Washington, Tuesday, February 4, 1941

The President

NEW ZEALAND—SUSPENSION OF TONNAGE DUTIES
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 4228 of the Revised Statutes of the United States, as amended by the act of July 24, 1897, c. 13, 30 Stat. 214 (U.S.C., title 46, sec. 141), provides, in part, as follows:

Upon satisfactory proof being given to the President, by the government of any foreign nation, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the United States from such nation, the President may issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of such foreign nation, and the produce, manufactures, or merchandise imported into the United States from such foreign nation, or from any other foreign country; the suspension to take effect from the time of such notification being given to the President, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes shall be continued, and no longer.

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States and their cargoes shall be continued, and no longer.

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

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

FRANKLIN D. ROOSEVELT

By the President:

Cordell Hull, Secretary of State.

[No. 2455]

[F. R. Doc. 41-797; Filed, February 3, 1941; 11:35 a.m.]

EXECUTIVE ORDER

REVOKING IN PART EXECUTIVE ORDER NO. 8344 OF FEBRUARY 10, 1940, AND RESERVING PUBLIC LAND FOR USE AS AN ADDITION TO AN AIR NAVIGATION SITE

ALASKA

By virtue of the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497, it is ordered as follows:

Sec. 1. Executive Order No. 8344 of February 10, 1940, temporarily withdrawing public lands on Kodiak Island and certain other islands, Alaska, for classification and in aid of legislation, is hereby revoked so far as it affects the tract of public land on Woody Island lying within the following-described boundaries:

Beginning at corner No. 1, M. C., United States Survey No. 1075 in approximate lati-

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THE PRESIDENT

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Revoking in part Executive Order No. 8344 of February 10, 1940, and Reserving Public Land for Use as an Addition to an Air Navigation Site

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11:35 a.m.
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The White House, Jan. 30, 1941. [No. 8655]

[F. R. Doc. 41-752; Filed January 31, 1941; 2:58 p. m. | 756

† 5 P.M. 8700.
EXECUTIVE ORDER

ORDERING CERTAIN UNITS AND MEMBERS OF THE NATIONAL GUARD OF THE UNITED STATES INTO THE ACTIVE MILITARY SERVICE OF THE UNITED STATES

Correction

Executive Order No. 8623, signed January 14, 1941, appearing in the issue for Thursday, January 16, 1941 at page 415, is corrected by substituting "108th AC Observation Squadron" for "106th AC Observation Squadron".

EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LANDS FOR THE USE OF THE WAR DEPARTMENT

NEVADA

Correction

The eighth line in the land description in Executive Order No. 8636, signed January 14, 1941, appearing in the issue for Thursday, January 16, 1941 at page 417, is corrected to read as follows:

sec. 7, lots 2, 3, 4, SE%NW%, E%'SW%, E%;

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER I—AGRICULTURAL MARKETING SERVICE

PART 110—CANNED FOOD WAREHOUSES

By virtue of the authority vested in the Secretary of Agriculture by section 28 of the United States Warehouse Act, approved August 11, 1916 (39 Stat. 490, Sec. 28; 7 U.S.C. 268), as amended, Part 110, Chapter I, Title 7, CFR, is hereby amended to read as follows:

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Sec. 110.1 Meaning of words.
110.2 Terms defined.

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110.3 Application forms.
110.4 Grounds for not issuing license.
110.5 Net assets required.
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110.7 Suspension or revocation of warehouse licenses.
110.8 Return of suspended or revoked warehouse license.
110.9 Lost or destroyed warehouse license.
110.10 Unlicensed warehousemen must not represent themselves as licensed.

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110.13 Amendment to license.
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110.20 Partial delivery of canned foods.
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LICENSED INSPECTORS AND GRADERS

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DEFINITIONS

§ 110.1 Meaning of words. Words used in these regulations in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 110.2 Terms defined. For the purpose of these regulations, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) Canned foods. Fruits and vegetables sterilized by heat and preserved in hermetically sealed containers.
(c) Person. An individual, corporation, partnership, or two or more persons having a joint or common interest.
(d) Secretary. The Secretary of Agriculture of the United States.
(e) Designated representative. The Chief of the Agricultural Marketing service of the United States Department of Agriculture.
(f) Chief of the Service. The Chief of the Agricultural Marketing Service.
(g) Department. United States Department of Agriculture.
(h) Service. The Agricultural Marketing Service of the United States Department of Agriculture.
(i) Regulations. Rules and regulations made under the Act by the Secretary.
(j) Warehouse. Unless otherwise clearly indicated by the context, any suitable building, structure, or other protected inclosure in which canned foods are or may be stored for interstate or foreign commerce, or, if located within any place under the exclusive jurisdiction of the United States, in which canned foods are or may be stored and for which a license has been issued under the Act.
(k) Warehouseman. Unless otherwise clearly indicated by the context, any person lawfully engaged in the business of storing canned foods and holding a warehouse license.
(l) License. A license issued under the Act by the Secretary.
(m) Licensed warehouseman's bond. A bond required to be given under the Act by a licensed warehouseman.
(n) Licensed inspector. A person licensed under the Act by the Secretary to sample and, or to certify the condition of canned foods for storage.
(o) Licensed grader. A person licensed under the Act by the Secretary to grade and certificate the grade of canned foods for storage.
(p) Receipt. A licensed warehouse receipt issued under the Act, unless otherwise specified.
(q) Case. The number of cans filled with fruits or vegetables, which, depending upon the size of the cans, would be needed to make the equivalent in contents of a unit commonly known as a case of 24 No. 2 cans. For the purpose of these regulations the products may be either cased or uncased.
(r) State. A State, Territory, or District of the United States.

WAREHOUSE LICENSES

§ 110.3 Application forms. Applications for licenses or for amendments of
licenses under the Act shall be made to the Secretary upon forms prescribed for the purpose and furnished by the Service, shall truly state the information therein contained, and shall be signed by the applicant. The applicant shall at any time furnish such additional information as the Secretary, or his designated representative, shall find to be necessary to the consideration of his application."

§ 110.4 Grounds for not issuing license. A license for the conduct of a warehouse shall not be issued if it be found by the Secretary, or his designated representative, that the warehouse is not suitable for the proper storage of canned foods, that the warehouseman is incompetent to conduct such warehouse in accordance with the Act and these regulations, or that there is any other sufficient reason within the intent of the Act for not issuing such license.*

§ 110.5 Net assets required. Any warehouseman conducting a warehouse licensed or for which application for license has been made shall have and maintain above all exemptions and liabilities, and shall be responsible for the payment of any indebtedness arising from the conduct of the warehouse, to the extent of at least 20 cents per case of the maximum number of cases that the warehouse will accommodate when stored in the manner customary to the warehouse as determined by the chief of the Service, except that the amount of such assets shall not be less than $5,000, and need not be more than $100,000.

If such warehouseman has applied for licenses to conduct two or more warehouses in the same State, the assets applicable to all of which shall be subject to the liabilities of each, such warehouses shall be deemed to be one warehouse for the purposes of the Act, or of these regulations, or upon the ground that unreasonable or exorbitant charges have been made for services rendered, the warehouseman involved shall be furnished by the Secretary, or his designated representative, a written statement specifying the charges and shall be allowed a reasonable time within which he may answer the same in writing and apply for a hearing, an opportunity for which shall be afforded in accordance with § 110.75.*

§ 110.8 Return of suspended or revoked warehouse license. When a license issued to a warehouseman terminates or is suspended or revoked by the Secretary, or his designated representative, it shall be returned to the Secretary. At the expiration of any period of suspension of such license, unless it be in the meantime revoked, the dates of the beginning and termination of the suspension shall be endorsed thereon and it shall be returned to the licensed warehouseman to whom it was originally issued, and it shall be posted as prescribed in § 110.6: Provided, That in the discretion of the chief of the Service a new license may be issued.

§ 110.9 Lost or destroyed warehouse license. Upon satisfactory proof of the loss or destruction of a license issued to a warehouseman, a duplicate thereof, or a new license, may be issued under the same number.*

§ 110.10 Unlicensed warehousemen must not represent themselves as licensed. No warehouse or its warehouseman shall be designated as licensed under the Act and no name or description conveying the impression that it or he is so licensed shall be used, either in a receipt or otherwise, unless such warehouseman holds an unsuspended and unrevoke license for the conduct of such warehouse.*

WAREHOUSE BONDS

§ 110.11 Time of filing. Unless the warehouseman has previously filed with the Secretary the bonded requirements of this section, he shall file such bond within a time, if any, specified by the Secretary, or his designated representative, such bond to cover all obligations arising thereunder during the period of the license.*

§ 110.12 Basis of amount of bond; additional amounts. (a) Exclusive of any amounts proposed to be added in accordance with paragraphs (b) and (c) of this section, the amount of such bond shall be at the rate of 20 cents per case of canned foods of the maximum number of cases that the warehouse will accommodate when stored in the manner customary to the warehouse for which such bond is required, as determined by the chief of the Service, but not less than $5,000 nor more than $50,000. If such warehouseman has applied for licenses to conduct two or more warehouses in the same State, the assets applicable to all of which shall be subject to the liabilities of each, and shall desire to give a single bond meeting the requirements of the Act and these regulations for said warehouses, such warehouses shall be deemed to be one warehouse for the purposes of the bond required under §§ 110.11–110.15.

(b) In case of a deficiency in net assets under § 110.5, there shall be added thereto an amount equal to such deficiency in accordance with paragraph (a) of this section an amount equal to such deficiency.

(c) If the Secretary, or his designated representative, finds the existence of conditions warranting such action, there shall be added to the amount fixed in accordance with paragraphs (a) and (b) of this section a further amount, fixed by him, to meet such conditions.*

§ 110.13 Amendment to license. If application is made under § 110.3 for an amendment to a license and no bond previously filed by the warehouseman under §§ 110.11–110.15 covers obligations arising during the period of such amendment, the warehouseman shall, when notice has been given by the Secretary, or his designated representative, that his application for such amendment will be granted upon compliance by such warehouseman with the Act, file with the Secretary, within a time, if any, specified by him, a bond complying with the Act, unless bond in sufficient amount has been filed since the filing of such application. In the discretion of the Secretary, a properly executed instrument in form approved by him, amending, extending, or continuing in force and effect the obligations of a valid bond previously filed by the warehouseman and otherwise complying with the Act and these regulations, may be filed in lieu of such bond.

§ 110.14 New bond required each year. Whenever a continuous form of license has been issued, such license shall not be effective beyond one year from its effective date unless the warehouseman shall have filed a new bond in the required amount with, and such bond shall have been approved by, the Secretary, or his designated representative, prior to the date on which that license would have expired had it been issued on the same subject to the provisions of § 110.15.*

§ 110.15 Approval of bond. No bond, amendment, or continuation thereof...
shall be deemed accepted for the purpose of the Act and these regulations for the unreserved period not exceeding one year, for which the canned foods are accepted for storage under the Act and these regulations. Except in the case of canned foods which may be stored only for less than one year, upon demand and surrender of the old receipt by the lawful holder thereof at or before the expiration of the period specified, the warehouseman, upon such lawful terms and conditions as may be granted by him to other depositors of canned foods in his warehouse, if he then continues to be a licensed warehouseman, may issue a new receipt for a further specified period not exceeding one year; provided it is actually determined by a licensed inspector, or subject to the provisions of § 110.24 (b) by an employee of the Service, that the canned foods are in proper condition for storage for any other year. Whenever it is determined by the Secretary, or his designated representative, that certain canned foods may not be safely stored beyond a fixed time, every receipt, whether negotiable or nonnegotiable, for such canned foods shall be plainly marked to show that such canned foods are not accepted for storage beyond such fixed time.

c) The grade stated in a receipt issued for canned foods shall be determined by a licensed grader, or, subject to the provisions of § 110.24 (b), by an employee of the Service who graded the canned foods on the basis of samples actually drawn not more than 10 days preceding the issuance of such receipt.

d) and such receipt shall embody within its written or printed terms the following: (1) that the canned foods covered by the receipt were inspected and graded by a licensed inspector and grader, or by an official inspector and grader of the Department, as the case may be, and (2) a form of indorsement which may be used by the depositor, or his authorized agent, for showing the ownership of, and liens, mortgages, or other encumbrances on the canned foods covered by the receipt.

e) Whenever the grade of canned foods is stated in a receipt issued for canned foods stored in a warehouse, such grade shall be determined in accordance with §§ 110.68-110.70.

§ 110.19 Approval of form of receipt.

No receipt shall be issued by a licensed warehouseman except it be in the form prescribed by the chief of the Service; (a) printed by a printer with whom the United States has a subsisting contract and bond for such printing; and (b) on paper manufactured by and procured from a manufacturer with whom the United States has a subsisting contract and bond for the manufacture of such paper.

§ 110.20 Partial delivery of canned foods.

If a warehouseman delivers a part only of a lot of canned foods for which he has issued a negotiable receipt under the act he shall take up and cancel such receipt and issue a new receipt in accordance with these regulations for the unreserved portion of the canned foods. The new receipt shall show the date of issuance and also indicate the number and date of the old receipt.

§ 110.21 Return of receipts before delivery of canned foods.

Except as permitted by law or by these regulations, a warehouseman shall not deliver canned foods for which he has issued a negotiable receipt until the receipt has been returned to him and canceled, and shall not deliver canned foods for which he has issued a nonnegotiable receipt until such receipt has been returned to him or he has obtained from the person lawfully entitled to such delivery, or his authorized agent, a written order therefor.

§ 110.22 Authority for delivery of canned foods on nonnegotiable receipts.

Each person to whom a nonnegotiable receipt is issued shall furnish the warehouseman with a statement in writing indicating the person or persons to whom such delivery of canned foods covered by such receipt, together with the bona fide signature of such person or persons. No licensed warehouseman shall honor an order for the release of canned foods covered by a nonnegotiable receipt until he has first ascertained the identity of the person making the request and the authority of the person making the request. The warehouseman shall honor an order for the release of canned foods covered by such nonnegotiable receipt only after he has first ascertained the identity of the person making the request and the authority of the person making the request. No licensed warehouseman shall deliver canned foods represented by such nonnegotiable receipt until he has ascertained the identity of the person making the request and the authority of the person making the request.
that the person issuing the order has authority to order such release and that the signature of the releasing party is genuine.*

§ 110.23 Omission of grade; no compulsion by warehousemen. No warehouseman shall, directly or indirectly, by any means whatsoever, compel or attempt in suits brought, in the State where the fire, lightning, or tornado. When insured in his own name, or arrange for any means whatever, compel or attempt in suits brought, in the State where the fire, lightning, or tornado. When insured in his own name, or arrange for to compel the depositor of any canned foods stored in his licensed warehouse to request the issuance of a receipt omitting the statement of grade.*

DUTIES OF LICENSED WAREHOUSEMAN

§ 110.24 Canned foods must be inspected. (a) No licensed warehouseman shall store canned foods in his licensed warehouse and issue a receipt therefor unless an inspector licensed under this Act, or, subject to the provisions of paragraph (b) of this section, an inspector and/or grader employed by the Service and authorized by the Secretary, or his designated representative, to inspect and/or grade canned foods in his warehouse, has examined them, found them to be in proper condition for storage, and issued an approved certificate certifying as to the condition and/or grade of the canned foods, not more than 10 days prior to the issuance of such receipt. Under no conditions shall swells, springers, leakers, or rusty cans, or any canned foods known to be in violation of either State or Federal food and drug laws be accepted for storage.

(b) If at any time a warehouseman shall have canned foods, stored or to be stored in his licensed warehouse, inspected and/or graded by an authorized employee of the Service, in lieu of a licensed inspector and/or grader, the samples to be inspected and/or graded shall be drawn in an amount and in a manner specified by the Secretary, or his designated representative, by an employee of the Department or by the warehouseman or his representative, neither of whom shall be financially interested in such canned foods other than as a bailee for hire, and such Service employee shall issue to the warehouseman the approved form of certificate reciting his findings.*

§ 110.25 Insurance; requirements. (a) Each warehouseman, when so requested in writing by the depositor of or the lawful holder of the receipt for canned foods, shall, to the extent to which in the exercise of due diligence, he is able to procure such insurance, keep such canned foods while in his custody insured in his own name, or arrange for the insurance otherwise, to the extent so requested, against loss or damage by fire, lightning, or tornado. When insurance is not carried in the warehouseman's name the receipt shall show that the canned foods are not insured by him. Such insurance shall be carried by lawful policies issued by one or more insurance companies authorized to do such business, and subject to service of process in suits brought, in the State where the warehouse is located. If the warehouseman is unable to procure such insurance to the extent requested, he shall, orally or by telephone or by telegraph and at his own expense, immediately notify the person making the request. Nothing in this section shall be construed to prevent a warehouseman from adopting a rule that he will not store canned foods.

(b) Each warehouseman shall keep exposed conspicuously in the place prescribed by § 110.6 and at such other place as the chief of the Service or his representative, if in time designate, a notice stating briefly the conditions under which canned foods will be insured against loss or damage by fire, lightning, or tornado.

(c) Each warehouseman shall take prompt action. Such insurance may be necessary and proper to collect any moneys which may become due under contracts of insurance entered into by him for the purpose of meeting the requirements of these regulations, so long as the same is collected, pay promptly to the persons concerned any portion of such moneys which they may be entitled to receive from him.*

§ 110.26 Premiums; inspections; reports. Each warehouseman shall, in accordance with his contracts with insurance and bonding companies for the purpose of meeting the insurance and bonding requirements of these regulations, pay such premiums and shall such reasonable inspections and examinations, and make such reasonable reports as may be provided for in such contracts.*

§ 110.27 Care of canned foods in storage. Each warehouseman shall at all times exercise such care in regard to the canned foods in his custody as a reasonably careful owner would exercise under the same circumstances and conditions.*

§ 110.28 Care of nonlicensed canned foods, or other commodities. If at any time a warehouseman shall handle canned foods other than for storage, or shall handle or store any other commodity, he shall so protect the same and otherwise exercise such care with respect to them as not to endanger the canned foods in his custody as a licensed warehouseman or impair his ability to meet his obligations and perform his duties under the Act and these regulations. If the warehouseman shall store commodities other than those for which he is licensed, a nonlicensed receipt shall be issued, which shall contain in its terms a provision that said commodities are accepted for storage only until such time as the space which they may occupy may be needed for products for the storage of which the warehouseman is licensed. Under no circumstances shall any commodities for the storage of which the warehouseman is not licensed be stored if the storage of such commodities might adversely affect the commercial value of or impair the insurance on canned foods covered by licensed receipts.*

§ 110.29 Records to be kept in safe place. Each warehouseman shall provide a metal fireproof safe, a fireproof vault, or a fireproof compartment in which he shall keep, when not in actual use, all records, books, and papers pertaining to the warehouse, including his receipts, books, copies of receipts issued, and canceled receipts, except that with the written consent of the chief of the Service, or his representative, upon a showing by the warehouseman, it shall be practicable to provide such fireproof safe, vault, or compartment, he may keep such records, books and papers in some other place of safety approved by the chief of the Service or his representative. All canceled receipts shall be arranged in the warehouseman in numerical order as soon as possible after their cancellation and shall be preserved in numerical order thereafter.*

§ 110.30 Warehouse charges. A warehouseman shall not make any unreasonable or exorbitant charge for service rendered. Before a license to conduct a warehouse is granted under the Act the warehouseman shall file with the Service and/or grade canned foods in connection with any canned foods inspection service, the lawful holder of the receipt for a licensed inspector and/or grader, the warehouse shall be kept open for the purpose of meeting the insurance and bonding requirements of these regulations, pay such premiums and shall such reasonable inspections and examinations, and make such reasonable reports as may be provided for in such contracts.*

§ 110.31 Business hours. (a) Each warehouse shall be kept open for the purpose of receiving canned foods for storage and delivering canned foods out of storage every business day for a period of not less than six hours between the hours of 8 a.m. and 6 p.m., except as provided in paragraph (b) of this section. The warehouseman shall keep conspicuously posted on the door of the public entrance to his office and to his warehouse a notice showing the hours during which the warehouse shall be open, except when such office or warehouse is kept open continuously from 8 a.m. to 6 p.m.

(b) If the warehouse is not to be kept open as above required, the notice shall state the period during which it is to be closed and the name and address of an accessible person authorized to make delivery upon lawful demand and surrender of the receipt.*

§ 110.32 Numbered tags to be attached to canned foods. Each warehouseman shall, upon acceptance for storage of any lot of canned foods, affix a number to each lot of canned foods. This number shall be kept for a period of 10 years or until such lot of canned foods is not needed for storage or is altered in such a manner that the lot of canned foods is not needed for storage. Under no circumstances shall any commodities for the storage of which the warehouseman is not licensed be stored if the storage of such commodities might adversely affect the commercial value of or impair the insurance on canned foods covered by licensed receipts.*

§ 110.33 Identification tag. The warehouseman shall indicate on the stack card or identification tag mentioned in § 110.32 (a) the lot number assigned to the lot of canned foods; (b) the number of cases in the lot; (c) the size of the cans
or containers; (d) the can, code, or other identifying marks on the can, if any; (e) the number of the receipt issued covering the lot; (f) the date they entered storage; (g) the kind and grade of canned foods, when grade is determined.* § 110.34 System of accounts. Each warehouseman shall use for his warehouse a system of accounts, approved for the purpose by the chief of the Service, or his authorized representative, which shall show for each lot of canned foods the name and address of the depositor, their condition, as determined in § 110.32, the can, code, or other identifying marks of the lot, the number of cases, size of containers, the grade, when grade is required to be or is ascertained, the dates received for and delivered out of storage, the receipts issued and canceled, a separate record for each depositor, and such accounts shall include a detailed record of all moneys received and disbursed and of all effective insurance policies.* § 110.35 Copies of reports to be kept. Each warehouseman shall keep on file, as a part of the records of the warehouse, for such period as may be prescribed by the Service, an exact copy of each report submitted by such warehouseman under §§ 110.35 and 110.49.* § 110.36 Canceled receipts; auditing. Each warehouseman, when requested by the Service, shall forward his canceled receipts for auditing to Washington or to such field offices of the Service as may be designated from time to time. For the purpose of this section, only such portion as the Service may designate of each canceled receipt, numbered to correspond with the actual receipt number, need be submitted.* § 110.37 Inspection and examination of warehouses. Each warehouseman shall permit any officer or agent of the department, authorized by the Secretary for the purpose, to enter and inspect or examine at any time any warehouse for the conduct of which such warehouseman holds a license, the office thereof, the books, records, papers, and accounts relating thereto, and the contents thereof, and shall furnish such officer or agent, when he so requests, the assistance necessary to enable him to make such inspection or examination under this section.* § 110.38 Weighing, testing, measuring apparatus. The apparatus used for determining the weight, quantity, or quality stated in a receipt or certificate shall be submitted to examination by any officer or agent of the department, employed for such purpose. If the Service shall disapprove such apparatus, it shall not thereafter, unless such disapproval be withdrawn, be used in ascertaining the weight, quantity, or quality of canned foods for the purposes of the Act and these regulations.* § 110.40 Canned warehouses. Each warehouseman shall keep the stock stored in his licensed warehouse in an orderly manner, shall provide sufficient aisle space so as to permit easy and ready access to any and all lots of canned foods stored therein, and shall so store each lot as to facilitate sampling of canned foods and inspection for condition. The warehouseman shall at all times keep his warehouse clean.* § 110.41 Proper storage. The warehouseman shall not stack or cause to bestacked canned foods generally known as acid products in close proximity to steam or hot-water radiators or immediately under a metal roof.* § 110.42 Proper ventilation. The warehouseman shall take such steps as can be consistently taken to so ventilate his storage that a uniformly cool temperature will be maintained in his warehouse.* § 110.43 Heat to be provided. The warehouseman shall provide heat when necessary to avoid freezing.* § 110.44 Signs of tenancy. (a) Every warehouseman operating a "field" or "custodian" warehouse shall, during the life of his license, display and maintain appropriate signs on the licensed warehouse, both on the inside and on the exterior walls of the warehouse, and particularly on doors and usual places of entry, in such a manner as will ordinarily be calculated to give the public correct notice of his tenancy of all buildings or parts thereof included in his license. (b) Such signs shall be of such size and design as to readily attract the attention of the public and shall include the following: (1) the name and license number of the licensee; (2) the name of the warehouse; (3) whether the warehouseman is owner or lessee; and (4) the words "Public Notice." (c) Such other wording or lettering may appear in the sign or signs not inconsistent with the purpose of the Act and these regulations, subject to the approval of the Service. (d) Immediately upon its expiration, suspension, or revocation all reference to the license shall be removed from the warehouse. (e) No sign indicating control, tenancy, or ownership of a licensed warehouse by any person other than the licensee shall appear on any such warehouse.* § 110.45 Deteriorating canned foods; handling. If a licensed warehouseman or the licensed inspector considers that any canned foods in his licensed warehouse are out of condition or becoming so, the warehouseman shall direct the licensed inspector to examine the canned foods in question or request the Service to have one of its authorized inspectors examine such canned foods, and, if such inspector finds such canned foods to be out of condition or becoming so, the warehouseman shall give immediate notice of the facts in the manner and to the persons specified in § 110.46.* § 110.46 Notification of deteriorating canned foods. (a) The notice required by § 110.45 shall state: (1) the warehouse and licensed inspector; (2) the quantity, kind and grade of the canned foods at the time the notice is given; (3) the actual condition of the canned foods as nearly as can be ascertained, and, if known, for such condition; and (4) the outstanding receipts covering the canned foods in question, giving the number and date of each such receipt and the quantity, the kind, and grade of the canned foods as stated in each such receipt. (b) A copy of such notice shall be delivered in person or shall be sent by mail (1) to the persons holding the receipts if known to the warehouseman; (2) to the person who originally deposited the canned foods; (3) to any other persons known by the licensed warehouseman to be interested in the canned foods; (4) to the chief of the Service; and (5) public notice shall also be given by mailing a copy of such notice at the place where the warehouseman is required to post his license. If the holders of the receipts and the owners of the canned foods are known to the warehouseman, the warehouseman shall notify such persons by telegraph or telephone at their expense. (c) Persons interested in any canned goods or the receipt covering such canned foods stored in a licensed warehouse may, in writing, notify the warehouseman of his interest, and such warehouseman shall keep a record of that fact. If such person requests in writing that he be notified regarding the condition of any such canned foods and agrees to pay the cost of any telegraph or telephone toll charge, such warehouseman shall notify such person in accordance with such request. (d) If the canned foods advertised in accordance with the requirements of this section have not been disposed of by the owner thereof within five days from the dispatch of notice of their being out of condition, the warehouseman may sell the same at public auction at the expense and for the account of the owner. Before such sale the warehouseman shall have consulted with proper State and Federal officials administering food and drug laws to ascertain whether the sale of the canned foods might violate either the State or Federal laws. (e) Nothing contained in this section shall be construed as relieving the warehouseman from his responsibility for any canned foods after sending notification of their condition in accordance with this section.* § 110.47 Excess storage. If at any time a warehouseman shall be offered for storage in his warehouse any canned foods in excess of the licensed capacity as shown on his license, he shall not accept such canned foods until he has first secured authority through an amended license,
and after such authority has been granted, the warehouseman shall continue to so arrange the canned foods as not to obstruct free access thereto and the proper use of sprinklers or other fire-protection equipment provided for such warehouse. 

§ 110.48 Removal from storage. Except when it may be necessary to protect the canned foods due to an emergency, or as may be permitted by law or these regulations, a warehouseman shall not remove any canned foods from the warehouse, or the part thereof designated in the receipt, unless such receipt is first surrendered and canceled. If any canned foods are removed from the warehouse prior to the return and cancellation of the receipt, the warehouseman shall immediately notify the chief of the Service of such removal and the necessity therefore.

§ 110.49 Wire loss to be reported by wire. If at any time a fire shall occur at or within any licensed warehouse, it shall be the duty of the warehouseman to report immediately by telegraph to the chief of the Service the occurrence of such fire and the extent of damage. 

§ 110.50 Copies of inspection certificates; filing. When an inspection or grade certificate has been issued by a licensed inspector or grader, a copy of such certificate shall be filed with the warehouseman in whose warehouse the canned foods covered by such certificate are stored, and such certificate shall become a part of the records of the warehouseman. 

§ 110.51 Signatures on warehouse receipts; filing. Each warehouseman shall file with the department the name and genuine signature of each person authorized to sign warehouse receipts for the licensed warehouseman, and shall promptly notify the department of any changes as to persons authorized to sign, and shall file signatures of such persons.

FEES

§ 110.52 Warehouse license fees. There shall be charged, assessed, and collected a fee of $10 for each warehouseman's license or any amendment thereunto, and a fee of $3 for each license issued to each inspector and/or grader.

§ 110.53 Warehouse inspection fees. There shall be charged, assessed, and collected for each original examination or inspection of a warehouse under the Act, when such examination or inspection is made upon application by a warehouseman, a fee at the rate of $1 for each 2,000 cases or fraction thereof of canned foods, determined in accordance with § 110.12 (a), but in no case less than $10 nor more than $200, and for each reexamination or reinspection applied for by such warehouseman a fee based on the extent of the reexaminy, or fraction thereof, determined in accordance with § 110.12 (a), but in no case less than $10 nor more than $200, and for each reexamination or reinspection proportioned to but not greater than that prescribed for the original examination or inspection. 

§ 110.54 Advance deposit. Before any warehouseman's license, or amendment thereunto, or any inspector's and/or grader's license is granted, or before an original examination or reexamination applied for by a warehouseman is made, the warehouseman, the inspector, and/or grader shall deposit with the Service the amount of the fee prescribed therefor. Such deposit shall be made in the form of a check, certified if required by the Service, or post office or express money order, payable to the order of "Treasurer of the United States." 

§ 110.55 Return of excess deposit. The "Treasurer of the United States shall hold in a special deposit account each advance deposit made under § 110.54 until the fee, if any, is assessed and he is furnished by the Service with a statement showing the amount thereof and against whom assessed. Any part of such advance deposit which is not required for the payment of the fee assessed shall be returned to the party depositing the same.

LICENSED INSPECTORS AND GRADERS

§ 110.56 Inspector's and grader's application. (a) Applications for licenses to inspect and/or grade canned foods under the Act shall be made to the chief of the Service on forms furnished for the purpose by him. (b) Each such application shall be signed by the applicant, shall be verified by him under oath or affirmation administered by a duly authorized officer, and shall contain or be accompanied by (1) satisfactory evidence that he has passed his twenty-first birthday; (2) the name and location of a warehouse or warehouses licensed, or for which application for license has been made under the Act, in which canned foods sought to be inspected and/or graded under such license are or may be stored; (3) a statement from the warehouseman conducting such warehouse showing whether the applicant is competent and is acceptable to such warehouseman for the purpose; (4) satisfactory evidence that he has had at least two years' experience in the inspection and/or grading of canned foods; (5) a statement that he desires to be licensed to perform such services; (5) a statement by the applicant that he agrees to comply with and abide by the terms of the Act and these regulations so far as the same may relate to him; and (6) such other information as the Service may deem necessary provided that when an application for a license to inspect and/or grade canned foods is filed by a person who does not intend to serve any one licensed warehouseman but who does intend to inspect and/or grade canned foods stored or to be stored in a licensed warehouse, or to issue to persons who request his services as the case may be, such application shall be accompanied by a blank space in which any general or printed terms (a) the caption "United States Warehouse Act Canned Foods Inspection and/or Grade Certificate"; (b) whether it is an original, duplicate, or other copy; (c) the name and location of the warehouse in which the canned foods are or are to be stored; (d) the date of the certificate; (e) the location of the canned foods at the time of the inspection and/or grading; (f) the identification or lot number of each lot of canned foods in accordance with § 110.32; (g) the number of cases in the lot; (h) the number of cans in each case and size of cans; (i) the grade of the canned foods; (j) the kind of canned foods; (k) the can or code marks of each lot, if any; (l) the title of the principal label, if labeled; (m) that the certificate is issued by a licensed inspector and/or grader under the United States Warehouse Act and regulations thereunder; (n) the blank space to which any general remarks on the condition, grade, or other pertinent information may be shown; (o) any other matter not inconsistent with the Act or these regulations, provided the approval of the Service shall be obtained; (p) the signature of the licensed inspector and/or grader. Under no circum-

(c) The applicant shall at any time furnish such additional information as the Secretary, or his designated representative, shall find to be necessary to the consideration of his application.

§ 110.57 Examination and inspection. Each applicant for a license as inspector and/or grader and each licensed inspector and/or grader shall, whenever requested by an authorized agent of the department, submit to an examination or test to show his ability properly to perform the duties for which he is applying for license or for which he has been licensed.

§ 110.58 Posting of license. Each licensed inspector and/or grader shall keep his license conspicuously posted in the office where all or most of the inspecting is done.

§ 110.59 Duties of licenses. Each inspector and/or grader, when requested, shall without discrimination, as rapidly as practicable, and upon reasonable terms, inspect and/or grade and certificate the condition, and/or grade of canned foods found for or to be stored in a licensed warehouse if such canned foods be offered to him for inspection and/or grading, and the determination of the condition and/or grade thereof, as the case may be. Each such licensee shall give preference to persons who request his services as such other persons who request his services in any other capacity. No inspection and/or grade certificate shall be issued under the Act for canned foods not stored or not to be stored in a licensed warehouse.

§ 110.60 Inspection and grade certificates; form. Each inspection and/or grade certificate issued under the Act by a licensed inspector or grader shall be in a form approved for the purpose by the Service and shall contain ten or printed terms (a) the caption "United States Warehouse Act Canned Foods Inspection and/or Grade Certificate"; (b) whether it is an original, duplicate, or other copy; (c) the name and location of the warehouse in which the canned foods are or are to be stored; (d) the date of the certificate; (e) the location of the canned foods at the time of the inspection and/or grading; (f) the identification or lot number of each lot of canned foods in accordance with § 110.32; (g) the number of cases in the lot; (h) the number of cans in each case and size of cans; (i) the grade of the canned foods; (j) the kind of canned foods; (k) the can or code marks of each lot, if any; (l) the title of the principal label, if labeled; (m) that the certificate is issued by a licensed inspector and/or grader under the United States Warehouse Act and regulations thereunder; (n) the blank space to which any general remarks on the condition, grade, or other pertinent information may be shown; (o) any other matter not inconsistent with the Act or these regulations, provided the approval of the Service shall be obtained; (p) the signature of the licensed inspector, and/or grader. Under no circum-

...
...shall be afforded in accordance with § 110.75.*

§ 110.65 Suspended or revoked license; return; termination of license. (a) If a license issued to an inspector and/or grader is suspended or revoked by the Secretary, or by his designated representative, it shall be returned to the Secretary. At the expiration of any period of suspension of a license, unless inspection or examination relates to the performance of the duties of such licensed inspector and/or grader under the Act and these regulations.*

§ 110.62 Licensees to permit and assist in examination. Each licensed inspector and/or grader shall permit any officer or agent of the department, authorized by the Secretary, or his designated representative, for the purpose, to inspect or examine at any time his books, papers, records, and accounts relating to the performance of his duties under the Act and these regulations and shall with the consent of the warehouseman concerned, assist any such officer or agent in the inspection or examination of records mentioned in § 110.34 as far as such inspection or examination relates to the performance of the duties of such licensed inspector and/or grader under the Act and these regulations.*

§ 110.63 Reports. Each licensed inspector and/or grader shall, from time to time, when requested by the Service, make reports on forms furnished for the purpose by the Service bearing upon his activities as such licensed inspector and/or grader.

§ 110.64 Licenses; suspension; revocation. Pending investigation, the Secretary, or his designated representative, may, whenever he deems necessary, suspend the license of an inspector and/or grader temporarily without hearing. Upon a written request and a satisfactory statement of reasons therefor, submitted in accordance with § 110.58, provided that in the discretion of the chief of the Service a new license may be issued without reference to such suspension.

(b) Any license issued to an inspector and/or grader, shall automatically be suspended or revoked as to any warehouse whenever the license of such warehouse shall expire or shall be suspended or revoked. Thereupon the license of such inspector and/or grader shall be returned to and destroyed by the Service.*

§ 110.66 Lost or destroyed licenses. Upon satisfactory proof of the loss or destruction of a license issued to an inspector and/or grader, a duplicate thereof may be issued under the same number.*

§ 110.67 Unlicensed inspector and grader; misrepresentation. No person shall in any way represent himself to be an inspector and/or grader under the Act unless he holds an unsuspended or unrevoked license under the Act.*

CANNED FOODS INSPECTION, GRADING, AND CLASSIFICATION

§ 110.68 Classification statement. Whenever the kind, grade, or other class or condition of canned foods is required to be or is stated for the purposes of this Act and these regulations, it shall be stated in accordance with §§ 110.68-110.70.*

§ 110.69 Standards to be used. Until such time as official marketing grades of the United States have been promulgated and are in effect, for the purpose of administering this Act and these regulations, the kind and grade of canned foods shall be stated as far as applicable (a) in accordance with any tentative standards of the department; (b) in the absence of Federal standards in accordance with any standards approved by the chief of the Service.*

§ 110.70 Statement of kind, grade, condition. Whenever the kind, grade, or other class or condition of canned foods is stated for the purposes of this Act and these regulations, the terms used shall be correctly applied and shall be so selected as not to convey a false impression of the canned foods. In case of doubt as to the kind, grade, or condition of a lot of canned foods, a determination shall be made of such facts by drawing samples fairly representative of the contents of the lot of canned foods offered for storage.*

APPEAL OF GRADES

§ 110.71 Procedure. (a) If a question arises as to whether the kind, grade, or condition of the canned foods was correctly stated, a new grade certificate issued under the Act or these regulations, the warehouseman concerned or any person financially interested in the canned foods involved may, after reasonable notice to the other party, submit the question to the chief of the Service, who may appoint a committee to make a determination. The decision of the committee shall be final, unless the chief shall direct a review of the question. Immediately upon making its decision, the committee shall issue a certificate embodying its findings to the appellants and to the licensee or licensees involved.

(b) If the decision of the committee be that the kind, grade, or condition was not correctly stated, the receipt or certificate involved shall be returned to and be canceled by the licensee who issued it, and the licensee shall issue in lieu thereof a new receipt or certificate embodying the statement as to kind, grade, or condition in accordance with the findings of the committee.

(c) All necessary and reasonable expenses of such determination shall be borne by the losing party, unless the chief of the Service or his representative shall decide that the expense should be prorated between the parties.*

MISCELLANEOUS

§ 110.72 Bonds required. Every person applying for a license or licensed under section 9 of the Act (46 Stat. 1464; 7 U.S.C. 248), shall, as such, be subject to all portions of these regulations except § 110.5 so far as they may relate to warehousemen. If there is a law of any State providing for a system of warehouses owned, operated, or leased by such State, a person applying for a license under section 9 of the Act, to accept the custody and control of canned foods and any of said warehouses, may, in lieu of a bond or bonds, complying with §§ 110.11, 110.12, file with the Secretary a single bond meeting the requirements of the
Act and these regulations, in such form and in such amount not less than $5,000 as he shall prescribe, to insure the performance by such person with respect to the acceptance of the custody of foods and their storage in the warehouses in such system for which licenses are or may be issued, of his obligations arising during the periods of such licenses or amendments thereto. In fixing the amount of the bond, consideration shall be given, among other appropriate factors, to the character of the warehouses involved, their actual or contemplated capacity, the bonding requirements of the State, and its liability with respect to such warehouses. If the Secretary, or his designated representative, shall find the existence of conditions warranting such action, there shall be added to the amount of the bond so fixed a further amount, fixed by him, to meet such conditions.

§ 110.73 Publications. Publications under the Act and these regulations shall be made in such media as the chief of the Service may from time to time designate.

§ 110.74 Information of violations. Every person licensed under the Act shall immediately furnish the Service any information which comes to the knowledge of such persons tending to show that any provision of the Act or these regulations has been violated.

§ 110.75 Procedure in hearings. For the purpose of a hearing under the Act and these regulations, except § 110.71, the licensee involved shall be allowed a reasonable time, fixed by the Secretary, or his designated representative, within which affidavits and other proper evidence may be submitted. If requested by the licensee within such time, an oral hearing, of which reasonable notice shall be given, shall be held before, and at a time and place fixed by, the Secretary, or his designated representative, the testimony of the witnesses at such hearing shall be adjourned by him from time to time. After reasonable notice to all parties concerned, the deposition of any witness may be taken at a time and place and before a person designated for the purpose by the Secretary, or his designated representative. 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 issue involved in a hearing, shall be admissible as prima facie evidence of the facts stated therein without the production of such officer or employee, his papers and all the evidence submitted or considered in such hearing shall be made a part of the record of the department. The records and, when there has been an oral hearing other than by the Secretary, a recommendation of the official hearing such oral hearing shall be transmitted to the Secretary for his consideration.

Each party shall pay all expenses contracted by him in connection with any hearing under this section.

§ 110.76 One document and one license to cover several products. A license may be issued for the storage of two or more agricultural products in a single warehouse. Where such a license is desired, a single application, inspection, bond, record, report or other paper, document or proceeding relating to such warehouse, shall be sufficient unless otherwise directed by the chief of the Service.

§ 110.77 Combination warehouse; bond; assets. Where such license is desired the amount of the bond, net assets, and inspection and license fees shall be determined by the chief of the Service in accordance with the regulations applicable to the particular agricultural product which would require the largest bond and the greatest amount of net assets and of fees applicable to the particular compartment or compartments to be licensed.

§ 110.78 Amendments. Any amendment to, or revision of, these regulations, unless otherwise stated therein, shall apply in the same manner to persons holding licenses at the time it becomes effective as it applies to persons thereafter licensed under the Act.

Done at Washington, D. C., this 3rd day of February 1941. Witness my hand and the seal of the Department of Agriculture.

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-796; Filed, February 3, 1941; 11:24 a.m.]

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

PROCEDURE FOR THE DETERMINATION OF FIRE-CURED AND DARK AIR-CURED TOBACCO ACREAGE ALLOTMENTS FOR 1941

FIRE-CURED TOBACCO

General

Sec. 726.306 Definitions.

726.307 Extent of calculations and rule of fractions.

726.308 Instructions and forms.

726.309 Application of procedure.

Determination of Fire-Cured Tobacco Acreage Allotments and Yields for Old Farms

726.310 1941 fire-cured tobacco acreage allotments for old farms.

726.311 Determination of preliminary 1941 fire-cured tobacco acreage allotment.

\[\text{This procedure supersedes and replaces the Procedure for Determination of Fire-cured and Dark Air-cured Tobacco Acreage Allotments for 1941 approved January 9, 1941 by the Secretary of Agriculture (6 F.R. 215). Therefore, §§ 726.306 to 726.317 are stricken out and the following new sections inserted in lieu thereof.}\]

1 This procedure supersedes and replaces the "Procedure for Determination of Fire-cured and Dark Air-cured Tobacco Acreage Allotments for 1941", approved January 9, 1941 by the Secretary of Agriculture (6 F.R. 215). Therefore, §§ 726.306 to 726.317 are stricken out and the following new sections inserted in lieu thereof.

Sec. 726.312 Adjustment of the preliminary 1941 fire-cured tobacco acreage allotment.

726.313 Reconstituted farms.

726.314 Determination of normal yields.

Determination of Fire-Cured Tobacco Acreage Allotments and Yields for New Farms

726.315 Determination of fire-cured tobacco acreage allotments for new farms.

726.316 Time for filing application.

726.317 Determination of normal yields.

DARK AIR-CURED TOBACCO

General

726.356 Definitions.

726.357 Extent of calculations and rule of fractions.

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726.359 Applicability of procedure.

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726.361 Determination of preliminary 1941 dark air-cured tobacco acreage allotment.

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726.365 Determination of dark air-cured tobacco acreage allotments for new farms.

726.366 Time for filing application.

726.367 Determination of normal yields.

FIRE-CURED TOBACCO

General

726.368 Definitions. As used in this procedure and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them, unless the context or subject-matter otherwise requires.

(a) "Fire-Cured Tobacco Allotment Procedure for 1941" means this Form 41-Tob-33 (Revised).

(b) "Local committees" means the county and community committees utilized under the Act. "County committee" or "community committee" shall have corresponding meanings in the connection in which they are used.

(c) "New farm" means a farm on which fire-cured tobacco was not produced in any of the five years 1936 to 1940 but on which fire-cured tobacco will be produced in 1941.

(d) "Old farm" means a farm on which fire-cured tobacco was produced in one or more of the five years 1936 to 1940, and on which fire-cured tobacco will be produced in 1941.

(e) "Operator" means the person who, as owner, landlord, or tenant, is in charge of the supervision and the conduct of the farming operations on the entire farm.

(f) "State Committee" means the group of persons so designated within any State to assist in the administration in the State of the Act.

(g) "Dark tobacco" means fire-cured tobacco and dark air-cured tobacco.
(h) "Fire-cured tobacco" means tobacco classified in Service and Regulatory Announcement Numbered 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture as types 21, 22, 23, and 24, collectively known as fire-cured tobacco.

(i) "Dark Air-Cured Tobacco" means tobacco classified in Service and Regulatory Announcement Numbered 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture as types 35 and 36 and described as dark air-cured tobacco in the Agricultural Adjustment Act of 1938, as amended.

§ 726.306 to 726.317, inclusive, a nd §§ 726.336 to 726.347, inclusive, issued pursuant to authority obtained in sections 713 and 370 of the Agricultural Adjustment Act of 1938, as amended.

§ 726.307 Extent of calculations and rule of fractions. All acreages shall be calculated to the nearest one-tenth of an acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of five-hundredths of an acre or less shall be dropped. For example, 1.051 would become 1.1 and 1.050 would become 1.0.

§ 726.308 Instructions and forms. The Administrator of the Agricultural Adjustment Administration of the United States Department of Agriculture shall cause to be prepared and issued with his approval such instructions and such forms as may be necessary or expedient for carrying out this procedure.

§ 726.309 Applicability of procedure. This Fire-cured Tobacco Procedure for 1941 shall relate to, and be effective for, the establishment of farm acreage allotments for fire-cured tobacco for the year 1941.

**Determination of Fire-cured Tobacco Acreage Allotments and Yields for Old Farms**

§ 726.310 1941 Fire-cured tobacco acreage allotments for old farms. The 1941 fire-cured tobacco acreage allotment for an old farm shall be the preliminary 1941 fire-cured tobacco acreage allotment for the farm adjusted in accordance with § 726.312.

§ 726.311 Determination of preliminary 1941 fire-cured tobacco acreage allotment. The preliminary 1941 fire-cured tobacco acreage allotment for an old farm shall be that percent of the 1941 fire-cured tobacco normal acreage for the farm which the 1941 State acreage allotment for fire-cured tobacco is of the 1941 normal acreage of fire-cured tobacco for all old farms in the State: Provided, That if the acreage allotment so determined for any farm (except a farm operated, controlled, or directed by a person who also operates, controls, or directs another farm on which fire-cured tobacco is produced) is less than that acreage which with the normal yield would produce 2,400 pounds of tobacco, then such acreage allotment shall be increased to the smaller of 150 percent thereof, or that acreage which when multiplied by the normal yield would produce 2,400 pounds of fire-cured tobacco.

(a) Determination of 1941 normal acreage for old fire-cured tobacco farm. The 1941 normal acreage for an old fire-cured tobacco farm shall be the 1940 fire-cured tobacco acreage allotment plus diversion for any farm if such allotment was five-tenths of an acre or 10 percent of the 1940 fire-cured tobacco acreage allotment which the acreage of fire-cured tobacco was of the total acreage of dark tobacco produced on the farm in any other year of the five-year period 1936-1940, inclusive. Notwithstanding the foregoing provisions of this paragraph, the sum of the 1940 fire-cured tobacco acreage allotment and the 1940 dark air-cured tobacco acreage allotment shall not be larger than the 1940 fire-cured and dark air-cured tobacco acreage allotment.

(c) The preliminary 1941 fire-cured tobacco acreage allotment for any farm may be adjusted upward. Such adjustment shall not exceed 10 percent of the 1941 preliminary fire-cured tobacco acreage allotment unless such adjustment is accompanied by a written statement by the county committee setting forth the reasons for adjusting such allotment by more than 10 percent.

§ 726.312 Adjustment of the preliminary 1941 fire-cured tobacco acreage allotment. An acreage not in excess of 2 percent of the 1941 State acreage allotment for fire-cured tobacco shall be apportioned to each county in the State on the basis of the percentage the total 1940 fire-cured tobacco acreage allotment in each county is of the 1941 State acreage allotment for fire-cured tobacco, adjusted between counties, as recommended by the State committee and approved by the Regional Director, in such manner as will be fair and equitable, taking into consideration the land, labor, and equipment available for the production of fire-cured tobacco in the different counties in the State. Such acreage shall be used by the local committees as hereinafter provided in this section if the committees find that such action will establish allotments which are fair and equitable, taking into consideration the past acreage of fire-cured tobacco grown on the farm; land, labor and equipment available for the production of fire-cured tobacco; crop rotation practices and the adaptability of the soil to the growing of fire-cured tobacco. The acreage available in each county may be used for establishing 1941 fire-cured acreage allotments and for adjusting upward preliminary 1941 fire-cured tobacco acreage allotments in the following order and under the following conditions:

(a) The preliminary 1941 fire-cured tobacco acreage allotment may be adjusted upward. (1) the 1940 fire-cured tobacco acreage allotment for such farm if such allotment was five-tenths of an acre or less; and (2) to an amount equal to the smaller of one-tenth acre less than the 1940 allotment or one acre if such allotment was six-tenths acre to 1.3 acres, inclusive.

(b) 1941 fire-cured tobacco acreage allotments may be established for farms which grew fire-cured tobacco in 1940 for which no fire-cured and dark air-cured tobacco acreage allotment was established in such year. Any such allotment shall not exceed the larger of five-tenths of an acre or 10 percent of the 1940 harvested acreage of fire-cured tobacco. The above method of determining preliminary 1941 fire-cured tobacco acreage allotments will result in a preliminary 1941 acreage allotment for fire-cured tobacco equal to 75 percent of the 1940 fire-cured tobacco acreage allotment for a farm. Therefore, the committee may, in lieu thereof, use 75 percent of the 1940 fire-cured tobacco acreage allotment determined in accordance with paragraph B above as the 1941 preliminary acreage allotment.

§ 726.313 Reconstituted farms. (a) If land operated as a single farm in 1940 has been subdivided for 1941 into two or more tracts, the 1941 fire-cured tobacco acreage allotment established for the farm shall be apportioned among the tracts in the same proportion as the acreage of cropland suitable for the production of fire-cured tobacco on each such tract in such year bore to the total number of acres of cropland suitable for
the production of fire-cured tobacco on the entire farm in such year unless other­wise recommended by the county committee and approved by the State committee.

(b) If two or more farms operated separately in 1940 are combined into a single farm for 1941, the 1941 fire-cured tobacco allotment shall be the sum of the 1941 fire-cured tobacco allotment for each of the farms composing the combination.

§ 726.314 Determination of normal yields. The normal yield for any farm shall be the average of the yields obtained on the farm during the years 1936-1940, adjusted by the local committee so as more accurately to reflect the normal yield on the farm represented by the soil and other physical factors affecting the production of fire-cured tobacco, by taking into consideration yields obtained on other farms in the locality or on similar soil and under similar conditions.

The weighted average of the normal yields for all farms in each county shall not exceed the yield established for the county in 1940 unless an adjustment for abnormal conditions is made by the Secretary upon recommendation of the State committee.

Determination of Fire-Cured Tobacco Acreage Allotments and Yields for New Farms

§ 726.315 Determination of fire-cured tobacco acreage allotments for new farms. The fire-cured tobacco acreage allotment for a new farm for 1941 shall be the amount which the local committee determines is fair and reasonable for the farm taking into consideration each of the following factors: the past fire-cured tobacco experience of the farm operator; the acreage of crop land in the farm suitable for fire-cured tobacco production; the acreage capacity of barns and other buildings on the farm and which are in usable condition and available for the curing of fire-cured tobacco, the customary crop rotation practices and the adaptability of the soil to the growing of fire-cured tobacco: Provided, That the acreage allotment so determined shall be subject to approval by the State committee and shall not exceed the smallest of one-fifth of the past acreage of fire-cured tobacco grown by the farm operator in the years 1936-1940, or 75 percent of the average fire-cured tobacco acreage allotment for old farms in the county, or one acre.

Notwithstanding any other provisions of this section a fire-cured tobacco acreage allotment shall not be established for any new farm unless the following conditions have been met:

(a) The farm operator shall have had two years or more experience in growing fire-cured tobacco as a sharecropper, tenant, or as a farm operator during the past five years;

(b) The farm operator shall be living on the farm and largely dependent on this farm for his livelihood;

(c) The farm covered by the application shall be the only farm owned or operated by the farm operator on which tobacco of any kind is produced.

(d) The farm is in a farm fire-cured tobacco curing barn in condition for use on the farm; and

(e) No kind of tobacco other than fire-cured tobacco will be grown on the farm in 1941.

The fire-cured tobacco acreage allotment determined in the section shall be subject to such adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new fire-cured tobacco farms.

The fire-cured tobacco acreage available for establishing allotments for farms on which no fire-cured tobacco was grown during the past five years shall be two-tenths of one percent of the total national allotment for fire-cured tobacco for the year 1941.

§ 726.316 Time for filing application. In order to obtain an allotment for a new fire-cured tobacco farm in 1941, the operator of the farm shall file an application therefor on Form 41-TOB-31, prior to February 15, 1941.

§ 726.317 Determination of normal yields. The normal yield for a new farm shall be the yield per acre which the local committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of fire-cured tobacco are similar.

DARK AIR-CURED TOBACCO

General

§ 726.356 Definitions. As used in this procedure and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them, unless the context or subject-matter otherwise requires.

(a) "Dark air-cured tobacco allotment procedure for 1941" means this Form 41-TOB-33 (Revised).

(b) "Local committee" means the county and community committees utilized under the Act. "County committee" or "community committee" shall have corresponding meanings in the connection in which they are used.

(c) "New farm" means a farm on which dark air-cured tobacco was not produced in any of the five years 1936 to 1940 but on which dark air-cured tobacco will be produced in 1941.

(d) "Old farm" means a farm on which dark air-cured tobacco was produced in one or more of the five years 1936 to 1940 in which dark air-cured tobacco will be produced in 1941.

(e) "Operator" means the person who, as owner, landlord, or tenant, is in charge of the supervision and the conduct of the farming operations on the entire farm.

(f) "State Committee" means the group of persons so designated within any State to assist in the administration in the State of the Act.

(g) "Dark tobacco" means fire-cured tobacco and dark air-cured tobacco.

(h) "Fire-cured tobacco" means tobacco classified in Service and Regulatory Announcement Numbered 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture as types 21, 22, 23 and 24, collectively known as fire-cured tobacco.

(i) "Dark air-cured tobacco" means tobacco classified in Service and Regulatory Announcement Numbered 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture as types 35 and 36 and described as dark air-cured tobacco in the Agricultural Adjustment Act of 1938, as amended.

§ 726.357 Extent of calculations and rule of fractions. All acreages shall be calculated to the nearest one-tenth of an acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of less than five hundredths of an acre or less shall be dropped. For example, 1.051 would become 1.1 and 1.050 would become 1.0.

§ 726.358 Instructions on procedure. The Administrator of the Agricultural Adjustment Administration of the United States Department of Agriculture shall cause to be prepared and issued with his approval such instructions and such forms as may be necessary or expedient for carrying out this procedure.

§ 726.359 Applicability of procedure. This Dark Air-Cured Tobacco Procedure for 1941 shall relate to, and be effective for, the establishment of farm acreage allotments for dark air-cured tobacco for the year 1941.

Determination of Dark Air-Cured Tobacco Acreage Allotments and Yields for Old Farms

§ 726.360 1941 dark air-cured tobacco acreage allotments for old farms. The 1941 dark air-cured tobacco acreage allotment for an old farm shall be the preliminary 1941 dark air-cured tobacco acreage allotment for the farm adjusted in accordance with § 726.362.

§ 726.361 Determination of preliminary 1941 dark air-cured tobacco acreage allotment. The preliminary 1941 dark air-cured tobacco acreage allotment for an old farm shall be that percent of the 1941 dark air-cured tobacco normal acreage for the farm which the 1941 State acreage allotment for dark air-cured tobacco is of the 1941 normal acreage of dark air-cured tobacco for all old farms in the State provided that if the acreage allotment so determined for any farm (except a farm operated, controlled or directed by a person who also operates, controls or directs another farm on which dark air-cured tobacco is produced) is less than that acreage which with the normal yield would produce 2,400 pounds of tobacco, then such acreage allotment shall be increased to the smaller of 120 percent thereof or that acreage which when multiplied by the normal
yield would produce 2,400 pounds of dark air-cured tobacco.

(a) Determination of 1941 normal acreage for old dark air-cured tobacco farm. The 1941 normal acreage for an old dark air-cured tobacco farm shall be the 1940 dark air-cured tobacco acreage allotment plus diversion.

(b) Determination of "1940 dark air-cured tobacco acreage allotments." The 1940 dark air-cured tobacco acreage allotment shall be the total 1940 dark air-cured tobacco produced on the farm during the five-year period 1936-1940; or (2) that proportion of the 1940 fire-cured and dark air-cured tobacco acreage allotment if dark air-cured tobacco was the only kind of dark tobacco produced on the farm in 1940.

(c) Determination of the 1940 dark air-cured tobacco "allotment plus diversion." The 1940 dark air-cured tobacco allotment plus diversion for any farm shall be computed as follows:

<table>
<thead>
<tr>
<th>Size of 1940 dark air-cured tobacco acreage allotment</th>
<th>% of allotment</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.5 acres or less</td>
<td>145</td>
</tr>
<tr>
<td>3.6 acres</td>
<td>153</td>
</tr>
<tr>
<td>3.7 acres</td>
<td>166</td>
</tr>
<tr>
<td>3.8 acres</td>
<td>178</td>
</tr>
<tr>
<td>9.9 acres or more</td>
<td>187</td>
</tr>
</tbody>
</table>

The above method of determining preliminary 1941 dark air-cured tobacco acreage allotments will result in a preliminary 1941 acreage allotment for dark air-cured tobacco equal to 75 percent of the 1940 dark air-cured tobacco acreage allotment for a farm. Therefore, the committee may, in lieu thereof, use 75 percent of the 1940 dark air-cured tobacco acreage allotment determined in accordance with paragraph (b) above as the preliminary 1941 dark air-cured tobacco acreage allotment.

§ 726.362 Adjustment of the preliminary 1941 dark air-cured tobacco acreage allotment. An acreage not in excess of 2 percent of the 1941 State acreage allotment for dark air-cured tobacco shall be apportioned to each county in the State on the basis of the percentage the total 1940 dark air-cured tobacco acreage allotment in each county is of the 1940 State acreage allotment for dark air-cured tobacco. Shall be apportioned between counties, as recommended by the State committee and approved by the Regional director, in such manner as will be fair and equitable, taking into consideration the land, labor, and equipment available for the production of dark air-cured tobacco in the different counties in the State. Such acreage shall be used by the local committees as hereinafter provided in this section if the committees find that such action will establish allotments which are fair and equitable taking into consideration the past acreage of dark air-cured tobacco grown on the farm, land, labor and equipment available for the production of dark air-cured tobacco, crop rotation practices and the adaptability of the soil to the growing of dark air-cured tobacco. The acreage available in each county may be used for establishing 1941 dark air-cured acreage allotments and for adjusting upward preliminary 1941 dark air-cured tobacco acreage allotments in the following order and under the following conditions:

(a) The preliminary 1941 dark air-cured tobacco acreage allotment may be adjusted upward (1) so as to equal the 1940 dark air-cured tobacco acreage allotment for such farm if such allotment was five-tenths acre or less; and (2) to an amount equal to the smaller of one-tenth acre less than the 1940 allotment or one acre if such allotment was six-tenths acre to 1.3 acres in 1940.

(b) 1941 dark air-cured tobacco acreage allotments may be established for farms which grew dark air-cured tobacco in 1940 for which no fire-cured and dark air-cured tobacco acreage allotment was established in such year. Any such allotment shall not exceed the larger of five-tenths of an acre or 10 percent of the 1940 harvested acreage of dark air-cured tobacco.

(c) The preliminary 1941 dark air-cured tobacco acreage allotment for any farm may be adjusted upward. Such adjustment shall not exceed 10 percent of the 1941 preliminary dark air-cured tobacco acreage allotment unless such adjustment is accompanied by a written statement by the county committee setting forth the reasons for adjusting such allotment by more than 10 percent.

Any allotment established or adjusted as provided above shall be subject to approval of the State committee.

§ 726.363 Reconstituted farms. (a) If land operated as a single farm in 1936-1940 has been subdivided for 1941 into two or more tracts, the 1941 dark air-cured tobacco acreage allotment established for the farm shall be apportioned among the tracts in the same proportion as the acreage of cropland suitable for the production of dark air-cured tobacco on each such tract in such year bore to the total number of acres of cropland suit- able for the production of dark air-cured tobacco on the entire farm in such year unless otherwise recommended by the county committee and approved by the State committee.

(b) If two or more farms operated separately in 1940 are combined into a single farm for 1941, the 1941 dark air-cured tobacco allotment shall be the sum of the 1941 dark air-cured tobacco allotments for each of the farms composing the combination.

§ 726.364 Determination of normal yields. The normal yield for any farm shall be that yield which the local committee determines is normal for the farm taking into consideration (a) the yields obtained on other farms in the locality which are similar with respect to the production of dark air-cured tobacco; (b) the soil and other physical factors affecting the production of dark air-cured tobacco on the farm; and (c) the yields obtained on other farms in the locality which are similar with respect to the production of dark air-cured tobacco.

§ 726.365 Determination of dark air-cured tobacco acreage allotments for new farms. The dark air-cured tobacco acreage allotment for a new farm for 1941 shall be that acreage which the local committee determines is fair and reasonable for the farm taking into consideration each of the following factors: The past dark air-cured tobacco experience of the farm operator; the acreage of cropland in the farm suitable for dark air-cured tobacco production; the acreage capacity of farms which are located on the farm and which are in usable condition and available for the curing of dark air-cured tobacco, the customary crop rotation practices and the adaptability of the soil to the growing of dark air-cured tobacco: Provided, That the acreage allotment so determined shall be subject to approval of the State committee and shall not exceed the smallest of one-fifth of the past acreage of dark air-cured tobacco grown by the farm operator in the years 1936-1940, or 75 percent of the average dark air-cured tobacco acreage allotment for old farms in the county, or one acre.

Notwithstanding any other provisions of this section a dark air-cured tobacco acreage allotment shall not be established for any new farm unless the following conditions have been met:

(a) The farm operator shall have had two years or more experience in growing
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dark air-cured tobacco as a sharecropper, tenant, or as a farm operator during the past five years;
(b) The farm operator shall be living on the farm and largely dependent on the farm for his livelihood;
(c) The farm covered by the application shall be the only farm owned or operated by the farm operator on which tobacco of any kind is produced.
(d) The dark air-cured tobacco acreage available for establishing allotments for farms on which no dark air-cured tobacco was grown during the past five years shall be two-tenths of one percent of the national allotment for dark air-cured tobacco.

1 726.366 Time for filing application.

In order to obtain an allotment for a new dark air-cured tobacco farm in 1941, the operator of the farm shall file an application therefor on or before February 15, 1941.

1 726.367 Determination of normal yields. The normal yield for a new farm shall be that yield per acre which the local committee determines is reasonable for the production of dark air-cured tobacco.

Done at Washington, D. C., this 31st day of January 1941. Witness my hand and the seal of the Department of Agriculture.

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-769; Filed, February 1, 1941; 12:21 p.m.]

TITLE 14—CIVIL AVIATION
CHAPTER I—CIVIL AERONAUTICS AUTHORITY

[Amendment 6, Designation of Civil Airways]

AMENDMENT OF THE DESIGNATION OF ADDITIONAL CIVIL AIRWAYS

JANUARY 27, 1941.

Acting pursuant to the authority vested in me by the Civil Aeronautics Act of 1938, as amended, particularly section 302 thereof, I hereby amend the Designation of Civil Airways as follows:

1. By adding the following additional subsections to section 2 (e):


15. Rapid City, S. Dak., to Spearfish, S. Dak., Civil Airway. From the Municipal Airport, Rapid City, S. Dak., to the Municipal Airport, Spearfish, S. Dak.

16. Ketchikan, Alaska, to Haines, Alaska, Civil Airway. From the center of Ketchikan, Alaska, via the center of Petersburg, Alaska; and the center of Juneau, Alaska, to the center of Haines, Alaska.

17. Juneau, Alaska, to Anchorage, Alaska, Civil Airway. From the center of Juneau, Alaska, via Cape Spencer, Alaska, (Lat. 56°13' N, Long. 137°13' W); the center of Yakutat, Alaska; the center of Yakutats, Alaska; the center of Cordova, Alaska; and the center of Portage, Alaska, to the center of Anchorage, Alaska.

18. Petersburg, Alaska, to Cape Spencer, Alaska, Civil Airway. From the center of Petersburg, Alaska, via the center of Sitka, Alaska, to Cape Spencer, Alaska, (Lat. 58°13' N, Long. 137°13' W).

19. Anchorage, Alaska, to Fairbanks, Alaska, Civil Airway. From the center of Anchorage, Alaska, via the Talkeetna, Alaska, Airways Communications Station (Lat. 62°18'54" N, Long. 150°05'36" W); the center of Yakutat, Alaska; the center of Cordova, Alaska; and the center of Fairbanks, Alaska.

20. Fairbanks, Alaska, to Nome, Alaska, Civil Airway. From the center of Fairbanks, Alaska, via the center of Tanana, Alaska; the center of Ruby, Alaska; and Moses Point, Alaska, (Lat. 64°42' N, Long. 161°57' W), to the center of Nome, Alaska.

21. Nome, Alaska, to Point Barrow, Alaska, Civil Airway. From the center of Nome, Alaska, via the center of Kotzebue, Alaska, to the center of Point Barrow, Alaska.

22. Anchorage, Alaska, to Nome, Alaska, Civil Airway. From the center of Anchorage, Alaska, via Fairwell, Alaska, (Lat. 62°11' N, Long. 153°09' W); and the center of McGrath, Alaska, to the center of Nome, Alaska.

23. Anchorage, Alaska, to Naknek, Alaska, Civil Airway. From the center of Anchorage, Alaska, via the center of Kenai, Alaska; and the center of Iliamna, Alaska, to the center of Naknek, Alaska.

24. Anchorage, Alaska, to Unalaska, Alaska, Civil Airway. From the center of Anchorage, Alaska, via the center of Seward, Alaska; the center of Kodiak, Alaska; the center of Chignik, Alaska; and the center of King Cove, Alaska, to the center of Unalaska, Alaska.

25. Kodiak, Alaska, to Nome, Alaska, Civil Airway. From the center of Kodiak, Alaska, via the center of Naknek, Alaska; the center of Goodnews Bay, Alaska; and the center of Bethel, Alaska, to the center of Nome, Alaska.

26. Fairbanks, Alaska, to Bethel, Alaska, Civil Airway. From the center of Fairbanks, Alaska, via the center of Anchorage, Alaska; and the center of Naknek, Alaska, to the center of Bethel, Alaska.

27. Boundary, Alaska, to Fairbanks, Alaska, Civil Airway. From Boundary, Alaska, (Lat. 62°17' N, Long. 141°15' W), via the center of Tanana Crossing, Alaska; and the center of Big Delta, Alaska, to the center of Fairbanks, Alaska.

28. Cordova, Alaska, to Big Delta, Alaska, Civil Airway. From the center of Cordova, Alaska, via the center of Valdez, Alaska; the center of Copper Center, Alaska; and the center of Paxson, Alaska, to the center of Big Delta, Alaska.

This amendment to the Designation of the Civil Airways shall become effective on and after 12:01 A. M., E. S. T., February 3, 1941.

DONALD H. CONNOLLY,
Administrator of Civil Aeronautics.

[F. R. Doc. 41-777; Filed, February 1, 1941; 9:51 a.m.]

TITLE 16—COMMERCIAL PRACTICES
CHAPTER 1—FEDERAL TRADE COMMISSION

[Docket No. 3972]

PART 3—DIGEST OF CASES AND DESIST ORDERS

IN THE MATTER OF GROUP SALES CORPORATION

§ 3.6 (f) Advertising falsely or misleadingly—Demand or business opportunities: § 3.6 (j10) Advertising falsely or misleadingly—History of product or offering: § 3.6 (m2) Advertising falsely or misleadingly—Nature—Product: § 3.6 (a) Advertising falsely or misleadingly—Nature—Quality: § 3.6 (u) Advertising falsely or misleadingly—Quality: § 3.6 (cc) Advertising falsely or misleadingly—Source or origin—Maker: § 3.6 (dd10) Advertising falsely or misleadingly—Success, use or standing: § 3.7 Aiding, assisting or abetting unfair or unlawful act or practice. In connection with offer, etc., in commerce, of silks and rayons, (1) representing, or aiding retailers in representing, through the device of so-called "name-sales" of groups of piece goods, or through any other means or device, or in any manner, that groups of respondent's silk and rayon piece goods constitute "name-goods" unless all or the majority, of such piece goods included in such groups were actually produced and widely advertised by a nationally known manufacturer; or (2) representing as new, wanted, up-to-date, and the seal of the Department of Agriculture.
any fabric is other than the actual quality, character or origin of such fabric; or (4) representing that any product has been obtained by the respondent from the manufacturer of such product, when such product has not in fact been so obtained.

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

By the Commission.

[Seal]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 41-754,Filed, January 31, 1941; 1FR. p. m.]

(Docket No. 3629)

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF APEX LAMP WORKS

It is ordered, That the respondent, Group Sales Corporation, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of silks and rayons, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, or aiding retailers in representing, through the device of so-called "name-sales" of groups of piece goods, or through any other means or device, or in any manner, that groups of its silk and rayon piece goods constitute "name-goods" unless all, or the majority, of such piece goods included in such groups were actually produced and widely advertised by a nationally known manufacturer, and in the event such groups include pieces not so advertised or produced, then disclosure of such fact must be made. (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, Group Sales Corporation, Docket 2922, January 14, 1941)

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of January, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence taken before John P. Bramhall and William C. Reeves, Examiners of the Commission therebefore duly designated by it in support of the allegations of said complaint (respondent not having presented any testimony or other evidence in opposition to the allegations of the complaint) and brief on behalf of the Commission filed herein (respondent not having filed brief or requested oral argument) and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent B. Solomon, trading as the Apex Lamp Works, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, in connection with offer, etc., in commerce, of reflectors for electric light bulbs, now known as and sold under the name "Ampliflector", or any other similar product sold under the same name or any other name, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing:

(1) That respondent's product is a new and amazing light discovery that cuts light bills substantially, pays for itself quickly out of actual savings, or effects economies in the use of electric current which will not result from the use of other reflectors;

(2) That respondent's product is an advancement in the science of light reflectors; that the volume of light at the source is increased through the use of said product with any lamp or bulb, or that the attachment of said product to a small bulb produces illumination equal to that obtained by the use of a larger bulb with other reflectors; and that (3) tests have been made which prove that the use of said reflector increases the intensity of light from an electric light bulb to a greater degree than it can be increased through the use of other reflectors, (4) the use of a diamond shaped design in the reflecting surface of respondent's reflector amplifies the light in the bulb, (5) said reflector provides extreme concentration of light rays, and (6) said reflector increases the candlepower of an electric bulb; 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, Apex Lamp Works, Docket 3639, January 15, 1941)

In the Matter of B. Solomon, Trading as Apex Lamp Works

At a regular session of the Federal Trade Commission held at its office in

2 F.R. 562.
PART 3—DIGEST OF CEASE AND DESIST ORDERS
IN THE MATTER OF NATIONAL PROPRIETARIES, INC.

§ 3.6 (t) Advertising falsely or misleadingly—Qualities or properties of product: § 3.6 (y) Advertising falsely or misleadingly—Safety: § 3.71 (e) Neglecting, unfairly or deceptively, to make material disclosure—Safety. Disseminating, etc., in connection with offer, etc., of respondent's medicinal preparation now designated as Nuga-Tone, or any other similar preparation, whether sold under the same or under any other name, do disseminating any advertisement by means of the United States mails or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or through inference, that respondent's preparation Nuga-Tone possesses any therapeutic value in the treatment of nervous disorders or which advertise-ment fails to reveal that use of said preparation may result in chronic poisoning, irritation of the kidneys, nervous irritability, neuritis, psychoses, cachexia, muscular atrophy, decalcification of the bones or anemia.

It is further ordered, That respondent shall, within ten (10) days after service upon it of this order, file with the Commission an interim report in writing, stating whether it intends to comply with this order and, if so, the manner and form in which it intends to comply; and that within sixty (60) days after service upon it of this order, said respondent shall file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

OTIS B. JOHNSON,
Secretary.

[Docket No. 4271]

PART 2—DIGEST OF CEASE AND DESIST ORDERS
IN THE MATTER OF THE ZONE COMPANY, ETC.

§ 3.6 (t) Advertising falsely or misleadingly—Qualities or properties of product: § 3.6 (x) Advertising falsely or misleadingly—Results: § 3.6 (y) Advertising falsely or misleadingly—Safety: § 3.71 (y10) Advertising falsely or misleadingly—Scientific or other relevant facts. In connection with offer, etc., of Nu-Mode Vaginal Jelly (also known as A. M. Vaginal Jelly), Nu-Mode Hygiene Tablets, Vaginal Suppositories and Douche Tablets, and Speed Nu-Mode Hygiene, Douche Tablets form safe, competent and effective preventative against conception, that said products possess powerful germ-destroying properties, or that their use constitutes a dependable, positive or guaranteed method of preventing pregnancy; or (2) that respondent's product known as Nu-Mode Ladies Womb Supporter is comfortable, efficient or sanitary, that it supports the womb without movement or tendency toward muscles, or that said device has any therapeutic value in the treatment of either the forward or backward displacement of the uterus or in the treatment of any inflammation of the uterine parts; that respondent's product known as Athlete's Foot Salve is a cure or remedy for the condition known as Athlete's Foot or that it has any therapeutic value in the treatment thereof in excess of temporarily relieving the symptoms of itching and in some cases destroying the superficial fungi associated with such condition; or (4) that respondent's product known as A. M. Wonder Salve is a cure or remedy for eczema or other forms of itch or rash or has any therapeutic value in the treatment thereof in excess of affording temporary relief from the symptoms of itching associated with such conditions, or that said preparation has any properties which would be effective in preventing infection or that has any value in the treatment of ulcers, old sores, leg sores, acne or pimples; 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, National Proprietaries, Inc., Docket 4271, January 15, 1941]

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 15th day of January, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which an- swer respondent admits all the material allegations of fact set forth in said complaint and waives all intervening proce-dure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclu-sion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondent, National Proprietaries, Inc., a corporation, its agents, representatives, employees and officers, directly or through any corporate or other devise, in connection with the offering for sale, sale and distribution of its medicinal preparation now designated as Nuga-Tone, or any other preparation of substantially similar com-position or substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement (a) by United States mails or (b) by any means in commerce, as commerce is defined in the Federal Trade Commission Act, which advertisement represents directly or through inference, that respondent's preparation Nuga-Tone possesses any therapeutic value in the treatment of nervous disorders or which advertise-ment fails to reveal that use of said preparation may result in chronic poisoning, irritation of the kidneys, nervous irritability, neuritis, psychoses, cachexia, muscular atrophy, decalcification of the bones or anemia;

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said preparation Nuga-Tone, which advertisement con-tains any of the representations prohib-ited in paragraph 1 hereof or which fail to reveal that use of said prepara-tion may result in chronic poisoning, irr-itation of the kidneys, nervous irritability, neuritis, psychoses, cachexia, muscular atrophy, decalcification of the bones or anemia.

It is further ordered, That respondent shall, within ten (10) days after service upon it of this order, file with the Com-mission an interim report in writing, stating whether it intends to comply with this order and, if so, the manner and form in which it intends to comply; and that within sixty (60) days after service upon it of this order, said respondent shall file with the Commission a report in writing, setting forth in detail the manner and form in which it has com-plied with this order.

By the Commission.

OTIS B. JOHNSON,
Secretary.

[Docket No. 4552]

PART 2—DIGEST OF CEASE AND DESIST ORDERS
IN THE MATTER OF THE ZONE COMPANY, ETC.

In the Matter of Harry S. Benham, an individual, trading as The Zone Company, Active Merchandisers, Active Medicine, Nu-Mode Company, and American Medicine Company.

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 15th day of January, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which an- swer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all inter-vening 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, Harry S. Benham, individually, and trading as The Zone Company, Active Merchandisers, Active Medicine, Nu-Mode Company and American Medicine Company, or trading under any other name or names, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of Nu-Mode Vaginal Jelly (also known as A. M. Vaginal Jelly), Nu-Mode Hygiene Tablets, Vaginal Suppositories and Douche Tablets. Speed Nu-Mode Hygiene Douche Tablets, Athlete’s Foot Salve, Wonder Salve, and Womb Supporter, or any products or devices of substantially similar composition or possessing substantially similar properties, whether sold under the same or under any other names, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by any means of the United States mails, or (b) by any means in commerce, as commerce is defined in the Federal Trade Commission Act, which advertisements represent directly or through inference:

(a) That use of respondent’s products known as Nu-Mode Vaginal Jelly (also known as A. M. Vaginal Jelly), Nu-Mode Hygiene Tablets, Vaginal Suppositories and Douche Tablets and Speed Nu-Mode Hygiene Douche Tablets form safe, competent and effective preventatives against conception; that said products possess powerful germ-destroying properties; or that their use constitutes a dependable, positive or guaranteed method of preventing pregnancy.

(b) That respondent’s product known as Nu-Mode Ladies Womb Supporter is comfortable, efficient or sanitary; that it supports the womb without irritation; that it tends to relieve over-worked muscles; or that said device has any therapeutic value in the treatment of either the forward or backward displacement of the uterus or in the treatment of any inflammation of the uterine parts.

(c) That respondent’s product known as Athlete’s Foot Salve is a cure or remedy for conditions known as Athlete’s Foot or that it has any therapeutic value in the treatment thereof in excess of temporarily relieving the symptoms of itching and in some cases destroying the superficial fungi associated with Athlete’s Foot.

(d) That respondent’s product known as A. M. Wonder Salve is a cure or remedy for eczema or other forms of itch or rash or has any therapeutic value in the treatment of ulcers, old sores, leg sores, acne or pimples.

It is further ordered, That the respondent shall, within sixty (60) days after service 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 compiled with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 41-766; Filed, January 31, 1941; 3:20 p.m.]

[Docket No. 3653]

PART 3—DIGEST OF CEASE AND DESIST ORDERS
IN THE MATTER OF HOME DIATHERMY COMPANY, INC. *

§ 3.6 (1) Advertising falsely or misleadingly—Qualities or properties of product: § 3.6 (x) Advertising falsely or misleadingly—Results: § 3.6 (y) Advertising falsely or misleadingly—Safety: § 3.71 (e) Neglecting unfairly or deceptively, to make material disclosure—Safety. Disseminating, etc., in connection with offer, etc., of respondent’s “Home Diathermy” device, whether of long or short wave type, or any similar device, any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said device, which advertisements represent, directly or through inference, that said device may be easily and safely used in the home, or that use thereof constitutes a cure or remedy for arthritis, neuritis, bursitis, sciatica, neuralgia, lumber, hay fever, asthma, high or low blood pressure, or rheumatism, or that said device has any therapeutic value in the treatment of any of such diseases and conditions, or has any therapeutic value in the treatment of any other ailment, unless such advertisements are specifically limited to those cases of such disorders and ailments where acute inflammation, infection, pus formations, arteriosclerosis, or conditions in which there is a tendency to hemorrhage are not present; or which advertisements fail to conspicuously reveal that the device may be safely used only after a competent medical authority has determined, as a result of diagnosis, that diathermy is indicated and necessary.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence taken before John P. Bramhall and Arthur F. Thomas, examiners of the Commission therefore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein and oral arguments by R. A. McCouat, counsel for the Commission, and by Saul L. Harris, counsel for the respondent, and the Commission, on November 20, 1940, having made and issued its findings as to the facts and its conclusion that the respondent had violated the provisions of the Federal Trade Commission Act, and having made and issued its order to cease and desist herein on the same date, and it now appearing that such order to cease and desist should be modified in certain respects and the Commission therefore duly considered the matter and is now fully advised in the premises;

It is ordered, That the order to cease and desist 1 issued herein on November 20, 1940, be, and the same hereby is, modified so that as modified said order to cease and desist shall read:

It is ordered, That the respondent, Home Diathermy Company, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of any device designated as “Home Diathermy” whatever the long wave or short wave type, or any other device of substantially similar construction or possessing substantially similar qualities, whether sold under the name or any other name or names, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as “commerce” is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference that said device constitutes a cure or remedy for arthritis, neuritis, bursitis, sciatica, neuralgia, lumber, hay fever, asthma, high or low blood pressure, or rheumatism, or that said device has any therapeutic value in the treatment of any of such diseases and conditions, or has any therapeutic value in the treatment of any other ailment, unless such advertisement is specifically limited to those cases of such disorders and ailments where acute inflammation, infection, pus formations, arteriosclerosis, or conditions in which there is a tendency to hemorrhage are not present; or which advertisement fails to conspicuously reveal that the device may be safely used only after a competent medical authority has determined, as a result of diagnosis, that diathermy is indicated and necessary.

2. Reprinted from FEDERAL REGISTER, Tuesday, February 4, 1941, page 743.

* 5 F.R. 4732.

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Order Modifying Order to Cease and Desist

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 January, A. D. 1941.
TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934.

AMENDMENT TO PROXY REGULATIONS

The Securities and Exchange Commission, deeming it necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 14 (a) and 23 (a) thereof, hereby takes the following action:

Regulation X-14 (17 C.F.R. Part 240), as at present in effect, is amended in the following respects:

The first sentence of § 240.14a-2 (Rule X-14A-2) is amended by striking out the words “means shall have been provided whereby the person solicited is afforded an opportunity to specify, in a space provided in the form of proxy or otherwise,” and substituting therefor the words “means shall have been provided whereby the person solicited is afforded an opportunity to specify, either in a space provided therefor or otherwise, in the form of proxy” so that the rule, as amended, will read as follows:

§ 240.14a-2 Duty to provide means by which desired action can be specified. No solicitation subject to section 14 (a) (Sec. 14, 46 Stat. 835; 15 U.S.C. 78n) of the Act shall be made unless (a) means shall have been provided whereby the person solicited is afforded an opportunity to specify, either in a space provided therefor or otherwise, in the form of proxy the action which such person desires to be taken pursuant to the proxy on each matter, or each group of related matters as a whole, described in the proxy statement as intended to be acted upon, other than elections to office, and (b) the authority conferred as to each such matter or group of matters is limited by the specification so made. Nothing in this part shall prevent the solicitation of a proxy conferring discretionary authority with respect to matters as to which the person solicited does not make the specification provided for above, or with respect to matters not known or determined at the time of the solicitation, or with respect to elections to office: Provided, however, That no authority shall be sought to vote the proxy upon the election of any person to any office (inclusive of that of auditors and members of a committee to select auditors) for which a bona fide nominee is not named in the proxy statement. (Rule X-14 A-2)

Effective February 3, 1941.

By the Commission.

[SEAL]

FRANCES B. BRASIER,
Secretary.

[FR. Doc. 41-802; Filed, February 3, 1941; 11:41 a.m.]

TITLE 24—HOUSING CREDIT

CHAPTER IV—HOME OWNERS’ LOAN CORPORATION

ADMINISTRATIVE ORDER No. 2-287

PART 402—LOAN SERVICE

WITHDRAWAL FROM FORECLOSURE, TERMS OF PAYMENT

The sixth paragraph of § 402.03–20 is amended by changing the first sentence thereof to read as follows:

Terms of payment. The Regional Manager should forward to the Regional Counsel with the “Notice of Withdrawal” a statement of the outstanding indebtedness and the terms upon which it is to be repaid, and, where required, a copy of Form 583 indicating that a Tax and Insurance account is to be established in connection with the withdrawal.

Effective date February 10, 1941.

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to see 4 (a), 4 (k), of Home Owners’ Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k).)

[SEAL]

J. FRANCIS MOORE,
Secretary.

[FR. Doc. 41–751; Filed, January 31, 1941; 12:39 p. m.]

ADMINISTRATIVE ORDER No. 2–287

PART 402–LOAN SERVICE

WITHDRAWAL FROM FORECLOSURE, TERMS OF PAYMENT

The sixth paragraph of § 402.03–20 is amended by changing the first sentence thereof to read as follows:

Terms of payment. The Regional Manager should forward to the Regional Counsel with the “Notice of Withdrawal” a statement of the outstanding indebtedness and the terms upon which it is to be repaid, and, where required, a copy of Form 583 indicating that a Tax and Insurance account is to be established in connection with the withdrawal.

Effective date February 10, 1941.

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to see 4 (a), 4 (k), of Home Owners’ Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k).)

[SEAL]

J. FRANCIS MOORE,
Secretary.

[FR. Doc. 41–750; Filed, January 31, 1941; 12:39 p. m.]

Regional Counsel advises generally or in particular cases that negotiations to that end will not prejudice the Corporation’s legal rights or remedies or endanger the foreclosure proceedings, the Loan Service Division may service the account by contacting the home owner and negotiating with him for said purposes.

The fourth paragraph of § 402.03–20 is amended to read as follows:

Withdrawn foreclosures. In all cases of withdrawal, a Tax and Insurance account shall be established or reestablished, where required. In cases where a lump sum payment is being made to the Tax and Insurance account in connection with the withdrawal, the Regional Manager shall inform the Regional Accountant the amount of the initial accrual to be set up in the Tax and Insurance account.

Effective date February 10, 1941.

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to see 4 (a), 4 (k), of Home Owners’ Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k).)
paid employees engaged in the production of woven or knitted fabric gloves and leather gloves, the Administrator deemed it advisable in said order to reopen the hearing for the purpose of adding additional evidence; and

Whereas pursuant to notice the hearing was reopened upon the Committee's recommendations with respect to the woven or knitted fabric glove and the leather glove divisions of the needlework industries in Puerto Rico at Washington, D. C., before Henry T. Hunt, Esquire, as presiding officer, on December 16, 1940; and

Whereas the complete record of the hearing before the presiding officer was transmitted to the Administrator and all persons who appeared at said hearing were given leave to submit briefs and were given opportunity on January 6, 1941, to present oral argument to the Administrator; and

Whereas the Administrator upon reviewing all the evidence adduced at the proceedings and after giving consideration to the provisions of the Act, particularly sections 5 and 8 thereof, has concluded that the separable recommendations of the Committee for minimum wage rates in the woven or knitted fabric glove and the leather glove divisions of the needlework industries, as defined, were severally and jointly made in accordance with law, that they are supported by the evidence adduced at the hearings, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of Sections 5 and 8 of the Act; and

Whereas the Administrator has set forth his decision in an opinion entitled ‘Findings and Opinion of the Administrator in the Matter of the Recommendations of the Special Industry Committee for Puerto Rico for Minimum Wage Rates in the Woven or Knitted Fabric Glove and the Leather Glove Divisions of the Needlework Industries in Puerto Rico’ and has directed that the separable recommendations of the Special Industry Committee for Puerto Rico for the needlework industries in Puerto Rico with the exception of the Committee's recommendations of (1) 15 cents per hour to the employees in the woven or knitted fabric glove division engaged in hand sewing operations and 20 cents per hour when engaged in other operations and (2) 18 cents per hour to the employees in the leather glove division engaged in hand sewing operations and 20 cents per hour when engaged in other operations; and

Whereas with respect to such recommendations for minimum wages to be

§ 590.3 Notices of order. Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the woven or knitted fabric or the leather glove divisions of the needlework industries shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 590.4 Definitions of the woven or knitted fabric and the leather glove divisions of the needlework industries. The divisions of the needlework industries to which this Wage Order and its several provisions shall apply are hereby defined as follows:

(a) The term woven or knitted fabric glove division shall mean the manufacture of all gloves or mittens from woven or knitted fabrics.

(b) The term leather glove division shall mean the manufacture of all gloves or mittens from leather or from leather in combination with woven or knitted fabrics.
ORDER OF THE DIRECTOR GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITIONS OF DISTRICT BOARD 8 FOR RECLASSIFICATION OF PRUDEN COAL AND COKE COMPANY AND OF DISTRICT BOARD 8 FOR CHANGE IN CLASSIFICATION OF KENTUCKY CARDINAL COAL CORPORATION

Original petitions, pursuant to section 411 (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division on October 12 and 23, 1940, by District Board 8, seeking modification of the effective price classifications for the coals in Size Group 22 produced by Pruden Coal and Coke Company at its Back Creek No. 2 Mine in District 8, and for the coals in Size Groups 25 and 26 produced by Kentucky Cardinal Coal Corporation at its Cardinal No. 1 Mine in District 8; and

Hearings having been held before an Examiner of the Bituminous Coal Division at a Hearing Room of the Division, 384 Fifteenth Street N.W., Washington, D.C., on December 10, 1940; and

The 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; and

The Director having made Findings of Fact and Conclusions of Law in this matter, dated January, 1941, which are filed herewith:

It is ordered, That, commencing ten days after the date hereof, § 328.11 is hereby modified as follows:

Change the price classification shown for the coals in Size Group 22, produced at the Back Creek No. 2 Mine (Mine Index No. 27) of the Pruden Coal and Coke Company, from "F" to "N", with corresponding revisions in the minimum prices f. o. b. mine to all Market Areas.

Change the price classifications shown for the coals in Size Groups 25 and 26, produced at the Cardinal No. 1 Mine (Mine Index No. 93) of the Kentucky Cardinal Coal Corporation, from "C" to "E", with corresponding revisions in the minimum prices f. o. b. mine to all Market Areas.

Dated: January 31, 1941.

H. A. Gray, Director.

MODIFYING SCHEDULE OF MAXIMUM DISCOUNTS

Pursuant to proceedings duly held in Docket No. 1503-FD, and upon Findings of Fact, Conclusions, and Opinion therein rendered,

It is ordered, That the Schedule of maximum discounts that may be allowed by code members to registered farmers' cooperative organizations, as heretofore established by Orders of the Director in General Docket No. 12, dated June 19, 1940, and June 27, 1940, be and it is hereby amended to read as follows:

"The maximum discounts that may be allowed from the effective minimum prices on coal purchased by registered bona fide and legitimate farmers' cooperative organizations are as follows:

1) For the coals produced in Districts Nos. 1, 2, 3, 4, 6, 7 and 8, which are sold to a registered bona fide and legitimate farmers' cooperative organization for resale by it to consumers, maximum discounts equal to the maximum discounts permitted on coals sold to registered distributors for resale to consumers.

2) For the coals produced in Districts Nos. 1, 2, 3, 4, 6, 7 and 8, which are sold to a registered bona fide and legitimate farmers' cooperative organization for resale by it to retail dealers, maximum discounts equal to the maximum discounts permitted on coals sold to registered distributors for resale to retail dealers."

March 1, 1941.

H. A. Gray, Director.

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF JUNCTION COAL COMPANY, JUNCTION MINE, MINE INDEX NO. 3217, A CODE MEMBER PRODUCER IN DISTRICT NO. 8, NOT HERETOFORE CLASSIFIED AND PRICED

An original petition, pursuant to section 411 (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment of price classifications and minimum prices for the coals of Junction Coal Company, Junction Mine, Mine Index No. 3217, a Code member producer in Nicholas County, West Virginia, located in Sub-District No. 4 of District No. 8, not heretofore classified and priced; 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 the same hereby is, granted as follows: Commencing forthwith § 328.34 is amended by adding thereto the following schedule which is applicable to the coals of Junction Coal Company, Junction Mine, Mine Index No. 3217:

For truck shipments

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<th>Size groups</th>
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<td>230</td>
<td>220</td>
<td>210</td>
<td>200</td>
<td>195</td>
<td>190</td>
</tr>
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</table>

and § 328.11 is amended by adding there to the following schedule which is applicable to the coals of Junction Coal Company, Junction Mine, Mine Index No. 3217:
Company, Junction Mine, Mine Index No. 3217:

For all shipments except truck

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<th>Size groups</th>
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<td>H</td>
<td>G</td>
<td>E</td>
<td>C</td>
<td>E</td>
<td>C</td>
<td>E</td>
<td>C</td>
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<td>C</td>
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<td>C</td>
<td>E</td>
<td>C</td>
<td>E</td>
<td>C</td>
<td>E</td>
<td>C</td>
<td>E</td>
<td>C</td>
<td>E</td>
<td>C</td>
<td>E</td>
</tr>
</tbody>
</table>

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: January 31, 1941.

[Seal]

H. A. Gray, Director.

[P. R. Doc. 41-782; Filed, February 1, 1941; 11:02 a. m.]

[Dockets Nos. A-561 and A-562]

PART 329—MINIMUM PRICE SCHEDULE, District No. 9

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTERS OF THE PETITIONS OF DISTRICT BOARD 9 FOR THE ESTABLISHMENT, BOTH TEMPORARY AND PERMANENT, OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 9 NOT HERETOFORE CLASSIFIED AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 9 not heretofore classified and priced; and

It appearing that the above-entitled matters raise analogous issues; 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 matters; and

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

It is ordered, That the above-entitled matters be, and they hereby are, consolidated.

It is further ordered, That pending final disposition of the above-entitled matters, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 329.5 is amended by adding thereto "Supplement R", dated January 21, 1941, which is hereinafter set forth, and § 329.24 is amended by adding thereto "Supplement T", dated January 21, 1941, which is hereinafter set forth.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters, 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: January 31, 1941.

[Seal]

H. A. Gray, Director.

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

SUBPART A—ALL SHIPMENTS EXCEPT TRUCK

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 329, for District No. 9 and Supplements thereto.

§ 329.24 General prices in cents per net ton for shipment into any market area

<table>
<thead>
<tr>
<th>Code member</th>
<th>Mine Index No.</th>
<th>Mine</th>
<th>Size group Nos.</th>
<th>Prices and size group Nos.</th>
</tr>
</thead>
<tbody>
<tr>
<td>213</td>
<td>Morris, Basil &amp; Arthur</td>
<td>Morris Bros.</td>
<td>9</td>
<td>10</td>
</tr>
<tr>
<td>97</td>
<td>Brown, R. L.</td>
<td>Brown</td>
<td>6</td>
<td>7</td>
</tr>
</tbody>
</table>

The f. o. b. mine prices for coal shipped by Morris, Basil & Arthur, Morris Bros. mine, to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are at the same as the prices shown for Beech Creek Coal Company, Beech Creek Mine, Mine Index No. 1, in Price Schedule No. 1 for District No. 9, for All Shipments Except Truck.

The f. o. b. mine prices for coal shipped by Brown, R. L., Brown mine, to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are at the same as the prices shown for Dawson Daylight Coal Company, Dawson Daylight Number Six Mine, Mine Index No. 19, in Price Schedule No. 1 for District No. 9, for All Shipments Except Truck.

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

SUBPART B—TRUCK SHIPMENTS

Note: The material contained in this Supplement T is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, for District No. 9 and Supplements thereto.
free dollar accounts if necessary, and only to the extent necessary, to effect such remittances. Banks are not authorized to establish or maintain free dollar accounts in cases where such remittances may be effected in the manner prescribed in (a) or (b) of Section A above.

Banks through which any such remittances originate shall execute promptly Section A of Form TFR-132 in triplicate with respect to each such remittance. When so executed such copies of Form TFR-132 shall be forwarded promptly to the bank ultimately transmitting abroad (by cable or otherwise) the payment instructions for such remittance and the latter bank shall, upon the receipt thereof, execute Section B of such copies of Form TFR-132 and promptly file such executed report in triplicate with the appropriate Federal Reserve Bank. If the bank through which any such remittance originates is also the bank ultimately transmitting abroad the payment instructions for such remittance, then such bank shall execute both Sections A and B of such report. No report on Form TFR-132 shall be deemed to have been filed in compliance with this general license unless both Sections A and B thereof have been duly executed as herein prescribed.

As used in this general license:

(1) The term "bank" shall mean any branch or office within the United States of any of the following which is not a national of any foreign country designated in Executive Order No. 8389, as amended: any bank or trust company incorporated under the laws of the United States or of any state, territory or district of the United States, or any private bank subject to supervision and examination under the banking laws of any state, territory or district of the United States. The term "bank" shall also include any other banking institution which is specifically authorized by the Treasury Department to be treated as a "bank" for the purpose of this general license.

(2) The term "household" shall mean:
(a) those individuals sharing a common dwelling as a family; or (b) any individual not sharing a common dwelling with others as a family.*

*Part 162; Sec. 5 (b), 46 Stat. 415 and 966; Sec. 2, 46 Stat. 1; Public Resolution No. 69, 76th Congress; 12 U.S.C. 95a; E.O. 6560, Jan. 15, 1934; E.O. 8389, April 10, 1940; E.O. 8405, May 10, 1940; E.O. 8446, June 17, 1940; E.O. 8464, July 15, 1940; E.O. 8498, July 25, 1940; E.O. 8565, Oct. 10, 1940; Regulations, April 10, 1940, as amended May 10, 1940, June 17, 1940, July 15, 1940, and Oct. 10, 1940.

[SEAL]

D. W. BELL,
Acting Secretary of the Treasury.

FEBRUARY 1, 1941.

[FR Doc. 41-780; Filed, February 3, 1941; 9:28 a.m.]
May 10, 1940; E.O. 8446, June 17, 1940; E.O. 8684, July 15, 1940; E.O. 8693, July 25, 1940; E.O. 8505, Oct. 10, 1940; Regulations, April 10, 1940, as amended May 10, 1940, June 17, 1940, July 15, 1940, and Oct. 10, 1940.

[SEAL] D. W. BELL, Acting Secretary of the Treasury.

[F. R. Doc. 41-790; Filed, February 3, 1941; 9:28 a. m.]

**TITLE 33—NAVIGATION AND NAVIGABLE WATERS**

**CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT**

**PART 204—DANGER ZONE REGULATIONS**

§ 204.33 Waters of Gulf of Mexico; U. S. Army Air Corps Target Areas off Bayport, Florida, is 26,775 feet wide (east to west) by 30,300 feet long (north to south) and lies between latitudes 28°25' and 28°45' (south) and lies between longitudes 82°50' and 82°55'.

The middle area, the southeasterly corner of which is located 14,000 feet S. 28°30' W. from Waccasassa Point, is 26,616 feet wide (east to west) by 30,300 feet long (north to south) and lies between latitudes 29°02'30" and 29°07'30" and longitudes 82°50' and 82°55'.

The southerly area, the southeasterly corner of which is located 44,000 feet S. 28°30' W. from the point of land at Bayport, Florida, is 26,692 feet wide (east to west) by 30,300 feet long (north to south) and lies between latitudes 28°25' and 28°30' and longitudes 82°47' and 82°52'.

The regulations

(a) (1) The northerly area, the northeast corner of which is located 14,500 feet S. 28°30' W. from Waccasassa Point, is

(b) The danger areas are open to navigation except when bombing practice is being conducted.

1 MILES (EAST) (WEST) 6 MILES (NORTH) (SOUTH) (DIRECTIONS TRUE)

(3) Prior to conduct of each bombing practice the areas shall be patrolled by Army aircraft, which will warn navigation to leave the area by the "buzzing" signal, that is, by flying low over the craft and signalling by opening and closing the throttle.

(4) Upon the sounding of this signal any watercraft within the area designated shall immediately leave it, and no craft shall enter this area until practice has ceased.

(5) These regulations shall be enforced by the Commanding Officer, MacDill Field, Tampa, Florida, and such agencies as he may designate. (Sec. 7, River and Harbor Act, Aug. 8, 1917; 40 Stat. 266; 33 U.S.C. 1) [Regs. Jan. 3, 1941 (E.O. 7195 (Mexico, Gulf of) 4/1)]


[F. R. Doc. 41-792; Filed, February 3, 1941; 9:49 a. m.]

**TITLE 49—TRANSPORTATION AND RAILROADS**

**CHAPTER I—INTERSTATE COMMERCE COMMISSION**

In the Matter of Applications for Exemption of Motor Carriers Engaged in Transportation in Interstate or Foreign Commerce Solely Within One State

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 30th day of September, A. D. 1940, the matter of applications under the above title being under consideration:

It is ordered, that applications for certificates of exemption under section 204 (a) (4a), Part II of the Interstate Commerce Act, exempting from compliance with the provisions of said part any motor carrier lawfully engaged in transportation in interstate or foreign commerce solely within a single State, which transportation is of such nature, character, or quantity as not substantially to affect or impair uniform regulation by the Commission of transportation by motor carriers engaged in interstate or foreign commerce in effectuating the national transportation policy declared in said Act, shall be in the form and contain the information called for in the form of application attached hereto and made a part hereof.

And it is further ordered, that the verified original application and one copy thereof shall be filed with the Interstate Commerce Commission, Washington, D. C., and one copy shall be delivered, in person or by registered mail, to the Board, Commission, or official (or Governor, if there be no Board, Commission, or official) having authority to regulate transportation by motor vehicles, of the State in which applicant operates, and that a notice of the filing of such application shall be served, in person or by registered mail, upon each motor carrier with whose service the operations described in such application are directly competitive.

By the Commission, Division 5.


[F. R. Doc. 41-797; Filed, February 1, 1941; 11:12 a. m.]

**Notices**

**WAR DEPARTMENT.**

**INDUCTION OF CERTAIN NATIONAL GUARD UNITS, EFFECTIVE FEBRUARY 24, 1941**

JANUARY 31, 1941.

To: Commanding Generals, Second, Third and Fourth Armies; Commanding Generals of First, Fourth, Fifth, Sixth, Seventh, Eighth and Ninth Corps Areas.

1. Pursuant to and in compliance with the provisions of Executive Order Number 8838, January 14, 1941, ordering certain units and members of the National Guard of the United States into the active military service of the United States, effective on dates to be announced in War Department orders, February 24, 1941, is hereby announced as the effective date of induction for the following organizations:

<table>
<thead>
<tr>
<th>Unit</th>
<th>State</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>115th Cavalry</td>
<td>Conn., Maine</td>
<td>43d Cavalry</td>
</tr>
<tr>
<td>Headquarters Battery, 74th Ga. Field Artillery Brigade</td>
<td>Vt.</td>
<td>41st Division</td>
</tr>
<tr>
<td>Headquarters Battery, 76th Tenn. Field Artillery Brigade</td>
<td>Wyo.</td>
<td>115th Cavalry</td>
</tr>
<tr>
<td>168th Field Artillery</td>
<td>Colo.</td>
<td>160th Field Artillery</td>
</tr>
<tr>
<td>172d Field Artillery</td>
<td>N. Y.</td>
<td>165th Field Artillery</td>
</tr>
<tr>
<td>179th Field Artillery</td>
<td>Ga.</td>
<td>171st Field Artillery</td>
</tr>
<tr>
<td>181st Field Artillery</td>
<td>Tenn.</td>
<td>172d Field Artillery</td>
</tr>
<tr>
<td>210th Coast Artillery (Anti-aircraft)</td>
<td>Mich.</td>
<td>201st Field Artillery</td>
</tr>
<tr>
<td>15d Coast Artillery Battalion Ky. (Anti-aircraft)</td>
<td>Conn.</td>
<td>115th Observation Squadron</td>
</tr>
</tbody>
</table>

2. Separate instructions are being transmitted for the troop movements to be made following induction.

3. Governors and State Adjutants General of states concerned are being furnished copies of this letter.

By order of the Secretary of War.


[F. R. Doc. 41-791; Filed, February 3, 1941; 9:49 a. m.]

[Contract No. W. 535 ac-10996 (4123)]

**SUMMARY OF CONTRACT FOR SUPPLIES**

**CONTRACTOR:** LINK AVIATION DEVICES, INC.

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
<th>Place</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Material Division, Air Corps, U.S. Army, Wright Field, Dayton, Ohio.</td>
<td>$4,097,412.00</td>
<td>Materiel Division, Air Corps, U.S. Army, Wright Field, Dayton, Ohio.</td>
</tr>
</tbody>
</table>

FEDERAL REGISTER, Tuesday, February 4, 1941

749
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 availability balances of which are sufficient to cover cost of same:

NG 15431 P 59–3059 A 1465–01
AC 30 P 86–3059 A 0705–01

This Contract, entered into this 30th day of November 1940.

Scope of this contract. The contractor shall furnish and deliver to the Government all of the articles and data as set forth more particularly in Article 16 hereof, for the consideration stated four hundred twenty thousand dollars ($4,200,000.00) 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 contractor may at any time, by a written order, and without notice to the sureties, make changes in the drawings and 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. Unapproved, unpriced 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, whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Articles and prices called for and prices therefor. (1) The Contractor shall furnish and deliver to the Government all of the following articles, to-wit:

<table>
<thead>
<tr>
<th>Item</th>
<th>Articles</th>
<th>Total Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Trainers</td>
<td>$4,056,192.00</td>
</tr>
<tr>
<td>2</td>
<td>Trainers</td>
<td>$1,420,000.00</td>
</tr>
</tbody>
</table>

The supplies to be obtained under Article 1 of this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authorities, the availability balances of which are sufficient to cover cost of same: NG 15431 P 59–3059 A 1465–01

Summary of Contract for Supplies

CONTRACTOR: BETHLEHEM STEEL COMPANY

Item 1—Trainers for the consideration stated four hundred twenty thousand dollars ($4,200,000.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

(c) Priced parts list in vandyke form to permit procurement of spare parts for Trainers called for hereunder while same are in production.

(d) Item 2—Vandyke drawings and parts lists covering said articles.

(b) * * * Handbook of Instructions and Parts Catalog covering said articles.

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

Place of manufacture. The contractor will perform the work under this contract in the factory or factories listed below:

Bethlehem Steel Company
Bethlehem, Pennsylvania

Performance bond. Contractors shall be required to furnish a performance bond in duplicate in the sum of ten percent of the total amount of this con-
tract with surety or other security ac-
ceptable to the Government to cover the
successful completion of this contract.
This contract is authorized by the fol-
lowing law:

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. 41-772; Filed, February 1, 1941;
9:50 a. m.]

[Contract No. W 535 ac-16022 (4031)]

SUMMARY OF CONTRACT FOR SUPPLIES
contractor: SPERRY GYROSCOPE COMPANY, INC.

Contract for Aircraft Automatic Pilot Parts; and Data.
Amount $3,519,720.00.
Place Materiel Division, Air Corps,
U. S. Army, Wright Field, Dayton, Ohio.
The supplies and services to be obtained
by this instrument are authorized by,
are for the purpose set forth in, and
are subject to the following Procure-
ment Authorities, the available balances
of which are sufficient to cover cost of

AC 32 P 12-3037 A 0705-003-01
AC 34 P 12-3037 A 0705-01

This Contract, entered into this 3rd
day of December, 1940.
Scope of this contract. The contractor
shall furnish and deliver to the Gov-
ernment Aircraft Automatic Pilot Parts;
and Data, for the consideration stated
Three Million, Five Hundred Nineteen
Thousand, Seven Hundred Twenty Dol-
ars ($3,519,720.00), 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 manufac-
tured 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 sup-
plies 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 on any extension
thereof, the Government may by written
notice terminate the right of the con-
tactor 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
prepared invoices or vouchers, the prices
stipulated 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 per-
cent of the total amount of the contract.

Options. The Government is granted
the right and option at any time within
** ** days from and after date of
approval of the contract, to increase the
quantity or quantities of the articles
called for under the terms of paragraph
(1) of Article 16 of this contract to any
quantity specified herein. The unit price
of each article furnished under the terms
of any respective item, not exceeding the
maximum quantity set forth, for such
item, shall be the unit price specified for
the total quantity of such item or items to
be purchased.

Advance payments. (1) Advance pay-
ments may be made from time to time for
the supplies called for, when the Secre-
ty of War deems such action necessary
in the interest of the national defense.

Termination when Contractor not in default.
If, in the opinion of the con-
tacting 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 de-
fault, by a notice in writing relative thereto from the contracting officer to the
contractor.

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

[F. R. Doc. 41-772; Filed, February 1, 1941;
9:50 a. m.]

[Contract No. W 535 ac-16022 (3906)]

SUMMARY OF CONTRACT FOR SUPPLIES
contractor: GENERAL MOTORS CORPORATION, ALISON DIVISION

Contract for Aeronautical Engines, Spare Parts & Data.
Amount $69,722,625.50.
Place: Materiel Division, Air Corps,
U. S. Army, Wright Field, Dayton, Ohio.
The supplies and services to be obtained
by this instrument are authorized by,
are for the purpose set forth in, and
are subject to the following Procure-
ment Authorities, the available balances
of which are sufficient to cover cost of

AC 34 P 12-3037 A 0705-003-01
AC 28 P 82-3037 A 0705-01
AC 26 P 81-3037 A 0705-01

This Contract, entered into this 4th
day of December, 1940.
Scope of this contract. The contractor
shall furnish and deliver to the Govern-
ment all of the articles and data as set
forth more particularly in Article 16
hereof, for the consideration stated sixty
million seven hundred twenty two
thousand six hundred fifty dollars
fifty cents ($69,722,625.50), in strict ac-
cordance with the specifications, sched-
ules and drawings, all of which are made
a part hereof.

Delays. Where the supplies to be
furnished are to be specially manufac-
tured 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 specifications, except Federal Specifications. Changes
as to shipment and packing of all sup-
plies 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 $1,000 or 50 percent of
the total amount of the contract.

Article 16 Articles and data called for and prices therefor (1) The Contractor
shall furnish and deliver to the Govern-
ment all of the following articles in the
quantities and at the prices indicated
below:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Quantity</th>
<th>Price</th>
</tr>
</thead>
</table>
| 1    | Aeronauti-
ical Engines, total | $14,191,910.00 |
| 2    | Aeronauti-
ical Engines, total | $14,208,765.00 |
| 3    | Aeronauti-
ical Engines, total | $15,950,495.00 |
| 4    | Aeronauti-
ical Engines, total | $7,284,589.00 |
| 5    | Aeronauti-
ical Engines, total | $11,798,500.00 |
| 6    | Spare parts for the Model * * * aeronau-
tical engines called for under Item 1 at not to ex-
ceed a total cost of | $1,419,191.00 |
| 7    | Spare parts for the Model * * * aeronau-
tical engines called for un-
der Item 2 at not to exceed a total cost of | $1,420,876.50 |
| 8    | Spare parts for the Model * * * aeronau-
tical engines called for un-
der Item 3 at not to exceed a total cost of | $1,955,049.50 |
| 9    | Spare parts for the Model * * * aeronau-
tical engines called for un-
der Item 4 at not to exceed a total cost of | $728,453.50 |
| 10   | Spare parts for the Model * * * aeronau-
tical engines called for un-
der Item 5 at not to exceed a total cost of | $1,179,850.00 |

The Contractor shall likewise furnish and deliver to the Government, but with-
out additional cost therefor, engineering
data covering each model of aeronautical
engine called for under the terms of paragraph (1) of this Article.

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.

Options. The Government is granted the right and option at any time not later than * * * days from and after ** * * to increase the quantity or quantities of the Wheel and Brake Assemblies to any quantities specified herein.

The Government is granted the further right and option at any time during the life of this contract to increase the quantities or quantities called for under the terms of Article 16 hereof, at not more than the unit prices stipulated, by any amount not exceeding * * * percent of the entire contract price stipulated, said increase to be applied as to all or any item or items at the option of the Government.

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 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.

Options. The Government is granted the right and option at any time within * * * days from and after date of approval of this contract to increase the quantity or quantities of articles called for under the terms of Paragraph 1 of Article 16 of this contract to any quantity specified herein, and in the event of the exercise of this option the price of each article furnished under the terms of any respective item, not exceeding the maximum quantity set forth, shall be the unit price specified for the total quantity of such item or items to be purchased.

Payment. 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.

Options. The Government is granted the right and option at any time not later than * * * days from and after ** * * to increase the quantity or quantities of the Wheel and Brake Assemblies to any quantities specified herein.

The Government is granted the further right and option at any time during the life of this contract to increase the quantities or quantities called for under the terms of Article 16 hereof, at not more than the unit prices stipulated, by any amount not exceeding * * * percent of the entire contract price stipulated, said increase to be applied as to all or any item or items at the option of the Government.

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 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.

Options. The Government is granted the right and option at any time within * * * days from and after date of approval of this contract to increase the quantity or quantities of articles called for under the terms of Paragraph 1 of Article 16 of this contract to any quantity specified herein, and in the event of the exercise of this option the price of each article furnished under the terms of any respective item, not exceeding the maximum quantity set forth, shall be the unit price specified for the total quantity of such item or items to be purchased.
ernment even though the contractor be not in default, by a notice in writing relative thereto from the Contracting Officer to the contractor.

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

[FR. Doc. 41-768; Filed, February 1, 1941; 9:46 a.m.]

CONTRACTOR: CURTISS-WRIGHT CORPORATION, CURTISS PROPELLER DIVISON

Contract for Propeller Assemblies, Controls and Data for the U. S. Army Air Corps.

Amount $44,189,003.80.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio. The materials 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 cost of same:

AC 24 P 12-3037
A 0705-01—33, 462,702.70
AC 28 P 32-3037
A 0705-01—7,689,221.10
NG16430 P38-3037
A140501—3,037,080.00

This Contract, entered into this twelfth day of December 1940.

Scope of this contract. The contractor shall furnish and deliver to the Government propeller assemblies, controls and data, for the consideration stated hereinbefore, to the Director of Purchases and Contracts.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 4 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 such 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.

Partial payments will be made as the work progresses at the end of each calendar month or as soon thereafter as practicable on authenticated statements of expenditures of the Contractor approved by the Contracting Officer.

Advance payments. Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense.

Special conditions. (1) The contractor represents that the prices established in this contract include no element on account of or representing cost of expansion of plant facilities (including land, buildings, machinery, tools and equipment) of vendors or sub-contractors. In the event that it shall prove necessary, in order to enable the Contractor to perform this contract, that funds be made available to such vendors or subcontractors for such expansion of facilities and the Government shall not enter directly into arrangements with such vendors or sub-contractors providing for such expansion, the prices herein established shall be negotiated to provide for the inclusion therein as an element of cost funds which are necessarily paid by the Contractor to such vendors or subcontractors for such expansion of facilities.

(2) It is understood and agreed that certain plant facilities in addition to those now available to the Contractor will be required to enable him to comply with the terms of this contract. If an agreement satisfactory to the Contractor, providing for the construction or acquisition of such facilities, is not entered into, and, if required, approved on or before * * * *, then and in such event negotiations shall at the written request of the Contractor, delivered to the Contracting Officer be entered into for the amendment of such contract terms. If no agreement on such amendment be reached within * * * days from the date of delivery of such request, then the Contractor shall have the right, at any time thereafter and prior to the execution and approval, if required, of an agreement providing for the facilities required as hereinbefore stated, to demand in writing of the Contracting Officer that the Government terminate this contract upon the terms and conditions hereinafter stated in the clause permitting termination when the Contractor is not in default, and the Government agrees in such event to so terminate. It is likewise understood and agreed that certain of the terms of this contract are contingent upon the availability of the facilities, hereinbefore referred to, complete and ready for use not later than * * * .

Options. (1) The Government is granted the right and option at any time during the term of this contract, but not more than the unit price hereinbefore stipulated for such Propeller Assemblies and to increase the quantity of Controls called for under the terms of Item 2, by any amount not exceeding * * * at not more than the unit price hereinbefore stipulated for such Controls.

(2) The Government reserves the right during the life of this contract to increase the quantity or quantities of the supplies called for herein, by any amount that would not exceed * * * percent of the entire contract price stipulated, and said increase to be applied as to all or any item or items at the option of the Government.

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.

Title to property where partial payments are made. The title to all property upon which any partial payment is made prior to the completion of this contract, shall vest in the Government in its then condition forthwith upon the making of any such partial payment or payments.

Fire insurance. The contractor agrees to insure against fire all property in its possession upon which a partial payment is about to be made, such insurance to be in a sum at least equal to the amount of such payment, plus all other partial payments, if any, theretofore made thereon, and further agrees to keep such property so insured, free of cost to the Government, until the same is delivered to the Government.

Price adjustment. The contract prices stated in this contract for Propeller and Control Assemblies are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotes for labor will not be altered on account of delays in the completion of the articles. This contract authorized under the provisions of section 1 (a), Act of July 2, 1940.

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

[FR. Doc. 41-769; Filed, February 1, 1941; 9:46 a.m.]
This contract authorized under the provisions of section 1 (a), Act of July 2, 1940.

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

[ F. R. Doc. 41-771; Filed, February 1, 1941; 9:50 a. m. ]

NAVY DEPARTMENT.
Bureau of Ships.

[ NOD-1550 ]

SUMMARY OF CONTRACT FOR ADDITIONAL PLANT FACILITIES
CONTRACTOR: CRAMP SHIPBUILDING COMPANY
PHILADELPHIA, PENNSYLVANIA

JANUARY 24, 1941.

Under date of October 29, 1940, the Navy Department entered into a contract with Cramp Shipbuilding Company for the acquisition, construction, and installation of additional plant facilities, at a total estimated cost of $10,000,000.00, required to rehabilitate and equip the Philadelphia shipyard property of the company to enable it to construct naval vessels now under contract.

Title to the facilities is to be in the company, but it may not, during the life of the contract, mortgage or sell the same. The Department is obligated to reimburse the company for the total cost of the facilities (as determined by a certificate of an independent public accountant to be filed after completion of the facilities) not in excess of $12,000,000.00, such reimbursement to be made in sixty (60) equal monthly installments beginning after the completion of the facilities.

The contract may be terminated by the Department at any time and upon the happening of certain specified conditions, it may also be terminated by the company. Upon such termination by either party the company has the option of retaining the facilities by paying the fair value therefor or transferring title thereto to the United States. Upon compliance by the company with either of these options, the Department is required to pay to the company so much of the cost of the facilities as shall not theretofore have been reimbursed by it to the company.

H. WILLIAMS,
Acting Chief of Bureau.

[ F. R. Doc. 41-762; Filed, February 1, 1941; 9:47 p. m. ]

SUMMARIES OF NAVY CONTRACTS FOR THE CONSTRUCTION OF NAVAL VESSELS ON THE BASIS OF COST-PLUS-A-FIXED-FEE.

JANUARY 27, 1941.

The Navy Department has entered into the following contracts for the construction of naval vessels:

(1) Contract NOD-1432, with the Federal Shipbuilding and Dry Dock Company, dated July 1, 1940, for the construction of two (2) destroyers at its plant at Kearny, New Jersey, on a cost-plus-a-fixed-fee basis, the estimated cost per vessel, exclusive of the fixed fee of $545,000.00 per vessel payable to the contractor, being $7,793,725.00.

(2) Contract NOD-1498, with the Cramp Shipbuilding Company, dated October 29, 1940, for the construction of six (6) light cruisers at its plant at Philadelphia, Pennsylvania, on a cost-plus-a-fixed-fee basis, the estimated cost per vessel, exclusive of the fixed fee of $1,063,080.00 per vessel payable to the contractor, being $17,730,000.00.

(3) Contract NOD-1502, with the Seattle-Tacoma Shipbuilding Corporation, dated September 9, 1940, for the construction of five (5) destroyers at its plant at Seattle, Washington, on a cost-plus-a-fixed-fee basis, the estimated cost per vessel, exclusive of the fixed fee of $1,063,080.00 per vessel payable to the contractor, being $17,730,000.00.

(4) Contract NOD-1501, with the Federal Shipbuilding and Dry Dock Company, dated September 9, 1940, for the construction of two (2) destroyers at its plant at Kearny, New Jersey, on a cost-plus-a-fixed-fee basis, the estimated cost per vessel, exclusive of the fixed fee of $1,063,080.00 per vessel payable to the contractor, being $4,087,100.00.

(5) Contract NOD-1508, with the Federal Shipbuilding and Dry Dock Company, dated September 9, 1940, for the construction of two (2) destroyers at its plant at Kearny, New Jersey, on a cost-plus-a-fixed-fee basis, the estimated cost per vessel, exclusive of the fixed fee of $808,000.00 per vessel payable to the contractor, being $4,460,000.00.

(6) Contract NOD-1510, with the Gulf Shipbuilding Corporation, dated September 9, 1940, for the construction of four (4) destroyers at its plant at Chickasaw, Alabama, on a cost-plus-a-fixed-fee basis, the estimated cost per vessel, exclusive of the fixed fee of $410,191.00 per vessel payable to the contractor, being $6,836,520.00.

(7) Contract NOD-1511, with the Seattle-Tacoma Shipbuilding Corporation, dated September 9, 1940, for the construction of fifteen (15) destroyers at its plant at Seattle, Washington, on a cost-plus-a-fixed-fee basis, the estimated cost per vessel, exclusive of the fixed fee of $410,191.00 per vessel payable to the contractor, being $6,836,520.00.

(8) Contract NOD-1512, with the Consolidated Steel Corporation, Ltd., dated September 9, 1940, for the construction of twelve (12) destroyers at its plant at Orange, Texas, on a cost-plus-a-fixed-fee basis, the estimated cost per vessel, exclusive of the fixed fee of $410,191.00 per vessel payable to the contractor, being $6,836,520.00.

(9) Contract NOD-1514, with the Manitowoc Shipbuilding Company, dated...
September 9, 1940, for the construction of ten (10) submarines at its plant at Manitowoc, Wisconsin, on a cost-plus-a-fixed-fee basis, the estimated cost per vessel, exclusive of the fixed fee of $171,000.00 per vessel payable to the contractor, being $2,850,000.00.

(10) Contract NOd-1515, with the Bethlehem Steel Company (Shipbuilding Division), dated September 9, 1940, for the construction of a repair ship at its plant at San Pedro, California, on a cost-plus-a-fixed-fee basis, the estimated cost per vessel, exclusive of the fixed fee of $255,000.00 per vessel payable to the contractor, being $13,750,000.00.

(11) Contract NOd-1622, with Moore Dry Dock Company, dated December 30, 1940, for the construction of two (2) submarine tenders and five (5) submarine rescue vessels at its plant at Oakland, California, on a cost-plus-a-fixed-fee basis, the estimated cost per vessel for the submarine tenders, exclusive of the fixed fee of $780,000.00 per vessel payable to the contractor, being $13,900,000.00, and the estimated cost per vessel for the submarine rescue vessels, exclusive of the fixed fee of $114,000.00 per vessel payable to the contractor, being $1,900,000.00.

Each of the above-mentioned contracts contains provisions for the suspension, termination or cancellation of the contract in order to safeguard the Government's interests in the event that the public exigency requires that any such action be taken. An equitable basis for settlement of the contract is provided in the case of each of these contingencies.

The estimated cost and the fixed fee payable to the contractor under each contract are subject to adjustment for changes in the plans and specifications which may be ordered by the Navy Department during the course of construction.

S. M. Robinson,
Chief of Bureau.

[F. R. Doc. 41-76; Filed, February 1, 1941; 9:47 a.m.]
the construction of two (2) light cruisers at Newport News, Virginia, at a contract price of $30,545,000.00.

(9) Contract NOd-1439, with the Bethlehem Steel Company, dated July 1, 1940, for the construction of four (4) light cruisers at Quincy, Massachusetts, at a contract price of $74,292,000.00.

(10) Contract NOd-1440, with the Bethlehem Steel Company, dated July 1, 1940, for the construction of four (4) heavy cruisers at Quincy, Massachusetts, at a contract price of $94,472,000.00.

(11) Contract NOd-1441, with the New York Shipbuilding Corporation, dated July 1, 1940, for the construction of a large seaplane tender at Camden, New Jersey, at a contract price of $14,260,000.00.

(12) Contract NOd-1442, with the New York Shipbuilding and Dry Dock Company, dated September 9, 1940, for the construction of three (3) aircraft carriers at a contract price of $38,545,000.00.

(13) Contract NOd-1490, with the Bethlehem Steel Company, dated September 9, 1940, for the construction of four (4) aircraft carriers at Quincy, Massachusetts, at a contract price of $191,986,000.00.

(14) Contract NOd-1491, with the Bethlehem Steel Company, dated September 9, 1940, for the construction of six (6) large cruisers at Camden, New Jersey, at a contract price which will be the subject of negotiation between the Navy Department and the contractor when sufficient information becomes available on which to make a satisfactory estimate of cost. The amount of the contract shall be subject to adjustment as hereinafter indicated.

(15) Contract NOd-1492, with the New York Shipbuilding Corporation, dated September 9, 1940, for the construction of six (6) large cruisers at Camden, New Jersey, at a contract price which will be the subject of negotiation between the Navy Department and the contractor when sufficient information becomes available on which to make a satisfactory estimate of cost. The amount of the contract shall be subject to adjustment as hereinafter indicated.

(16) Contract NOd-1493, with the Bethlehem Steel Company, dated September 9, 1940, for the construction of four (4) heavy cruisers at Quincy, Massachusetts, at a contract price of $94,472,000.00.

(17) Contract NOd-1494, with the New York Shipbuilding Corporation, dated September 9, 1940, for the construction of four (4) light cruisers at Camden, New Jersey, at a contract price of $74,292,000.00. A change in the contract has been authorized, adding two (2) light cruisers, and, thereby, increasing the contract price to $111,946,000.00.

(18) Contract NOd-1495, with the New York Shipbuilding and Dry Dock Company, dated September 9, 1940, for the construction of two (2) light cruisers at Newport News, Virginia, at a contract price of $38,545,000.00.

(19) Contract NOd-1496, with the Bethlehem Steel Company, dated September 9, 1940, for the construction of two (2) light cruisers at Quincy, Massachusetts, at a contract price of $38,545,000.00.

(20) Contract NOd-1497, with the Federal Shipbuilding and Dry Dock Company, dated September 9, 1940, for the construction of five (5) light cruisers at Kearny, New Jersey, at a contract price of $98,600,000.00. A change in the contract has been authorized, decreasing the contract price to $56,620,000.00.

(21) Contract NOd-1499, with the Bethlehem Steel Company, dated September 9, 1940, for the construction of four (4) light cruisers at San Francisco, California, at a contract price of $98,780,000.00.

(22) Contract NOd-1500, with the Federal Shipbuilding and Dry Dock Company, dated September 9, 1940, for the construction of two (2) light cruisers at Staten Island, New York, N. Y., at a contract price of $49,032,000.00.

(23) Contract NOd-1501, with the Bethlehem Steel Company, dated September 9, 1940, for the construction of two (2) destroyers at Staten Island, New York, N. Y., at a contract price of $45,504,000.00.

(24) Contract NOd-1503, with the Federal Shipbuilding and Dry Dock Company, dated September 9, 1940, for the construction of five (5) destroyers at Keeney, New Jersey, at a contract price of $93,800,000.00.

(25) Contract NOd-1506, with the Bath Iron Works Corporation, dated September 9, 1940, for the construction of eleven (11) destroyers at Bath, Maine, at a contract price of $74,943,000.00. A change in the contract has been authorized, adding six (6) destroyers and, thereby, increasing the contract price to $115,821,000.00.

(26) Contract NOd-1507, with the Bethlehem Steel Company, dated September 9, 1940, for the construction of eight (8) destroyers at Staten Island, New York, N. Y., at a contract price of $60,440,000.00. A change in the contract has been authorized, canceling three (3) destroyers and, thereby, decreasing the contract price to $37,146,000.00.

(27) Contract NOd-1508, with the Bethlehem Steel Company, dated September 9, 1940, for the construction of eighteen (18) destroyers at San Francisco, California, at a contract price of $156,512,000.00. A change in the contract has been authorized, decreasing two (2) destroyers and, thereby, decreasing the contract price to $121,344,000.00.

(28) Contract NOd-1509, with the Bethlehem Steel Company, dated September 9, 1940, for the construction of six (6) small seaplane tenders at their plants at Houghton, Michigan, at a contract price of $6,310,000.00.
may be ordered by the Navy Department during the course of construction.

S. M. ROBINSON,
Chief of Bureau.

[F. R. Doc. 41-763; Filed, February 1, 1941; 9:47 a. m.]

[DEPARTMENT OF THE INTERIOR]

Bituminous Coal Division.

[Docket No. A-468]

PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HEREOFORE CLASSIFIED AND PRICED, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

[Docket No. A-281]

PETITION OF L. DEWEY YOMMER, A CODE MEMBER OF DISTRICT NO. 1, FOR ADDITIONAL CLASSIFICATIONS IN SIZE GROUPS AND THE ESTABLISHMENT OF MINIMUM PRICES FOR CERTAIN COALS OF THE SAME MINE (MINE INDEX NO. 456), PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER SEVERING CAPTIONED DOCKETS, AND DISMISSING DOCKET NO. A-281

The above-captioned matters having been heretofore duly consolidated and filed on January 10, 1941, for a hearing before W. A. Cuff, the duly designated Trial Examiner of the Division, pursuant to orders hereinbefore entered and due notice thereof heretofore given; and

No one having appeared at said hearing on behalf of the petitioner in the matter designated Docket No. A-281; and

It appearing that the original petition and the petition of one John Hersker to amend such original petition and each of them filed in Docket No. A-281 are fatally deficient both as to form and substance; therefore, on motion of the Director,

It is ordered, That the above-entitled matters in Dockets Nos. A-408 and A-281 be and the same are hereby severed; and It is further ordered, That said original petition and said petition of John Hersker to amend said original petition filed in Docket No. A-281 be and the same are hereby dismissed without prejudice to the rights of the original petition and of said John Hersker to obtain the relief therein sought in any other proceeding, now pending or which may hereinafter be instituted before this Division.

Dated: January 30, 1941.

H. A. GRAY,
Director.

[F. R. Doc. 41-763; Filed, January 31, 1941; 9:17 p. m.]

ORDER SEVERING CAPTIONED DOCKETS, AND DISMISSING DOCKET NO. A-454

This proceeding was instituted upon an original petition filed with this Division by the McLaren Coal Company, a code member in District No. 10, on December 10, 1940. The petition prays for the issuance of temporary and final orders reducing the effective minimum f. o. b. prices for the coals of the McLaren Mine (Mine Index 94) in Size Groups 1-16, 26 and 27, in the amounts necessary to permit the McLaren coals to deliver at destination at a parity with the Belleville Middle Grade coals, Price Groups 17 and 18 of District 10. Specifically the requested reductions for shipment to Market Area 29 (Chicago) are as follows:

Size Groups—

10 11 12 13 14 15 16 17 18

Due to variations in freight rate structures, the requested reductions to other market areas are slightly different.

An informal conference regarding the temporary relief requested in the original petition was held on December 23, 1940, at the Abraham Lincoln Hotel, Springfield, Illinois, upon telegraphic notice to interested parties.Appearances at the conference were noted by the McLaren Coal Company, District Board 10, and the following Code Members in District 10: Franklin County Coal Company, Old Ben Coal Company, Bell & Zoller Coal & Mining Company, Chicago, Wilmington & Franklin Coal Company, Peabody Coal Company, Trux-Traer Coal Company, United Electric Coal Company, Pyramid Coal Company, Southwestern Illinois Coal Corporation and Midvale Coal Company.

The prices established for the McLaren Mine in General Docket No. 15 for the
sizes in question are from 30 to 50 cents lower than those established for the base Southern Illinois coals, included in Price Groups 17 and 18, which petitioner alleges are its principal competitors. As previously stated, the f. o. b. mine prices quoted for by petitioner would enable its coals to deliver at the same prices as Belleville Middle Grade coals.

Petitioner represents that due to the prices heretofore established for its mine its operating time and tonnage shipped during the months of October and November, 1940, were only one-third of what they were in the same months of 1939. Petitioner attributes its inability to maintain its markets, under the effective prices, to the fact that the present prices do not properly take into account the unattractive appearance, soft structure, friability and degrading tendencies, and poor stocking and burning characteristics of its coal. Retail dealers stated at the conference that while they were able to market the McLaren coal for domestic purposes at the prices which prevailed before October 1, 1940, they were unable to handle it at the present established prices. A representative of a large industrial consumer stated that though his concern had purchased 1 1/4" x 0 raw screenings from McLaren, at prices ranging from 60 to 85 cents, in early 1940, it had discontinued its purchase of raw coal because of the effective minimum prices.

On the facts presented it appears that sales of McLaren coals have been sharply curtailed since October 1, 1940, and that this has been due at least in part to the prices established for the coal. There is substantial doubt, however, concerning the propriety of granting to petitioner the full measure of temporary relief for which it prays. It appears, for example, that petitioner's coals are temporarily superior to the Middle Grades, it seems to the Director that any temporary relief to be granted should preserve a differential for the Belleville Middle Grade coals under petitioner's coals.

Now, therefore, it is ordered, That the hearing in Docket No. A-529 be postponed, that the matters in Docket Nos. A-529, A-579 and A-594 be consolidated for hearing, and that the hearing be held on February 20, 1941, at ten a. m., at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C., under the applicable provisions of the Act and the Rules of the Division.

It is further ordered, That a hearing of the nature of a code member in District No. 8, for the hearing in the above-entitled matter is granted. Such hearings are hereby authorized to submit evidence, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommend a final order of the Commission in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 15, 1941.

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

The matter concerned herewith in Docket No. A-594 is in regard to the request of West Virginia Coal & Coke Corporation, a code member in District No. 8, for...
a reduction in classification from "D" to "E" of the coals of Size Groups 18-21, produced at its Earling Mine, Mine Index 181, which is in the Eagle Seam, West Virginia.

Dated: January 30, 1941.

H. A. Gray,
Director.

[F. R. Doc. 41-746; Filed, January 31, 1941; 12:18 p. m.]

[Docket No. A-619]

PETITION OF ANCHOR COAL COMPANY AND TRUAX-TRAER COAL COMPANY, PRODUCERS IN DISTRICT 8, REQUESTING DEDUCTIONS IN PRICES FOR THEIR DOROTHY COALS IN SIZE GROUP 7 FOR USE BY CALUMET & HECLA CONSOLIDATED COPPER COMPANY IN MARKET AREA 99

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the application for deductions of said Act and the rules of the Division be held on February 14, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 802 will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The persons heretofore duly designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit 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 all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought.

Dated: January 30, 1941.

H. A. Gray,
Director.

[F. R. Doc. 41-746; Filed, January 31, 1941; 12:18 p. m.]

[Docket No. A-198]

PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT No. 11 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR DISTRICT 11, BY PROPOSING DEDUCTIONS IN MINIMUM PRICES BASED UPON DIFFERENCES IN FREIGHT RATES AMONG DISTRICT 11 MINES FOR SHIPMENT TO MARKET AREAS 20, 21 AND 30-38, INCLUSIVE

ORDER REOPENING HEARING TO CONSIDER PRAYER FOR TEMPORARY RELIEF UPON SHIPMENTS TO CHARLESTOWN, INDIANA, MARKET AREA 31

On December 2, 1940, the Director issued an Order in the above-entitled matter granting certain temporary relief, and establishing a procedure whereby the hearing might be reopened to consider applications for further temporary relief.

On January 27, 1941, the original petitioner in this proceeding filed a motion to reopen the hearing for the purpose of considering the granting of further temporary relief with respect to the destination of Charlestown, Indiana, Market Area 31.

In support of this motion it urges that under the "National Defense Program," an explosive manufacturing plant is being constructed at Charlestown, Indiana, Market Area 31, to be operated by E. I. duPont de Nemours & Company, which is equipped to burn bituminous coal and will consume approximately 30,000 tons per month; that this destination is a natural market for the coal produced by code members in District No. 11; that the consumer has already solicited the submission of bids for the coal requirements of this plant; and that unless adjustments in f. o. b. mine prices in accordance with different freight rates are immediately established, the existing fair competitive opportunities of the code members in District No. 11 with higher freight rates to that destination will be substantially and irretrievably injured.

Now, therefore, it is ordered, That the hearing in the above-entitled matter be reopened for the purpose of considering the prayer of the original petitioner for the granting of additional temporary relief with respect to the destination of Charlestown, Indiana, Market Area 31, in the forenoon at 10 a.m. of February 6, 1941, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, NW., Washington, D. C., and before the officers heretofore duly designated to preside at said hearing.

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

Dated: January 31, 1941.

H. A. Gray,
Director.

[F. R. Doc. 41-776; Filed, February 1, 1941; 11:01 a.m.]


PETITIONS OF CERTAIN PRODUCERS IN WILLIAMSON AND SALINE COUNTIES, DISTRICT 10, FOR A REDUCTION OF MINIMUM PRICES

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

Original petitions in the above-entitled matters have been filed with the Division praying for reductions in the effective minimum prices for petitioner's coals for truck shipments. Mitchell Coal Company (A-209), Black Banner Coal Company (A-210), Howerton Coal Company (A-211), Walnut Valley Coal Company (A-212), Willow Springs Coal Company (A-213), Carrier Mills Coal Company (A-214), Vallee Corder (A-215), Steel Tipple Coal Company (A-216), Monroe Moore & Son (A-217), Cherry Hill Mine (A-218), O'neal Coal Company (A-293), and Square Deal Coal Company (A-366) request the following reductions: Size Group 8—205; Size Groups 10, 11, and
Petitioners have shown that since October 1, 1940, they have been able to market the coals above 2" (Size Groups 1-7), but have been unable to sell their coals under 2" (Size Groups 8-15), with the result that they have been forced to sell their best coals on the ground. This unbalanced marketing has reduced operating time at the mines by as much as 50%.

The definite reasons for the almost complete curtailment of the sale of petitioners' fine coals are not entirely clear. Their difficulties are probably attributable in part to the fact that the prices established for them, in comparison with those established for other code members, are too high. However, several other pertinent considerations in this connection were developed at the hearing. For example, the previous markets for these coals were developed at prices which petitioners admit would be ridiculously low. When minimum prices were established for them at a level significantly below the standards of the Act, consumers who formerly purchased the 2" minus coals may well have shifted to other sizes of coals from these same mines, or to smaller sizes from predominantly rail shipping mines. It is probable that much of the coal which has always been gobbled as unsalable is included within Size Group 15 (carbon; 3/8" x 0) for which the markets have been and are quite limited.

In view of the lack of adequate screening facilities for the prostitution of coal at the small truck mines operated by the petitioners, the District Board recommended at the hearing that if their prices were revised, the size groupings applicable to them be simplified by establishing a single price for Size Groups 9 to 12, a single price for Size Groups 13 and 14, and a price for Size Group 15.

Petitioners are representative truck shippers in Section 10 of District 10, and it appears that the difficulties encountered by them are common to all the truck mines in that section. From the facts developed at the hearing and from statements of counsel for the original petitioners, it appears that any relief granted to petitioners should also be granted to all other truck mine producers in Section 10.

The Coloni mine, like that of other petitioners, is a small, hand-operated slope mine. Unlike the others, however, prices for shipment by rail were established for it, since it is located on a railroad. This mine formerly shipped by rail and sold a substantial part of its tonnage as locomotive fuel, but of late all of its sales have been to the same type of truck operators as the other petitioners. It appears that seepage into the Coloni Mine from a number of nearby abandoned mines causes its coal to be extremely wet and discolored. Although the prices established for this mine are substantially higher than those governing the other petitioners, it was represented at the hearing that the Coloni coal is not better than that of the other petitioners. The coal has been sold only in very small quantities since October 1, 1940.

In view of the foregoing circumstances it appears to the Director that a reasonable showing of necessity has been made for the extension of temporary relief to petitioners and that an adequate showing has been made of actual or impending injury in the event that such relief is not granted. It further appears to the Director, however, that the petitioners have made no clear showing in support of the reductions prayed for in their respective petitions. This circumstance seems attributable chiefly to the fact that petitioners sell only to truckers and do not come into contact with the ultimate consumers of their coals. Apparently for this reason, petitioners were unable at the hearing to present definite reasons for the disappearance of their markets and were also unable to support precise reductions necessary, in their judgment, to permit the movement of the coal in question. In this situation the amount of the temporary relief to be granted is necessarily a question of judgment, whose determination must be tempered by the considerations that the petitioners would naturally incline towards self-protection in deciding the extent of the relief to be prayed for and that the granting of excessive reductions might impede its distribution. Accordingly, the Director is of the opinion that the full temporary relief prayed for should not be granted.

Now, therefore, it is ordered, That a reasonable showing of necessity therefor having been made, permanent temporary relief to the above-entitled matters is granted as follows: Commencing forthwith, in all mines in Section 10 of District 10 which are priced for truck shipment only shall be priced in Size Group 8 at $1.60; in Size Groups 9, 10, 11 and 12 at $1.50; in Size Groups 13 and 14 at $1.30; and in Size Group 15 at $1.25. The effective minimum prices in all size groups for Mine Index 40 (Augustine Coloni) for Truck Shipments shall be the same as those for the above-mentioned mines in Section 10 of District 10, as herein revised, for which mines truck prices only have been established.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Division in Proceedings instituted pursuant to section 4(h) of the Bituminous Coal Act of 1937.

Dated: January 31, 1941.

[SEAL]

H. A. GRAY,

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

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 8, 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 January 8, 1941, by Bituminous Coal Producers Board for District No. 11, 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 the above-entitled matter 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 herewith 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:

1. That the defendant on November 26, 1940, sold and delivered to the McCurdy Hotel, Evansville, Indiana, a truckload of 2" x 0 screenings produced at its S & S Mine (Mine Index No. 810) at a delivered price equivalent to $1.12 1/2 per net ton, whereas the effective minimum price for said coal was $1.50 per net ton f.o.b. the mine.

2. That during the period from October 16, 1940, to October 31, 1940, inclusive, said defendant sold and delivered to said McCurdy Hotel approximately 156 tons of coal produced at said mine at a delivered price of $1.12 1/2 per net ton, which was substantially less than the effective minimum prices for the coal so delivered. The exact size and classification of said coal is unknown to the complainant.

Dated: January 31, 1941.

H. A. Gray,
Director.

PETITION OF HARMON CREEK COAL CORPORATION FOR REVISION OF PRICES OF RUN OF MINE COAL FROM ITS FLORENCE MINE IN DISTRICT NO. 2 FOR SALE TO THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER OF DISMISSAL

The petitioner in the above-entitled matter having filed a written motion for withdrawal of its petition; and there being no objection to such motion;

It is ordered, That the original petition in Docket No. A-404 is dismissed.

Dated: February 1, 1941.

DAN H. WHEELER,
Acting Director.

PETITION OF WILMORE FUEL COMPANY, A PRODUCER IN SUBDISTRICT NO. 1, FOR PERMISSION TO SUBSTITUTE MANUALLY BROKEN DOWN RUN OF MINE COAL FOR SLACK COAL SIZE, IN PLACE OF MECHANICAL SCREENED SLACKS, FOR SHIPMENT VIA TIDewater TO CONSOLIDATED EDISON COMPANY OF NEW YORK, NEW YORK

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on February 12, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 503 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. Mc­Curtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to 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 such defendant and to all others 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 or any other officer or other 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
PROJECT DESIGNATIONS—Con.

<table>
<thead>
<tr>
<th>State</th>
<th>Project Code</th>
<th>Amount</th>
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[SEAL]

HARRY S. LEHR, Administrator.

[F. R. Doc. 41-795; Filed, February 3, 1941; 11:24 a.m.]

[DOCKET NO. AO-181]

Surplus Marketing Administration.

NOTICE OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER REGULATING THE HANDLING OF MILK IN THE DULUTH-SUPERIOR MARKETING AREA, PREPARED AND PROPOSED BY THE TWIN PORTS CO-OPERATIVE DAIRY ASSOCIATION AND THE ARROWHEAD CO-OPERATIVE CREAMERY ASSOCIATION, UPON WHICH SAID ORGANIZATIONS HAVE REQUESTED THE SECRETARY OF AGRICULTURE TO HOLD A HEARING UNDER THE AGRICULTURAL MARKETING ACT OF 1937

WHEREAS the Twin Ports Co-operative Dairy Association and the Arrowhead Co-operative Creamery Association have requested the Secretary of Agriculture to hold a public hearing on a proposed marketing agreement and order prepared and proposed by said organizations and designed to regulate such handling of milk in the territory within the corporate limits of the cities of Duluth and Cloquet and the villages of Proctor and Carlton, all in the State of Minnesota; and the city of Superior in the State of Wisconsin (which area is known and hereinafter referred to as the Duluth-Superior marketing area), as is in the current of interstate commerce, or which directly burdens, obstructs or affects interstate commerce; and

WHEREAS the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order would tend to effectuate the declared policy of Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, with respect to such handling of milk in the Duluth-Superior marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce; and

NOW, therefore, pursuant to said act, notice is hereby given of a public hearing to be held in Woodman Hall, 2031 West First Street, Duluth, Minnesota, beginning at

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 55]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 27, 1941

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

<table>
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<td>Iowa 105081 Scott</td>
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<td>Missouri 103851 Reynold</td>
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<td>Pennsylvania 101581 Bradford</td>
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</table>
10:00 a.m. c.s.t., February 20, 1941, on the aforementioned marketing agreement and order prepared and proposed by the aforementioned organizations and designed to regulate such handling of milk in the Duluth-Superior marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce.

At this public hearing, representatives of the Secretary will receive factual evidence (1) as to marketing conditions for such handling of milk in the Duluth-Superior marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce and are so disorderly as to necessitate regulation of the handling of such milk in order that the declared policy of the act may be effectuated, and (2) as to the specific provisions which a marketing agreement or order should contain.

The proposed marketing agreement and order provide, among other things, for: (a) selection of a market administrator, (b) classification of milk, (c) minimum prices, (d) reports of handlers, (e) payments to producers through the use of a market-wide pool, (f) deductions for marketing services, and (g) expenses of administration.

Copies of the proposed marketing agreement and order may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0310 South Building, Washington, D.C., or may be there inspected.

Dated: February 3, 1941.

[SEAL]

C. L. WICKARD
Secretary of Agriculture.

[F.R. Doc. 41-776; Filed, February 1, 1941; 9:51 a.m.]

NOTICE OF POSTPONEMENT OF HEARING

In the matter of application for certification of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, the above-entitled proceeding, being the application of Eastern Air Lines, Inc., and Transcontinental & Western Air, Inc., for certificates of public convenience and necessity authorizing air transportation between St. Louis, Mo., and Washington, D.C., via certain intermediate points, is hereby assigned for public hearing on February 26, 1941, 10 o'clock a.m. (Eastern Standard Time), at the Carlton Hotel, 222 16th Street N.W., Washington, D.C., before Examiner J. Francis Reilly.

Dated Washington, D.C., January 31, 1941.

[SEAL]

J. FRANCIS REILLY
Examiner.

[F.R. Doc. 41-776; Filed, February 1, 1941; 9:51 a.m.]

DEPARTMENT OF COMMERCE.

Civil Aeronautics Authority.

[Docket No. 456]

PAN AMERICAN AIRWAYS, INC.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of application for amendment of its certificate of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938.

Further hearing on the above-entitled proceeding, being the application of Pan American Airways, Inc., for amendment of its existing certificate of public convenience and necessity authorizing air transportation between the United States, Mexico, Central and South America and the Islands of the Caribbean, (a) so as to authorize the scheduled air transportation of persons, property and mail directly between Port-au-Prince, Haiti, and Maracacibo, Venezuela; (b) so as to authorize the scheduled air transportation of persons, property and mail directly between Belem (Para) and Rio de Janeiro, Brazil, with an additional intermediate stop at Barreiras, Brazil; (c) so as to authorize (1) the abandonment of Guanta, Venezuela, and the continuation of service to Barcelona, Venezuela, and (2) the abandonment of Luiz Correa, Brazil, the continuation of service and the carriage of United States mail to Parnahyba (Puiahy), Brazil; and (d) so as to authorize the carriage of United States mail to Areia Branca, Macelo, Aracaju, Caravelas, Curitiba, and Iguassu Falls, Brazil, now assigned for February 3, 1941, is hereby postponed to a date to be hereafter assigned.

Dated Washington, D.C., January 30, 1941.

[SEAL]

FRANK A. LAW, JR.,
Examiner.

[F.R. Doc. 41-776; Filed, February 1, 1941; 9:51 a.m.]

NOTICE OF HEARING

In the matter of applications for certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, the above-entitled proceeding, being the application of Eastern Air Lines, Inc., and Transcontinental & Western Air, Inc., for certificates of public convenience and necessity authorizing air transportation between St. Louis, Mo., and Washington, D.C., via certain intermediate points, is hereby assigned for public hearing on February 26, 1941, 10 o'clock a.m. (Eastern Standard Time), at the Carlton Hotel, 222 16th Street N.W., Washington, D.C., before Examiner J. Francis Reilly.

Dated Washington, D.C., January 31, 1941.

[SEAL]

J. FRANCIS REILLY
Examiner.

[F.R. Doc. 41-776; Filed, February 1, 1941; 9:51 a.m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2362) 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. 3330).

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 Determination and Order, November 8, 1939 (4 F.R. 4531), as amended, April 27, 1940 (5 F.R. 1588).

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 of the industry designated above and indicated opposite the employer's name. These Certificates become effective February 3, 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

Atco Garment Company, 127 North Egg Harbor Road, Hammonton, New Jersey; Apparel; Infants' & Children's Outerwear; 5 learners (75% of the applicable hourly minimum wage); February 3, 1942.

Clover Sportswear Company, Zionsville, Pennsylvania; Apparel; Infants' & Children's Outerwear; 5 learners (75% of the applicable hourly minimum wage); February 3, 1942.

Exeter Handkerchief Company, Exeter, New Hampshire; Apparel; Handkerchiefs; 5 learners (75% of the applicable hourly minimum wage); February 3, 1942.

G & G Manufacturing Company, Inc., 16 Cutler Street, Warren, Rhode Island; Apparel; Dresses, Blouses, Slacks; 5 learners (75% of the applicable hourly minimum wage); February 3, 1942.

Hershey Garment Company, Paradise, Pennsylvania; Apparel; Slips, Gowns; 18 learners (75% of the applicable hourly minimum wage); May 12, 1941.

George Livingston, Inc., 121 North Seventeenth Street, Phila­delphia, Pennsylvania; Apparel; Blouses; 30 learners (75% of the applicable hourly minimum wage); June 2, 1941.

Midwest Sportswear Company, 123 Second Street, Baraboo, Wisconsin; Apparel; Socks & Hosiery; 20 learners (75% of the applicable hourly minimum wage); February 3, 1942.

Niagara Apparel Company, Inc., 273 Division Street, Buffalo, New York; Ap-
FEDERAL REGISTER, Tuesday, February 4, 1941

pares; Jackets, Pants, Shorts; 5 percent (75% of the applicable hourly minimum wage); February 3, 1942.
The Pyke Manufacturing Company, 154 West Second South Street, Salt Lake City, Utah; Apparel; Overalls, Pants; 4 learners (75% of the applicable hourly minimum wage); February 3, 1942.
Seattle Woolen Co., Western Avenue, Seattle, Washington; Apparel; Suits, Topcoats, Pants; 5 percent (75% of the applicable hourly minimum wage); February 3, 1942.
Standard Trouser Company, Buckhannon, West Virginia; Apparel; Pants; 10 percent (75% of the applicable hourly minimum wage); May 19, 1941.
Topcoats, Pants; 5 percent (75% of the applicable hourly minimum wage); February 3, 1942.

FEDERAL COMMUNICATIONS COMMISSION.

[DOCKET NO. 41-608]

APPLICATION OF GRANITE DISTRICT RADIO BROADCASTING COMPANY (NEW)

NOTICE OF HEARING

Application dated February 8, 1940; for construction permit; class of service, broadcast; class of station, broadcast; location, Murray, Utah; operating assignment specified: Frequency, 1,500 kc. (1,490 kc. when Havana treaty is effective); power, 250 watts; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the financial, technical and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the nature and character of the service which applicant may be expected to render if granted a permit such as applied for.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure. The applicant's address is as follows:

Granite District Radio Broadcasting Company, % Lawrence A. Miner, 424 Felt Building, Salt Lake City, Utah.

Dated at Washington, D. C., January 31, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, Secretary.

[FR Doc. 41-783; Filed, February 3, 1941; 10:43 a.m.]

FEDERAL POWER COMMISSION.

[DOCKET NO. IT-5667]

IN THE MATTER OF IOWA-NEBRASKA LIGHT AND POWER COMPANY

ORDER FIXING DATE OF HEARING

JANUARY 30, 1941.

Upon the application filed January 22, 1941, by Iowa-Nebraska Light and Power Company, a Delaware corporation, pursuant to Section 203 of the Federal Power Act, for an order authorizing the applicant to sell its electric facilities located in the State of Nebraska to Consumers Public Power District, a public corporation and political subdivision of the State of Nebraska;

The Commission orders that:

A public hearing on the said application be held beginning at 9:30 a.m., on February 10, 1941, in the Commission's hearing room, 1757 K Street NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUGAY, Secretary.

[FR Doc. 41-759; Filed, February 1, 1941; 9:46 a.m.]

[DOCKET NO. DI-158]

IN THE MATTER OF NANTAHALA POWER AND LIGHT COMPANY

ORDER POSTPONING DATE OF HEARING

JANUARY 31, 1941.

Upon application filed January 25, 1941, by Nantahala Power and Light Company for postponement of the hearing now set for February 3, 1941, upon its petition for reconsideration of the Commission's determination of November 5, 1940, with respect to the declaration of intention of Nantahala Power and Light Company for construction of a dam and hydroelectric plant on the Little Tennessee River, the Fontana Project, Docket No. DI-158;

It is ordered that:

Said hearing be postponed to March 10, 1941, to commence at 9:30 a.m., in the

with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure. The applicant's address is as follows:

Granite District Radio Broadcasting Company, % Lawrence A. Miner, 424 Felt Building, Salt Lake City, Utah.

Dated at Washington, D. C., January 31, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, Secretary.

[FR Doc. 41-783; Filed, February 3, 1941; 10:43 a.m.]

FEDERAL POWER COMMISSION.

[DOCKET NO. IT-5667]

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ORDER FIXING DATE OF HEARING

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By the Commission.

[SEAL] LEON M. FUGAY, Secretary.

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It is ordered that:

Said hearing be postponed to March 10, 1941, to commence at 9:30 a.m., in the
NOTICE OF HEARING, AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 31st day of January, A. D. 1941.

Applications pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above named parties;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on February 20, 1941, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held.

It is further ordered, That Charles S. Lobinger or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such applicants and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers will be held.

Hearing Room of the Commission at 1757 K. Street, NW., Washington, D. C. By the Commission.

[Seal] LEON M. POQUAY, Secretary.

[F. R. Doc. 41-780; Filed, February 1, 1941; 9:45 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4279]

IN THE MATTER OF EVERETT J. GRANGER, MANE PARTIN, FRANCES MARTIN, HATTIE G. GARDNER, THELLA MAAS, BRENICE FEITLER, ERWIN FEITLER, INDIVIDUALLY, AND TRADING AS GARDNER & 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 30th day of January, 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 USCA, section 41),

It is ordered, That W. W. Sheppard, 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, February 19, 1941, at ten o'clock in the forenoon of that day (central standard time) in Room 332, Federal Trade Commission Building, Constitution Avenue at Sixth Street, Washington, D. C., to any such persons, partnerships, corporations, associations, groups, or other parties as may desire to appear and be heard. After giving due consideration to all matters presented concerning the proposed rules, the Commission will proceed to their final consideration.

By the Commission.

[Seal] OTIS B. JOHNSON, Secretary.

[F. R. Doc. 41-794; Filed, February 3, 1941; 11:05 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-183]

IN THE MATTER OF MICHIGAN CONSOLIDATED GAS COMPANY

ORDER APPROVING APPLICATION

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

Michigan Consolidated Gas Company, a subsidiary of American Light & Traction Company and The United Light and Power Company, registered holding companies, having filed an application and amendments thereto pursuant to section 10 of the Public Utility Holding Company Act of 1935 for the acquisition of real and personal property known as the Austin natural gas field, for the sum of $80,000:

Appropriate notice having been given, the Commission having held a hearing with respect thereto, and the Commission having examined the record in the matter and having filed its findings and opinions herein:

It is ordered, That said application as amended be approved subject, however, to the conditions as specified in Rule U-9 of the Rules and Regulations adopted under the Public Utility Holding Company Act of 1935.

By the Commission.

[Seal] FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 41-785; Filed, February 1, 1941; 11:07 a. m.]

[F. R. Doc. 41-786; Filed, February 1, 1941; 11:07 a. m.]

IN THE MATTER OF SOUTHERN PENN OIL COMPANY AND SOUTH PENN NATURAL GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 31st day of January, A. D. 1941.

Applications pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above named parties;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on February 20, 1941, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held.

It is further ordered, That Charles S. Lobinger or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such applicants and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers will be held.

Hearing Room of the Commission at 1757 K. Street, NW., Washington, D. C. By the Commission.

[Seal] LEON M. POQUAY, Secretary.

[F. R. Doc. 41-780; Filed, February 1, 1941; 9:45 a. m.]
office in the City of Washington, D. C. on
the 31st day of January, A. D. 1941.

And on December 28, 1940
having been duly filed with this Commis-
sion on the 17th day of January, 1941 and
a supplemental application dated January
21, 1941 having been duly filed with this
Commission on the 23rd day of January, 1941
by the above-named party for an
order pursuant to section 202 (a) (11) (F)
of the Investment Advisers Act of
1940, designating the Savings Banks
Association of Maine not to be an invest-
ment adviser within the intent of section
202 (a) (11) of that Act:

It is ordered, That a hearing on the
above matter under the applicable pro-
visions of the Act and the rules of the
Commission thereunder be held at 10:00
A. M. on February 14, 1941, at the Wash-
ington Office of the Securities and Ex-
change Commission, and that said hear-
ing be continued at such other time and
place as the Commission or officer con-
ducting said hearing may determine; that
for the purpose of said hearing Charles S. Lobinger be and is hereby
designated as the officer of the Commis-
sion, and pursuant to Section 209 (b)
of the Investment Advisers Act of 1940,
said officer is hereby authorized to
administer oaths and affirmations, sub-
poena witnesses, compel their attendance,
take evidence, and require the produc-
tion of any books, papers, correspond-
ence, memoranda and any and all other rec-
ords deemed relevant or material to the
matters in issue at said hearing, and to per-
form all other duties in connection therewith as authorized by law.

Notice of such hearing is hereby given
to the applicant and to any other person
whose participation in such proceeding may be in the public interest or for the
protection of investors.

By the Commission.

[SEAL] FRANCES P. BRASSOR,
Secretary.

[FR. R. Doc. 41-763; Filed, February 1, 1941;
11:07 a. m.]

[File No. 60-17]

IN THE MATTER OF COMMONWEALTHS DIS-
TRIBUTION, INC., HERBERT W. BRIGGS,
VANCE L. BUSHEILL, HERBERT L. NICHOLS,
JAMES T. WOODWARD, RUSSELL B. STEARNS,
F. W. SEYMOUR, RESPOND-
ENTS

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities
and Exchange Commission held at
its office in the City of Washington, D. C.,
on the 31st day of January, A. D. 1941.

The Commission having been advised by
its Public Utilities Division of evi-
dence tending to show that Common-
wealths Distribution, Inc., Herbert W.
Briggs, Vance L. Bushnell, Herbert L.
Nichols, James T. Woodward, Russell B.
Stearns, and F. W. Seymour, directly or
indirectly exercise (either alone or pur-
suant to an arrangement or understand-
ing with each other or with one or more
other persons) such a controlling in-
fluence over the management or policies
of Community Power and Light Com-
pany and/or Commonwealth Electric
Company, registered holding companies, as
to make it necessary or appropriate in the
public interest or for the protec-
tion of investors or consumers that the
above-named Respondents and each of
them be subject to the obligations, du-
ties, and liabilities imposed by the Pub-
lic Utility Holding Company Act of 1935
upon holding companies; and

None of the above-named Respondents
having filed with the Commission, either
alone or with other persons, a notifica-
tion of registration pursuant to section 5
(a) of the Act:

It is ordered, Pursuant to section 2 (a)
(7) (B) of said Act that a hearing be
held at the office of the Securities and
Exchange Commission, 1778 Pennsylvania
Avenue NW., Washington, D. C.,
at 10:00 a. m., on the 4th day of March
1941, to determine whether the above-
named Respondents or any one or more
of them directly or indirectly exercise
(either alone or pursuant to an arrange-
ment or understanding with each other
or with one or more other persons) such
a controlling influence over the man-
agement or policies of Community Power
and Light Company and/or General
Public Utilities, Inc. and/or National Gas
& Electric Corporation, as to make it
necessary or appropriate in the public
interest or for the protection of investors
or consumers that the above-named
Respondents or any one or more of them
be subject to the obligations, duties, and
liabilities imposed by said Act upon
holding companies.

It is further ordered, That James G.
Swell and any other officer or officers of
the Commission designated by the
Commission for that purpose shall preside at a hearing in such
matter. The officer so designated to pre-
side at such hearing is hereby authorized to
exercise all powers granted to the
Commission under section 19 (c) of said
Act and to a trial examiner under the
Commission's Rules of Practice.

Notice of such hearing is hereby given
to the above-named Respondents and to
all other persons including the security
holders, and consumers of Community
Power and Light Company, General
Public Utilities, Inc., and National Gas &
Electric corporation, and the subsidiaries
thereof, and to any other person whose
participation in such proceeding may be
in the public interest or for the protec-
tion of investors or consumers. It is re-
quested that any person desiring to be
heard or to be summoned as a party to such
proceeding shall file a notice to that
effect with the Commission on or before
the 28th day of February 1941.

By the Commission.

[SEAL] FRANCES P. BRASSOR,
Secretary.

[FR. R. Doc. 41-801; Filed, February 3, 1941;
11:40 a. m.]

IN THE MATTER OF A PROCEEDING BEFORE
THE SECURITIES AND EXCHANGE COM-
MISSION TO DETERMINE WHETHER JOSEPH
L. MERRILL SHOULD BE SUSPENDED OR
EXPELLED FROM MEMBERSHIP ON CERTAIN
NATIONAL SECURITIES EX-
CHANGES PURSUANT TO SECTION 19 (a)
(3) OF THE SECURITIES EXCHANGE ACT
OF 1934

ORDER AMENDING ORDER TO SHOW CAUSE AND
HEARING, DESIGNATING OFFICER, TIME AND
PLACE FOR TAKING TESTIMONY

At a regular session of the Securities
and Exchange Commission held at its
office in the City of Washington, D. C.,
on the 1st day of February 1941.
It is ordered, That the order to show cause and for hearing in the above-entitled matter, adopted by the Commission on October 16, 1940, as amended on October 31, November 23, December 10, December 20, 1940, January 3, and January 17, 1941, be and the same is hereby further amended to postpone the hearing from 10 A.M. on February 3, 1941, until 10 A.M. on February 24, 1941, at the New York Regional Office of the Securities and Exchange Commission, 120 Broadway, New York, New York.

By the Commission.

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 41-798; Filed, February 3, 1941; 11:40 a.m.]

IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS OF THE NEW YORK CUB EXCHANGE
ORDER AMENDING ORDER FOR PUBLIC HEARING DESIGNATING OFFICER TO TAKE TESTIMONY

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D.C., on the 1st day of February, A.D. 1941.

It is ordered that the order for public hearing designating officer to take testimony in the above-entitled matter, adopted by the Commission on January 23, 1941, be and the same is hereby amended to change the date of the commencement of the hearing from 10:00 A.M. on February 10, 1941 to 10:00 A.M. on February 17, 1941.

By the Commission.

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 41-800; Filed, February 3, 1941; 11:40 a.m.]

IN THE MATTER OF THE UNITED ILLUMINATING TRUST AND THE ILLUMINATING SHARES COMPANY
NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D.C., on the 1st day of February, A.D. 1941, Applications pursuant to the Public Utility Holding Company Act of 1935 having been duly filed with this Commission by the above named parties;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on February 20, 1941, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D.C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matters. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18(c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before February 15, 1941.

The matter concerned herewith is in regard to:

A. An application by The United Illuminating Trust, a registered holding company, pursuant to section 5(d) of said Act, for a finding by the Commission that said The United Illuminating Trust has ceased to be a holding company, and for an order, without cause and for hearing in the above-entitled matter, adopted by the Commission on January 18, 1940 (File Number 54-23), as amended on August 15, 1940, and the other matters with respect to which the Commission reserved jurisdiction in said order.

It is represented that after delivery by The United Illuminating Trust to The Illuminating Shares Company of the shares of capital stock of The United Illuminating Company, as aforesaid, The Illuminating Shares Company proceeded to exchange such shares of the capital stock of The United Illuminating Company for shares of its own Class A stock, and that on January 16, 1941 The Illuminating Shares Company held only 8,579 shares of the capital stock of The United Illuminating Company, being less than 1% of the outstanding capital stock of the said The United Illuminating Company; and that, further, the Board of Directors of The United Illuminating Company has adopted a resolution pursuant to the laws of the State of Delaware, that it was deemed advisable, in the judgment of the Board of Directors and most for the benefit of The Illuminating Shares Company that the company last named should be dissolved, and also adopted a resolution that a special meeting of the stockholders of that company be called, to be held on February 13, 1941, for the purpose of considering and taking action on said resolution of the Board of Directors, and voting on the advisability of dissolving The Illuminating Shares Company.

By the Commission.

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 41-799; Filed, February 3, 1941; 11:39 a.m.]