ordnance District, 95 State St., Springfield, Mass.

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in and are chargeable to the following Procurement Authority, the available balance of which is sufficient to cover the cost of the same.

ORD 8997 PZ-3052A (0141)-01
ORD 8997 P2-3052A (0141).116-01

This contract, entered into this 2nd day of June 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Vertical Turret Lathes for the consideration stated a total of four million, three hundred ninety-one thousand, four hundred and forty dollars ($4,391,440.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Performance bond. The contractor shall furnish a performance bond in duplicate in the sum of ten per centum of the total amount of this contract with surety or other security acceptable to the Government to cover the successful completion of this contract.

Termination when contractor not in default. This contract is subject to termination by the Government at any time as its interest may require.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-6354; Filed, August 25, 1941; 9:33 a. m.]

[Contract No. W 741-ORD-8977]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: CONTINENTAL MOTORS CORPORATION, MUSKEGON, MICHIGAN

Contract for: Spare Parts for Light Tanks, * * *.

Amount: $1,220,147.10.

Place: Rock Island Arsenal, Rock Island, Illinois.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in and are chargeable to procurement authority (741) ORD 9274 P11-30 A 1005-01, the available balance of which is sufficient to cover cost of same.

This contract, entered into this 12th day of June 1941.

Scope of this contract. The contractor shall furnish and deliver Spare parts for light tanks for the consideration stated $1,220,147.10 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

Advance payments. At any time and from time to time, after the approval of this contract, at the request of the Contractor and subject to the approval of the Chief of Ordnance as to the necessity therefor, the Government shall advance to the Contractor without payment of interest therefor by the Contractor, sums not to exceed * * * percentum of the contract price.

As a condition precedent to the making of any advance payment or payments as hereinbefore provided, the Contractor shall furnish the Government with such adequate security as the Secretary of War shall prescribe.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-6355; Filed, August 25, 1941; 9:34 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1832-FD]

IN THE MATTER OF SOUTHERN COAL COMPANY, INC., REGISTERED DISTRIBUTOR, REGISTRATION NO. 8561, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division (the "Division") finds it necessary, in the

[1] Approved by the Under Secretary of War June 28, 1941.

proper administration of the Bituminous Coal Act of 1937 (the "Act"), to determine

(a) whether or not the respondent in the above-entitled matter, Southern Coal Company, Inc., Registered Distributor, Registration No. 8561, whose address is 81 Madison Avenue, Memphis, Tennessee, has violated any provisions of the Act, the Marketing Rules and Regulations, Rules and Regulations for Registration of Distributors, and the agreement ("Distributor's Agreement") dated July 3, 1939, executed by the respondent, pursuant to Order of the National Bituminous Coal Commission dated March 24, 1939, in General Docket No. 12, which was adopted as an Order of the Division on July 1, 1939, or any orders or regulations of the Division; and

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties be imposed;

and for said purposes gives notice that the Division has information to the effect that:

2. During the months of October, November and December, 1940, respondent accepted distributor's discounts of 45 cents per ton from the effective minimum prices on 16 carloads of 5" block, 5" lump and 5" x 3" egg coal purchased by respondent from, and produced by, DeBardeleben Coal Company, Birmingham, Alabama, code member in District No. 13, and resold by respondent to Bannon Coal & Ice Company, Memphis, Tennessee, whereas the maximum allowable discount as contained in the order entered in General Docket No. 12, dated June 19, 1940, on such shipments was 25 cents per ton, in violation of section 4 II (h) of the Act, Rule 1 of section III of the Marketing Rules and Regulations, and sections (a) and (e) of the Distributor's Agreement.

3. During the month of November 1940, respondent accepted a distributor's discount of 42 cents per ton from the effective minimum prices on approximately 50.30 tons of 6" block coal purchased by respondent from, and produced by, the Clover Fork Coal Company, Kitts, Kentucky, code member in District No. 8, and resold by respondent to Bannon Coal & Ice Company, Memphis, Tennessee, whereas the maximum allowable discount as contained in the order entered in General Docket No. 12, dated June 19, 1940, on such shipment was 25 cents per ton, in violation of section 4 II (h) of the Act, Rule 1 of section III of the Marketing Rules and Regulations, and sections (a) and (e) of the Distributor's Agreement.

4. Subsequent to September 30, 1940, respondent accepted sales commissions from code member producers as set forth below on coal sold and delivered by respondent as sales agent for said producers, to Bannon Coal & Ice Company, a retailer in Memphis, Tennessee, said retailer being partially or completely controlled by respondent, and respondent being in fact or in effect an agency or instrumentality of said retailer in the purchase of said coal, in violation of Rule 10 of section II of the Marketing Rules and Regulations, and section 4 II (i) 12 of the Act and Rule 12 of section XIII of the Marketing Rules and Regulations, and sections (c) and (e) of the Distributor's Agreement as follows:

(a) Sales of coal produced by Marigold Coal Mining Company, Kansas City, Missouri, at its Marigold Mine, Mine Index No. 29, in District No. 13:

Date of shipment	Car No.	Size	Tons	Sales price per ton f. o. b. mine	Total commission allowed
12-3-40	IC 209186	6 x 3 Egg	53.60	$2.78	$14.37
12-4-40	IC 82370	6 x 3 Egg	52.35	2.78	14.02
12-7-40	IC 215094	6 x 3 Egg	49.35	2.78	13.23
12-7-40	IC 215350	6" Lump	48.75	3.08	14.53
12-12-40	IC 83877	6" Lump	51.95	3.08	15.48

(b) Sales of coal produced by Dixie King Coal Company, Inc., La Follette, Tennessee, at its Nurex mine, Mine Index No. 354, District No. 8.

Date of shipment	Car No.	Size	Tons	Sales price per ton f. o. b. mine	Total commission allowed
11-21-40	L&N 89726	6" block	50.1	$3.15	$15.78
1-10-41	L&N 52928	6" block	51.1	3.05	15.59
1-17-41	L&N 54225	6" block	52.9	3.05	16.15
1-17-41	L&N 72977	6" block	51.7	3.05	15.77
2-11-41	L&N 83179	8" block	48.2	3.05	14.72
2-11-41	L&N 84983	8" block	49.0	3.05	14.95

(c) Sales of coal produced by Francis Rex Coal Company, Inc., La Follette, Tennessee, at its Rex No. 2 mine, Mine Index No. 404, District No. 8.

Date of shipment	Car No.	Size	Tons	Sales price per ton f. o. b. mine	Total commission allowed
					Percent
11-26-40	L&N 57989	6" block	50.45	$3.15	10
1-3-41	L&N 89886	6" block	50.0	3.05	10
1-3-41	L&N 63141	6" block	55.3	3.05	10
1-9-41	L&N 183903	6" block	49.15	3.05	10
1-9-41	L&N 75832	6" block	48.95	3.05	10
1-20-41	L&N 73683	6" block	49.65	3.05	10
1-27-41	L&N 52362	8" block	47.95	3.15	10
1-27-41	L&N 58975	8" block	47.85	3.15	10
2-18-41	L&N 86313	8" block	48.15	3.05	10
2-24-41	L&N 74474	8" block	48.55	3.05	10

(d) Sales of coal produced by Diamond Coal Company, 111 E. Main Street, Providence, Kentucky, at its No. 1 mine, Mine Index No. 22, and No. 2 mine, Mine Index No. 23, District No. 9.

Date of shipment	Car No.	Size	Tons	Sales price per ton f. o. b. mine	Total commission allowed
1-27-41	IC 90380	6" lump	53.2	$2.05	$13.62
1-27-41	IC 82331	3 x 6 egg	52.9	1.95	12.92
11-26-40	IC 90277	3 x 6 egg	50.4	1.95	12.31
12-3-40	IC 83202	3 x 6 egg	51.0	1.95	12.44
12-16-40	IC 83342	6" lump	52.5	2.05	13.44
12-16-40	IC 217090	6" lump	53.0	2.05	13.57
12-13-40	L&N 55218	3 x 6 egg	49.8	1.95	12.17
1-18-41	IC 96668	6" lump	38.5	2.05	9.87
1-2-41	IC 218053	6" lump	53.5	2.05	13.71
1-2-41	IC 214885	6" lump	53.0	2.05	13.58
1-2-41	IC 82042	3 x 6 egg	53.1	1.95	12.96

(e) Sales of coal produced by Green Silvers Coal Corporation, Harlan, Kentucky, at its Malcomson mine, Mine Index No. 310, District No. 8.

Date of shipment	Car No.	Size	Tons	Sales price per ton f. o. b. mine	Total commission allowed
12-13-40	L&N 82534	2½ x 6 egg	46.8	$2.50	$11.70
2-7-41	L&N 82150	2½ x 6 egg	52.4	2.28	11.95
2-8-41	L&N 87331	2½ x 6 egg	46.9	2.28	10.69
2-13-41	L&N 28003	2½ x 6 egg	46.7	2.28	10.64
2-19-41	L&N 53906	2½ x 6 egg	48.6	2.28	11.08

(f) Sales of coal produced by W. A. Wickliffe Coal Company, Greenville, Kentucky, at its Browder mine, Mine Index No. 10, District No. 9.

Date of shipment	Car No.	Size	Tons	Sales price per ton f. o. b. mine	Total commission allowed
10-17-40	L&N 54978	6" lump	54.6	$2.05	$13.99
10-17-40	L&N 56095	6" lump	54.6	2.05	13.99
10-24-40	L&N 53882	6" lump	55.3	2.05	14.17
10-24-40	L&N 54407	6" lump	53.6	2.05	13.72
10-25-40	L&N 53753	6 x 3 egg	54.5	1.95	13.30
10-25-40	L&N 72332	6 x 3 egg	54.0	1.95	13.18
11-11-40	L&N 72974	6" lump	53.3	2.05	13.66
11-13-40	L&N 185980	6" lump	53.9	2.05	13.81
11-13-40	L&N 58243	6 x 3 egg	53.9	1.95	13.16
11-14-40	L&N 28009	6 x 3 egg	53.0	1.95	12.93
11-15-40	L&N 87494	3" lump	53.7	1.95	13.11
11-16-40	L&N 71856	6" lump	54.1	2.05	13.85
11-25-40	L&N 53542	6" lump	56.2	2.05	14.39
11-26-40	L&N 53636	6" lump	56.1	2.05	14.38
12-19-40	L&N 59124	6 x 3 egg	55.6	1.95	13.59
1-4-41	L&N 72949	6" lump	55.5	2.05	14.21
12-3-40	L&N 50049	6" lump	56.0	2.05	14.34
12-3-40	L&N 72773	6" lump	55.5	2.05	14.21
1-20-41	L&N 58045	6 x 3 egg	54.6	1.95	13.34
1-29-41	L&N 56091	6 x 3 egg	55.4	1.95	13.52
1-29-41	L&N 52652	6 x 3 egg	55.1	1.95	13.45
2-3-41	L&N 59209	6" lump	56.2	2.05	14.40
2-4-41	L&N 59201	6" lump	54.4	2.05	13.93
2-7-41	L&N 84080	6" lump	51.6	2.05	13.21
2-19-41	L&N 54315	7" lump	55.0	2.05	14.08
2-19-41	L&N 55925	7 x 3 egg	56.0	1.95	13.68
2-24-41	L&N 72413	7" lump	55.1	2.05	14.12
2-25-41	L&N 55322	7" lump	55.5	2.05	14.21
3-11-41	L&N 54663	7" lump	54.6	2.05	13.99

5. Subsequent to September 30, 1940, respondent accepted distributor's discounts from the effective minimum prices on coal purchased by respondent from, and produced by, the Providence Coal Mining Company, a code member in District No. 9, whose address is 100 Broadway, Providence, Kentucky, and who operates the Providence #3 Mine, Mine Index No. 65, and resold by respondent to Bannon Coal & Ice Company, a retailer at Memphis, Tennessee, respondent being in fact or in effect an agency or instrumentality of said retailer in the purchase of said coal, in violation of section 4 II (i) 12 of the Act, Rule 12 of section XIII of the Marketing Rules and Regulations, and sections (c) and (e) of the Distributor's Agreement, as follows:

Date of shipment	Car No.	Size	Tons	Sales price per ton f. o. b. mine	Total discount allowed
2-20-41	IC 83423	6" lump	56.0	$2.05	$12.32
2-20-41	IC 218646	6" lump	53.6	2.05	11.79
2-22-41	IC 211239	6" lump	60.5	2.05	13.31

6. Respondent has failed to charge and collect from the Bannon Coal & Ice Company, a retailer at Memphis, Tennessee, interest upon delinquent charges for coal sold to said retailer by respondent, during the months of October, November and December 1940, in violation of section 4 II (i) 6 and 7 of the Act, Rules 6 and 7 of section XIII and Rule 1 (I) of section VII of the Marketing Rules and Regulations, and sections (c) and (e) of the Distributor's Agreement.

7. Subsequent to September 30, 1940, respondent acting either as sales agent or as distributor, prepaid freight charges upon all-rail shipments of coal, in violation of section 4 II (i) 3 of the Act, Rule 3 of section XIII and Rule 1 (j) of section VII of the Marketing Rules and Regulations, and sections (c) and (e) of the Distributor's Agreement, as follows:

Approximate number of cars	Car No.	Approximate date of shipment	Producer	Dist. No.	Consignee
	L&N 54527	11-15-40	Black Diamond Coal Mining Co.	13	Bannon Coal & Ice Co., Memphis, Tenn.
	L&N 86624	11-16-40	Black Diamond Coal Mining Co.	13	Bannon Coal & Ice Co., Memphis, Tenn.
	L&N 63098	11-16-40	Black Diamond Coal Mining Co.	13	Bannon Coal & Ice Co., Memphis, Tenn.
	L&N 55684	11-5-40	Walter Bledsoe & Co. as Sales Agents of Clover Fork Coal Company.	8	Bannon Coal & Ice Co., Memphis, Tenn.
	L&N 57890	12-4-40			
	L&N 52548	12-4-40			
	L&N 72024	12-6-40			
	L&N 51559	12-28-40			
	IC 219691	10-16-40	Coil Coal & Mining Company, as Sales Agent for Grapevine Coal Company.	9	Bannon Coal & Ice Co., Memphis, Tenn.
	IC 217226	11-12-40			
	L&N 51653	11-14-40			
	IC 65946	11-26-40			
	IC 209466	12-4-40			
	IC 204817	12-14-40			
16		Between 10-11-40 and 12-28-40.	DeBardeleben Coal Corporation.	13	Bannon Coal & Ice Co., Memphis, Tenn.
8		Between 11-26-40 and 12-31-40.	Diamond Coal Company	9	Bannon Coal & Ice Co., Memphis, Tenn.
	IC 82536	11-14-40	Greenville Coal Company.	9	Bannon Coal & Ice Co.
	IC 217854	12-27-40	Greenville Coal Company.	9	Bannon Coal & Ice Co.
	IC 215614	12-27-40	Greenville Coal Company.	9	Bannon Coal & Ice Co.
	L&N 82534	12-13-40	Green Silvers Coal Company.	9	Bannon Coal & Ice Co.
	L&N 63141	12-31-40	Francis Rex Coal Company.	8	Bannon Coal & Ice Co.
	L&N 89886	12-31-40	Francis Rex Coal Company.	8	Bannon Coal & Ice Co.
	L&N 57989	11-22-40	Francis Rex Coal Company.	8	Bannon Coal & Ice Co.
5		Between 12-3-40 and 12-12-40.	Marigold Coal Mining Company.	13	Bannon Coal & Ice Co.
	IC 85542	11-18-40	Providence Coal Mining Company.	9	Bannon Coal & Ice Co.
	L&N 71491	11-23-40	Clover Splint Coal Company, Pittsburgh, Pa.	8	Bannon Coal & Ice Co.
	L&N 89726	11-21-40	Dixie King Coal Company	8	Bannon Coal & Ice Co.
	L&N 57502	10-19-40	Gorman Coal Co., LaFollette, Tenn.	8	Bannon Coal & Ice Co.
18		Between 10-17-40 and 12-19-40.	W. A. Wickliffe Coal Company.	9	Bannon Coal & Ice Co.

8. During the months of October and November 1940, the respondent accepted distributor's discounts from the effective minimum prices on coal purchased by respondent from Walter Bledsoe & Company, as sales agent for Clover Fork Coal Company, Kitts, Kentucky, a code member in District No. 8, and resold by respondent to Bannon Coal & Ice Company, a retailer in Memphis, Tennessee, respondent being in fact or in effect an agency or instrumentality of said retailer in the purchase of said coal, in violation of section 4 II (i) 12 of the Act, and Rule 12 of section XIII of the Marketing Rules and Regulations, and sections (c) and (e) of the Distributor's Agreement, as follows:

Date of shipment	Car No.	Size	Tons	Sales price per ton f. o. b. mine	Discount per ton accepted
					Cents
11-5-40	L&N 55684	6" block	50.30	2.85	42
12-4-40	L&N 57890	Block	49.00	2.70	22
12-4-40	L&N 52548	Block	49.25	2.70	22
12-6-40	L&N 72024	Block	49.10	2.70	22
12-28-40	L&N 51559	5" block	50.20	2.70	22

It is, therefore, ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties imposed, be held on October 21, 1941, at 10 a. m. in a hearing room of the Bituminous Coal Division at the Washington Hotel, Washington, D. C.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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

Dated: August 23, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6357; Filed, August 25, 1941; 10:32 a. m.]

[Docket No. 1737-FD]

IN THE MATTER OF RAWALT COAL COMPANY, A CORPORATION, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated May 1, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on May 7, 1941, by Bituminous Coal Producers Board for District No. 10, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on October 2, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Peoria, Illinois.

It is further ordered, That W. A. Shipman or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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

The matter concerned herwith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: Violation of the effective minimum prices by selling during the period February 6 to February 21, 1941, both dates inclusive, to B. & B. Coal Company, a registered distributor, Registration No. 0339, Peoria, Illinois, approximately 717 tons of 6" lump coal produced at the mine of said Rawalt Coal Company at the price of $2.56 per ton delivered at Peoria, Illinois, and $3.20 per ton delivered at Bloomington, Illinois, which prices were less than the effective minimum prices for said coal of $2.55 per ton f. o. b. the mine for truck shipment plus at least the actual cost of transportation from the transportation facilities at said mine to said points of delivery respectively less distributor's discount; also by selling and delivering to said distributor at Peoria, Illinois, approximately 147 tons of 1¼" x 6" egg coal produced at the mine of said Rawalt Coal Company at the price of $2.46 per ton delivered at Peoria, Illinois, which price was less than the effective minimum price for said coal of $2.25 per ton f. o. b. the mine for truck shipment plus at least the actual coast of transportation from the transportation facilities at said mine to said point of delivery less distributor's discount.

Dated: August 23, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6358; Filed, August 25, 1941; 10:32 a. m.]

[Docket No. A-767]

PETITION OF DISTRICT BOARD NO. 7 FOR REVISION OF THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR CERTAIN COALS OF MINE INDEX NO. 211 OF VERA POCAHONTAS COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 7

AMENDMENT TO NOTICE OF AND ORDER FOR HEARING

The Acting Director having on July 22, 1941, issued a Notice of and Order for Hearing in the above-entitled matter; and

It appearing that the original petitioner has filed an amendment to its original petition amending the prayer for relief therein;

Now, therefore, it is ordered, That the statement in the said Notice of and Order for Hearing of the matter concerned herewith is hereby amended to read that such matter is in regard to the petition of District Board No. 7 for revision of the effective price classifications and minimum prices established for certain coals of Mine Index No. 211 of Vera Pocahontas Coal Company, a code member in District No. 7, and, more particularly, to revise Price Classification "B" to "D"

in Size Groups 1 and 2 and Price Classification "A" to "C" in Size Group 3.

Dated: August 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6359; Filed, August 25, 1941; 10:32 a. m.]

[Docket No. A-756]

PETITION OF DISTRICT BOARD NO. 2 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 2

ORDER REVOKING ASSIGNMENT OF FREIGHT ORIGIN GROUP NO. 28 AND ASSIGNING FREIGHT ORIGIN GROUP NO. 51 TO CHADDERTON MINE, MINE INDEX NO. 1136

District Board No. 2 has filed a motion in the above-entitled matter to change from 28 to 51 the freight origin group number applicable to the coals of the Chadderton Mine, Mine Index No. 1136, of the Mercer Coal Producing Company for all shipments except truck. It appears that the Order of April 1, 1941, assigning Freight Origin Group No. 28 to Mine Index No. 1136 was entered more than sixty (60) days prior to the filing of the above motion and has, therefore, become final.

It further appears, however, that the proposal in the motion is proper, and that Freight Origin Group No. 28, heretofore assigned, as aforesaid, to the coals of Mine Index No. 1136, should be revoked and, in lieu thereof, that Freight Origin Group No. 51 should be assigned to the coals of this mine.

Now, therefore, it is ordered, That pending final disposition of the above-entitled matter temporary relief is granted as follows: Commencing forthwith, the assignment of Freight Origin Group No. 28 to the coals of Mine Index No. 1136 is revoked and in lieu thereof Freight Origin Group No. 51 is assigned to the coals of this mine, which shall take the same necessary and permissible adjustments as Freight Origin Group No. 51 for rail shipments from Mercer, Pennsylvania, via either Pennsylvania Railroad or Bessemer and Lake Erie Railroad.

It is further ordered, That pleadings in opposition 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; and

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

Dated: August 23, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6360; Filed, August 25, 1941; 10:33 a. m.]

[Docket No. A-742]

PETITION OF THE MARMET COAL COMPANY, CODE MEMBER IN DISTRICT NO. 8 FOR CHANGES IN PRICE CLASSIFICATION OF ITS COALS IN SIZE GROUPS 1-9 AND 11-21, INCLUSIVE, FOR SHIPMENT EXCEPT TRUCK TO ALL MARKET AREAS

ORDER OF THE DIRECTOR DENYING RELIEF

An original petition having been filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by the Marmet Coal Company, a code member in District 8, owning and operating the No. 2 Gas Mine (Mine Index No. 578) in Kanawha County, West Virginia, requesting a reclassification of certain coals produced at the No. 2 Gas Mine of the petitioner for all shipments other than truck for destinations other than the Great Lakes;

Petitions of intervention having been filed by the West Virginia Coal and Coke Corporation and by the Island Creek Coal Company, code members in District 8;

A public hearing having been held on April 8, 1941, before a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., pursuant to an Order of the Director;

The Examiner's report having been waived by the parties and the matter being thereupon submitted to the Director;

Now, therefore, it is ordered, That the request herein of Marmet Coal Company for a reclassification and revision of the effective minimum prices of certain coals produced at its No. 2 Gas Mine be and hereby is denied.

Dated: August 23, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6361; Filed, August 25, 1941; 10:33 a. m.]

[Docket No. A-780]

PETITION OF DELTA MINING COMPANY, SAHARA COAL COMPANY AND THE UNITED ELECTRIC COAL COMPANIES, CODE MEMBER PRODUCERS IN DISTRICT NO. 10, FOR MINIMUM F. O. B. MINE PRICES FOR F. A. S. DELIVERY FROM DISTRICT NO. 10 TO RETAIL DEALERS AT MINNEAPOLIS AND ST. PAUL, PURSUANT TO SECTION 3 (A), SPECIAL RIVER PRICE INSTRUCTIONS AND EXCEPTIONS, SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10, OR IN THE ALTERNATIVE FOR ESTABLISHMENT OF JUST AND EQUITABLE PRICES

MEMORANDUM OPINION AND ORDER DENYING MOTION OF DISTRICT BOARD 11 TO SUSPEND OR TERMINATE TEMPORARY RELIEF

Hearings were held in the above-entitled matter on May 27 to 29 and July 15 to 22, 1941. On July 29, 1941, the Director in a Memorandum Opinion and Order granting temporary relief, provided that the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck should be temporarily amended by adding under the section "Prices for River (free alongside deliveries) and Ex-River Shipments, Special River Price Instructions and Exceptions", "Special Cases, C" page 53, the following provision:

Any code member producer, sales agent or registered distributor may sell coal for barge delivery to and over the municipal docks at Minneapolis and St. Paul at the minimum f. o. b. mine prices for free alongside delivery when shipped from the mines by rail and reloaded into barges on the Mississippi River for transshipment on the Mississippi River to retail coal dealers for resale at retail by such dealers located within the switching limits of these cities, whether such coal is for storage on the municipal docks or at inland retail coal yards.

This relief is subject to several qualifying provisions set forth in the Order.

On August 15, 1941, District Board 11 filed a motion to suspend or terminate temporary relief, upon the grounds, (1) that the relief goes beyond a fair and reasonable interpretation of the notice of the issues to be determined, in that it has the effect of redefining "river" or "free alongside" deliveries, and revises the fundamental rule of pricing ex-river coal as determined in General Docket No. 15, (2) that under section 3 (A) of the Special River Price Instructions and Exceptions it extends an ex-river price to retailers as a class in violation of the terms and spirit of that section, (3) that the temporary relief is not supported by evidence of record, and (4) that the Order ignores the effect of relief upon competing coals, other than water borne eastern coals, and no reference is made therein to all-rail coals from Minimum Price Area No. 2.

The original Notice of and Order for Hearing, dated April 18, 1941, gave notice of an application for a change in the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck, to permit sale of coal at river prices for delivery to retail dealers taking delivery on or over the municipal docks at Minneapolis and St. Paul, Minnesota. At the first hearing thereunder, at which District Boards 2, 7, 8, 10 and 11 were represented from the very beginning, petitioners filed their motion for leave to amend, the scope of the hearing was discussed and the matter continued from May 29 to July 15 to afford to all interested persons opportunity to meet the enlarged issues. By Order, dated June 17, 1941, duly published, amendment was allowed, notice given on the additional prayer for establishment of just and equitable prices under section 4 II (d) of the Act if section 3 (A) of the Special River Price Instructions and Exceptions should be construed as inapplicable, and the record opened for further intervention. The original petition and motion to amend were duly served upon District Board 11 and the other interested Boards. Temporary relief is in accordance with the prayers thereof, provides a special price exception for certain re-

tail dealers and is not an abandonment of fundamental concepts of pricing and coordination. Moreover, the record shows no undue prejudice to producers in District 11 or other grounds requiring suspension or termination of temporary relief. Difficult to consider seriously is the contention that the temporary relief goes beyond a fair and reasonable interpretation of the notices, or that anyone was misled by the notices.

District Board 11's objection to extension of relief to other than specifically named dealers was raised by motion to dismiss, heretofore denied.

The Memorandum Opinion and Order Granting Temporary Relief outlines the basis and necessity therefor, which still exist, but does not attempt to make a complete finding of fact, or constitute a final disposition of the case, which disposition will be made only after the filing by the Examiner of his report and proposed findings based upon studied consideration of the record, briefs, and reports of sales made under the temporary relief order.

Now, therefore, it is ordered, That the motion of District Board 11 to suspend or terminate temporary relief, filed herein on August 15, 1941, be and the same hereby is denied.

Dated: August 23, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6362; Filed, August 25, 1941; 10:33 a. m.]

[Docket No. 1489-FD]

IN THE MATTER OF J. E. GORHAM, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER, AND CEASE AND DESIST ORDER

A complaint, pursuant to section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division on December 2, 1940, by the Bituminous Coal Producers Board for District 15, the complainant, against J. E. Gorham, defendant, a code member producer in District 15, requesting that defendant's membership be cancelled and revoked or that the Division, in its discretion, direct the defendant to cease and desist from violation of the Code and rules and regulations thereunder;

A hearing having been held before a duly designated Examiner of the Division in Kansas City, Missouri, on February 4, 1941;

The Examiner having made Proposed Findings of Fact and Conclusions of Law in the above proceedings, dated July 3, 1941, and having recommended that an order be entered directing defendant to cease and desist from violating the Act, the Code, the Schedule of Effective Minimum Prices for District 15 for Truck Shipments and the Marketing Rules and Regulations;

An opportunity having been afforded to the defendant to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed;

The Director having considered this matter and having determined that the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director;

It is ordered, That the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner be and they are hereby adopted as the Findings of Fact and Conclusions of Law of the Director;

It is further ordered, That the defendant J. E. Gorham, his representatives, agents, servants, employees, and attorneys and all persons acting or claiming to act in his behalf or interest, cease and desist and they hereby are permanently enjoined and restrained from (1) selling or offering to sell coal below the prescribed minimum price therefor; (2) the Bituminous Coal Act; (3) the Coal Code; (4) the Schedule of Effective Minimum Prices for District 15 for Truck Shipments and (5) the Marketing Rules and Regulations.

It is further ordered, That the Division may upon the failure of the defendant herein to comply with this Order forthwith apply to the Circuit Court of Appeals of the United States within any Circuit where such defendants carry on business, or the United States Circuit Court of Appeals for the District of Columbia for the enforcement hereof or take any other appropriate action.

Dated: August 23, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6363; Filed, August 25, 1941; 10:33 a. m.]

[Docket No. 1545-FD]

IN THE MATTER OF J. L. WITHERSPOON, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER, AND ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

A complaint having been filed on February 6, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by Bituminous Coal Producers Board for District 8, the complainant, alleging that J. L. Witherspoon, the defendant, a code member in District 8, has wilfully violated the provisions of the Bituminous Coal Code or regulations thereunder, and praying that the Division either cancel and revoke the defendant's code membership, or in its discretion direct and defendant to cease and desist from violations of the Code and regulations thereunder;

A hearing having been held before a duly designated Examiner of the Division, in Big Stone Gap, Virginia, on April 3, 1941; and the Examiner having made Proposed Findings of Fact and Proposed Conclusions of Law in this matter, dated July 3, 1941 and having recommended that defendant's code membership be revoked and cancelled;

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

It is therefore ordered, That the Proposed Findings of Fact and 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 Director;

It is further ordered, That the code membership of the defendant, J. L. Witherspoon, be and it is hereby revoked and canceled;

It is further ordered, That the amount of tax required to be paid by the defendant as a condition of reinstatement to code membership is $163.80.

Date: August 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6364; Filed, August 25, 1941; 10:34 a. m.]

[Docket No. A-285]

PETITION OF DISTRICT BOARD 9 FOR THE REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS OF DISTRICT 9 FOR SHIPMENT INTO MARKET AREA 34

ORDER OF THE DIRECTOR APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER AND DENYING RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with the Bituminous Coal Division by District Board 9, seeking a revision of the effective minimum prices for District 9 coals, by making applicable for shipment of such coals to Market Area 34, the same prices now effective for shipments to Market Areas 20-33, 35-78, 157, and 200-207; and

Petitions of intervention having been filed by District Board 11, and by Ayrshire Patoka Collieries Corporation, Sunlight Coal Company, Princeton Mining Company, and Enos Coal Mining Company, code members in District 11; and

A hearing having been held before a duly designated Examiner of the Division in Washington, D. C., on December 12 and 13, 1940; and

The Examiner having made Proposed Findings of Fact, Conclusions of Law, and Recommendations in this matter, dated July 26, 1941, recommending that

the relief prayed for by the original petitioner be denied; and

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; and

The Director having determined that the Proposed Findings of Fact and Conclusions of Law of the Examiner in this matter should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director:

It is ordered, That the relief prayed for in the petition of District Board 9 herein be and the same hereby is denied.

Dated: August 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6365; Filed, August 25, 1941; 10:34 a. m.]

[Docket No. A-637]

PETITION OF THE HUME-SINCLAIR COAL MINING COMPANY, MINE INDEX NO. 127, A CODE MEMBER IN DISTRICT NO. 15, TO MIX ITS COALS IN SIZE GROUPS 13 AND 14 AND FOR ESTABLISHMENT OF A MINIMUM PRICE FOR SUCH MIXTURE FOR ALL SHIPMENT EXCEPT TRUCK TO THE PLANTS OF THE KANSAS CITY POWER & LIGHT COMPANY, KANSAS CITY, MISSOURI, IN MARKET AREA NO. 75

ORDER OF THE DIRECTOR DENYING RELIEF

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 having been filed with the Bituminous Coal Division on January 30, 1941, by the Hume-Sinclair Coal Mining Company; the petition seeking temporary and permanent orders for the revision of the Schedule of Effective Minimum Prices for District 15 for all Shipments Except Truck applicable to petitioner's coals for shipment to the plants of the Kansas City Power & Light Company, located at Kansas City, Missouri, in Market Area 75;

A hearing having been held before a duly designated Examiner of the Bituminous Coal Division at the Washington Hotel, Washington, D. C., on April 4, 1941;

Parties to this proceeding having waived the preparation and filing of a report by the Examiner, and the matter thereupon having been submitted to the Director;

The Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion, which are filed herewith:

It is ordered, That the relief requested by the petition of the Hume-Sinclair Coal Mining Company herein be, and the same hereby is, denied.

Dated: August 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6366; Filed, August 25, 1941; 10:35 a. m.]

[Docket No. A-589]

PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 8 FOR PRELIMINARY, OR TEMPORARY, AND PERMANENT ORDER, OF CHANGE IN MINIMUM PRICES OF SIZE GROUP 7 COALS PRODUCED IN DISTRICT 8 BY FENTRESS COAL AND COKE COMPANY FOR SHIPMENT TO MARKET AREA 114

ORDER DENYING RELIEF

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 8, requesting a reduction of the minimum f. o. b. mine price of the Size Group 7 coals produced at the Wilder No. 3 Mine (Mine Index No. 494) of Fentress Coal & Coke Company from $2.10 to $1.95 per ton for rail shipment to Market Area 114;

District Board 9 having filed a petition of intervention; temporary relief having been denied by Order of the Director; pursuant to an Order of the Director and after due notice to all interested persons, a hearing in this matter having been held before 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 parties having waived the preparation and filing of report by the Examiner, and the record having thereupon been submitted to the undersigned; 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 the prayers for relief contained in the petition filed therein by District Board 8 be and they hereby are denied.

Dated: August 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6367; Filed, August 25, 1941; 10:35 a. m.]

[Docket No. 1516-FD]

IN THE MATTER OF STONE MINING COMPANY, INC., DEFENDANT

CEASE AND DESIST ORDER

A complaint having been filed on January 13, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 by District Board No. 11, complainant, with the Bituminous Coal Division, alleging in substance that the defendant wilfully violated the provisions of the Bituminous Coal Code, or rules and regulations thereunder, as follows:

That the defendant, with full knowledge of the requirements contained in the Effective Minimum Price Schedule for District No. 11 for Truck Shipments, and with intent to violate the same, and in violation thereof,

(a) sold and delivered to the McCurdy Hotel, Evansville, Indiana, on November 26, 1940, 6⅗ tons of coal, approximating 2" x 0 screenings, produced at defendant's S & S Mine (Mine Index No. 810) at a price of $1.125 per net ton delivered at the hotel, whereas the effective minimum code price for 2" x 0 screenings (Size Group 13) produced at said mine of Stone Mining Company, Inc. is $1.50 per net ton f. o. b. the mine;

(b) sold and delivered to the aforementioned hotel during the period from October 16 to October 31, 1940, 3,892 bushels of coal at a price equivalent to $1.125 per net ton delivered at the hotel, whereas these coals, or a part thereof were of such sizes that this price as to such coal was less than the applicable effective minimum price f. o. b. the mine, plus an amount equal to the actual transportation charges for such coal.

Pursuant to an Order of the Director, and after due notice to all interested persons, a hearing having been held in this matter on March 10, 1941, before a duly designated Examiner of the Division, at a hearing room thereof at Evansville, Indiana; and

Appearances having been entered by District Board No. 11, the complainant, and the Stone Mining Company, Inc., defendant; and

All interested parties having been afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard; and

The preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the Director; and

An answer having been filed by the defendant on March 14, 1941, pursuant to permission granted by the Examiner at the hearing; and

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

It is ordered, That the defendant, its officers, representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act in its behalf or interest, cease and desist and they hereby are permanently enjoined and restrained from selling coal produced by the defendant at less than the applicable effective minimum prices established therefor, contrary to the Bituminous Coal Act or any rules or regulations promulgated thereunder; the Bituminous Coal Code; the Schedule of Effective Minimum Prices for District 11 for Truck Shipments; and the Marketing Rules and Regulations.

It is further ordered, That the Division may forthwith upon the failure or neglect of the defendant to comply with this order, apply to the Circuit Court of Appeals of the United States within any circuit where defendant carries on busi-

ness, or the United States Circuit Court of Appeals for the District of Columbia, for the enforcement thereof.

Dated: August 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6368; Filed, August 25, 1941; 10:35 a. m.]

APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

TO: ALL DISTRICT BOARDS, CODE MEMBERS, DISTRIBUTORS, THE CONSUMERS' COUNSEL AND OTHER INTERESTED PERSONS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Director:

Name and address	*Date application filed*
James Bolde, d/b/a Carbon Fuel Co., Cumberland, Wash.	Aug. 11, 1941
Craig Coal & Transportation Company, Leavenworth, Ind.	Aug. 12, 1941
Rupert Coal Co., New Waterford, Ohio	Aug. 12, 1941
Salisbury Bros., 164 Erie Blvd., Schenectady, N. Y.	Aug. 12, 1941
Walkover Coal Company Limited, 330 Bay Street, Toronto, Ontario, Canada	Aug. 11, 1941

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before September 8, 1941. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

Dated: August 23, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6369; Filed, August 25, 1941; 10:36 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 615]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 19, 1941.

I hereby amend:

(a) Administrative Order No. 609, dated July 23, 1941, by changing the project designations appearing therein as "Alaska 2003A1 Kodiak Public" and "Alaska 2003G1 Kodiak Public" to read "Alaska 2003A1 Kodiak" and "Alaska 2003G1 Kodiak."

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-6384; Filed, August 25, 1941; 11:26 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 August 25, 1941.

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

Burkley Envelope & Printing Company, 417 South 12th Street, Omaha, Nebraska; Converted Paper Products; Commercial Printing & Envelopes; 3 learners; 160 hours for any one learner; 33 cents per hour; Envelope Machine Operator; November 17, 1941.

Chandra Arts, 140 Washington Avenue, Point Richmond, California; Small Plastic Animals and Figures; 1 learner; 8 weeks for any one learner; 25 cents per hour; Caster; November 3, 1941.

Chandra Arts, 140 Washington Avenue, Point Richmond, California; Small Plastic Animals and Figures; 1 learner; 4 weeks for any one learner; 25 cents per hour; Decorator and Painter, Trimmer; October 6, 1941.

Cotton Felt Mattress Company, Pinetops, North Carolina; Mattresses, Studio Couches & Sofa Couches; 6 learners; 8 weeks for any one learner; 25 cents per hour; Sewing Machine Operator, Mattress Finisher, Upholsterer, Woodworker; November 3, 1941.

H. Fendrich, 101 Oakley Street, Evansville, Indiana; Cigar Manufacturers; 10 percent; 2 periods, 8 weeks and 4 weeks for any one learner respectively; 75% of the applicable minimum wage rate; Cigar Machine Operators, Machine Tobacco Stemmers; August 21, 1942. (Omitted from FEDERAL REGISTER of August 21, 1941.)

Green Bay Auto Top Shop, 1141 Main Street, Green Bay, Wisconsin; Convertible Auto Top Recovering, Upholstering and Repairing; 2 learners; 8 weeks for any one learner; 25 cents per hour; Auto Trimmer and Upholsterer; December 29, 1941.

Green Bay Auto Top Shop, 1141 Main Street, Green Bay Wisconsin; Convertible Auto Top Recovering, Upholstering and Repairing; 1 learner; 6 weeks for any one learner; 25 cents per hour; Sewing Machine Operator; December 1, 1941.

Kagan and Gaines Company, Inc., 228 S. Wabash Avenue, Chicago, Illinois; Violin Repairing; 1 learner; 6 weeks for any one learner; 25 cents per hour; Violin Repairer; October 20, 1941.

Knoxville Statuary Company, 130 W. Jackson Street, Knoxville, Tennessee; Plaster Figures; 2 learners; 8 weeks for any one learner; 25 cents per hour; Caster; November 3, 1941.

Knoxville Statuary Company, 130 W. Jackson Street, Knoxville, Tennessee; Plaster Figures; 2 learners; 4 weeks for any one learner; 25 cents per hour; Spray Painter, Eye Painter; October 6, 1941.

Uttley Machine Works, 520 Oaklawn Avenue, Cranston, R. I.; Machine Tools on Job Work Basis; 2 learners; 12 weeks for any one learner; 25 cents per hour; Machinist; December 15, 1941.

Valley Novelty Works, Bloomsburg, Pennsylvania, R. D. #5; Wooden Toys; 4 learners; 5 weeks for any one learner; 25 cents an hour; Woodworking Machine Operator; October 13, 1941.

Warren Featherbone Company, Three Oaks, Michigan; Textile Specialties, including tapes, trimmings, frillings, dress accessories and featherbone; 10 learners; 6 weeks (240 hours) for any one learner; 28 cents per hour; Laying out and cutting, Hemstitching, Hand-sealing; February 21, 1942.

Signed at Washington, D. C., this 25th day of August 1941.

GUSTAV PECK,
Authorized Representative of the Administrator.

[F. R. Doc. 41-6396; Filed, August 25, 1941; 11:45 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).

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).

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 August 25, 1941. 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

Aetna Shirt Company, 110 South Paca Street, Baltimore, Maryland; Apparel; Men's Dress Shirts; 5 percent (75% of the applicable hourly minimum wage); August 25, 1942.

Angelica Jacket Company, 1421 Olive Street, St. Louis, Missouri; Apparel; Washable Service Coats, Dresses, Pants and Accessories; 50 learners (75% of the applicable hourly minimum wage); December 22, 1941.

Art-Togs, Inc., Cherry Street, Slatington, Pennsylvania; Apparel; Skirts, Slack Suits; 10 learners (75% of the applicable hourly minimum wage); December 22, 1941.

Berne Manufacturing Company, 260 West Main Street, Berne, Indiana; Apparel; Cotton Shirts, Pants, Coats; 10 percent (75% of the applicable hourly minimum wage); August 25, 1942. (This certificate replaces one issued effective February 6, 1941.)

Boston Maid, Moody Street, Waltham, Massachusetts; Apparel; Dresses; 5 percent (75% of the applicable hourly minimum wage); August 25, 1942.

Cohoes Silk Undergarment Company, 31 Ontario Street, Cohoes, New York; Apparel; Gowns, Pajamas, House Coat & Gown Sets; 28 learners (75% of the applicable hourly minimum wage); December 22, 1941.

Derby Sportswear, Inc., 420 East German Street, Herkimer, New York; Apparel; Children's & Misses' Snowsuits & Sportswear; 15 learners (75% of the applicable hourly minimum wage); December 22, 1941.

Mr. Israel Engel, Glen Lyon, Pennsylvania; Apparel; Brassieres & Corsets; 5 learners (75% of the applicable hourly minimum wage); August 25, 1942.

Essex Manufacturing Company, Inc., 206 Globe Mills Avenue, Fall River, Massachusetts; Apparel; Slacksuits, C. C. C. Trousers; 20 learners (75% of the applicable hourly minimum wage); December 22, 1941.

Simon Fisher, White Horse Pike, Berlin, New Jersey; Apparel; Slips, Pajamas; 5 learners (75% of the applicable hourly minimum wage); August 25, 1942. (This certificate replaces one issued effective December 16, 1940.)

Her Majesty Underwear Company, Leola, Pennsylvania; Apparel; Slips; 20 learners (75% of the applicable hourly minimum wage); December 8, 1941.

Hipsch, Inc., Ford Building, Holden, Missouri; Apparel; Men's Neckwear, Sport Shirts, Pants and Jackets; 30 learners (75% of the applicable hourly minimum wage); December 22, 1941.

Hurlock Shirt Company, Hayes Street, Hurlock, Maryland; Apparel; Shirts; 5 learners (75% of the applicable hourly minimum wage); August 25, 1942.

Charles Komar and Sons, 234 First Street, South Amboy, New Jersey; Apparel; Ladies' Undergarments; 50 learners (75% of the applicable hourly minimum wage); December 22, 1941.

Leven Brothers, Inc., 330 Mission Street, San Francisco, California; Apparel; Trousers; 6 learners (75% of the applicable hourly minimum wage); December 22, 1941.

The Mack Shirt Corporation, 209 East Sixth Street, Cincinnati, Ohio; Apparel; Dress & Sport Shirts; 30 learners (75% of the applicable hourly minimum wage); December 22, 1941.

Magnolia Garment Plant, Laurel, Mississippi; Apparel; Pants & Shirts; 5 percent (75% of the applicable hourly minimum wage); January 6, 1942.

Merit Lingerie, Inc., 483 Broadway, New York, New York; Apparel; Nightwear; 5 learners (75% of the applicable hourly minimum wage); November 17, 1941.

The Model Tailors, 2308 Elm Street, Dallas, Texas; Apparel; Men's & Ladies' Tailored Suits, Pants, Topcoats; 5 learners (75% of the applicable hourly minimum wage); August 25, 1942.

Quality First Shirt Company, Bridgeville, Delaware; Apparel; Men's Shirts; 40 learners (75% of the applicable hourly minimum wage); December 22, 1941.

Randolph Underwear Company, Inc., Randleman, North Carolina; Apparel; Ladies' Slips; 12 learners (75% of the applicable hourly minimum wage); December 22, 1941.

Shelby Manufacturing Company, 660 East Jackson Street, Shelbyville, Indiana; Apparel; Cotton Dresses; 30 learners (75% of the applicable hourly minimum wage); December 22, 1941.

Stanleys Sportswear, 10 Leonard Street, Amsterdam, New York; Apparel; Jackets; 5 learners (75% of the applicable hourly minimum wage); August 25, 1942.

Topps Manufacturing Company, 501 Main Street, Rochester, Indiana; Apparel; Pants, Shirts, Coveralls, Jackets; 25 learners (75% of the applicable hourly minimum wage); December 8, 1941.

Topps Manufacturing Company, 501 Main Street, Rochester, Indiana; Apparel; Pants, Shirts, Coveralls, Jackets; 5 learners (75% of the applicable hourly minimum wage); August 25, 1942. (This certificate replaces one issued for five learners to the Elin Manufacturing Corporation, effective November 25, 1940.)

Williamsport Underwear Mills, Inc., 1306 Memorial Avenue, Williamsport, Pennsylvania; Apparel; Slips & Housecoats; 25 learners (75% of the applicable hourly minimum wage); December 22, 1941.

The National Mitten Works, Kokomo, Indiana; Gloves; Work Gloves; 5 learners; August 25, 1942.

M. M. Smith and Son, Inc., 66 Sherman Street, Galeton, Pennsylvania; Gloves; Leather Dress and Work Gloves; 5 learners; August 25, 1942. (This certificate replaces one for two learners issued effective May 5, 1941.)

Evenknit Hosiery Mills, 108 North Walnut Street, Bay City, Michigan; Hosiery; Full Fashioned Hosiery; 11 learners; April 25, 1942.

Interwoven Stocking Company, Morristown, Tennessee; Hosiery; Seamless Hosiery; 15 learners; February 25, 1942.

Shannon Hosiery Mills, 1338 Talbotton Road, Columbus, Georgia; Hosiery; Full Fashioned Hosiery; 30 learners; April 25, 1942.

Wilmington Hosiery Mills, Inc., Front and Orange Streets, Wilmington, Delaware; Hosiery; Seamless Hosiery; 5 learners; April 25, 1942.

Iris Knitting Corporation, South and Hanover Streets, Pottstown, Pennsylvania; Knitted Wear; Manufacturers of Rayon and Lastex Products; 5 learners; August 25, 1942.

Julius Kayser and Company, 453 DeKalb Avenue, Brooklyn, New York; Knitted Wear; Knitted Underwear; 5 percent; August 25, 1942. (This certificate replaces one issued effective June 19, 1941).

Kingsboro Silk Mills, Inc., Bean Street, Daisy, Tennessee; Knitted Wear; Knitted Underwear; 10 learners; December 22, 1941.

Kingsboro Silk Mills, Inc., Sparta Street, McMinnville, Tennessee; Knitted Wear; Commercial Knitting; 18 learners; February 9, 1942.

Sterling Silk Glove Company, 930 N. 4th Street, Allentown, Pennsylvania; Knitted Wear; Knitted Underwear; 5 percent; August 25, 1942.

Warwick Knitting Mills, Inc., 421 West 11th Street, Los Angeles, California; Knitted Wear; Knitted Outerwear; 3 learners; August 25, 1942.

Singer Capeline Hat Company, 68 Harrison Avenue, Boston, Massachusetts; Millinery; Popular-Priced Millinery; 2 learners; February 25, 1942.

Bergen Manufacturing Company, Inc., 1620 Manhattan Avenue, Union City, New Jersey; Textile; Towels, Bridge Sets, Pillow Cases, Dresser Scarfs; 3 learners; August 25, 1942.

Dixie Mercerizing Company, Lupton City, Tennessee; Textile; Yarn; 50 learners; November 24, 1941.

Kendall Mills, Thrift Plant, Paw Creek, North Carolina; Textile; Cotton Yarn and Cotton Cloth; 3 percent; August 25, 1942.

Luray Textile Corporation, Hawnsbill Street, Luray, Virginia; Textile; Rayon & Synthetic Yarns; 33 learners; December 1, 1941.

Nalven and Son, Inc., Clifton Forge, Virginia; Textile; Ribbons & Narrow Fabrics; 3 learners; January 3, 1942.

Signed at Washington, D. C., this 25th day of August 1941.

GUSTAV PECK,
Authorized Representative of the Administrator.

[F. R. Doc. 41-6397; Filed, August 25, 1941; 11:45 a. m.]

IN THE MATTER OF REVISION OF THE REGULATIONS APPLYING TO THE EMPLOYMENT OF LEARNERS UNDER SECTION 14 OF THE FAIR LABOR STANDARDS ACT IN THE SINGLE PANTS, SHIRTS AND ALLIED GARMENTS AND WOMEN'S APPAREL INDUSTRIES

NOTICE OF OPPORTUNITY TO SHOW CAUSE

Whereas there has been a substantial decrease in the number of experienced workers available to establishments in the apparel industry; and

Whereas Industry Committees Number 20 and Number 27 have recommended a minimum wage rate of 40 cents per hour for all employees in the Single Pants, Shirts and Allied Garments and Women's Apparel Industries; and

Whereas Industry Committee Number 27 for the Women's Apparel Industry unanimously adopted a resolution that, in view of statements made to it, the Committee regarded it as important that the Administrator give sympathetic consideration to the possibility of liberalization of the learner regulations; and,

Whereas Industry Committee Number 20 for the Single Pants, Shirts, and Allied Garments Industry by unanimous vote, adopted a resolution suggesting to the Administrator that learner regulations applying to this Industry be revised to permit the employment of learners for labor turnover in a plant to 10 percent of the total number of productive factory workers employed in such plant, to increase the learning period from 8 to 12 weeks and to establish minimum wage rates for learners at 50 percent of the Committee's recommendation for the first 4 weeks of the learning period, and 60 percent for the second 4 weeks of the learning period, and 80 percent for the final 4 weeks of the learning period; and

Whereas various individual employers, trade associations and labor unions in letters, briefs, and informal conferences have indicated a need for revision of the learner regulations applying to the Single Pants, Shirts and Allied Garments and Women's Apparel Industries and have suggested various learning periods, wage rates and numbers of learners to be permitted under such regulations; and

Whereas the nature of these industries and efficient and equitable administration of learner regulations applying thereto require that as much uniformity as is feasible be attained in learner regulations applying to them,

Now, therefore, Notice is hereby given of the following proposed regulations to apply to the employment of learners under section 14 of the Fair Labor Standards Act in the Single Pants, Shirts, and Allied Garments and Women's Apparel Industries and opportunity is given all interested parties to file briefs with the Wage and Hour Division by September 8, 1941 to show cause wh; the following regulations shall not be adopted by the Administrator of the Wage and Hour Division.

§ 522.160 *Conditions upon which special learner certificates may be granted.* Special certificates authorizing the employment of learners at subminimum wage rates in the divisions of the apparel industry specified below may be issued by the Administrator or his authorized representative under the following terms when it appears that experienced workers are not available to an employer making application for a special certificate and that the issuance of a special certificate will not create unfair competitive labor cost advantages or impair or depress working standards established for experienced workers for work of a like or comparable character in the industry.

§ 522.161 *Apparel industries or divisions thereof to which regulations apply.* These regulations shall apply to the divisions in the Single Pants, Shirts, and Allied Garments Industry as defined in Administrative Order No. 83, issued February 8, 1941, and to the divisions in the Women's Apparel Industry as defined in Administrative Order No. 103, issued May 8, 1941. Except as herein specified the Apparel Learner Regulations issued September 23, 1940 shall remain in force and effect.

§ 522.162 *Application on official forms.* An application must be made upon an official form, which will be furnished on request by the Wage and Hour Division. All information requested in such form must be furnished before an application may be acted upon. Any applicant may also submit any additional information which he believes to be pertinent.

§ 522.163 *Posting notice of application in employers establishment.* At the time of filing an application, the applicant must post a notice thereof, on a form supplied by the Wage and Hour Division in a conspicuous place in the plant where he proposes to employ learners at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act. Such notice must contain all the information required therein and shall remain posted until such time as the application shall have been acted upon by the Administrator or his authorized representative.

§ 522.164 *Occupations for which no learning period at subminimum wage rates may be authorized.* No worker may be employed at subminimum wage rates under a Special Learner Certificate in the following types of occupations: office; maintenance and service; purchase and sales; supervising; craft jobs such as customs dress maker; designing and pattern making; cutting, marking, spreading, and trimming in connection with cutting; and shipping and storage jobs such as time, receiving and shipping clerks.

§ 522.165 *Occupations for which a learning period at subminimum wage rates may be authorized.* Learners may be employed at subminimum wage rates under a Special Learner Certificate in the occupations of machine operating (except cutting), pressing, hand sewing and finishing operations involving hand sewing, and in other miscellaneous occupations such as trimming, examining, cleaning, bundling, assembling, assorting, folding, clipping, boxing, and floor work, which are not excluded under § 522.164.

§ 522.166 *Number or proportion of learners which may be authorized.* (a) The number of learners which may be employed under a Special Learner Certificate to meet the demands of normal labor turnover in a plant in any division of the apparel industry to which these regulations apply as enumerated in § 522.161 except in the better grade branch of the dress division, shall not exceed ten percent of the productive factory workers in such plant: *Provided, however,* That if the total factory employment in a plant is less than 100, the certificate may authorize the employment of as many as ten learners.

The number of learners which may be employed under a Special Learner Certificate to meet the demands of normal labor turnover in a plant in the better grade dress branch of the dress division shall not exceed five percent of the productive factory workers in such plant: *Provided, however,* That if the total factory employment in a plant is less than 100, the certificate may authorize the employment of as many as five learners.

(b) The number of learners which may be employed under a Special Learner Certificate by new plants or expanding plants shall be based upon what appears to be the need of such plants and shall

be set forth in the certificate. A "new" plant for the purpose of these regulations is one which is newly established and being operated for the first time, or which has not been operated more than eight months, and in which a substantial number of workers must be trained for operation on products of the plant. An "expanding" plant, for the purpose of these regulations, is one which is being expanded by the installation of additional mechanical equipment or other production facilities, by again placing into operation machinery which has been idle for an appreciable period or by adding an additional shift.

§ 522.167 *Length of learning period*—(a) *Primary learning period.* The maximum learning period which may be authorized in a Special Learner Certificate is 480 hours in the occupations of machine operating (except cutting), pressing, hand sewing or finishing operations involving hand sewing and 160 hours in any other occupation authorized under § 522.165.

(b) *Retraining.* (1) A worker experienced in any one of the occupations for which the learning period is 480 hours, may be retrained in any other of these occupations for 480 hours.

(2) A worker experienced in any one of the occupations for which the learning period is 160 hours may be retrained in any one of the 480-hour occupations for 480 hours. He may not be retrained in any other of the 160-hours occupations.

(3) When a worker experienced in one of the 480-hour occupations in one division of the apparel industry transfers to a plant in another division of the apparel industry, he may be retrained in the same occupation on the new product for 160 hours.

(4) When a worker experienced in any one of the 160-hour occupations in one division of the apparel industry transfers to a plant in another division of the apparel industry he may not be retrained in any of the 160-hour occupations.

All qualifying experience referred to in the above sections must have been in the apparel industry within the past two years.

§ 522.168 *Wage rates to be paid learners*—(a) *Piece rates which must be paid to learners.* In establishments where experienced workers are paid on a piece rate basis, learners shall be paid the same piece rates that experienced workers engaged in the same occupation are paid and earnings based on those piece rates if in excess of the subminimum rates established below.

(b) *During the primary learning period.* (1) A learner employed under a Special Learner Certificate in all divisions of the industry to which these regulations are applicable except in the corset and allied garments division, shall be paid not less than 25 cents per hour for the first 320 hours and 32½ cents per hour for the next 160 hours of the learning period in the occupations of machine operating (except cutting), pressing, handsewing and finishing operations involving handsewing. A learner employed under a Special Learner Certificate in the corset and allied garments division shall be paid not less than 30 cents per hour for the entire 480 hour learning period.

(2) A learner employed under a Special Learner Certificate in any occupation for which a learning period of 160 hours is authorized shall be paid not less than 30 cents per hour for the entire learning period.

(c) *During the retraining period.* An experienced worker employed during the retraining period of 160 hours permitted under § 522.167 shall be paid not less than 30 cents per hour.

§ 522.169 *Certificates applicable to individual plants.* No Special Learner Certificate shall be applicable to the employment of learners at more than one plant. Where one establishment occupies several buildings in the same community and the workers in these buildings are all engaged in the various processes entering into the chief products manufactured, said workers shall be regarded as employees of the same plant for the purpose of these regulations; otherwise, said workers shall be deemed to be employees of two or more plants.

§ 522.170 *Duration of special certificates.* Special Learner Certificates authorizing the employment of learners to the numbers specified in paragraph (a) of § 522.166 may be issued for a period of one year, unless sooner revoked because an adequate supply of experienced workers is available, or for other causes. Special Learner Certificates issued in accordance with the provisions of paragraph (b) of § 522.166 shall be issued for a period not greater than that necessary to complete the training of the total number of additional learners required.

§ 522.171 *Records to be kept for learners.* (a) Each worker employed as a learner under a Special Learner Certificate shall be designated as such on the payroll records kept by the employer. All learners shall be listed together in a separate group on the payroll records kept by the employer and for each learner the occupation in which employed shall be shown, in addition to other information required by the Record Keeping Regulations, Part 516.

(b) The employer shall obtain for his records a statement of the previous experience in the apparel industry of each learner employed under a Special Learner Certificate. This statement should contain dates of previous employment, occupations in which the learner was engaged and the type of product upon which the learner worked.

§ 522.172 *Employment of experienced workers at subminimum wage rates prohibited.* The employment of experienced workers at subminimum wage rates under a Special Learner Certificate shall be a violation of its terms and an employer who hires an experienced worker as a learner is liable under § 522.174. For the purpose of these regulations an experienced worker in the occupations of machine operating, pressing, hand sewing or finishing operations which involve hand sewing is a person who has had 480 hours' experience within the past two years in the same occupation in the private apparel industry or in an establishment of a governmental agency which imposes production and employment standards comparable or superior to private industry except for the provisions respecting retraining set forth in § 522.167; and an experienced worker in any other occupation authorized in § 522.165 is a person who has had 160 hours' experience within the past two years in any one of such occupations in the private apparel industry or in an establishment of a governmental agency which imposes production and employment standards comparable or superior to private industry.

§ 522.173 *Employment of learners at subminimum wage rates prohibited when experienced workers are available.* The employment of a learner at a subminimum wage rate is prohibited when an experienced worker who is capable of equalling the performance of a worker of ordinary or minimum skill and experience is available to the plant for which a Special Learner Certificate has been issued. For the purpose of these regulations, an experienced worker is available when such worker is available within the area from which the employer customarily draws his labor supply or when such worker has in fact made himself available to an employer at his plant or place of employment and has signified a readiness to accept and to continue in employment at the plant in question.

§ 522.174 *Cancellation of special learner certificates.* (a) Any Special Learner Certificate may be cancelled if it is found that it is not necessary to prevent a curtailment of opportunities for employment, provided, however, that when experienced workers become available after a certificate has been issued, the certificate may be cancelled insofar as future employment is concerned, or may be allowed to continue in effect upon condition that the employer does not hire additional learners under it until experienced workers are not again available. In the absence of fraud or misrepresentation, learners already hired under a Special Learner Certificate may be retained under its terms if the learning period extends beyond the date on which the certificate has been cancelled.

(b) Any Special Learner Certificate shall be cancelled as of the date of issue if it is found that the certificate has been obtained by fraud or misrepresentation or that learners have been fraudulently employed thereunder in violation of the terms of the certificate. When a certificate has been obtained by fraud or misrepresentation, the employer shall be liable to the employees for wages estab-

lished by the Act or the wage orders of the Administrator thereunder, as if no certificate had been issued.

(c) Any Special Learner Certificate shall be cancelled as of the first date of violation if it is found that any of its terms have been violated, except where the violation is deemed to be of minor nature by the Division, and the employer shall be liable to those employed under such certificate from the date of violation, for wages established by the Act and the wage orders of the Administrator issued thereunder, as if no certificate had been issued.

§ 522.175 *Procedure for cancellation of special learner certificates.* (a) If it appears from a report and recommendation of a regional office that there is reasonable cause to cancel any Special Learner Certificate, the Hearings Branch shall notify the employer and other interested parties of the violations charged and of intent to cancel. Whereupon, the employer shall have fifteen days from receipt of notice to answer the charges and to show cause orally or in writing why the certificate should not be cancelled upon the expiration of the period stated. After such hearing, the Administrator or his authorized representative shall issue an order confirming or cancelling the certificate. The employer and other interested parties shall be apprised of the action taken by the Administrator or his authorized representative.

(b) No order cancelling any Special Learner Certificate shall take effect until the expiration of the time allowed for the filing of a petition for review under § 522.176 and if a petition for review is filed thereunder, the effective date of the cancellation shall be postponed until final action is taken on such petition: *Provided, however,* That if the cancellation order is affirmed on review, the employer shall reimburse any person employed under the Special Certificate to the extent shown in paragraphs (b) and (c) of § 522.174.

(c) Notice of the cancellation of a Special Learner Certificate shall be published in the FEDERAL REGISTER.

§ 522.176 *Application for reconsideration and petition for review.* (a) Any person aggrieved by an action of the Administrator or his authorized representative in denying, granting, confirming, cancelling, or revoking any Special Learner Certificate, may, within fifteen days after publication or other notification of the action (1) make application for reconsideration thereof by the Administrator or his authorized representative; or (2) file a petition for review of the decision by the Administrator or an authorized representative of the Administrator who has taken no part in the action which is the subject of review. Such petition must set forth grounds for the requested review.

(b) If an application for reconsideration is denied, any person aggrieved by such action, may, within fifteen days after publication or other notice thereof, file a petition for review.

§ 522.177 *Posting of special certificate or cancellation thereof.* The employer shall post a copy of any Special Certificate issued to him or of any notice of cancellation of a Special Certificate in a conspicuous place in his plant.

§ 522.178 *Amendment and revocation of regulations.* The Administrator may at any time, upon his own motion or upon written request of any interested party setting forth reasonable grounds therefor, and after a hearing or other opportunity to interested persons to present their views, amend or revoke these regulations issued pursuant to § 522.4 of the Regulations Applicable to the Employment of Learners Pursuant to Section 14 of the Fair Labor Standards Act of 1938.

Signed at Washington, D. C. this 25 day of August 1941.

BAIRD SNYDER,
Acting Administrator.

[F. R. Doc. 41-6398; Filed, August 25, 1941; 11:45 a. m.]

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW OF THE DETERMINATION IN THE MATTER OF THE APPLICATION OF THE CITY MOTOR TRUCKING COMPANY, PORTLAND, OREGON, FOR THE EXEMPTION OF THE QUARRYING OF CRUSHED STONE FROM SURFACE OR OPEN CUTS BY THAT COMPANY FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938

Whereas an application was filed by the City Motor Trucking Company of Portland, Multnomah County, Oregon, for the inclusion of the excavating, hauling, and processing of crushed stone by that company within the northern branch of the Crushed Stone Industry pursuant to paragraph 8 of the determination made by the presiding officer with respect to the Crushed Stone Industry,[1] and pursuant to section 7 (b) (3) of the Act and Part 526, as amended, of the regulations issued thereunder; and

Whereas in accordance with § 526.5 of the Regulations and pursuant to the above-mentioned paragraph of the Crushed Stone determination, the Administrator of the Wage and Hour Division determined that a *prima facie* case for the inclusion of the City Motor Trucking Company within the northern branch of the industry had been shown, and notice of this preliminary determination was published in the FEDERAL REGISTER (6 F.R. 361) on January 14, 1941; and

Whereas objection to extending the exemption to the City Motor Trucking Company was filed by the Building and Construction Trades Council of Portland and Vicinity, the Administrator gave notice of a public hearing to be held at the County Court House, Portland, Oregon, on May 27, 1941, before Mr. Harold Stein, who was authorized to take testimony, hear argument, and determine:

Whether, pursuant to paragraph 8 of the original determination, the City Motor Trucking Company, Portland, Oregon, shall be included within the northern branch of the Crushed Stone Industry, which branch was found to be of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act, and Part 526 of the regulations issued thereunder.

Whereas following such hearing the said Harold Stein duly made his findings of fact and determined as follows:

1. The plants of the City Motor Trucking Company do not operate in the same manner and for the same reasons as the plants in the northern branch of the Crushed Stone Industry, because:

(a) These plants do not regularly shut down substantially for 6 months during each year nor do they regularly cease operations completely for 5 months of each year.

(b) Although these plants cease operations during a part of each year this cessation of operations is not caused entirely by climatic or other natural conditions but is in part the result of lack of demand for the company's products.

2. The operation of these plants is not of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the

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[1] Pursuant to a public hearing held on June 19, 1939, before Harold Stein, Presiding Officer, the following determination was made with respect to the Crushed Stone Industry:

1. There is a branch of the crushed stone industry wherein the plants normally shut down for about six months each year, except for an insubstantial amount of production that may be produced shortly before or shortly after the main production season. This branch is located in the colder and, in general, more northerly parts of the United States; and

* * * * *

3. The plants in the northern branch cease operation annually at a regularly recurring season of the year, except for sales, maintenance, and similar work, because the materials used by the industry are not available for excavation, handling and processing in the form in which they must be excavated, handled, and processed, i. e., as unfrozen ledges, and banks of blasted rock, because of climatic factors; and

4. The northern branch of the crushed stone industry is an industry of a seasonal nature within the meaning of Section 7 (b) (3) of the Act and Part 526 of the Regulations issued thereunder; and

* * * * *

7. For the purpose of this Determination the northern branch of the crushed stone industry shall include all plants located in counties that lie within the isothermic belt below 25 degrees Fahrenheit or are touched by the 25 degree isotherm on Figure 5 of the American Atlas of Agriculture issued by the United States Department of Agriculture.

8. This Determination shall be without prejudice to a supplementary Determination enlarging the scope of the Northern branch by the inclusion therein of such plants or groups of plants, if any, as operate in the same manner and for the same reasons as the plants in the Northern branch described in paragraphs 1 and 3 above.

regulations issued thereunder, and the plants cannot be included within the northern branch of the crushed stone industry.

Application is accordingly denied.

Whereas said findings and determination were duly filed with the Administrator on August 4, 1941, and are now on file in Room 5418, Department of Labor Building, Washington, D. C., and are available for examination by all interested parties;

Now, therefore, pursuant to the provisions of § 526.7 of the aforesaid regulations, notice is hereby given that any person aggrieved by the said determination may, within 15 days after the date this notice appears in the FEDERAL REGISTER, file a petition with the Administrator requesting that he review the action of the said representative upon the record of hearing before said representative.

Signed at Washington, D. C., this 19th day of August 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-6399; Filed, August 25, 1941; 11:46 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4481]

IN THE MATTER OF LITTLE ROCK TENT & AWNING COMPANY, A CORPORATION, TRADING AS TUF-NUT GARMENT MANUFACTURING COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of August, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That William C. Reeves, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, October 1, 1941, at nine o'clock in the forenoon of that day (Central Standard Time) in Room 521, Federal Building, Little Rock, Arkansas.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-6372; Filed, August 25, 1941; 11:10 a. m.]

[Docket No. 4498]

IN THE MATTER OF O. R. PIEPER COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of August, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Randolph Preston, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That, the taking of testimony in this proceeding begin on Monday, September 8, 1941, at ten o'clock in the forenoon of that day (Central Standard Time) in office of Assistant Custodian, Room 252, Post Office Building, Milwaukee, Wisconsin.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-6373; Filed August 25, 1941; 11:10 a. m.]

[Docket No. 4502]

IN THE MATTER OF JAMES J. REISS COMPANY, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of August, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That William C. Reeves, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, October 8, 1941, at nine o'clock in the forenoon of that day (Central Standard Time) in Room 1007, Federal Office Building, New Orleans, Louisiana.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-6374; Filed, August 25, 1941; 11:10 a. m.]

[Docket No. 4512]

IN THE MATTER OF MINERAL WELLS CRYSTAL PRODUCERS, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of August, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That William C. Reeves, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, September 12, 1941, at nine o'clock in the forenoon of that day (central standard time) in Room 308, Federal Building, Austin, Texas.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-6375; Filed, August 25, 1941; 11:10 a. m.]

[Docket No. 4513]

IN THE MATTER OF INTERNATIONAL PARTS CORPORATION, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of August, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717, 15 U.S.C.A., section 41),

It is ordered, That Randolph Preston, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, September 2, 1941, at nine o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-6376; Filed, August 25, 1941; 11:11 a. m.]

[Docket No. 3935]

IN THE MATTER OF FRONTIER ASTHMA COMPANY, INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of August, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, September 15, 1941, at nine o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-6377; Filed, August 25, 1941; 11:11 a. m.]

[Docket No. 4518]

IN THE MATTER OF HORTON FIFTH AVENUE JEWELERS

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of August, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, September 10, 1941, at nine o'clock in the forenoon of that day (eastern standard time) in the St. George Hotel, Brooklyn, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-6378; Filed, August 25, 1941; 11:11 a. m.]

[Docket No. 4530]

IN THE MATTER OF CHUMANIE MEDICINE COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At the regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of August, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That William C. Reeves, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, October 13, 1941, at ten o'clock in the forenoon of that day (Eastern Standard Time) in Court Room No. 2, Room 820, Federal Building, Cincinnati, Ohio.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-6379; Filed, August 25, 1941; 11:11 a. m.]

[Docket No. 4539]

IN THE MATTER OF MIDDLEBROOK HOSPITAL AND CLINIC

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of August, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That William C. Reeves, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, September 8, 1941, at nine o'clock in the forenoon of that day (central standard time) in Federal Court Room, Federal Building, Del Rio, Texas.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-6380; Filed, August 25, 1941; 11:11 a. m.]

[Docket No. 4544]

IN THE MATTER OF WILLIAM PARRISH BENNETT, INDIVIDUALLY, AND TRADING AS FORT WORTH PEANUT COMPANY, AND AS BILL'S PEANUT COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in

the City of Washington, D. C., on the 21st day of August, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That William C. Reeves, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Saturday, September 20, 1941, at nine o'clock in the forenoon of that day (Central Standard Time) in Circuit Court Room 417, United States Court House, Fort Worth, Texas.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-6381; Filed, August 25, 1941; 11:12 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 7-486, 7-523 to 7-550]

IN THE MATTER OF APPLICATIONS BY THE DETROIT STOCK EXCHANGE TO EXTEND UNLISTED TRADING PRIVILEGES TO ALLEGHENY-LUDLUM STEEL CORPORATION COMMON STOCK, NO PAR VALUE; AMERICAN ROLLING MILL COMPANY $25 PAR VALUE COMMON STOCK; THE AVIATION CORPORATION $3 PAR VALUE CAPITAL STOCK; BENDIX AVIATION CORPORATION $5 PAR VALUE COMMON STOCK; BETHLEHEM STEEL CORPORATION COMMON STOCK, NO PAR VALUE; EDWARD G. BUDD MANUFACTURING COMPANY COMMON STOCK, NO PAR VALUE; COMMERCIAL SOLVENTS CORPORATION COMMON STOCK, NO PAR VALUE; CURTISS-WRIGHT CORPORATION $1 PAR VALUE COMMON STOCK; DOME MINES, LIMITED COMMON STOCK, NO PAR VALUE; GENERAL ELECTRIC COMPANY COMMON STOCK, NO PAR VALUE; THE GOODYEAR TIRE & RUBBER COMPANY COMMON STOCK, NO PAR VALUE; HAYES MANUFACTURING CORPORATION $2 PAR VALUE COMMON STOCK; ILLINOIS CENTRAL RAILROAD COMPANY $100 PAR VALUE COMMON STOCK; KELSEY-HAYES WHEEL COMPANY $1 PAR VALUE CLASS A STOCK AND $1 PAR VALUE CLASS B STOCK; P. LORILLARD COMPANY $10 PAR VALUE COMMON STOCK; MUELLER BRASS COMPANY $1 PAR VALUE COMMON STOCK; NATIONAL AUTOMOTIVE FIBRES, INC. $1 PAR VALUE COMMON STOCK; NATIONAL STEEL CORPORATION $25 PAR VALUE COMMON STOCK; PARAMOUNT PICTURES, INC. $1 PAR VALUE COMMON STOCK; RADIO CORPORATION OF AMERICA COMMON STOCK, NO PAR VALUE; REPUBLIC STEEL CORPORATION COMMON STOCK, NO PAR VALUE; REYNOLDS SPRING COMPANY $1 PAR VALUE COMMON STOCK; SOUTHERN RAILWAY COMPANY COMMON STOCK, NO PAR VALUE; STANDARD OIL COMPANY (INDIANA) $25 PAR VALUE CAPITAL STOCK; STUDEBAKER CORPORATION $1 PAR VALUE COMMON STOCK; WESTERN UNION TELEGRAPH COMPANY $100 PAR VALUE COMMON STOCK; WILLYS-OVERLAND MOTORS, INC. $1 PAR VALUE COMMON STOCK; F. W. WOOLWORTH COMPANY $10 PAR VALUE CAPITAL STOCK

ORDER SETTING HEARING ON APPLICATIONS TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 22nd day of August, A. D. 1941.

The Detroit Stock Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned securities; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Wednesday, October 8, 1941, at the office of the Securities and Exchange Commission, 1370 Ontario Street, Cleveland, Ohio, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That James C. Gruener, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Recording Secretary.

[F. R. Doc. 41-6348; Filed, August 23, 1941; 11:36 a. m.]

[File No. 4-36]

IN THE MATTER OF EMPIRE GAS AND FUEL COMPANY AND CITIES SERVICE COMPANY

ORDER POSTPONING DATE FOR FILING OF RESPONDENTS ANSWERS AND DATE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of August, A. D. 1941.

The Securities and Exchange Commission having on the 3rd day of July 1941 issued its Notice of and Order for Hearing in the above entitled proceedings directing that the respondents named therein file with the Secretary of the Commission, on or before August 2, 1941 their joint or several answers in the premises and that a hearing be held on August 19, 1941 at 10 A. M. in the offices of the Commission with reference to the allegations of the said Notice of and Order for Hearing; and the said date for filing answers and for the Hearing as above having been postponed by the Commission, at the request of the respondents, by order dated July 31, 1941, so as to fix the date for filing answers as Monday, August 25, 1941 and the date for the hearing as September 15, 1941; and

Cities Service Company and Empire Gas and Fuel Company having requested that the date for filing answers and for the hearing as above postponed, be further postponed for the reason that the issues involved require further time for preparation for the filing of such answers and for such hearing; and

It appearing to the Commission that the request made to the Commission by the respondents is not unreasonable and may appropriately be granted;

It is ordered, That the date of filing answers by Cities Service Company and Empire Gas and Fuel Company as postponed by the Commission's order of July 31, 1941 be and the same is hereby further postponed until Monday, September 15, 1941 and that the hearing date postponed by the said order of July 31, 1941 be and the same is hereby further postponed to Thursday, September 25, 1941 at 10 o'clock in the forenoon at the same time and before the same officer of the Commission specified in the Commission's order of July 3rd, 1941.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Recording Secretary.

[F. R. Doc. 41-6349; Filed, August 23, 1941; 11:36 a. m.]

[File No. 31-515]

IN THE MATTER OF SOUTHERN SIERRAS POWER OF MEXICO, S. A., AND THE HYDRO-ELECTRIC SECURITIES COMPANY

ORDER GRANTING APPLICATION, ETC.

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of August, A. D. 1941.

Southern Sierras Power of Mexico, S. A., and The Hydro-Electric Securities Company having filed a joint application pursuant to section 3 (b) of the Public Utility Holding Company Act of 1935 for an order exempting them as subsidiaries from the provisions of said Act; a hearing having been held on such application after appropriate notice; and the Commission having considered the record of said hearing and made findings based thereon;

It is hereby ordered, That Southern Sierras Power of Mexico, S. A., be and it is hereby exempted pursuant to section 3 (b) from all the provisions of said Act applicable to it as a subsidiary of The Nevada-California Electric Corporation or of The Hydro-Electric Securities Corporation; said Southern Sierras Power of Mexico, S. A., shall, however, be subject to all provisions of said Act applicable to it in any other capacity.

It is further ordered, That the application of The Hydro-Electric Securities Corporation for an exemption as a subsidiary of The Nevada-California Electric Corporation pursuant to section 3 (b) be and the same is hereby denied.

It is further ordered, That the jurisdiction of this Commission be and the same is hereby reserved for the purpose of its taking such further action pursuant to section 3 (c) of the Act or otherwise, as it may hereafter deem appropriate.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6350; Filed, August 23, 1941; 11:36 a. m.]

[File No. 1-563]

IN THE MATTER OF CHARLES A. KAUFMAN COMPANY, LTD., COMMON CAPITAL STOCK, PAR VALUE $50

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C, on the 23d day of August, A. D. 1941.

The Charles A. Kaufman Company, Ltd., pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Capital Stock, Par Value $50, from listing and registration on the New Orleans Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Monday, September 15, 1941, at the office of the Securities & Exchange Commission, Palmer Building, Forsyth & Marietta Streets, Atlanta, Georgia, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That William A. McClain, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6388; Filed, August 25, 1941; 11:31 a. m.]

[File No. 70-369]

IN THE MATTER OF CAPE & VINEYARD ELECTRIC COMPANY, AND NEW ENGLAND GAS AND ELECTRIC ASSOCIATION

ORDER GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of August, A. D. 1941.

The above-named parties having filed applications pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b) and 10 thereof, regarding the issue and sale of 6,000 shares of additional common stock of the par value of $25.00 per share by Cape & Vineyard Electric Company, a subsidiary of New England Gas and Electric Association, a registered holding company, and the acquisition of such common stock by the said New England Gas and Electric Association for a consideration of $50.00 per share, to aggregate $300,000; and

Said applications having been filed on August 1, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for hearing with respect to said applications within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the said application under section 6 (b) of said Act that the requirements of section 6 (b) have been satisfied and with respect to said application under section 10 of said Act that no adverse findings are necessary under section 10 (b) or 10 (c) (1) and that the transaction involved has the tendency required by section 10 (c) (2) of said Act;

It is hereby ordered, pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid applications be and hereby are granted forthwith.

By the Commission, Commissioner Healy dissenting for reasons set forth in his memorandum of April 1, 1940.

[SEAL] ORVAL L. DUBOIS,
Recording Secretary.

[F. R. Doc. 41-6389; Filed, August 25, 1941; 11:31 a. m.]

[File No. 70-385]

IN THE MATTER OF STANLEY CLARKE, TRUSTEE OF ASSOCIATED GAS AND ELECTRIC COMPANY, AND DENIS J. DRISCOLL AND WILLARD L. THORP, TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORPORATION

ORDER EXEMPTING TRANSACTIONS

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of August, A. D. 1941.

The above-named parties having filed an application and a declaration pursuant to sections 9 (c) (3) and 12 (c) of the Public Utility Holding Company Act of 1935, but indicating at the same time that the transactions involved should be exempt as not coming within the provisions of section 9 (a) and section 12 (c) of the Act, and such transactions involving the delivery to the applicants and declarants of certain securities and other assets, including securities of Associated Gas and Electric Company, Associated Gas and Electric Corporation, and of certain direct and indirect subsidiaries of said companies and affiliated companies, pursuant to an Agreement dated August 4, 1941, constituting, among other things, a settlement of the claims of applicants and declarants and of all direct and indirect subsidiaries of Associated Gas and Electric Company against Howard C. Hopson, et al.; and

Such application and declaration having been filed on August 18, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for hearing with respect to said application or declaration within the period specified in said notice or otherwise, and not having ordered a hearing thereon, and the above-named parties having requested that said application and declaration be granted and allowed to become effective, or that said transactions be exempted from the applicable provisions of the Act or Rule thereunder, prior to August 25, 1941; and

The Commission having considered the circumstances under which such acquisition from the so-called Hopson service and investment companies will be made, and the limited scope of the desired exemption, as set forth in the filing, and it appearing that an exemption of such transactions from the applicable Sections of the Act or Rules thereunder will not be detrimental to the public interest or the interests of investors or consumers;

It is ordered, That, pursuant to sections 9 (c) (3), 12 (c) and Rule U-100, such transactions, if effected in accordance with the terms and conditions of and for the purposes stated and limited in the application and declaration be and they hereby are exempted.

By the Commission. (Commissioner Healy not participating.)

[SEAL] ORVAL L. DUBOIS,
Recording Secretary.

[F. R. Doc. 41-6390; Filed, August 25, 1941; 11:31 a. m.]

[File No. 4-38]

IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION, DOMINION GAS AND ELECTRIC COMPANY, GENERAL WATER GAS & ELECTRIC COMPANY, AND SECURITIES CORPORATION GENERAL

ORDER TO SHOW CAUSE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of August, A. D. 1941.

The Commission having on July 15, 1941 instituted a proceeding under section 11 (b) (2) of the Public Utility Holding Company Act of 1935 to require International Utilities Corporation, a registered holding company, to simplify its corporate structure and to distribute the voting power equitably among its security holders, all as set forth in the Notice of and Order for Hearing[1] attached hereto as Exhibit A and hereby made a part hereof, and

The Commission having been informed by its Public Utilities Division of evidence tending to show:

(1) That International Utilities Corporation, Dominion Gas and Electric Company, and General Water Gas & Electric Company are each registered holding companies in the International Utilities Corporation holding company system; that Securities Corporation General is a subsidiary of International Utilities Corporation; and that, under the provisions of Clause (C) of section 2 (a) (11) of the Public Utility Holding Company Act of 1935, P. M. Chandler is an affiliate of International Utilities Corporation, General Water Gas & Electric Company, and Securities Corporation General, W. B. Yeager is an affiliate of International Utilities Corporation, and F. W. Seymour is an affiliate of both International Utilities Corporation and Dominion Gas and Electric Company; and

(2) That on July 21, 1941 there was outstanding in the International Utilities Corporation Holding Company system salary contracts providing for the payment to said P. M. Chandler in the amount of $56,500 annually and that such contracts required payments by International Utilities Corporation, in the amount of $20,000 annually, by General Water Gas & Electric Company, a subsidiary of International Utilities Corporation, in the amount of $15,000 annually; by Dominion Gas and Electric Company, a subsidiary of International Utilities Corporation, in the amount of $15,000 annually; and by Securities Corporation General, a subsidiary of International Utilities Corporation, in the amount of $6,500 annually; and

(3) That on July 21, 1941, P. M. Chandler purported to resign and agreed to cancel the salary contracts hereinbefore described with International Utilities Corporation, Dominion Gas and Electric Company, and General Water Gas & Electric Company (which contracts by their terms expire December 31, 1942) in consideration of an agreement whereby International Utilities Corporation agreed to cause General Water Gas & Electric Company to make a new salary contract with P. M. Chandler calling for an annual salary of $20,000, starting August 1, 1941, and terminating December 31, 1944; that General Water Gas & Electric Company was caused to enter into such contract by a vote of the Board of Directors of said International Utilities Corporation at a meeting attended by P. M. Chandler, W. B. Yeager, F. W. Seymour, P. T. Hanscom, William F. Carey, and G. E. Robinette, all of whom are directors of International Utilities Corporation; and

(4) That at such meeting the aforesaid directors also voted to, and did, cause International Utilities Corporation to make a salary contract with W. B. Yeager, one of said directors, providing for a salary of $15,000 annually as President of said International Utilities Corporation; and

(5) That Dominion Gas and Electric Company has outstanding a salary contract providing for the payment by such company to F. W. Seymour of the sum of $18,000 annually; that such contract by its terms expires December 31, 1942; and

(6) That the salary contracts entered into on July 21, 1941, and referred to in paragraphs (3) and (4) hereof are the result of an agreement, arrangement or understanding by and between P. M. Chandler, W. B. Yeager, F. W. Seymour, P. T. Hanscom, and G. E. Robinette and certain other persons for the purpose of enabling such persons to maintain and continue their control and domination over the management and policies of International Utilities Corporation notwithstanding any shift in voting control which might result from the aforesaid proceedings under section 11 (b) (2) of the Public Utility Holding Company Act of 1935; and that the salary contracts resulting from the aforesaid agreement, arrangement or understanding will result in the circumvention of the provisions of section 11 (b) (2) of the Act; and

(7) That the contracts referred to in paragraphs (2), (3), (4), and (5) were not the result of arm's length bargaining; that competitive conditions were not maintained in the negotiations leading to the formation of these contracts; and that such contracts are detrimental to the public interest and to the interest of investors.

The Commission having been advised by its Public Utilities Division that it is necessary in the public interest and for the protection of investors that International Utilities Corporation, Dominion Gas and Electric Company, General Water Gas & Electric Company and Securities Corporation General be ordered forthwith, pursuant to sections 12 (f) and 13 (e) of the Public Utility Holding Company Act of 1935, to make no further payment, directly or indirectly, to or on account of P. M. Chandler, F. W. Seymour, or W. B. Yeager for or on account of the salary contracts referred to herein, or otherwise, and to refrain from entering into any other contracts for the payment of any salaries or emoluments to or on account of any affiliate of any such company except pursuant to the further order of this Commission:

Wherefore it is ordered, That a hearing be held at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue, N. W., Washington, D. C., in such room as may be designated on said date by the hearing room clerk in Room 1102 at 10:00 a. m. on the 16th day of September, 1941, at which hearing International Utilities Corporation, Dominion Gas and Electric Company, General Water Gas & Electric Company, and Securities Corporation General, or any of them, shall show cause why the Commission shall not forthwith enter an order pursuant to the provisions of sections 12 (f) and 13 (e) of the Public Utility Holding Company Act of 1935 prohibiting the aforesaid corporations from making any payment, directly or indirectly, to or on account of P. M. Chandler, F. W. Seymour, or W. B. Yeager for or on account of the salary contracts referred to herein, or otherwise; and to refrain from entering into any other contracts for the payment of any salaries or emoluments to or on account of any affiliate of any such company except pursuant to the further order of this Commission; and

It is further ordered, That a copy of this Order to Show Cause shall be served on International Utilities Corporation, Dominion Gas and Electric Company, General Water Gas & Electric Company, Securities Corporation General, P. M. Chandler, F. W. Seymour, W. B. Yeager, P. T. Hanscom and G. E. Robinette, and that P. M. Chandler, F. W. Seymour and W. B. Yeager shall be given an opportunity at the hearing herein ordered to present relevant evidence regarding the salary contracts referred to herein and to show cause why the Commission should not forthwith enter an order pursuant to the provisions of sections 12 (f) and 13 (e) of the Public Utility Holding Company Act of 1935 prohibiting International Utilities Corporation, Dominion Gas and Electric Company, General Water Gas & Electric Company and Securities Corporation General from making any further payment to or on account of P. M. Chandler, F. W. Seymour, and W. B. Yeager, directly or indirectly, for or on account of the salary contracts

[1] 6 F.R. 3550.

referred to herein, or otherwise; and to refrain from entering into any other contracts for the payment of any salaries or emoluments to or on account of any affiliate of any such company except pursuant to the further order of this Commission; and

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules and Practice; and

It is further ordered, That any person proposing to intervene in these proceedings shall file with the Secretary of the Commission on or before the eleventh day of September, 1941, his application therefor as provided by Rule XVII of the Rules of Practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Recording Secretary.

[F. R. Doc. 41-6391; Filed, August 25, 1941; 11:32 a. m.]

[File No. 70-356]

IN THE MATTER OF OGDEN CORPORATION, AND UTILITIES ELKHORN COAL COMPANY

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23d day of August, A. D. 1941.

Utilities Elkhorn Coal Company, a wholly-owned non-utility subsidiary of Ogden Corporation, a registered holding company, having alternatively filed a declaration under section 7 of the Public Utility Holding Company Act of 1935 or an application for exemption under section 6 (b) of said Act, regarding the issue and sale by Utilities Elkhorn Coal Company to Ogden Corporation of a series of unsecured 3-year 5% promissory notes in a total amount not to exceed $325,742, not more than $263,000 of which is to cover advances to be made by Ogden Corporation and $62,742 of which is to cover advances previously made by Ogden Corporation and its predecessor, Estate of Utilities Power & Light Corporation; and

Said Utilities Elkhorn Coal Company having filed a declaration under Rule U-43 promulgated pursuant to said Act, regarding the aforesaid transaction; and

Ogden Corporation having filed an application under Section 10 of said Act and a declaration under Section 12 (b) of said Act and Rule U-45 promulgated pursuant to said Act, regarding the aforesaid loan to Utilities Elkhorn Coal Company; and

Said declarations and applications having been filed on July 19, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declarations and applications, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above-mentioned parties having requested that said declarations become effective and that said applications be granted as soon as possible; and

The Commission finding that the proposed issue and sale of notes by Utilities Elkhorn Coal Company is solely for the purpose of financing the business of said company, which company is not a holding company, a public-utility company, an investment company, or a fiscal or financing agency of any such company, and finding therefore, subject to such terms and conditions as are deemed appropriate in the public interest or for the protection of investors or consumers, that said issue and sale of notes, is exempt under section 6 (b) of said Act so that it is unnecessary to consider the declaration, as amended, under section 7 of said Act; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said declaration, as amended, under Rule U-43 promulgated pursuant to said Act to become effective, and finding with respect to the said applications, as amended, filed pursuant to section 10 of said Act, that no adverse findings are necessary under section 10 (b) and that the applicable provisions of section 10 (c) are satisfied, and finding with respect to said declaration, as amended, under Rule U-45 promulgated pursuant to said Act that the requirements of section 12 (b) of said Act are satisfied; and

The Commission being satisfied that the effective date of such declarations and applications, as amended, should be advanced, and finding that it is not necessary to impose conditions for the protection of investors or consumers or in the public interest, other than those which are hereinafter imposed:

It is hereby ordered, That the said declaration, as amended, pursuant to section 7 be dismissed and, 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 said application, as amended, filed pursuant to section 6 (b) be and the same hereby is granted forthwith, and, subject to the same terms and conditions, that the said declarations under section 12 (b) of said Act and Rules U-43 and U-45 promulgated pursuant to said Act be and hereby are declared effective forthwith and that the said application, as amended, filed pursuant to section 10 of said Act be and hereby is granted forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] ORVAL DUBOIS,
Recording Secretary.

[F. R. Doc. 41-6392; Filed, August 25, 1941; 11:32 a. m.]

[File No. 70-328]

IN THE MATTER OF CENTRAL U. S. UTILITIES COMPANY, AND LOUISIANA PUBLIC UTILITIES CO., INC.

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 Washington, D. C., on the 22d day of August, A. D. 1941.

The above-named persons having filed a declaration and application pursuant to the Public Utility Holding Company Act of 1935, particularly sections 7 and 10 thereof, regarding an amendment to the charter of Louisiana Public Utilities Co., Inc., so as to increase the number of shares of common stock which the company may be authorized to issue from 10,000 to 12,000, and to eliminate the authorization to issue 1,500 shares of Cumulative Preferred Stock, and the issue and sale by Louisiana Public Utilities Co., Inc., of 1,000 shares of common stock of no par value and the acquisition thereof by Central U. S. Utilities Company for a total cash consideration of $100,000; and

Said declaration and application having been filed on March 31, 1941, and certain amendments having been filed thereto, the last of said amendments having been filed on August 7, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration under section 7 of said Act that the requirements of section 7 (c) of said Act are satisfied and that no adverse findings are necessary under section 7 (d) and 7 (e) of said Act, and with respect to said application under section 10 of said Act, that no adverse findings are necessary under section 10 (b) and section 10 (c) (1) of said Act and that the transaction involved has the tendency required by section 10 (c) (2) of said Act.

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be and hereby is permitted to become effective, and that the aforesaid application be and hereby is granted forthwith.

By the Commission, Commissioner Healy dissenting for reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6393; Filed August 25, 1941; 11:32 a. m.]

[File No. 70-384]

IN THE MATTER OF NEW ENGLAND GAS AND ELECTRIC ASSOCIATION

ORDER EXEMPTING TRANSACTIONS

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 23d day of August, A.D. 1941.

The above-named party having filed an application and a declaration pursuant to section 9 (c) (3) and 12 (c) of the Public Utility Holding Company Act of 1935, but indicating at the same time that the transactions involved should be exempt as not coming within the provisions of section 9 (a) and section 12 (c) of the Act, and such transactions involving the delivery to it of $55,000 in cash and 4,147 shares of its $5.50 preferred stock, in accordance with the Settlement Agreement, dated August 4, 1941, constituting, among other things, a settlement of the claims of applicant, certain of its subsidiaries, the Trustee of Associated Gas and Electric Company, the Trustees of Associated Gas and Electric Corporation and certain of the subsidiaries of Associated Gas and Electric Company against Howard C. Hopson, et al.; and

Such application and declaration having been filed on August 18, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for hearing with respect to said application or declaration within the period specified in said notice or otherwise, and not having ordered a hearing thereon, and the above-named parties having requested that said application and declaration be granted and allowed to become effective, or that said transactions be exempted from the applicable provisions of the Act or Rule thereunder, prior to August 25, 1941; and

The Commission having considered the circumstances under which such acquisition from the so-called Hopson service and investment companies will be made, and the limited scope of the desired exemption as set forth in the filing, and it appearing that an exemption of such transaction from the applicable Sections of the Act or Rules thereunder will not be detrimental to the public interest or the interests of investors or consumers;

It is ordered, That, pursuant to sections 9 (c) (3), 12 (c) and Rule U-100, such transactions if effected in accordance with the terms and conditions of and for the purposes stated and limited in the application and declaration be and they hereby are exempted.

By the Commission (Commissioner Healy not participating).

[SEAL] ORVAL L. DUBOIS,
Recording Secretary.

[F. R. Doc. 41-6394; Filed, August 25, 1941; 11:32 a. m.]