FEDERAL REGISTER

VOLUME 6 NUMBER 160

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Rules, Regulations, Orders

TITLE 5—ADMINISTRATIVE PERSONNEL

CHAPTER I—CIVIL SERVICE COMMISSION

PART 17—REGULATIONS OF THE BOARD OF LEGAL EXAMINERS

Section 17.1, *Appointments from existing registers,* issued on June 27, 1941 (6 F.R. 3577), is revoked.

Section 17.2, *Appointments pending registers,* issued on June 27, 1941 (6 F.R. 3577) is amended, effective as of August 15, 1941, to read as follows:

§ 17.2 *Procedure prior to the establishment of registers.* (a) In cases of special emergency, an attorney position (including junior attorney and law clerk—trainee positions) may be filled by temporary appointment without regard to the provisions of the Civil Service Act and Rules or of E.O. 8743, Apr. 23, 1941 (6 F.R. 2117), if prior express permission for such an appointment is given by the Board of Legal Examiners with the authorization of the Commission. Any person receiving such a temporary appointment, and all persons who have received temporary appointments under this section, shall be required to pass a noncompetitive examination prescribed by the Board. If a person receiving a temporary appointment shall fail to pass the noncompetitive examination, his appointment shall terminate within 30 days after notification by the Board to the department or agency in which he is employed, except that in cases of special emergency he may be retained, without acquiring civil-service status, for such longer period as the Board, in its discretion, deems necessary. Any person receiving a temporary appointment under this section who passes such noncompetitive examination shall be eligible for a classified status after the expiration of six months from the date of his appointment, if there has been compliance with the provisions of § 2.6, other than those provisions relating to examination.

(b) Subject to the provisions of (a), no person may be appointed to any attorney position unless he has passed a noncompetitive examination prescribed by the Board. Such an examination shall be given only to a person whose proposed appointment has been submitted to the Board by the appointing officer.

(c) The following qualifications shall be required:

(1) *For appointment to Grade CAF 4.* Graduation from a recognized law school as defined by the Commission, to wit, a law school authorized to confer the Bachelor or higher degree in law, which requires residence work.

(2) *For appointment to Grade P1 and higher.* Admission to the Bar and the following professional experience or its equivalent: P1, none; P2, one year; P3, eighteen months; above P3, three years. In judging the equivalent of professional experience, special qualifications shall be taken into consideration.

(d) The noncompetitive examination shall consist of two parts: (1) record evaluation; (2) oral examination; *Provided,* That the Board may in special cases waive the oral examination for appointments to grades above P5. The noncompetitive examination shall be conducted by or under the supervision of examining committees of three members to be appointed by the Chairman of the Board, and such committees shall determine the eligibility or ineligibility of the candidate.

(e) The determination of the examining committee shall be final, except that within fifteen days after notification of failure an unsuccessful candidate may petition the Board to review the determination. Such review is discretionary and will be granted only for good cause shown.

By the United States Civil Service Commission.

H. B. MITCHELL,
President.

AUGUST 6, 1941.

[F. R. Doc. 41-6045; Filed, August 15, 1941; 11:53 a. m.]

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FEDERAL REGISTER

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TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4277]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF UCO FOOD CORPORATION

§ 3.45 (e) 1) *Discriminating in price—Indirect discrimination—Brokerage payments.* In the purchase of commodities in commerce, (1) receiving or accepting from sellers, directly or indirectly, any allowance or discount in lieu of brokerage fees or commissions in whatever manner or form said allowances, discounts, brokerage fees or commissions may be offered, allowed, granted, paid or transmitted; and (2) receiving or accepting from sellers in any manner or form whatever, directly or indirectly, anything of value as a commission, brokerage fee or other compensation or any allowance or discount in lieu thereof upon purchases of commodities by respondent; prohibited. (Sec. 2 (c), 49 Stat. 1527; 15 U.S.C., Supp. IV, sec. 13c) [Cease and desist order, Uco Food Corporation, Docket 4277, August 7, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of August, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission and substitute answer of respondent, in which answer respondent admits all of the material allegations of fact set forth in said complaint and states that it waives all intervening procedure and further hearings as to said facts and expressly waives the filing of briefs and oral argument, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of section 2 (c) of the Act of Congress entitled "An Act to Supplement Existing Laws Against Unlawful Restraints and Monopolies and For Other Purposes," approved October 15, 1914 (the Clayton Act), as amended by Act of Congress approved June 19, 1936 (the Robinson-Patman Act) (U.S.C. Title 15, Sec. 13);

It is ordered, That the respondent, Uco Food Corporation, a corporation, its agents, employees and representatives, in the purchase of commodities in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

(1) Receiving or accepting from sellers, directly or indirectly, any allowance or discount in lieu of brokerage fees or commissions in whatever manner or form said allowances, discounts, brokerage fees or commissions may be offered, allowed, granted, paid or transmitted; and

(2) Receiving or accepting from sellers in any manner or form whatever, directly or indirectly, anything of value as a commission, brokerage fee or other compensation or any allowance or discount in lieu thereof upon purchases of commodities by respondent.

It is further ordered, That the said respondent, Uco Food Corporation, a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist hereinabove set forth by the Commission.

By the Commission.

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

[F. R. Doc. 41-6030; Filed, August 15, 1941; 11:19 a. m.]

[Docket No. 4301]

PART 3—DIGEST OF CEASE AND DESIST ORDER

IN THE MATTER OF GATES MEDICINE COMPANY, INC.

§ 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 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with offer, etc., of respondent's "White Ribbon Remedy" and "Improved White Ribbon Remedy", or any other substantially similar preparations, disseminating, etc., 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 preparations which advertisements represent, directly or by implication, (1) that said "White Ribbon Remedy" constitutes a competent or effective treatment for the liquor habit, or that it is safe and harmless; and (2) that said "Improved White Ribbon Remedy" constitutes a competent or effective treatment for the liquor habit or is a remedy for nervousness, fatigue, illness, or other condition caused by the

[1] 5 F.R. 3568.

excessive drinking of alcoholic beverages; or which advertisements fail to reveal that the use of said "White Ribbon Remedy" may cause depression of the cardiovascular system, chronic irritation of the stomach and intestinal tract, nausea and failure to eat and get the proper amount of food minerals and vitamins necessary to maintain health; 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, Gates Medicine Company, Inc., Docket 4301, August 6, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of August, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence introduced before Lewis C. Russell, duly appointed trial examiner of the Federal Trade Commission designated by it to serve in this proceeding, the report of the trial examiner thereon and brief filed on behalf of the Commission, 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, Gates Medicine Company, Inc., a corporation, its officers, directors, agents, representatives and employees, jointly or severally, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of its preparations known as "White Ribbon Remedy" and "Improved White Ribbon Remedy", or any preparation of substantially similar composition or possessing substantially similar properties, do forthwith Cease and Desist from directly or indirectly:

(1) Disseminating or causing to be disseminated any advertisement (a) by means of the United States Mail, or (b) by any means—in commerce as "commerce" is defined in the Federal Trade Commission Act—which advertisement represents directly or by implication that said preparation, White Ribbon Remedy, constitutes a competent or effective treatment for the liquor habit, or that said preparation is safe and harmless; or which advertisement fails to reveal that the use of said preparation may cause depression of the cardiovascular system, chronic irritation of the stomach and intestinal tract, nausea and failure to eat and get the proper amount of food minerals and vitamins necessary to maintain health;

(2) Disseminating or causing to be disseminated any advertisement (a) by means of the United States Mail, or (b) by any means—in commerce as "Commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that its said preparation Improved White Ribbon Remedy constitutes a competent or effective treatment for the liquor habit; or that said improved White Ribbon Remedy is a remedy for nervousness, fatigue, illness, or other condition caused by the excessive drinking of alcoholic beverages;

(3) 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 preparations, or either of them, which advertisement contains any of the representations prohibited in paragraph (1) and (2) hereof, or which fails to reveal that the use of the preparation White Ribbon Remedy may cause depression of the cardiovascular system, chronic irritation of the stomach and intestinal tract, nausea and failure to eat and get the proper amount of food minerals and vitamins necessary to maintain health.

It is further ordered, That respondent, Gates Medicine Company, Inc., a corporation, 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, it 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.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-6031; Filed, August 15, 1941; 11:19 a. m.]

[Docket No. 4434]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF G. KRUEGER BREWING COMPANY

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (m10) *Advertising falsely or misleadingly—Manufacture or preparation.* Disseminating, etc., in connection with offer, etc., of respondent's "Ambassador Beer", or any other beer containing fermentable ingredients other than and in addition to barley malt and hops, 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 beer, which advertisements represent, directly or by implication, that only barley malt and hops are used in brewing said beer, 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, G. Krueger Brewing Company, Docket 4434, August 7, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of August, A. D. 1941.

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

It is ordered, That the respondent, G. Krueger Brewing Company, 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 its product "Ambassador Beer," or any other beer containing fermentable ingredients other than and in addition to barley malt and hops, whether sold under the same name or any other name, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement, by any means, in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents directly or by implication that only barley malt and hops are used in brewing said beer.

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 beer, which advertisement contains the representation prohibited in Paragraph One hereof.

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 setting 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. 41-6032; Filed, August 15, 1941; 11:20 a. m.]

[Docket No. 4484]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF ALVI CO., ETC.

§ 3.6 (n) 2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6

[1] 6 F.R. 1700.

[1] 5 F.R. 4767.

(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 hair dye cosmetic variously advertised as Vitale Instantaneous Hair Dye, Vitale Rapid Hair Coloring, Vitale Rapid, Vitale Hair Coloring, Vitale Hair Dye, and as Vitale, or any other substantially similar hair dye cosmetic or product, 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 preparation, which advertisements represent, directly or through inference, that said preparation is a safe or scientific cosmetic, free from harmful, injurious or dangerous chemicals, or that its use will end premature gray hair or produce a permanent, natural, uniform shade or give the warmth, color, luster or glint of youth to the hair; or which advertisements fail to conspicuously reveal therein the following: "Caution: This product contains ingredients which may cause skin irritation on certain individuals and preliminary tests according to accompanying directions should first be made. This product must not be used for deying the eyelashes or eyebrows; to do so may cause blindness"; prohibited, subject to the provision, however, that such advertisements need contain only the statement: "Caution: Use only as directed on label", if and when such label bears the first described caution conspicuously displayed thereon and the accompanying labeling bears adequate directions for such preliminary testing before each application. (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, Alvi Co., etc., Docket 4484, August 7, 1941]

In the Matter of Casimiro Muojo, an Individual, Trading as Alvi Co. and as Alvi, Inc.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of August, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer the respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Casimiro Muojo, an individual, trading as Alvi Co. and as Alvi, Inc., or trading under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of his hair dye cosmetic variously advertised as Vitale Instantaneous Hair Dye, Vitale Rapid Hair Coloring, Vitale Rapid, Vitale Hair Coloring, Vitale Hair Dye and as Vitale, or any other hair dye cosmetic or product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement (a) by means of the 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 said preparation is a safe or scientific cosmetic, free from harmful, injurious or dangerous chemicals; that its use will end premature gray hair or produce a permanent, natural, uniform shade or give the warmth, color, luster or glint of youth to the hair; or which advertisement fails to conspicuously reveal therein the following:

"Caution: This product contains ingredients which may cause skin irritation on certain individuals and preliminary tests according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness."

Provided, however, That such advertisement need contain only the statement:

"Caution: Use only as directed on label," if and when such label bears the first described caution conspicuously displayed thereon and the accompanying labeling bears adequate directions for such preliminary testing before each application."

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, which advertisement contains any of the representations prohibited in Paragraph One hereof or which advertisement fails to conspicuously reveal therein the following:

"Caution: This product contains ingredients which may cause skin irritation on certain individuals and preliminary tests according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness."

Provided, however, That such advertisement need contain only the statement:

"Caution: Use only as directed on label," if and when such label bears the first described caution conspicuously displayed thereon and the accompanying labeling bears adequate directions for such preliminary testing before each application.

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

By the Commission.

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

[F. R. Doc. 41-6033; Filed, August 15, 1941; 11:20 a. m.]

[Docket No. 4505]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF KEMICO

§ 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:* § 3.96 (a) 6) *Using misleading name—Goods—Qualities or properties:* § 3.96 (a) 7.5) *Using misleading name—Goods—Results.* In connection with offer, etc., in commerce, of respondent's formulas for medicinal and cosmetic preparations, or other similar formulas, representing, directly or indirectly, that preparation compounded from his (1) Greaseless Massage Cream formula is a cure or remedy, or a competent and effective treatment for sallowness or roughness of the skin or for pimples or other skin imperfections; (2) Lemon Greaseless Cream formula possesses therapeutic value as a skin treatment or helps to promote a clear or healthy skin; (3) Catarrhal Cream formula constitutes a competent or effective treatment for nasal catarrh, dry catarrh, catarrhal headaches, head colds, hay fever, sore throat, bronchitis, or throat troubles generally, or is a competent or effective treatment for burns, cuts, or sores; (4) Hair-Lay Cream formula will promote the growth of hair or relieve itching scalp, or has any value in preventing dandruff or falling hair; (5) Dandruff Remedy formula is a cure or remedy for dandruff, or has any therapeutic value in the treatment of dandruff in excess of affording temporary relief from the symptom of itching associated therewith and assisting in the temporary removal of dandruff scales, through the use of the word "Remedy" or any other word of similar import or meaning in the trade name of said formula or in any other manner; (6) Vapor Inhalant formula is a competent or effective treatment for croup, head colds, headaches or catarrh; (7) Beauty Balm formula

will help to eliminate wrinkles, improve the complexion, or have any tonic effect upon the skin; (8) Debest Skin Treatment formula is a competent or effective treatment for eczema, or for redness, roughness or scaling of the skin; (9) Nasal Jelly formula is a competent or effective treatment for head colds, catarrh, or any similar conditions; (10) Teeth Whitener Formula A or Teeth Whitener Formula B formulas will remove tartar stains or other discolorations from the teeth, or that preparation compounded from the former is safe for use; (11) Pine Oil Nasal Spray, and Menthol and Camphor Nasal Spray formulas are competent or effective treatments for head colds, catarrh, or similar conditions or are entirely safe for continued use; and (12) Nose Inhalant formula is safe for continued use; 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, Kemico, Docket 4505, August 6, 1941]

In the Matter of F. W. Johnson, Individually and Trading Under the Name Kemico

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of August, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to the said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondent, F. W. Johnson, individually and trading under the name Kemico, or trading under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of his said formulas for medicinal and cosmetic preparations, or any other formulas for the compounding of medicinal or cosmetic preparations in which are listed substantially similar ingredients, or which possess substantially similar properties, whether sold under the names now employed by respondent or under any other name or names, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or indirectly:

(a) That the preparation compounded from respondent's *Greaseless Massage Cream* formula is a cure or remedy, or a competent or effective treatment for sallowness or roughness of the skin or for pimples or other skin imperfections;

(b) That the preparation compounded from respondent's *Lemon Greaseless Cream* formula possesses therapeutic value as a skin treatment or that it helps to promote a clear or healthy skin;

(c) That the preparation compounded from respondent's *Catarrhal Cream* formula constitutes a competent or effective treatment for nasal catarrh, dry catarrh, catarrhal headaches, head colds, hay fever, sore throat, bronchitis, or throat troubles generally, or that it is a competent or effective treatment for burns, cuts, or sores;

(d) That the preparation compounded from respondent's *Hair-Lay Cream* formula will promote the growth of hair or relieve itching scalp, or that it has any value in preventing dandruff or falling hair;

(e) Through the use of the word "Remedy" or any other word of similar import or meaning in the trade name of respondent's formula or in any other manner that the preparation compounded from respondent's *Dandruff Remedy* formula is a cure or remedy for dandruff, or that it has any therapeutic value in the treatment of dandruff in excess of affording temporary relief from the symptom of itching associated with dandruff and assisting in the temporary removal of dandruff scales;

(f) That the preparation compounded from respondent's *Vapor Inhalant* formula is a competent or effective treatment for croup, head colds, headaches or catarrh;

(g) That the preparation compounded from respondent's *Beauty Balm* formula will help to eliminate wrinkles, improve the complexion, or have any tonic effect upon the skin;

(h) That the preparation compounded from respondent's *Debest Skin Treatment* formula is a competent or effective treatment for eczema, or for redness, roughness or scaling of the skin;

(i) That the preparation compounded from respondent's *Nasal Jelly* formula is a competent or effective treatment for head colds, catarrh, or any similar conditions;

(j) That the preparations compounded from respondent's *Teeth Whitener Formula A* or *Teeth Whitener Formula B* formulas will remove tartar stains or other discolorations from the teeth, or that the preparation compounded from Teeth Whitener Formula A is safe for use;

(k) That the preparations compounded from respondent's *Pine Oil Nasal Spray* and *Menthol and Camphor Nasal Spray* formulas are competent or effective treatments for head colds, catarrh, or similar conditions, or that said preparations are entirely safe for continued use;

(l) That the preparation compounded from respondent's *Nose Inhalant* formula is safe for continued use.

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

By the Commission.

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

[F. R. Doc. 41-6034; Filed, August 15, 1941; 11:21 a. m.]

TITLE 24—HOUSING CREDIT

CHAPTER IV—HOME OWNERS' LOAN CORPORATION

[Administrative Order No. 3-217]

PART 402, LOAN SERVICE DIVISION

TAX AND INSURANCE ACCOUNT, WITHDRAWN FORECLOSURES

The fourth paragraph of section 402.03-20 [1] is amended to read as follows:

§ 402.03-20 *Suspension of foreclosures; payments by home owner.*

* * * * *

Withdrawn foreclosures. In cases where suspension or withdrawal of foreclosure is authorized by the Regional Manager before judgment, or sale not preceded by a judgment, or where withdrawal is authorized after such judgment or sale, any Form 533 obtained in connection with Form 191-A shall be processed in accordance with the Forms Manual instructions. Since the Tax and Insurance Account is not maintained after judgment, or sale not preceded by judgment, any Form 533 taken in connection with suspension after such judgment or sale shall not be processed until withdrawal. In order that adequate sums may be available at tax-paying time, consideration shall be given to the necessity for a lump sum accrual in the Tax and Insurance Account. Any such lump sum accrual shall be provided for by the issuance of Form 197.

(Effective date August 15, 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 secs. 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.*

[F. R. Doc. 41-6029; Filed, August 15, 1941; 11:06 a. m.]

[Administrative Order No. 3-219]

PART 402—LOAN SERVICE DIVISION

CHANGE IN STATUS OF THE MORTGAGED PROPERTY AFFECTING ACCOUNT

Section 402.14-8 [2] is amended to read as follows:

§ 402.14-8 *Change in status of the mortgaged property affecting account.*

[1] 6 F.R. 744.
[2] 5 F.R. 2741.

In cases where a Tax and Insurance account has been established and notice of transfer of the property, death of the home owner, or notice of other similar matters affecting the account is received, it is assumed that the present Tax and Insurance account will continue in effect unless the Regional Manager, with the advice of the Regional Counsel, shall otherwise direct.

In foreclosure cases the regular monthly accruals will be continued and the balance in the Tax and Insurance account will not be transferred to the loan account until judgment, or sale, if such sale is not preceded by a judgment, unless otherwise directed by the Regional Counsel or the Loan Service Division.

(Effective date August 15, 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 secs. 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.

[F. R. Doc. 41-6028; Filed, August 15, 1941; 11:06 a. m.]

PART 407—TREASURY DIVISION

EXECUTION OF RELEASES AND SATISFACTIONS

Section 407.42 is added reading as follows:

§ 407.42 *Paid loan section.* Upon receipt of any satisfaction, release or other appropriate instruments (in connection with a loan paid in full, a loan to be recast under a new set of collateral instruments, a substitution of collateral, or a partial release) from Regional Counsel accompanied by his certificate that such instruments are in proper legal form for execution, and (on paid-in-full transactions) a statement of the account as certified by the Regional Accountant, the Regional Treasurer and the Assistant Regional Treasurer are each authorized and directed, individually, to execute such satisfaction, release or other appropriate instruments.

The Regional Treasurer shall expedite the release of those instruments and papers to which a borrower is entitled upon payment in full of an indebtedness, or upon the execution of a partial release.

(Effective date August 15, 1941)

(Secs. 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.

[F. R. Doc. 41-6026; Filed, August 15, 1941; 11:05 a. m.]

[Administrative Order No. 799]

PART 407, TREASURY DIVISION

LOANS PAID IN FULL

Sections 407.50-16 [1] and 407.50-19 [2] of part 407 are revoked, and the following sections are inserted and numbered as hereinbelow set out:

§ 407.42-2 *Form RO-95.* The Paid Loan Section shall determine through the Cashier that remittance paying account in full is either of such a nature that its collection is without question or that it has cleared, and after such determination shall promptly forward to the person entitled to receive same the release, canceled note and mortgage, and other papers as specified by the Regional Counsel, and shall enclose Form RO-95, in duplicate, properly filled out with return addressed franked envelope (triplicate copy of Form RO-95 shall be inserted in the loan file).

§ 407.42-5 *Borrower's settlement agent.* When the debtor who intends to pay a loan in full does not desire to transmit the necessary moneys to the Corporation in advance of obtaining a release, the settlement may be handled through an escrow agent: *Provided,* That the agent selected by the debtor is acceptable to the Corporation. No expense incurred by or fees due such escrow agent shall be paid by the Corporation.

Subject to approval by the Regional Manager, with the advice of Regional Counsel, any institution or individual of known responsibility such as a National Bank, a member bank of the Federal Reserve System, a member of the Federal Home Loan Bank System, a Title Company, or an attorney, shall be acceptable to act as an escrow agent, *Provided, however,* That whenever such an institution is available no individual shall be approved, such institution or individual to execute an Agreement, Form RO-TR-351, or Form RO-TR-351-A, regarding the payment of moneys due the Corporation. Form RO-TR-351 will be used generally, but where a number of cases are to be handled through any one escrow agent, Form RO-TR-351-A, Blanket Escrow Agreement, may be used if in the opinion of the Regional Treasurer the use of same is advantageous and justified. No release or cancelation of evidence of indebtedness shall be transmitted to such approved institution or individual until a properly executed agreement is on file in the Paid Loan Section.

After receipt of a properly executed Agreement, Form RO-TR-351, from the approved escrow agent, or upon receipt of a request from an approved escrow agent who has executed and filed a blanket escrow agreement, Form RO-TR-351-A, with the Regional Treasurer, the Regional Treasurer shall transmit by registered mail to said agent the release, cancellation of evidence of indebtedness and any papers to which the borrower is entitled, as specified by the Regional Counsel, accompanied by Form RO-95-A or Form RO-95-A-1.

When the transaction pertains to a property located in a state, or political subdivision thereof, in which it is unnecessary to formally execute a release or satisfaction on either the mortgage (or other instrument in lieu thereof) or the note (or other instrument evidencing indebtedness) and the simple notation thereon of "Paid", "Canceled" or "Released" will suffice when satisfaction is by a separate instrument, the cancellation of such instruments need not be effected in the Regional Office and such instruments may be transmitted unmarked, accompanied by a separate instrument of release or satisfaction to the escrow agent with instructions to mark such instruments "Paid", "Released" or "Canceled" upon receipt of full payment of the indebtedness.

A remittance received from an escrow agent in such cases shall be considered as having been received by the Corporation on the date the remittance was mailed by the agent, as evidenced by the postmark on the envelope.

(Effective date August 15, 1941.)

(Above procedure promulgated by Treasurer with approval of General Counsel, General Manager, and Vice-Chairman pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to secs. 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.

[F. R. Doc. 41-6027; Filed, August 15, 1941; 11:05 a. m.]

[1] 4 F.R. 1765.
[2] 5 F.R. 1629.

TITLE 25—INDIANS

CHAPTER I—OFFICE OF INDIAN AFFAIRS

SUBCHAPTER Q—LEASES AND PERMITS ON RESTRICTED INDIAN LANDS

PART 171—LEASING OF INDIAN ALLOTTED AND TRIBAL LANDS FOR FARMING, GRAZING, AND BUSINESS

Section 171.23 of said Title, Chapter, Subchapter, and Part is amended to read as follows:

§ 171.23 *Fees.* When Indian land is leased (either by formal lease or revocable permit), subleased, or assigned (including renewals or extensions), for farming, farm-pasture or other agricultural purposes, or business purposes, fees shall be fixed as follows:

(a) *Total rental: (To be paid by lessee, permittee, sublessee, or assignee)*

	Fee
Not to exceed $100.00	$1.00
$101.00–$250.00	2.50
$251.00–$500.00	5.00
For each additional $500 or fraction thereof	1.00

When, under the terms of the instrument, the occupant is to pay taxes accruing during the period, an amount equal to the estimated total amount of the taxes shall be included in the amount to be used in determining the fee to be charged. In the case of a sublease, subpermit, or assignment, the fee shall be based on the total amount yet to accrue under the instrument from the effective date of the transaction. When the lease or permit period is extended with the mutual consent of the parties concerned or the instrument provides for the extension of the lease or period at the option of the occupant, and such an extension is made, then the fee shall be computed from the effective date on the same basis as the original instrument. The fee to be collected in case of crop-share or other non-cash rental leases or permits shall be based on (1) an estimate of the cash rental value of the acreage or (2) the estimated value of the lessors' share of the crops.

(b) Except in the case of lessors authorized to negotiate their own leases and collect the rentals therefor, as provided in § 171.4, each individual lessor or permitter shall pay a fee based on the income from each allotment under each lease or permit which the lessor or permitter owns or has an interest in, as follows:

Total annual rentals due individual lessors or permitters on each lease or permit	
$26.00–$50.00	$0.50
$51.00–$100.00	1.00
$101.00–$250.00	2.50
$251.00–$500.00	5.00
$501.00–$750.00	7.50
$751.00 and over	10.00

A minimum annual fee of 25 cents on income derived from each lease or permit shall be charged in each case when the individual annual rental from each allotment under a single lease or permit is less than $26.00 per annum, except that in any case where the individual income accruing from each allotment under any lease or permit is less than 25 cents per annum, such lesser sum accruing shall constitute the total fee due from each such individual lessor or permitter. (Sec. 1, 41 Stat. 415, 47 Stat. 1417; 25 U.S.C. 413)

Dated: July 31, 1941.

W. C. MENDENHALL,
Acting Assistant Secretary of the Interior.

[F. R. Doc. 41–6011; Filed, August 15, 1941; 9:24 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A–406]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER OF THE DIRECTOR GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 2 FOR PRELIMINARY, OR TEMPORARY RELIEF, AND PERMANENT ORDER PROVIDING FOR CHANGE IN MINIMUM PRICES ESTABLISHED FOR COALS OF ITS CODE MEMBERS WHEN SHIPPED BY TRUCK TO BEEHIVE COKE OVENS IN MARKET AREA 7

An original petition in this matter having been filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 2, requesting a change in minimum price for shipment by truck to beehive coke ovens in Market Area No. 7;

Temporary relief having been granted by Order of the Director dated December 30, 1940.[1]

A hearing in this matter having been held on January 28, 1941, pursuant to an Order of the Director dated January 9, 1941, before a duly designated Examiner of the Bituminous Coal Division, at a hearing room thereof, in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard, appearances being entered by District Board No. 2, the Hillman Coal and Coke Company and the Consumers' Counsel Division.

The parties to this proceeding having waived the preparation and filing of an Examiner's report, and the matter having thereupon been submitted to the Director; and

The Director having made Findings of Fact and Conclusions of Law which are filed herewith;

Now, therefore, it is ordered:

1. Commencing forthwith § 322.21 (*Price instructions and exceptions*) in the Schedule of Effective Minimum Prices for District No. 2 for Truck Shipments is hereby amended by the addition of the following Price Exception:

When coal is sold for conversion into coke at beehive coke ovens in Market Area 7, the minimum price for all sizes of coal shall be $2.00 per net ton f. o. b. the mine.

Dated: August 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–6022; Filed, August 15, 1941; 10:37 a. m.]

[1] 6 F.R. 52.

[Docket No. A–705]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER OF THE DIRECTOR GRANTING RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR REVISION OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS IN SIZE GROUPS 8, 9, AND 10 OF MINE INDEX NO. 525 OF THE CHARMCO SMOKELESS COAL COMPANY, INC., A CODE MEMBER IN DISTRICT NO. 7

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by District Board 7, seeking a reclassification from A to B of the coals of the Charmco No. 1 Mine (Mine Index No. 525) of the Charmco Smokeless Coal Company, Inc., a code member in District 7, in Size Groups 8, 9, and 10;

A hearing having been held on March 27, 1941, before a duly designated Examiner of the Division at a hearing room of the Division, 734 Fifteenth Street NW., Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation or issuance of an Examiner's report having been waived and the record thereupon having been submitted to the Director for disposition; and

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

It is ordered, That § 327.11 (*low volatile coals: Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 7 for All Shipments Except Truck, be, and it hereby is, amended by establishing the B classifications and corresponding minimum prices for the Charmco No. 1 Mine (Mine Index No. 525) coals of the Charmco Smokeless Coal Co., Inc., in Size Groups 8, 9, and 10, in lieu of the presently effective A classifications.

It is further ordered, That in all other respects the petition herein be, and it hereby is, denied.

Dated: August 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–6021; Filed, August 15, 1941; 10:37 a. m.]

[Docket No. A–569]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 FOR CHANGE IN CLASSIFICATION IN SIZE GROUPS 3 AND 4 OF COALS PRODUCED BY ROSCOE SHACKELFORD

An original petition having been filed with the Bituminous Coal Division on January 8, 1941, by the Bituminous Coal

Producers Board for District No. 8, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, seeking the issuance of temporary and final orders changing the classification of the coals of the Shackelford Mine (Mine Index No. 427), in Size Groups 3 and 4, from "O" to "R";

After due notice to interested persons an informal conference having been held at Cincinnati, Ohio, on January 18, 1941, concerning the temporary relief prayed for by petitioner; thereafter, by Order of the Director, dated January 29, 1941,[1] temporary relief having been granted as requested pending final disposition of the original petition in this matter;

Pursuant to an Order of the Director dated January 16, 1941, and after due notice to all interested persons, a public hearing upon the original petition having been held on February 14, 1941, before Travis Williams, a duly designated Examiner of the Division, in a hearing room thereof at Washington, D. C.; All interested parties having been afforded full opportunity to appear, present evidence, cross-examine witnesses and otherwise be heard; No petitions of intervention having been filed in this proceeding; the preparation and filing of a report by the presiding Examiner having been waived by District Board 8, the only party to the proceeding, and the matter thereupon having been submitted to the Director;

The Director having considered the record in this matter and having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith:

Now, therefore, it is ordered, That § 328.11 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 8 For All Shipments Except Truck be, and the same hereby is, forthwith amended by changing the classification for the coals of the Shackelford Mine (Mine Index No. 427) in Size Groups 3 and 4, when for shipment to destinations other than Great Lakes, from "O" to "R".

Dated: August 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6023; Filed, August 15, 1941; 10:38 a. m.]

[Docket No. A-728]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER OF THE DIRECTOR IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 FOR ORDER OF CHANGE IN PERMISSIVE ADJUSTMENTS OF ESTABLISHED MINIMUM PRICES FOR DELIVERY IN MARKET AREA 104

An original petition having been filed on March 5, 1941 with the Bituminous Coal Division pursuant to section 4 II (d) of the Act by District Board 8, requesting a modification in the Schedule of Effective Minimum Prices for all Shipments Except Truck for District 8 to the effect that the mines included within Freight Origin Group 170 should no longer be allowed to deduct 11 cents from the effective minimum prices of their coals when shipped to Market Area 104;

A hearing having been held on April 9, 1941, pursuant to Orders of the Director before a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C. at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

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

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

Now, therefore, it is ordered, That § 328.12 (*General prices for high volatile coals*) in the Schedule of Effective Minimum Prices for All Shipments Except Truck for District 8 be and it is hereby modified by amending the price adjustment table for shipments to Market Area 104, as follows:

Delete Freight Origin Group 170 from "Adjustable freight origin groups" and include it among "base freight origin groups," with the proviso however that for shipments to Franklin, Tennessee, in Market Area 104, a deduction of 11 cents from the effective minimum prices for coals in Freight Origin Group 170 may be made.

Dated: August 13, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6020; Filed, August 15, 1941; 10:36 a. m.]

[Docket No. A-967]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

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

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 8; and

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

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

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

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

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

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

No relief is granted herein for the coals of the Red Ash No. 1 Mine (Mine Index No. 5075) nor for the coals of the Red Ash No. 2 Mine (Mine Index No. 798) for the reasons set forth in the order designating that portion of Docket No. A-967 relating to such coals as Docket No. A-967, Part II.

Dated: August 7, 1941.

[SEAL] H. A. GRAY,
Director.

[1] 6 F.R. 696.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

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

FOR ALL SHIPMENTS EXCEPT TRUCK

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

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

Mine index No.	Code member	Mine name	Sub-district No.	High volatile seam	Freight origin group No.	Price classifications by size group Nos. For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	22
797	Addis, E. M.	Superior	1	Elkhorn No. 3	61	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	A	(†)	(†)	(†)	(†)	(†)	(†)	A	(†)	(†)	(†)	(†)	(†)	(†)	(†)	H	(†)	(†)	(†)	(†)	(†)	A
92	Carbon Glow Coal Company (E. N. Howard).	Carbon Glow	3	Hazard No. 4	100	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	CA	CB	CC	AD	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	CA	CB	CC	AD
3190	Chemical Coal Co	Le Moyne	4	No. 5 Block	126	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	A	B	C	D	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	A	B	C	D
3423	Elkins, Silas R.	Elkins	3	No. 4	100	M	M	N	M	K	H	K	F	F	M	(†)	(†)	(†)	(†)	(†)	(†)	M	M	M	H	F	F	K	O	M	(†)	(†)	(†)	(†)	(†)
755	Greenough Mining Company, Inc., (C. D. Jacobs).	Greenough	1	Lower Elkhorn	61	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C	K	K	H	D	B	B	C	O	K	(†)	(†)	(†)	(†)	C
769	Hart, Lloyd	Hart	6	Jellico	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
2330	Indian Creek Coal Co. (Ralph T. Huffman).	Indian Creek Coal Co.	7	Upper Banner	30	M	M	K	J	F	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	F	D	D	E	L	K	(†)	(†)	(†)	(†)	(†)
786	Leckie Collieries Company (c/o W. A. Beale).	Alma	8	Alma	130	O	O	L	K	G	E	G	B	B	E	(†)	(†)	C	C	C	B	O	N	L	G	D	C	G	K	E	(†)	C	C	C	B
747	Martin, G. R.	Melva	1	Elkhorn #1 & 2	61	H	H	H	G	E	C	E	B	C	G	(†)	(†)	A	A	A	A	H	H	H	D	B	B	E	J	G	(†)	A	A	A	A
748	Martin, G. R.	Melva No. 2	1	Elkhorn #1 & 2	61	H	H	H	G	E	C	E	B	C	G	(†)	(†)	A	A	A	A	H	H	H	D	B	B	E	J	G	(†)	A	A	A	A
749	Martin, G. R.	Melva No. 3	1	Elkhorn #1	61	H	H	H	G	E	C	E	B	C	G	(†)	(†)	A	A	A	A	H	H	H	D	B	B	E	J	G	(†)	A	A	A	A
2732	Patterson & Mills (Tom Patterson)	Patterson & Mills	6	Mason	111	H	H	F	E	D	C	E	D	D	K	O	(†)	(†)	(†)	(†)	(†)	H	H	H	F	C	B	D	M	K	O	(†)	C	C	C	C
378	Premier Coal Company	Premier	6	Turner	113	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(*)	(*)	(*)	(†)	(†)	C	C	C	C	(*)	(†)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	C	C	C	C
3346	Profitt, S. P.	Profitt†	3	No. 4	100	M	M	N	M	K	H	K	F	F	M	(†)	(†)	(†)	(†)	(†)	(†)	M	M	M	H	F	F	K	O	M	(†)	(†)	(†)	(†)	(†)
614	Stearns Coal & Lumber Co.	No. 17	6	No. 1	170	(*)	(*)	M	L	H	F	H	D	(*)	K	N	(†)	A	C	C		(*)	(†)	M	M	F	F	F	H	(*)	K	N	A	C	(†)

*Previously classified in these size groups.
†No classification effective for these size groups.

FOR TRUCK SHIPMENTS

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

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 5"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under slack	¾" and under slack
				1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 1—BIG SANDY-ELKHORN											
BOYD COUNTY, KY.											
Peacock Mining Company, Inc. c/o William R. Westfall.	Peacock #2	751	#7	265	245	210	220	205	200	150	145
Peacock Mining Company, Inc. c/o William R. Westfall.	Peacock #3	752	#6	265	245	210	220	205	200	150	145
FLOYD COUNTY, KY.											
Martin, G. R.	Melva	747	Elkhorn No. 1 & 2	285	265	225	230	215	215	170	165
Martin, G. R.	Melva No. 2	748	Elkhorn No. 1 & 2	285	265	225	230	215	215	170	165
Martin, G. R.	Melva No. 3	749	Elkhorn No. 1	285	265	225	230	215	215	170	165
Addis, E. M.	Superior	797	Elkhorn No. 3	295	275	235	240	215	225	175	170

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

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 5"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under slack	¾" and under slack
				1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 1—BIG SANDY-ELKHORN—Continued											
PIKE COUNTY, KY.											
Greenough Mining Company, Inc. (C. D. Jacobs).	Greenough	755	Lower Elkhorn	275	255	220	230	215	210	170	165
SUB-DISTRICT NO. 3—HAZARD											
WOLFE COUNTY, KY.											
Brandon, Ed.	Brandon No. 2	767	#4	265	245	210	220	205	200	150	145

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

Code member index	Mine	Mine index No.	Seam	Base sizes							
				Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 3"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under slack	¾" and under slack
				1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 6—SOUTHERN APPALACHIAN											
JACKSON COUNTY, KY.											
Morris & Earley (Cecil Morris)	Hunter	773	McKee	265	245	220	220	205	210	155	150
KNOX COUNTY, KY.											
Davenport, W. J		768		265	2235	225	225	205	215	155	150
LAUREL COUNTY, KY.											
Leach, L. B	Leach	757	Lilly	265	245	220	220	205	210	155	150
WHITLEY COUNTY, KY.											
Hart, Lloyd	Hart	769	Jellico	255	235	225	225	205	215	155	150
ANDERSON COUNTY, TENN.											
Hall, H. L. (H. L. Hall Coal Company.)	H. L. Hall	743	Coal Creek	255	235	225	230	205	215	145	140
CAMPBELL COUNTY, TENN.											
Cromwell, S. F	S. F. Cromwell	750	Jellico	300	280	225	250	215	215	170	165
Gibson, J. P	J. P. Gibson No. 2	772	Rex	295	275	210	245	215	200	145	140
Johnson, Lewis & Joe Cooper (Lewis Johnson).	Johnson & Cooper	746	Jellico	300	280	225	250	215	215	170	165
SUB-DISTRICT NO. 7—VIRGINIA											
RUSSELL COUNTY, VA.											
John, R. G	R. G. John Coal Co	745	Upper Banner	265	245	220	220	215	210	155	150
WISE COUNTY, VA.											
Jordan & Jordan (Millard Jordan).	Jordan & Jordan #1	756	Widow Kennedy	275	255	220	240	225	21	015	515
SUB-DISTRICT NO. 8—WILLIAMSON											
PIKE COUNTY, KY.											
Leckie Collieries Company c/o W. A. Beale.	Alma	786	Alma	255	235	230	215	205	22	018	017
SUB-DISTRICT NO. 9—BUCHANAN COUNTY LOW VOLATILE AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS											
RUSSELL & TAZEWELL COUNTIES, VA.											
Consumers Mining Corporation	Red Ash No. 2	798	Red Ash	305	305	300	250	280	215	155	150

[F. R. Doc. 41-5989; Filed, August 14, 1941; 10:02 a. m.]

[Docket No. A-806]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER OF THE DIRECTOR IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10, REQUESTING A CORRECTION IN THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR COALS OF CERTAIN TRUCK MINES IN BUREAU COUNTY, SECTION NO. 2 OF DISTRICT 10

This is a proceeding instituted upon an original petition filed with the Bituminous Coal Division on April 10, 1941, by District Board 10, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests a reduction in the minimum prices established for the coals of certain truck mines in Bureau County, Section No. 2, District 10.

Pursuant to an Order of the Director dated May 15, 1941, and after due notice to all interested persons a hearing was held in this matter on June 13, 1941, before Floyd McGown, a duly designated Examiner of the Bituminous Coal Division at a hearing room of the Division, Washington, D. C., at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard.[1] Only original petitioner appeared. The preparation and filing of a report by the Examiner were waived and the matter thereupon was submitted to the Director.

By the petition herein the District Board requests a reduction in the minimum prices established for the coals produced at certain truck mines in Bureau County, Illinois in District No. 10. The prices requested are the same for each mine and are shown in the schedule hereto attached and made a part hereof.

It appears from the uncontroverted evidence presented on behalf of District Board 10 that the coals produced at the mines referred to herein are comparable to the coals produced at certain truck mines located in Henry County, Illinois, which adjoins Bureau County on the west; that since the minimum prices established for the Bureau County coals for truck shipments are higher than those established for the Henry County coals a proper coordination does not exist between the two counties. For that reason petitioner requests that the minimum prices for the coals referred to herein be reduced to conform to the minimum prices now established for most of the Henry County coals for shipment by truck.

It appears that since the Order of the Director dated May 15, 1941,[2] establishing the prices requested herein as temporary effective minimum prices, no protests have been made by any of the coal producers affected thereby, and it further appears that fair competitive opportunities have existed for all of said operators since the date of said Order.

The evidence further shows that the mines referred to in the Schedule hereto attached are producing coal in Seam 6 rather than in Seam 5 as presently designated in the price schedule and that the price schedule should be amended accordingly.

Upon the basis of the uncontroverted testimony I find and conclude: (1) that the minimum prices and the seam designations shown in the schedule hereto attached for the coals specified therein are proper and should be established; that said prices conform with the prices heretofore established for analagous and similar coals in district 10; (2) that such amendments of the Schedule of Effective Minimum Prices for District No. 10 for Truck Shipments is required in order to effectuate the purposes of sections 4 II (a) and 4 II (b) of the Act and to comply with the standards thereof.

Now, therefore, it is ordered, That commencing forthwith § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto the supplement hereinafter set forth and hereby made a part hereof.

Dated: August 6, 1941.

[SEAL] H. A. GRAY,
Director.

[1] The Order of June 13, 1941, designated Floyd McGown as Examiner to conduct the hearing in the place and stead of W. A. Cuff, previously designated.

[2] 6 F.R. 2466.

FOR TRUCK SHIPMENTS

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

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

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
SECTION No. 2																																
BUREAU COUNTY																																
Brandt, D. C.	516	Indian Hill	6	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Brandt & Son, L. F. (Louis Brandt)	517		6	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---
Jenkins & Crosland (Willis Jenkins)	520	Jenkins & Crosland	6	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Pollock, Gilbert	522	Pollocks	6	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Sturm, Jesse	518	Comp's Coal	6	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Watts, Cleal T. (Coal Creek Coal Co.)	524	Coal Creek (Sheffield)	6	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---

[F. R. Doc. 41-5990; Filed, August 14, 1941; 10:02 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

SELECTIVE SERVICE REGULATIONS

[Amendment No. 81]

AMENDING THE REGULATIONS SO AS TO PROVIDE FOR THE PROCEDURE OF MAKING A CALL ON A STATE

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective upon the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Four, section XXXIV,[1] in the following respects:

1. By changing the first line of the index thereof to read:

State Calls..... 414

2. By deleting Paragraph 414 and substituting therefor the following:

414. *State calls.* When the Director of Selective Service receives a requisition for men from either the Secretary of War or the Secretary of the Navy, he shall distribute the number of men requisitioned among the states to be called upon to furnish men to fill such requisition. He shall then issue a call on Notice of Call on State (Form 12) to the State Director of Selective Service of each state concerned, sending two copies thereof to the Secretary who issued the requisition. The State Director of Selective Service, upon receiving the Notice of Call on State (Form 12), shall confer with the corps area commander (or representatives of the Navy or Marine Corps) for the purpose of determining the number of men to be delivered in order to actually induct a net of the number of men specified in such call and arranging the details as to the times when and places where such men will be delivered.

LEWIS B. HERSHEY,
Deputy Director.

AUGUST 7, 1941.

[F. R. Doc. 41-6005; Filed, August 14, 1941; 2:49 p. m.]

[1] 5 F.R. 4211.

SELECTIVE SERVICE REGULATIONS

[Amendment No. 82]

AMENDING THE REGULATIONS SO AS TO PROVIDE FOR THE PROCEDURE OF STATE DIRECTORS MAKING CALLS ON LOCAL BOARDS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective immediately upon the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Four, section XXXIV,[1] in the following respects:

1. By changing the second line of the index thereof to read:

Calls made by the State Director..... 415

2. By changing the title of Paragraph 415 and by striking out the present subparagraph *a* and substituting in lieu thereof the following:

415. *Calls made by the State Director.* *a.* After conference with the corps area commander (or representatives of the Navy or Marine Corps) the State Director shall issue calls to local boards sufficient to meet the above request (par. 414). The calls to local boards shall be issued on Notice of Call (Form 10) filled out in quadruplicate. The State Director shall send the original of each notice of Call to the local board concerned for its permanent file, the duplicate to the corps area commander (or to representatives of the Navy or Marine Corps), the triplicate to the commanding officer of the induction station concerned, and shall file the remaining copy. Calls shall be numbered consecutively, without regard to the service for which the call is made. The call shall be issued in sufficient time to permit the local boards to mail out the Order to Report for Induction within the time specified (par. 418) and thus to allow selected men ten days in which to wind up their affairs.

LEWIS B. HERSHEY,
Deputy Director.

AUGUST 7, 1941

[F. R. Doc. 41-6006; Filed, August 14, 1941; 2:50 p. m.]

[1] 5 F.R. 4211.

[No. 21]

ORDER PRESCRIBING FORMS

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

Addition of a new form designated as DSS Form 12, entitled "Notice of Call on State," effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing addition shall, effective immediately upon the filing hereof with the Division of the Federal Register, be-

[1] 5 F.R. 3785.

come a part of Appendix A to Volume One of the Selective Service Regulations.

LEWIS B. HERSHEY,
Deputy Director.

AUGUST 7, 1941.

[F. R. Doc. 41-6007; Filed, August 14, 1941; 2:50 p. m.]

[No. 22]

ORDER PRESCRIBING FORMS

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

1. Revision of DSS Form 204, effective fifteen (15) days after the filing hereof with the Division of the Federal Register. Upon the printing of revised DSS Form 204 any remaining supply of the previous DSS Form 204 will be destroyed and henceforward the revised form prescribed by this Order will be used.

The foregoing revision shall, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, become a part of Appendix A to Volume One, Selective Service Regulations.

LEWIS B. HERSHEY,
Deputy Director.

AUGUST 8, 1941.

[F. R. Doc. 41-6008; Filed, August 14, 1941; 2:51 p. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 928—TO RESTRICT INVENTORY ACCUMULATION OF CERTAIN SPECIFIED MATERIALS

Amendment to General Metals Order No. 1

Part 928 (General Metals Order No. 1) [2] is hereby amended by striking from said part only the word "vanadium" wherever it appears.

This Order shall take effect immediately.

(O.P.M. Reg. 3, March 7, 1941, 6 F.R. 1596; E.O. 8629, January 7, 1941, 6 F.R. 191; Sec. 2 (a), Public No. 671, 76th Congress; Sec. 9, Public No. 783, 76th Congress.)

Issued this 14th day of August 1941.

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

[F. R. Doc. 41-6025; Filed, August 15, 1941; 10:44 a. m.]

[1] 5 F.R. 3785.
[2] 6 F.R. 2239.

PART 966—VANADIUM

General Preference Order M-23 To Conserve the Supply and Direct the Distribution of Vanadium

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

Now, therefore, it is hereby ordered that:

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

(1) "Vanadium" means and includes:

(i) Ores or concentrates containing Vanadium (commercially recognized);

(ii) The element Vanadium in pure form, Ferro-Vanadium, and other combinations with other elements in unmanufactured or semi-manufactured form, prepared for consumption in the manufacture of steel or any other article;

(iii) All chemical combinations having Vanadium as an essential component;

(iv) All scrap or secondary material containing commercially recoverable Vanadium as defined in (i), (ii), and (iii), above.

(2) "Person" means any individual, partnership, association, corporation, or other form of enterprise.

(3) "Defense Order" means:

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

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

(*b*) The Government of Great Britain and the government of any other country whose defense the President deems vital to the defense of the United States under the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States."

(ii) Any other contract or order to which the Director of Priorities assigns a preference rating of A-10 or higher;

(iii) Any contract or order placed or offered by any Person for the delivery of any Material or Equipment needed by him to fulfill his contracts or orders on hand, which Material or equipment is required for the fulfillment of any contracts or orders included under (i) and (ii) above.

(b) *Directions as to deliveries.* Deliveries of Vanadium by any Person shall be made only in accordance with the following directions:

(1) *Restriction on acceptance of deliveries.* Beginning September 1, 1941, no person shall accept delivery of Vanadium, unless and until he shall have filed with the Division of Priorities, not later than the 25th day of the month next preceding the month in which delivery is specified, a certified statement on Form PD-84, or such other form as may be prescribed from time to time by the Division of Priorities, setting forth such information as may be required on such form, including the source of and specification of the Vanadium of which he is seeking delivery.

(2) *A-10 assigned to certain defense orders.* Deliveries under all Defense Orders to which a preference rating of A-10 or higher has not been specifically assigned are hereby assigned a preference rating of A-10.

(3) *Sequence of preference ratings.* Preference ratings, in order of precedence, are: AA, A-1-a, A-1-b, etc., * * * A-1-j, A-2, A-3, etc., * * * A-10, etc., AA being the highest rating presently assigned.

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

(5) *Sequence of deliveries.* (i) Every delivery under a Defense Order shall be made in preference to deliveries under other orders whenever, and to the extent, necessary to fulfill the delivery schedule provided in the Preference Rating Certificate covering such delivery, or in the contract or purchase order if no Certificate has been issued. Deliveries bearing no preference rating or lower preference ratings shall be deferred to the extent necessary to assure those deliveries bearing higher preference ratings, even though such deferment may cause defaults under existing contracts or purchase orders. Each person who has Defense Orders on hand must so schedule his production and deliveries that deliveries under Defense Orders will be made on the dates required, giving precedence in case of unavoidable delay to deliveries bearing the higher preference ratings.

(ii) The sequence of deliveries bearing the same preference rating shall be governed by the delivery date specified in the respective Preference Rating Certificates assigned thereto, or if the ratings were assigned by order or direction of the Director of Priorities, but no Certificates were issued, then by the dates specified in the contracts or purchase orders. In any case where both preference ratings and delivery dates are the same, and it is impossible to make all deliveries on schedule, the matter is to be referred to

the Division of Priorities for determination.

(6) *Delivery schedules.* No earlier delivery date shall be specified in any Defense Order than required by the production or delivery schedules of the person placing the Defense Order. No preference rating will be assigned to any contract or purchase order specifying delivery dates earlier or quantities greater than required by the production or delivery schedules of the person placing the contract or purchase order.

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

(i) Defense Orders must be accepted even if acceptance will render impossible, or result in deferment of (*a*) deliveries under non-defense orders previously accepted, or

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

(ii) Defense Orders need not be accepted (*a*) if the Material ordered is not of the kind usually produced or capable of being produced by the Person to whom the Defense Order is offered,

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

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

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

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

(9) *Civilian deliveries.* Subject to the limitations and restrictions contained in this Order and after satisfaction of all Defense Orders, and other orders bearing preference ratings, deliveries under any other contracts or purchase orders may be made. Insofar as such directions affect the distribution of the residual supply of vanadium, after satisfaction of all defense requirements, direct and indirect, they will be made in accordance with such program as the Office of Price Administration and Civilian Supply may from time to time determine.

(10) *Use of material obtained under allocation or preference rating.* Any person who obtains a delivery of vanadium under an Order of specific direction of the Director of Priorities, or a delivery of vanadium bearing a preference rating, must use such material, or an equivalent amount thereof, for the purpose specified in connection with the issuance of the Order, direction, or rating.

(11) *Intra-company deliveries.* The prohibitions or restrictions contained in this Order shall, in the absence of a contrary direction, apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single business enterprise to another branch, division, or section of the same or any other business enterprise owned or controlled by the same person.

(12) *Effect of order; damages.* The prohibitions or restrictions contained in this Order shall, in the absence of a contrary direction, apply to all deliveries made after the effective date of this Order, including deliveries under contracts or purchase orders accepted either prior or subsequent to the effective date of this Order. No person shall be held liable for damages or penalties for any default under any contract or purchase order which results directly or indirectly from his compliance with this Order.

(13) *Inventory restriction.* Unless specifically authorized by the Director of Priorities, no person shall, after the effective date of this Order, knowingly make delivery of vanadium, and no person shall accept delivery thereof, in an amount, quantity, or number which will increase for any current month the inventory of such vanadium of the person accepting delivery, in the same or other forms, in excess of the amount, quantity, or number necessary to meet required deliveries of the products of the person accepting delivery, on the basis of his current method and rate of operation. This provision shall not prohibit or restrict:

(i) Deliveries for direct export out of the United States, provided that such exports shall have been licensed by the Administrator of Export Control;

(ii) Deliveries of imported vanadium to any person importing the same, either directly or through an agent.

(c) *Records.* All persons affected by this Order shall keep and preserve for a period of not less than two years accurate and complete records of their inventories of vanadium, and of the details of all transactions in such material. Such records shall include the dates of all contracts, or purchase orders accepted, the delivery dates specified in such contracts or purchase orders, and in any Preference Rating Certificates accompanying them, the dates of actual deliveries thereunder, description of the material covered by such contracts or purchase orders, description of deliveries by classes, types, quantities, weights, and values, the parties involved in each transaction, the preference ratings, if any, assigned to deliveries under such contracts or purchase orders, details of all Defense Orders either accepted or offered and rejected, and other pertinent information.

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

(e) *Reports.* All persons affected by this Order shall execute and file with the Office of Production Management such reports and questionnaires as said Office shall from time to time request. No reports or questionnaires are to be filed by any person until forms therefor are prescribed by the Office of Production Management.

(f) *False statements.* Any person who wilfully falsifies any records required to be kept by the provisions of this Order, or who otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management, and any person who obtains a delivery or a preference rating for a delivery by means of a material and wilful misstatement, may be prohibited by the Director of Priorities from making or obtaining further deliveries of vanadium. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 of the Criminal Code (18 U.S.C. 80).

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

(h) *Notification of customers.* Any person who is prohibited from, or re-

stricted in, making deliveries of vanadium by the provisions of this Order shall, as soon as practicable, notify each of his regular customers of the requirements of this Order but the failure to give such notice shall not excuse any customer from the obligation of complying with the terms of this Order.

(i) *Effective dates.* This Order shall take effect on the 14th day of August 1941, and, unless sooner terminated by direction of the Director of Priorities, shall expire on the 31st day of December, 1941. (O.P.M. Reg. 3, Mar. 7, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; sec. 2 (a), Public No. 671, 76th Congress, sec. 9, Public No. 783, 76th Congress.)

Issued this 14th day of August 1941.

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

[F. R. Doc. 41-6024; Filed, August 15, 1941; 10:44 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION AND CIVILIAN SUPPLY

PART 1335—CHEMICALS

CIVILIAN ALLOCATION PROGRAM FOR CHLORINATED HYDROCARBON REFRIGERANTS

The total defense and civilan demand for certain chlorinated hydrocarbon refrigerants is in excess of the available supply. It is necessary, therefore, after military defense needs are satisfied, to provide for the equitable allocation of the residual supply among competing civilian demands.

Accordingly, pursuant to and under the authority vested in me by Executive Order No. 8734,[1] particularly section 2 (a) thereof, the following program is announced:

§ 1335.31 *Allocation of materials.* Civilian uses of those chlorinated hydrocarbon refrigerants enumerated in § 1335.32 hereof shall be divided into four classifications as set forth in § 1335.33 hereof. To the extent that supplies of these refrigerants are available for allocation among competing civilian demands, supplies for civilian uses enumerated under Classification A shall be given primary preference. If it appears, in any month, that the available supply for that month will exceed the amount estimated to be required for the uses enumerated under Classification A, supplies for civilian uses enumerated under Classification B shall be given secondary preference. If it appears, in any month, that the available supply for that month will exceed the amount estimated to be required for the uses enumerated under Classifications A and B, supplies for civilian uses enumerated under Classification C shall be given tertiary preference. If it appears, in any month, that the available supply for that month will exceed the amount estimated to be required for the uses enumerated under Classifications A, B, and C, the residual supply shall be divided among users enumerated under Classification D. If it appears, in any month, that the available supply for any Classification is less than the existing demand in that Classification, producers of such refrigerants shall allocate the available supply ratably among the users in accordance with the average monthly consumption by such users during the period July 1, 1940 to June 30, 1941; provided however that the Director of Priorities of the Office of Production Management may, with the concurrence of the Director of Civilian Allocation of the Office of Price Administration and Civilian Supply, grant adjustments deemed necessary or appropriate upon the application of any producer or user of such refrigerants complaining of inequity or hardship in the allocation within a Classification.*

*§§ 1335.31 to 1335.36, inclusive, issued pursuant to the authority contained in Executive Order No. 8734.

§ 1335.32. *Materials included.* The term "chlorinated hydrocarbon refrigerants" referred to in § 1335.31 hereof means:

Trichloromonofluoromethane
Dichlorodifluoromethane
Dichloromonofluoromethane
Trichlorotrifluoroethane
Dichlorotetrafluoroethane*

§ 1335.33 *Classification by uses.* The Classifications referred to in § 1335.31 shall be as follows:

Classification A: Maintenance of refrigeration equipment already installed.

Maintenance of air-conditioning equipment already installed in hospitals, clinics and sanatoria.

Classification B: Maintenance of industrial air-conditioning equipment already installed.

Classification C: Maintenance of air-conditioning equipment already installed, not included in Classifications A and B.

Classification D: Manufacture of new refrigeration equipment.

Manufacture of new air-conditioning equipment.

The preference ratings for chlorinated hydrocarbon refrigerants provided for in this Civilian Allocation Program shall supersede any conflicting preference ratings or specific allocations of chlorinated hydrocarbon refrigerants created under other Civilian Allocation Programs.*

§ 1335.34 *Avoidance of excessive inventories.* Preferences granted under this program shall not be used to accumulate excessive inventories.*

§ 1335.35 *Enforcement.* The foregoing program is to be administered and enforced by the Office of Production Management.*

§ 1335.36 *Effective date and expiration.* This program shall take effect on August 15, 1941 and shall, unless sooner terminated by the Administrator, expire on December 31, 1941.*

Issued this 15th day of August 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-6015; Filed, August 15, 1941; 10:12 a. m.]

[1] 6 F.R. 1917.

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

CHAPTER I—VETERANS' ADMINISTRATION

PART 5—ADJUDICATION: DEPENDENTS' CLAIMS

COMMENCEMENT OF ORIGINAL AWARDS OF DEATH PENSION OR COMPENSATION

Section 5.2576 *Public No. 484, 73d Congress, as amended by Public No. 844, 74th Congress, Publics Nos. 304 and 514, 75th Congress, Public No. 198, 76th Congress, and Section 9, Public No. 866, 76th Congress.* Original awards of death compensation under Public No. 484, 73d Congress (Act of June 28, 1934) as amended, shall commence:

(a) to (f) No change.

(g) Under section 9, Public No. 866, 76th Congress (Act of October 17, 1940), as provided by § 5.2607:

(1) October 17, 1940, or the day following the date of the veteran's death whichever is the later, if application is filed within one year from date of death.

(2) The date of filing application, if application is not filed within one year from date of death, but in no event prior to October 17, 1940.

(3) Any claim filed subsequent to March 19, 1933, and disallowed or abandoned prior to October 17, 1940, in which title is otherwise established under Public No. 484, 73d Congress (Act of June 28, 1934) as amended, which may be allowable solely by virtue of section 9, Public No. 866, 76th Congress (Act of October 17, 1940) may upon written notice from the claimant or her representative be revived at any time prior to October 17, 1941, and when entitlement is shown under Public No. 484, 73d Congress (Act of June 28, 1934) as amended, payments under section 9, Public No. 866, 76th Congress (Act of October 17, 1940) shall commence as of October 17, 1940; provided that any claim filed subsequent to March 19, 1933, and prior to October 17, 1940, in which the claimant or her representative has not been notified of the disallowance thereof, or any claim pending on October 17, 1940, shall be considered an application under Public No. 484, (Act of June 28, 1934) as amended by Public No. 866, 76th Congress, without the written notice required herein, and if allowed under section 9, Public No. 866, 76th Congress (Act of October 17, 1940) payments shall commence October 17, 1940.

(h) In the event a claim filed under this paragraph is not complete at the date of filing thereof in the Veterans' Administration, the claimant will be notified of the evidence necessary to complete the claim and if such evidence is not received within one year from the date of the request therefor, compensation will not be paid by reason of the filing of that claim. (August 15, 1941.) [54 Stat. 1196; 38 U.S.C. 555a, 715a]

[SEAL] FRANK T. HINES,
Administrator.

[F. R. Doc. 41-6037; Filed, August 15, 1941; 11:28 a. m.]

PART 10—INSURANCE

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940

§ 10.3312 *Certificate.*[1] Upon audit and approval of a monthly difference report (Form 382), the Administrator of Veterans Affairs will issue to and in the name of the insurer, a certificate of indebtedness for an amount sufficient to cover the Government's obligation as shown by said report. Said certificate will be issued effective as of the first day of the month following the month covered by the report and will bear interest at the rate of three per centum per annum. (August 15, 1941.) [Sec. 407, 54 Stat. 1185; 50 U.S.C. 540]

[SEAL] FRANK T. HINES, *Administrator.*

[F. R. Doc. 41-6038; Filed, August 15, 1941; 11:28 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 2—GENERAL RULES AND REGULATIONS

APPENDIX B—FREQUENCY ALLOCATIONS

The Commission on August 12, 1941, effective September 1, 1941, amended Appendix B of the General Rules and Regulations, in the following respects:

* * * * *

3115 3120	3117.5	Aircraft

* * * * *

(Secs. 4 (i), 303 (c), 48 Stat. 1068, 1082; 47 U.S.C. 154 (i), 303 (c))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-6013; Filed, August 15, 1941; 9:52 a. m.]

PART 9—RULES AND REGULATIONS GOVERNING AVIATION SERVICES

The Commission on August 12, 1941, effective September 1, 1941, amended § 9.72 to read as follows:

§ 9.72 *Miscellaneous calling and working frequencies.* 330 kilocycles. General calling frequency for aircraft stations operating outside the North American continent on trans-oceanic flights.

375 kilocycles. International direction-finding frequency for use outside the continental United States.

457 kilocycles. Working frequency exclusively for aircraft on sea flights desiring an intermediate frequency.

500 kilocycles.—International calling and distress frequency for ships and aircraft over the seas.

[1] Revision.

1638 kilocycles. Air navigation frequency, available for aeronautical stations, scheduled and nonscheduled aircraft.

[7] 3105 kilocycles. National aircraft calling and working frequency for use by nonscheduled aircraft. The use of this frequency is restricted to communications pertaining solely to aircraft operation and the protection of life and property.

[7] 3117.5 kilocycles. National aircraft calling and working frequency for aircraft which normally fly regularly scheduled routes. The use of this frequency is restricted to communications pertaining solely to aircraft operation and the protection of life and property.

[7] 6210 kilocycles. International aircraft calling and working frequency for use by both scheduled and non-scheduled aircraft. The use of this frequency is restricted to communications pertaining solely to aircraft operation and the protection of life and property.

140100 kilocycles. National calling and working frequency available to aircraft for general communication purposes. The use of this frequency is restricted to communications pertaining solely to aircraft operation and the protection of life and property.

Miscellaneous maritime frequencies. Calling and working frequencies of ship stations may also be assigned to aircraft stations for the purpose of communicating with coastal stations, or ship stations, when aircraft are in flight over the seas; available for A1, A2, and A3 emission in conformity with Part 8 of the Rules Governing Ship Service; provided the Commission is satisfied in each case that undue interference will not be caused to the service of ship or coastal stations[8] (Secs. 4 (i), 303 (c), 48 Stat. 1068, 1082; 47 U.S.C. 154 (i), 303 (c))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-6012; Filed, August 15, 1941; 9:52 a. m.]

[7] 6210 kilocycles is established as an aircraft calling and working frequency on a world-wide basis by the General Radio Regulations (Cairo Revision 1938); 3105 kilocycles is allocated for similar purposes in the Western Hemisphere only by the Inter-American Arrangement Concerning Radiocommunications (Habana, December 1937); 3117.5 kilocycles is allocated for use for similar purposes by scheduled aircraft in the United States. Stations of the Civil Aeronautics Administration and airport control stations stand continuous watch on 3105 kilocycles. Watch on 3117.5 and 6210 kilocycles is established only on specific request. The frequency 3105 kilocycles may be used by scheduled aircraft under outstanding licenses until the expiration of the license period. The frequency 3120 kilocycles may be used by nonscheduled aircraft under outstanding licenses until the expiration of the license period.

[8] No separate or additional authorization is necessary for licensed coastal or ship stations to communicate with or handle public messages to or from an aircraft in flight over the sea.

PART 31—UNIFORM SYSTEM OF ACCOUNTS, CLASS A AND CLASS B TELEPHONE COMPANIES

TELEPHONE PLANT CONTINUING PROPERTY RECORD REQUIRED

Correction

Attention is directed to an error in § 31.2-26 *Telephone plant continuing property record required,* appearing in the Friday, June 27, 1941, issue of the FEDERAL REGISTER on page 3118:

The first paragraph should read:

(a) Not later than January 1, 1937, each company shall begin the preparation of a continuing or perpetual detailed record of telephone plant. The record shall be completed not later than June 30, 1942, with respect to telephone plant as at December 31, 1936, and with respect to the changes effected therein between the dates of January 1, 1937, and December 31, 1941, both inclusive.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-6014; Filed, August 15, 1941; 9:52 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket Nos. 1676-FD, 1667-FD, 1688-FD]

IN THE MATTERS OF BOYLES COAL COMPANY, A PARTNERSHIP, DEFENDANT; NEW DEAL COAL COMPANY, A PARTNERSHIP, DEFENDANT; AND F. T. PATIK (PATIK COAL COMPANY), DEFENDANT

ORDER POSTPONING HEARINGS

The above-entitled matters having been previously scheduled for hearings at 10 a. m. on September 5, 1941 at the Council Chamber, City Hall, Oskaloosa, Iowa;

It is ordered, That the aforesaid hearings in the matters of Boyles Coal Company, a Partnership, defendant, Docket No. 1676-FD, and New Deal Coal Company, a Partnership, defendant, Docket No. 1667-FD be, and they hereby are, postponed to 10 a. m. on September 6, 1941, at the place heretofore designated and before the officer previously designated to preside at said hearings.

It is further ordered, That the hearing in the matter of F. T. Patik (Patik Coal Company), defendant, Docket No. 1688-FD be, and it hereby is, postponed to 10 a. m. on September 8, 1941, at the place heretofore designated and before the officer previously designated to preside at said hearing.

Dated: August 13, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-6016; Filed, August 15, 1941; 10:35 a. m.]

[Docket No. 29–FD]

IN THE MATTER OF THE APPLICATION OF THE PITTSBURGH STEEL COMPANY FOR EXEMPTION

ORDER GRANTING RENEWAL OF EXEMPTION

The Pittsburgh Steel Company, Applicant herein, having on June 10, 1937, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced and consumed by the Applicant, or produced and transported by Applicant to itself for consumption by it, in the manufacture of coke; and

The Commission having, on August 31, 1938, entered an order in respect to such application to the effect that the provisions of section 4 II (1) of the Bituminous Coal Act of 1937, apply to the bituminous coal produced by Applicant at its mines located in Fayette County, Pennsylvania, which is consumed by Applicant in the manufacture of coke, and that such coal shall not be deemed subject to the provisions of section 4 of the Bituminous Coal Act of 1937; and

Applicant having, on November 3, 1939, filed with the Director of the Bituminous Coal Division a verified application for renewal of said order; and the Director of the Bituminous Coal Division, having, on December 7, 1939, entered his order renewing the exemption granted to the Applicant by order dated August 31, 1938; and

Applicant having, on November 7, 1940, filed with the Director of the Bituminous Coal Division a further verified application for renewal of said order dated August 31, 1938; and the Director of the Bituminous Coal Division having, on November 18, 1940, entered his order granting a further renewal of exemption; and

Applicant having, on July 31, 1941, filed with the Director of the Bituminous Coal Division a further verified application for renewal of order dated August 31, 1938, pursuant to the requirements of the order granting renewal of exemption dated November 18, 1940; and

The Director now having determined that the conditions supporting the exemption granted by the order dated August 31, 1938, continue to exist;

It is ordered, That the application filed by the Applicant for renewal of said order of August 31, 1938, pursuant to the requirements of order dated November 18, 1940, be and the same hereby is granted;

Provided, however, That said order of August 31, 1938, and the exemption granted thereby shall automatically terminate and expire;

1. Unless the Applicant, at the expiration of six months from the date of this order, and at the expiration of each six-month period thereafter, files with the Director a verified report containing the following information which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the Applicant continue to exist;

(a) The full name and business address of the Applicant and the name and location of the mine or mines covered by this application;

(b) The total tonnage of bituminous coal produced by the Applicant during the preceding six months at such mine or mines;

(c) The total tonnage of such production which was consumed by the Applicant, and the nature and purpose of such consumption;

(d) A statement that all of the fact set forth in the original application for exemption filed June 10, 1937, remain true and correct.

2. Unless Applicant shall immediately notify the Director upon:

(a) Any change in the ownership of the mine or mines from which the coal in question was produced, or in the ownership of the plant or factory or other facilities at which the coal is consumed;

(b) Any change in the agency or instrumentality through which the coal is being produced on the date of this order.

It is further ordered, That the Director at any time, upon his own motion or upon the petition of any interested person, may direct the Applicant to show cause why the exemption granted by the order of August 31, 1938, should not be terminated. Any persons filing such a petition shall serve a copy thereof upon the Applicant herein.

Dated: August 13, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–6017; Filed, August 15, 1941; 10:35 a. m.]

[Docket No. 3–FD]

IN THE MATTER OF THE APPLICATION OF APPALACHIAN COALS, INCORPORATED, FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY; AND IN RE THE MODIFICATION AND AMENDMENT OF THE ORDER GRANTING APPLICANT PROVISIONAL APPROVAL AS A MARKETING AGENCY

ORDER DENYING MOTION TO STRIKE

By an Order of the Director, dated July 12, 1941, the Applicant, Appalachian Coals, Incorporated, was directed to show cause at a hearing why the provisional approval granted to Applicant as a marketing agency by an Order of the National Bituminous Coal Commission (predecessor of the Bituminous Coal Division), dated September 22, 1937, and modified by subsequent Orders of the Commission, dated December 9, 1937, and January 28, 1938, should not be further modified.

On August 5, 1941, the Applicant filed a motion to strike from the Order of July 12, 1941, various paragraphs which propose certain further modifications of the Order of September 22, 1937, on the ground that such paragraphs "propose regulations which are unauthorized and illegal under the Bituminous Coal Act of 1937 and under Section 12 thereof."

Specifically, Applicant contends that some of the said paragraphs propose to fix maximum prices for the coals produced by Applicant's members whereas no maximum prices are proposed for the coals of producers not members of Applicant and that some of the said paragraphs propose marketing rules for members of Applicant in conflict with the Marketing Rules and Regulations established by the Commission and applicable to all code members.

It does not appear that Applicant will be prejudiced by proceeding to the hearing set by the Order of July 12, 1941.

It is, therefore, ordered, That the said motion to strike is denied without prejudice to the renewal of the said motion upon the close of the hearing.

Dated: August 13, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–6018; Filed, August 15, 1941; 10:35 a. m.]

APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Director:

Name and address	*Date Application Filed*
Allan Fuel Co. Inc., 7200 Ridge Blvd., Brooklyn, N. Y.	Aug. 6, 1941
W. T. Good Ice Co., 3600 No. 48 Street, Lincoln, Nebraska	Aug. 4, 1941
Keokuk Coal Co., 120 South Third Street, Keokuk, Iowa	Aug. 6, 1941
New Garden Coal Co., Box 445, Altoona, Pennsylvania	Aug. 4, 1941

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before September 1, 1941. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

Dated: August 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–6019; Filed, August 15, 1941; 10:36 a. m.]

General Land Office.

AIR NAVIGATION SITE WITHDRAWAL NO. 166, CALIFORNIA

JULY 29, 1941.

It is ordered, Under and pursuant to the provisions of section 4 of the act of

May 24, 1928, 45 Stat. 728; 49 U.S.C. 214, that the following-described public land in California be, and it is hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights and a power transmission line reservation, and that permission is hereby granted the Department of Commerce to establish a beacon light on and use the land in the maintenance of air navigation facilities:

SAN BERNARDINO MERIDIAN

T. 3 S., R. 3 E., NW¼SW¼SE¼ sec. 12, 10 acres.

And, so far as it affects the above-described land, Power Site Classification No. 256 made by this Department July 9, 1930, is hereby modified and made subject to the withdrawal effected by this order.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 41-6010; Filed, August 15, 1941; 9:24 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Service.

ORDER OF THE SECRETARY TERMINATING THE MARKETING AGREEMENT FOR THE CONNECTICUT VALLEY SHADE GROWN U. S. TYPE #61 TOBACCO INDUSTRY, AND THE LICENSE AS AMENDED, FOR HANDLERS OF CONNECTICUT VALLEY SHADE GROWN U. S. TYPE #61 (a) TOBACCO

Pursuant to the powers conferred by Public Act No. 10, 73d Congress, approved May 12, 1933, the Secretary of Agriculture executed the marketing agreement for the Connecticut Valley Shade Grown U. S. Type #61 Tobacco Industry and the license for handlers of Connecticut Valley Shade Grown U. S. Type #61 (a) Tobacco. The marketing agreement became effective on December 11, 1933, and the license become effective on January 17, 1934. The license was subsequently amended on January 16, 1935, effective January 21, 1935.

It is now ordered that the marketing agreement for the Connecticut Valley Shade Grown U. S. Type #61 Tobacco Industry and the license for handlers of Connecticut Valley Shade Grown U. S. Type #61 (a) Tobacco be hereby terminated, effective at 12:01 a. m., e. s. t., August 15, 1941.

In witness whereof, Claude R. Wickard, Secretary of Agriculture of the United States, has executed this termination in duplicate, and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 14th day of August 1941.

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

[F. R. Doc. 41-6035; Filed, August 15, 1941; 11:23 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

IN THE MATTER OF SCHAEFER BODY, INC.

NOTICE OF OPPORTUNITY TO SHOW CAUSE

The above named Respondent, having been found by final decision of the Department of Labor on July 22, 1939, to have breached certain of the agreements and representations required by the Act of June 30, 1936, Public No. 846, 74th Congress (49 Stat. 2036; 41 U.S.C., Sup. III 35), otherwise known as the Walsh-Healey Public Contracts Act, its name having been circularized by the Comptroller General under section 3 of said Act as ineligible to be awarded Government contracts for the period of three years from the date of such finding, and it having subsequently petitioned the Department for relief under section 3 of the Act,

Notice is hereby given to all interested parties that they are allowed until August 25, 1941, to show cause, if any they have, why the Secretary of Labor should not make a recommendation to the Comptroller General, as provided in section 3 of the Act, to permit the Respondent to participate in the award of Government contracts before the expiration of the period of three years from the date of the Department's finding that the agreements and representations were breached.

All objections or protests should be addressed to the Administrator, Division of Public Contracts, U. S. Department of Labor, Washington, D. C.

Dated: August 14, 1941.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 41-6009; Filed, August 14, 1941; 4:20 p. m.]

Wage and Hour Division.

NOTICE OF ORAL ARGUMENT BEFORE THE ADMINISTRATOR AND OPPORTUNITY TO SUBMIT WRITTEN BRIEFS IN THE MATTER OF THE RECOMMENDATIONS OF INDUSTRY COMMITTEE NO. 29 FOR MINIMUM WAGES IN THE WOOD FURNITURE MANUFACTURING INDUSTRY

Whereas a hearing was held on August 12 and 13, 1941, before Henry T. Hunt, Esquire, Principal Hearings Examiner of the Wage and Hour Division, as Presiding Officer, at which all persons interested in the report and recommendation of Industry Committee No. 29 for the fixing of minimum wages in the Wood Furniture Manufacturing Industry were given an opportunity to be heard and to offer evidence bearing thereon; and

Whereas the complete record of said hearing has been transmitted to the Administrator,

Now, therefore, notice is hereby given:

That the Administrator will receive written briefs (not fewer than twelve copies) on or before August 29, 1941, at the Department of Labor, Washington, D. C., from any person who entered an appearance at said hearing, and will hear oral argument upon the complete record of said hearing on September 4, 1941, at 10:30 a. m., in Room 3229, Department of Labor Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., by any person who entered an appearance at said hearing, provided that on or before September 4, 1941, such person notifies the Wage and Hour Division of his intention to offer oral argument and of the amount of time he will require to make his presentation.

Signed at Washington, D. C., this 15th day of August 1941.

JAMES F. KING,
Acting Administrator.

[F. R. Doc. 41-6044; Filed, August 15, 1941; 11:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 811-293]

IN THE MATTER OF THE SAYBROOK CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of August, A. D. 1941.

The Saybrook Corporation, a registered management open-end diversified investment company having duly filed an application pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring that it has ceased to be an investment company;

It is ordered, That a hearing on such matter under the applicable provisions of the Act and the rules of the Commission thereunder be held on August 27, 1941, at 10:00 o'clock in the forenoon of that day in the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That William W. Swift, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any

other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-6039; Filed, August 15, 1941; 11:29 a. m.]

[File No. 1-2130]

IN THE MATTER OF PROCEEDING TO DETERMINE WHETHER THE REGISTRATION OF GNOME GOLD MINING CO. COMMON STOCK, FIVE CENTS PAR VALUE, SHOULD BE SUSPENDED OR WITHDRAWN

ORDER FOR HEARING AND 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 14th day of August, A. D. 1941.

I

It appearing to the Commission:

That Gnome Gold Mining Co., a corporation organized under the laws of the State of Washington, is the issuer of Common Stock, Five Cents Par Value; and

That said Gnome Gold Mining Co. registered such security on the Standard Stock Exchange of Spokane, a national securities exchange, by filing on or about September 9, 1935, an application on Form 10 with the said Exchange and with the Commission, pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule X-12B-1, as amended, promulgated by the Commission thereunder, which registration, pursuant to an order of the Commission dated September 30, 1935, became effective October 1, 1935, and has remained in effect to and including the date hereof; and

It further appearing to the Commission:

That Rule X-13A-1, promulgated pursuant to Section 13 of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A-2, promulgated pursuant to Section 13 of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 10-K as the annual report form to be used for the annual reports of all corporations except those for which another form is specified, and that no other form was or is specified for use by the said Gnome Gold Mining Co.; and

That said Rule X-13A-1 requires that said annual report be filed not more than 120 days after the close of each fiscal year or such other period as may be prescribed in the instruction book applicable to the particular form; that the instructions to Form 10-K do not prescribe any period other than such 120 days; and that pursuant to said Rule X-13A-1 the annual report must be filed within this initial period unless the registrant files with the Commission a request for an extension of time to a specified date within six months after the close of the fiscal year; and

It further appearing to the Commission:

That said Gnome Gold Mining Co. has a fiscal year ending December 31; that the annual report for its fiscal year ended December 31, 1940 was due to be filed not later than April 30, 1941; that no request for extension was filed by said Gnome Gold Mining Co.; and that no annual report for the fiscal year ended December 31, 1940 has been filed; and

II

The Commission having reasonable cause to believe:

That said Gnome Gold Mining Co. has failed to comply with said section 13 and said Rules X-13A-1 and X-13A-2 in that it has failed to file its annual report on Form 10-K for the fiscal year ended December 31, 1940 within the time prescribed for filing said report; and

III

It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

It is ordered, Pursuant to section 19 (a) (2) of said Act, that a public hearing be held to determine whether Gnome Gold Mining Co. has failed to comply with section 13 of the Securities Exchange Act of 1934, as amended, and the Rules, Regulations and Forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Common Stock, Five Cents Par Value, of said Gnome Gold Mining Co. on said Standard Stock Exchange of Spokane;

It is further ordered, Pursuant to the provisions of section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing, John G. Clarkson, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

It is further ordered, That the taking of testimony in this hearing begin on the 10th day of September, at 10:00 A. M. at the Regional Office of the Securities and Exchange Commission, Room 1407 Exchange Building, 821 Second Avenue, Seattle, Washington, and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-6040; Filed, August 15, 1941; 11:29 a. m.]

[File No. 2-4675]

IN THE MATTER OF MICA CORPORATION OF AMERICA

STOP ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of August, A. D. 1941.

This matter coming on to be heard before the Commission on the registration statement of Mica Corporation of America, an Indiana corporation, after confirmed telegraphic notice to said registrant that it appeared that said registration statement included untrue statements of material fact and omitted to state material facts required to be stated and omitted to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant; and

The Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, all as more fully set forth in the Findings and Opinion of the Commission this day issued; and

The Commission now being fully advised in the premises;

It is ordered, Pursuant to section 8 (d) of the Securities Act of 1933, that the effectiveness of the registration statement filed by Mica Corporation of America, an Indiana corporation, be and the same hereby is suspended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-6041; Filed, August 15, 1941; 11:29 a. m.]

[File No. 70-364]

IN THE MATTER OF WISCONSIN POWER AND LIGHT COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 14th day of August, A. D. 1941.

Wisconsin Power and Light Company, a subsidiary of North West Utilities Company, a registered holding company in The Middle West Corporation holding company system, having filed an applica-

tion and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof, and Rules U-23 and U-50 thereunder, regarding the issue and sale of $30,000,000 principal amount of its First Mortgage Bonds, Series A, 3¼% due August 1, 1971 and $3,000,000 principal amount of 2¼%, 2¾% and 3% unsecured notes, and the redemption of $33,000,000 principal amount of its outstanding First Mortgage Bonds, Series A, 4%, due June 1, 1966, funds for such redemption being provided by the issue and sale of the securities above described, together with other funds of the applicant;

Wisconsin Power and Light Company having filed a declaration, in the form of an amendment herein, regarding solicitation of authorizations of its preferred stockholders in connection with the above described transaction pursuant to section 12 (e) of the Act and Rules U-61 and U-62 thereunder;

Said declaration containing copies of the proposed letter to stockholders, notice of special meeting of stockholders, proxy and proxy statement and a full statement of the manner in which the solicitation is proposed to be made;

The applicant having requested that the declaration in respect of the proxy solicitation material be considered and disposed of independently of the principal transaction and that the Commission enter its separate order effective not later than August 14, 1941 permitting the within declaration as to all such proxy solicitation material to become effective.

It appearing that the solicitation of authorization of the preferred stockholders as proposed to be conducted does not make it necessary or appropriate in the public interest or for the protection of investors or consumers or to prevent the circumvention of the provisions of the Act or the Rules and Regulations thereunder that the Commission issue any order with respect thereto other than an order permitting the declaration as to such solicitation to become effective.

It is therefore ordered, That, without passing upon the merits of the application filed pursuant to section 6 (b), the declaration as to solicitation of authorizations be and it is hereby permitted to become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6042; Filed, August 15, 1941; 11:29 a. m.]